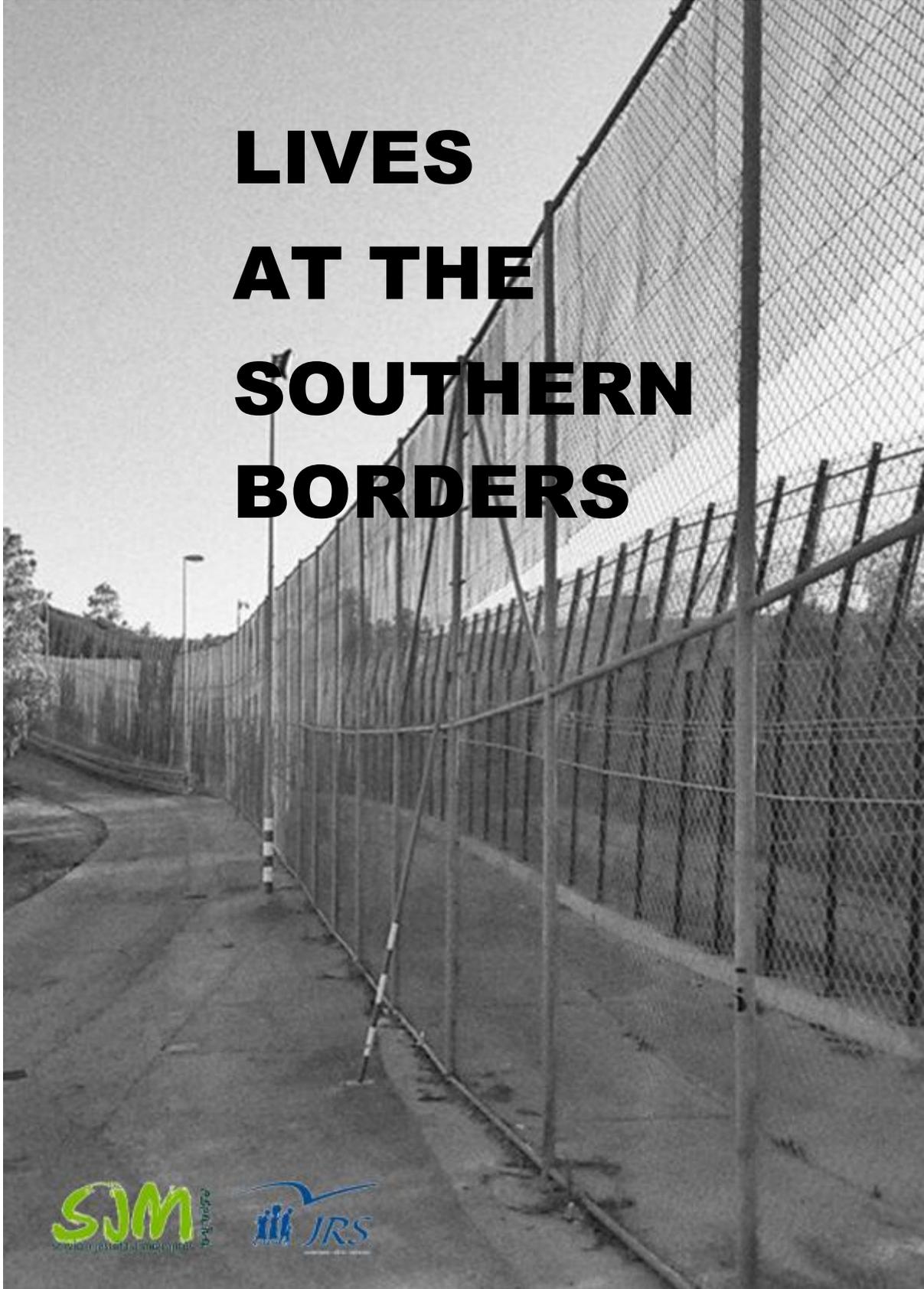


LIVES AT THE SOUTHERN BORDERS



“Lives at the Southern Borders” - Forced migrants and refugees in Morocco and denied access to Spanish territory

17th July 2014



The Jesuit Migrant Service-Spain (JMS-Spain) (www.JMSe.org) is part of the Jesuit Social Apostolate. It is dedicated to the study of migrations; the reception and training of immigrants; and promoting an inclusive, integrated and multicultural society. It works primarily in Madrid (Pueblos Unidos), Barcelona (Migra Studium), Valencia (CeiMigra), Sevilla (Claver Volunteering) and Bilbao (Ellacurfa Center); but also in Burgos, Valladolid and Tudela. It coordinates activities with the University Institute of Migration Studies (Comillas Pontifical University) in Spain, the Jesuit Refugee Service Europe (JRS-Europe) and other Jesuits migrants and refugees worldwide services.

The Jesuit Refugee Service-Europe (JRS-Europe) (www.jrseurope.org) has national offices in 15 European countries and contacts in another seven states, working with and for refugees and other forced migrants. It is part of the global network of JRS, an agency of the Society of Jesus.

JMS Spain and JRS Europe share the mission to accompany, serve and advocate on behalf of migrants.

Introduction

The dramatic events on February 6th, 2014 at the beach of Tarajal, Ceuta made the general public aware of human rights violations and violations of Spanish law at the Southern Borders, and, more broadly, of the dire living conditions endured by people seeking access to Spanish territory from Morocco.

The Jesuit Refugee Service-Europe and the Jesuit Migrant Service -Spain have already been cooperating for years in the work on the European and Spanish border control policies and their effects on the rights of migrants. This includes the observation of the living conditions of migrants and refugees who have been transiting through North Africa. In this context, delegations of both organizations have visited the border area between Morocco and Spain in Nador and Melilla: JRS from 3 to 8 March, 2014, and JMS from 8 to 13 July, 2014. Both visits included a tour of both sides of the fence, meetings with public and social institutions in Nador and Melilla, as well as with migrants who are trying to survive in the area adjacent to Nador. The delegates of both organisations have been received and assisted by the *Delegación des migraciones* in Nador, an agency of the Diocese of Tangier, whose care, support and advocacy for migrants is highly commendable:

We come back shocked. From what we have learnt during these visits and on the basis of further analysis, JRS and JMS have developed a policy position on the dire consequences of border control policies for the living conditions of migrants and refugees who are trying to enter Spain (Ceuta and Melilla by land or sea and the peninsula by sea), as well as for the respect of their rights.

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A. - Attempts to access the territory met by violence, breach of law and human rights violations.

One way on which migrants try to access the Spanish territory is crossing the sea in a 'Zodiac'. Immigrants report prices of around ten thousand euros per group in a craft capable of carrying 35, 45, 60, 70 people. Especially the first part of the journey is difficult due to the conditions at sea (heavier sea closer to the Moroccan coast).

Another method (see paragraph C4 below) is the Authorized Border Crossing: usually used by Syrian nationals to whom a Moroccan passport and documentation has been provided by the authorities in the Nador province and which provide access to Melilla.

The most dangerous way is scaling the border fence. Successive reinforcements of the fence have made scaling more and more difficult. On the Moroccan side, we have seen in some sections concertina wire, new anti-climbing systems, even trenches for a new fence on Moroccan soil.

Migrants have responded to these new challenges by applying new tactics, such as going in larger groups in order to increase the likelihood of at least some being successful in crossing the border; moving faster within the 2'30" time span before the arrival of the Moroccan Patrols, Auxiliary Forces and/or the Spanish Civil Guard; or take advantage of the rain during which the security forces shelter and thus lower their guard.

People waiting to scale the fence are aware of the serious dangers: a bad fall causing bone fractures, deep cuts of concertina wires, or to be hit cruelly with batons by the Moroccan auxiliary forces.

The *Delegación des migraciones* of the Tangier Diocese provides first aid to those who had been injured when attempting to scale the fence, and takes them to hospitals. Members of the *Delegación* have seen faces contorted by the violence of the blows, deep wounds in skulls, spinal injuries, broken bones ... And, until the tragic events of the Tamarisk beach (Ceuta) on February 6, 2014, bulging or lost eyes as effects of rubber bullets fired by Spanish security forces.

JMS-Spain submitted a complaint to the Spanish Ombudsman on April 9th 2014 (file number: 14007637) on collective and summary expulsions from Spain to Morocco of persons who had scaled the fence or come swimming to Ceuta or Melilla. And on April 24th, 2014, JRS-Europe, JMS-Spain and other Spanish civil society organizations have asked the European Commission to investigate in depth the facts mentioned above and, if appropriate, to open infringement proceedings against Spain. The complaints contain information about the actions of the Spanish and Moroccan security forces in recent months, as well as the reasons why these activities constitute serious violations of Spanish, European and international law. The complaints highlight that the practices used by the Spanish and Moroccan security forces also seriously endanger the life and physical integrity of persons seeking access to the European Union. These violations affect people trying to enter the European Union and fleeing poverty in search of a future and those in need of international protection for other reasons.

One of the issues repeatedly discussed by JMS-Spain with members of other organizations and with interviewed migrants is their assessment of the difficulties and risks of the migration process. Migrants in Nador are aware of the difficulties and risks of crossing the border and of what awaits them on EU territory. Still, they feel they do not have any other option, given the lack of perspectives, the inability to raise their families in their countries of origin or the impossibility of returning to their places of origin because of violent conflicts.

¹ Andalucía Acoge, Asociación Apoyo, Asociación Pro Derechos Humanos de Andalucía, Comisión Española de Ayuda al Refugiado (CEAR), Convivir sin Racismo (Murcia), Coordinadora de Barrios, C.P. San Carlos Borromeo, Federación Estatal de Asociaciones de SOS Racismo, Foro Galego de Inmigración, Karibu, Médicos del Mundo, Mugak y Red Acoge.

B. - Melilla: The CETI and transfers to the mainland insufficient



During their visits, the JMS and the JRS delegates found the atmosphere at the border crossing point between Melilla and Beni Ansar tense and aggressive. Some NGOs report indiscriminate violence (blows) used by Spanish and Moroccan forces to suppress protests. But more than in the situation at the border crossing points, the JMS delegation was interested in obtaining firsthand information about the situation of migrants in the Temporary Reception Centre for Immigrants (*Centro de Estancia Temporal de Inmigrantes*, CETI) Melilla. The delegation met with the director, whom we thank for his time and openness. They got an idea about the problem of an overcrowded CETI: The center has a capacity of 480 places. In March 2014, it already housed about 1,200 persons. During the visit of JMS in July 2014 numbers rose to about 1,600. The majority of the inhabitants come from sub-Saharan Africa, along with several hundred people from Syria. Data provided by UNHCR in early May 2014 for the CETI may give an idea of the dimensions: 1,747 people (1,239 men, 197 women and 311 children); 654 Syrians, 538 Malians, 89 persons from Burkina Faso, 86 persons from Guinea-Conakry and 63 Cameroonians. In a meeting on 9 July 2014, the CETI director mentioned 415 children who will have be enrolled at a school in Melilla in September

The CETI clearly lacks the infrastructure, facilities and equipment for the accommodation of so many persons. This is obviously a situation of overstraining and overcrowding. It is, therefore, beyond comprehension that the Spanish Ministry of Interior does not transfer persons to the Spanish mainland in order to alleviate the situation in the CETI. At least those who are evidently in need of protection (refugee children, potential victims of trafficking, vulnerable people ...) should be taken out of the center. The apparent ease to obtain "sexual services" inside the CETI reveals the special vulnerability of women.

Despite the growing number of persons, most asylum seekers must stay in the CETI Melilla without being transferred to the Spanish mainland, which causes huge frustration. Ceuta and Melilla are excluded from the Schengen agreement, so that migrants cannot freely travel to the mainlands. According to the law, the asylum procedure must not exceed 6 months, but in practice the term is extended from 3 months to 3 years.

The CETI has a capacity for 480 persons. In March 2014 it accommodated 1.200 persons. In July 2014 this number was up to 1.600.

Despite overcrowding and deficiencies, local partners confirmed that the CETI administration is doing what they can: Migrants receive blankets, food and medical care, and they can move freely around the city between 09:00 and 23:00 h. Moreover, the Spanish NGOs are allowed to provide different services.

Outside the CETI, there is some concern about the situation of unaccompanied minors in Melilla, whose numbers have risen in recent times. Most of them are from Morocco, but also the number of sub-Saharan Africans rises day by day. The capacity of local institutions (120 places) is not adequate for the current number of children (280). Children are usually accommodated in two types of centers: the boys at the "La Purisima" center run by a private company, and the girls at the "Divine Infant" school, run by a religious congregation, as well as in "La Gota de Leche".

C. – Morocco: On the other side of the fence

1 - Despite migration policy reforms, security aspects remain dominant.

On September 9th, 2013, the Moroccan government announced that the King had just approved new measures on migration. These included a new draft law on migration and asylum, as well as an exceptional regularization of irregular migrants.



Following this announcement, efforts have been intensified to implement institutions that could facilitate the regularization of irregular migrants. This process is still ongoing and the focus of government activities. But many migrants, especially women, are unaware of the new policy. However, both the Moroccan National Human Rights Council (Conseil National des Droits de l'Homme) and the Council of Sub-Saharan Migrants in Morocco (Conseil des Migrants Subsahariens au Maroc) have intensified their information campaigns. Some 17,000 people have already applied for regularization in the first half of 2014 in Morocco, but only 38 in Nador.

The new Moroccan immigration policy does not mean the abandonment of a security policy based on the repression of attempted illegal exit onto Spanish territory and other coercive measures against migrants in an irregular situation.

If migrants are apprehended while attempting to enter Ceuta and Melilla they are no longer "abandoned" in the desert as in previous times, nor are they expelled to Algeria. Instead they are taken away from the border to Rabat, where they are left free, usually in the bus station, but without resources or assistance. Some Moroccan NGOs have dubbed this policy 'forced displacement' within the country. Many of these migrants end up turning to Caritas for support whose capacities are overstretched.. The relations between the local communities of migrants and newcomers have become very tense which has resulted in Caritas temporarily closing their project. Quite often, migrants return to places near the borders and wait for a new opportunity to go to Europe. According to the *Delegación de migraciones* persons who had been injured when trying to scale the fence are also forcibly taken to Rabat, without any medical treatment.

In Nador, many migrants hide in the forest to avoid being arrested and taken to Rabat. Others decide to go to Oudja and try to get the money for going to Nador and from there across the border. From Oudja is easy to go to Algeria, where migrants can work and earn some money. Since in Oudja raids against migrants have ceased, the city is perceived as a thoroughfare and place to rest, where the police is less hostile than in northern Morocco.

Generally, migrants have free access to the public health care system. However, negotiations with hospitals and purchasing drugs depend largely on NGOs, such as the *Delegación de migraciones* in Nador or Doctors of the World (MdM) in Oudja. Neither in Nador nor in Oudja sufficient psychological or legal support is available, even not for victims of domestic and / or gender based violence (whether Moroccan or migrants).

Integration of migrants is still difficult, especially due to the high rate of unemployment among Moroccans. One example is that in Nador a migrants, even when s/he has the proper documents, face many difficulties when trying to rent an apartment. Many landlords refuse to rent out to migrants, not always for reasons of racism, but also for fear of the authorities. Also sometimes taxi drivers refuse to transport migrants.

Consequently, there is a clear need for more elaborated integration policies. However, as one NGO representative has put it: "Moroccan policies are security policies." Despite this still deplorable situation, negotiations are ongoing between Europe and Morocco on a readmission agreement.

2-. Migrants settlements in Nador, the Gurugú forest and in Selouane.

Currently the majority of migrants come to Morocco via Algeria through Maghnia and Oudja, and Nador has become the main accumulation point of sub-Saharan African migrants on their way to the Spanish territory. (Sub-Saharan African migrants live in other Moroccan cities as well, but among them a growing number seeks to extend their stay and even legalize their residence in Morocco.) In Nador, migrants use all possible means in order to move on as soon as possible: to raise the for a place in a zodiac that takes them to the Spanish mainland or to Melilla. If they cannot afford the freight they try to scale the fence of Melilla. Despite all their efforts, however, it is common that migrants stay in the Nador region for one or more years.

Mount Gurugú is located between Nador and Melilla. There are several settlements in the slope that faces Melilla. The forest is used by migrants, usually the most devoid of money, to wait for a chance to scale the fence. Some other settlements are a bit further away and rather in the town of Selouane. There live those migrants who raise money to charter boats (Zodiacs) for crossing the Mediterranean (usually to Motril, Adra ... but on occasion to Melilla). Also those recovering from the stress and harassment suffered in the Gurugú live in these settlements. These settlements are home to fewer people than the Mount Gurugú. They are usually organized in national or language groups with higher numbers of women and children, often victims of trafficking. Here the work of the *Delegación de migraciones* becomes more difficult. The members of the trafficking networks make access especially to women difficult and threaten to retaliate if women are helped to escape the net. Women respond evasively or with rehearsed phrases when asked about nationality, age, status, intentions, etc.. This tactic with which the networks protect their interests increases the vulnerability of their female victims.

The settlements which are more frequently harassed by the Moroccan Auxiliary Forces are located in the Gurugú forest. Since July 2013, the posts of the forces mark off the fence. They maintain patrols on the roads and have established their camps at the edges of the Gurugú pine forests. They often break into the migrants' settlements, up to 3 times a day according to witnesses. When they do, migrants disperse quickly, often leaving behind their effects. There are reports of theft of their passports by the auxiliary forces and of burning blankets, plastic sheets and other belongings. When the auxiliary forces apprehend someone, they reportedly hit him or her badly; the younger the officer the more vicious the hitting.

The difficulties in scaling the fence, the constant preparation and planning of tactics, and the intensity of police harassment (added to the cold in winter, poor hygiene and bad food ...) cause anxiety disorders and stress among migrants. Hence, quite often, they temporarily retire to settlements further away from the fence with Melilla (where fewer raids take place).



The delegates from JRS-Europe met with more than 80 migrants, all Sub-Saharan Africans, many of them women and children of all ages (including infants), grouped in "communities" along their nationalities or languages, each with a leader (*ami*, in French). The JMS-Spain Delegates met two community leaders, and participated in the service provision of the *Delegación de migraciones* to two settlements. Testimonies about the harsh living conditions in the forest are unanimous, even when the raids are not too frequent. The migrants are very poorly equipped: many of them only have flip flops, sweatpants and no warm clothes. To eat, they take advantage of the souk days (Wednesday and Saturday): they collect food from the garbage when posts are taken away; they also hunt (rabbits, which everyone can eat and boar, which the Christians can eat). To drink, they buy water in stores. Many migrants suffer from serious injuries, others report headaches or stomach pains. In case of illness or injury, they are entitled to health care, but not to drugs or free instruments. An important part of the social services that the *Delegación de migraciones* provides to these migrants is taking them to health centers or hospitals, making sure they are properly cared for and receiving the drugs they are in need of. Women and children are given special care.



When asked about why they preferred to live in the forest and not in the city, migrants often mention economic reasons (they would have to find money in order to pay the rent for a room or a house), to be safer from the hostility of the local population (however, manifest hostility has decreased since the King's speech in September 2013 about the new immigration policy), and greater protection against police raids.

3.-The Hassani Hospital in Nador

This is a large public hospital where admission is free. When the delegates of JRS-Europe visited it in March 2014, there were 3 young sub-Saharan African (Cameroon and Gabon) patients from the Gurugú forest. All of them showed serious injuries, for example, head lesions and broken arms. Their needs were met by the *Delegación de migraciones*.

When discharged these migrants usually return to the forest and wait for another chance to go to Europe, or they go to Casablanca or Rabat for support from the communities of the same nationality installed there. They do not want to stay in Nador because there are no opportunities to settle there, even when they are regularized. Sub-Saharan Africans especially are more afraid to be apprehended by the police on the streets and "disappear."

4.-The Syrian refugees

Interviewees agree to distinguish between the status of potential migrants or refugees from sub-Saharan African origin and that of Syrian nationals.

Syrians usually reach Nador after having been smuggled across the border between Algeria and Morocco via Oudja or Maghnia. Previously they had come to Algiers by air, usually from Beirut. They benefit from Algeria does not request visa from Syrian citizens. Once in Nador they stay in hotels. Then they obtain Moroccan passports that reportedly cost about a thousand euros each. There are some reports about transport companies who provide the Moroccan passports, accompany the Syrians across the border into Melilla, and on arrival on Spanish territory they would change the Moroccan passports for the old Syrian ones. Syrians usually do not get in contact with other migrants in Nador, especially those of sub-Saharan African origin.

D. - Conclusions

Transfer of responsibilities

The immigration control policies of Spain and Europe has transferred much of the responsibility for border control and the protection of forced migrants, refugees and others in need of protection to Morocco, which lacks the resources and the willingness to adequately provide it.

Both the authorities and organizations that provide support to migrants in Morocco face multiple challenges due to the increase of people "stuck" there for a long time. This has also created complicated dynamics for both migrants and the local population and resulted in changing Morocco from a country of transit to one of final destination. Thus, migrants face a situation where they have to stay for a long period of time in a country where they have few rights, and where the locals look down on them. At the border fences, violence against migrants is widely used. At least for the time being, it is clear that Morocco cannot be considered a safe place for migrants in need of protection.

Spain and the European Union, however, respond by closing their external borders even more and by intensifying the police cooperation with the Moroccan authorities (to prevent migrants and refugees from access to Spanish territory). The European Commission is currently negotiating a readmission agreement with Morocco on behalf of the European Union.

The Spanish-Moroccan 1992 agreement on readmission of irregular migrants facilitates the return to Morocco of those who have just entered Spain. Even this agreement does not justify or legalize the summary, collective and increasingly violent evictions of migrants conducted by Spain.

We must find long-term solutions that respect the rights of migrants. The responsibility to seek, analyze and find those solutions must lie with the international community. Such solutions cannot be the simple transferring of responsibilities to others according to their geographic location along migratory routes.

"Red lines" and costs of migration control

Meanwhile, people are still risking their lives even knowing the risks and costs of the trip to Morocco, of crossing the sea or scaling the fences to Europe, and the high number of people losing their lives in the attempt.

The protection of human life is a moral and legal imperative and must rank high on the agenda of decision-makers, especially when dealing with the lives of those who are trapped on the journey.

Immigration control cannot be exercised at any cost, it is clear that there must be some red lines, limits that indicate what is morally unacceptable. The current policies at the Southern Borders between Spain and Morocco are a constant breach of Spanish and European law and puts us across those morally unacceptable red lines. JMS-Spain has already expressed their rejection of the so called "hot expulsions" and "operational concept of border" and is supporting the legal analysis undertaken in the recent report published on June 27th, 2014 with the title: "Hot Times: when the state acts outside the law."

Furthermore, mechanisms should be established to ensure proper identification of persons in need of protection at the borders and that this protection is guaranteed. Women and victims of trafficking and sexual exploitation must be especially protected.

JMS-Spain and JRS-Europe draw attention to the harsh living conditions of the migrant and refugee in transit or locked in Morocco as a result of the Spanish and European immigration control policies. The adversities and the risks they face are rarely taken into account when designing policies that directly affect them.

Nor can institutions like CETI-Ceuta and CETI-Melilla be kept overstretched: besides providing adequate resources it is necessary to expedite the transfer of their inhabitants to the Spanish mainland.

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Please note: This is an English translation of the Spanish report "Vidas en la Frontera Sur" (accesible at www.sjme.org).

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