

REPORT 2017: Refugees in Spain and Europe EXECUTIVE REPORT



CEA(R)

Comisión Española
de Ayuda al Refugiado



A group of men from different African countries rest on the deck of the boat *Golfo Azzurro* on 13th January 2017, one day after being rescued by the NGO Proactiva Open Arms. © Olmo Calvo.

Front page photo: A boy in the Iraqi city of Mosul, destroyed by years of war. © Olmo Calvo.

Executive report

2017 Report


Refugees in Spain and Europe



1. Introduction



A rubber dinghy with 140 people on board is towed by the NGO Proactiva Open Arms' boat, twenty miles from Libya on 12th January 2017. When the rescue team found them, they were stranded because their engine had broken down. © Olmo Calvo.



The 15th annual report from the Spanish Commission for Refugees (CEAR in Spanish) analyses the situation of refugees in the world, in the European Union, and mainly in Spain over 2016. According to data from UNHCR, by 30th June 2016 nearly seventy million people had been forced to leave their homes due to conflicts, violence and persecution. One year on, the policies aimed at closing European borders to refugees and migrants have turned the Mediterranean into the most dangerous route on the planet and been partly responsible for the deaths of over five thousand people. Furthermore, the European Union has signed an agreement with Turkey that undermines the right to asylum. Indeed, as the European Commission has announced, the States will fail to comply with the commitments to relocate and resettle 182,504 refugees before the deadline in September 2017.

In 2016, Spain recorded 15,755 international protection applicants, the greatest number since the first Law of Asylum was approved in 1984; it granted refugee status to 355 people and subsidiary protection to 6,500. However, the number of people who requested asylum in Ceuta and Melilla fell significantly; the practice of “push-backs” on the southern border continued, and the Spanish State Ombudsman expressed its concern for the situation in the CETIs (Immigrant Temporary Stay Centres) in the autonomous cities.

For another year, CEAR has observed the difficult situation as regards the right to asylum in the world, the advance in the European Union’s restrictive policies and Spain’s scant commitment to refugees •



2. Refugees around the world

Towards the end of 2015, there were 21.3 million refugees, 40.8 million displaced people within the frontiers of their own countries and 3.2 million people had applied for international protection. Barely six months later, 1.5 million people more had begun their journeys into exile and 1.7 million remained within their countries but away from their places of origin. Thus, on 30th June 2016, according to the most recent data from UNHCR before publishing this report, there were 68.5 million people on the planet who had been forcibly displaced as a result of war, violence and persecution. This is the biggest human exodus in human history.

Syria, immersed in a vicious civil war since 2011, was again the country providing the greatest number

of refugees in 2015: at the end of that year, nearly 5 million citizens from the country were living as refugees in 120 countries. They were followed by Afghanistan (2.7 million refugees) and Somalia (1.1 million). As for the countries with the greatest number of displaced people within their borders, Colombia was again top of the list with 6.9 million, despite the peace process finalising. Syria, with 6.6 million displaced people, was the second country, followed by Iraq and Sudan.

After six years of conflict, more than 11.5 million Syrian people had lost their homes •

Over 70 million people forcibly displaced

By the end of 2015, UNHCR estimates that 65.3 million people had left their homes as a result of violence and human rights violations. At that time, out of those 65.3 million people:

- 21.3 million people were refugees: 16.1 million were under the protection of UNHCR, while 5.2 million were Palestinian refugees registered by UNRWA.
- 40.8 million were displaced internally.
- 3.2 million were asylum applicants.

Just six months later, according to UNHCR data, there are already 1.5 million more refugees and 1.7 million more internally displaced people. Thus, on 30th June 2016, there were a total of 68.5 million people.

A refugee girl in the Greek port of Lesbos minutes before taking the ferry with her family bound for Athens on 8th March 2016.

© Alicia Petrashova / Última Parada Libertad.



3. Europe and refugees

In 2016, there were 5,098 people who died in the Mediterranean attempting to reach European shores from Turkey, Libya, Egypt and Morocco. This is the highest number recorded so far; a dramatic rise compared to 2015 when 3,784 died, and compared to 2014, when 3,279 lost their lives. It is a drama that is not stopping: between 1st January and 23rd March 2017, there were 525 people who died on these routes. The Mediterranean is the most dangerous crossing in the world for refugees and migrants.

Responsibility for this tragedy falls on the European Union. Throughout 2016, the governments of the 28 member states and the European Commission tightened the screw further as regards the permeability of the exterior borders. Under pressure from the electoral advance of xenophobic, anti-immigration parties, European leaders did not hesitate to back the signing of an agreement with Turkey that entails a serious breach of the right to asylum and of human rights in general. Another clear example of a step back in the commitment to refugees was the failure of the agreements to



Border perimeter at Calais (France). © Olmo Calvo.



Women and children from different African countries sleeping on the boat *Golfo Azzurro* on 13th January 2017, a day after being rescued by the NGO Proactiva Open Arms. © Olmo Calvo.

relocate and resettle refugees in the European Union, signed in the second half of 2015 when the tragedy of the Mediterranean revealed in the disturbing photo of little Aylan shook the consciences of European citizens.

The right to asylum in Europe is being choked further and further, making it not worth the paper upon which it is written. Thousands of people lost their lives trying to reach Europe, where human rights are fading •



Military camp of Vasilika (Greece), a former farm where thousands of people have settled since 13th June 2016, surviving while they await a final decision on their legal situation. © Anna Surinyach.

INTERNATIONAL PROTECTION APPLICANTS IN THE EUROPEAN UNION



4. Refugees in Spain

4.1 GLOOMY HISTORICAL NUMBERS

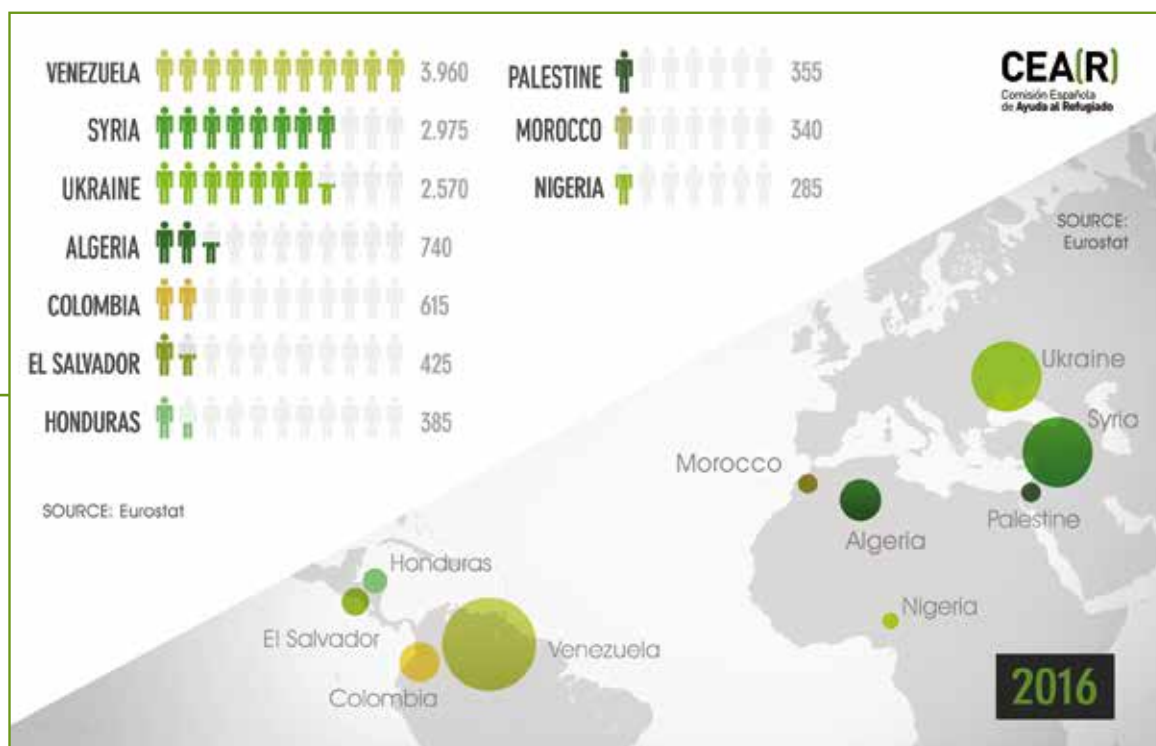
In 2016, there were 745,265 people who applied for international protection in Germany, meaning 59% of those who did so in the European Union as a whole. This was followed by Italy with 123,370; France with 83,495; and Greece with 51,110. Spain recorded its greatest number, 15,755, since the first Asylum Law was approved in 1984, with an increase of 874 compared to 2015. However, for yet another year it attended to a minimal percentage: 1% of the people who requested asylum in the EU. In 2016, for the first time Venezuela was the country providing the greatest number of asylum applicants in Spain, with 3,960.

Another historical record was also broken: according to Eurostat, throughout 2016 the government granted some form of international protection to 6,855 people.

Nevertheless, it only recognised 355 as refugees, most of them from Syria, Pakistan, Eritrea and Palestine. This means only 3.4% of the people saw their applications approved; a very different percentage from that of Germany (41%) and France (21%). As for subsidiary protection, this was given to 6,500 people, compared to 800 in 2015. Of these, 6,160 were from Syria. While the international protection granted by the government to refugees from Syria is positive, it is worrying that the same treatment was denied to those escaping from other very serious conflicts, such as those in Ukraine and Mali.

As for access to the asylum procedure in Spain, in 2016 the changes in criteria continued as regards calculating the deadlines for the procedure on the border. This led to great legal insecurity to the detriment of the people

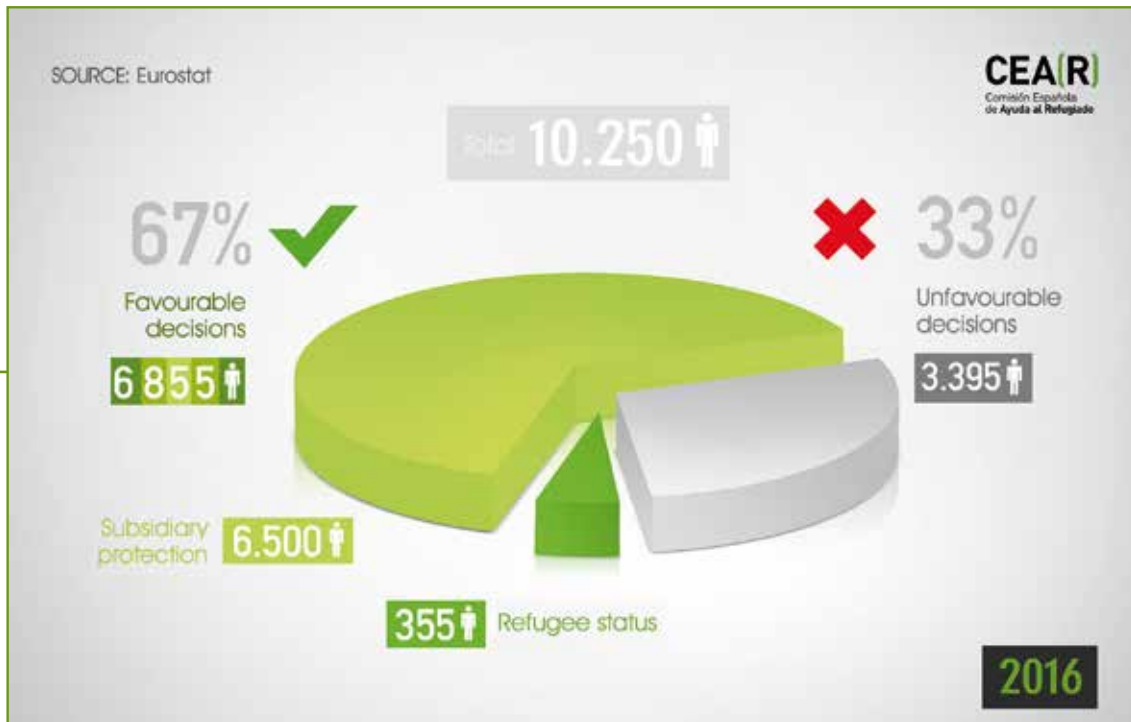
INTERNATIONAL PROTECTION APPLICANTS FOR NATIONALITY



applying for international protection, since their detention period in border posts and Immigrant Detention Centres (CIE in Spanish) was extended pending a decision on their application's acceptance for processing. Finally, after

many court orders and numerous rulings by the Spanish National Court, in 2017 the OAR (Spanish Asylum and Refuge Office) has begun to account for all the deadlines in the first phase of the procedure by hours •

FAVOURABLE AND UNFAVOURABLE DECISIONS IN SPAIN



Victoria Elena's Odyssey

For the first time, El Salvador and Honduras were among the top ten countries in 2016 from which applicants in Spain came, with 425 and 385 applicants respectively, mainly due to the violence of the *maras* and other organised gangs. Although UNHCR assumes that this is a reason for international protection and CEAR has detected people with this profile arriving, the response from the government has been to systematically deny international protection or an extension *sine die* in processing the cases.

This was the case of Victoria Elena from El Salvador, who two decades ago at school began a sentimental relationship with another woman which has lasted until today. From the very beginning, they decided to hide it even from their families for fear of suffering from violence in society afflicted by homophobia and hate crimes. On ending her further education, Victoria Elena found a job as a teacher in a state school located in a rural area and her partner began to work in the university. In 2012, Victoria Elena began to suffer extortion by the *mara* "Salvatrucha" via phone calls and soon the threats began to involve insults about her sexual orientation. They even commented on details of her life that she thought nobody else knew. She changed her phone number and her routines and timetables, but in late 2012 she suffered a brutal rape by three men and had to be admitted to hospital.

She reported it to the police and two days later got a call from a *mara* that warned her they had influence in the police and if she did not withdraw her accusation, they would kill her. She did so and attempted suicide. She was then admitted to a psychiatric hospital and discovered that as a result of the attack she had become pregnant. In her country abortion is illegal under any circumstances, so if she decided to abort she would face a severe prison sentence. In complete desperation, she decided to abort clandestinely. She later managed to change her place of work and found stability in her life until 2016, when it was her partner who began to suffer extortion and homophobic threats from the *maras*. They again went through the terrible experience they had already suffered. Finally, they decided to go into exile and seek international protection in Spain, where they are now awaiting a decision on their application for international protection •



A group of migrants from Mali atop a fence in Melilla, minutes before being “pushed back” to Morocco by the Spanish Civil Guard police.
© Teresa Palomo / CEAR.

4.2 THE WORRYING SITUATION ON THE SOUTHERN BORDER

Although 15,755 people applied for international protection in Spain in 2016, in both Melilla and Ceuta the number fell very significantly. In Melilla there were 2,440 (a drop of more than half), and in Ceuta just 220 people requested asylum last year. In both cases, it is noteworthy that there are difficulties to access the asylum offices open on the border perimeters. In Melilla, access to the one operating in Beni Enzar was blocked for Sub-Saharan people. In Ceuta, there was not a single application in the El Tarajal office. Furthermore, the practice of depriving international protection applicants of subsequent transport to the peninsula continued in this autonomous city throughout 2016. This dissuasive, discriminatory practice is not seen in Melilla and has been corrected by the Andalusian High Court of Justice on countless occasions.

Last year, the Spanish State Ombudsman took special interest in the situation of the CETIs, and in their 2016 Annual Report they clearly stated that these cannot be considered “a suitable resource to accommodate and attend to asylum applicants”. Moreover, the institution expressed its opposition to automatic push-backs of immigrants on the border perimeters of Ceuta and Melilla.

Lastly, thanks to an appeal presented by CEAR and another two organisations, on 12th January 2017 the Provincial Court in Ceuta ordered the judicial investigation into the death of 15 migrants on the beach of El Tarajal on 6th February 2014 to be reopened •

4.3. FROM AYLAN TO SAMUEL: REFUGEES IN THE MEDIA AND THE SOCIAL NETWORKS

The massive dissemination throughout the social media of the photo of little Aylan's lifeless body on a Turkish beach in September 2015 struck a chord in the conscience of millions of people and aroused interest among the media for the drama of refugees seeking a dignified, safe future in the European Union. For the first time in many years, perhaps since the wars in former Yugoslavia, refugees occupied a privileged place in the media's agenda. But their attention focused almost exclusively on the refugees from Syria or on "scenarios" such as the camp at Idomeni (Greece) and the border at Calais (France). People who are refugees for reasons other than conflicts were not included in the spotlight, nor were the journeys towards Europe from the heart of Africa and Asia, or the difficulties in accessing the procedure on the southern Spanish border.

Meticulous investigative journalism on the ground, not only in the Mediterranean but also in Africa and

the Middle East, raises awareness about the situation of refugees and helps bolster the commitment to the right to asylum. Meanwhile, the social networks are an essential tool for non-governmental organisations to work towards raising social awareness in defence of the right to asylum and human rights in general. In its campaign to denounce the EU-Turkey agreement of March 2016, CEAR gained the support of over 300 organisations and more than 12,000 citizens' signatures.

One of the challenges is to keep up this level of mobilisation and awareness so that the concern for refugees does not end up becoming a simple, passing fad, or one that simply fluctuates in the mainstream media depending on the vagaries of current affairs that ceaselessly devour a variety of topics. This must be done in order to remember Aylan, but also Samuel and all those who die fleeing persecution •



Towards a State Compact on the Right to Asylum

In the current context of crisis for the right to asylum and human rights in Europe, Spain should set an example for the other European states as a guarantor of respect for such rights.

The right to asylum is a human right laid down in the Universal Declaration of Human Rights in the Geneva Convention of 1951 and its protocol (the 1967 New York Protocol), as well as in other international and regional treaties concerning the matter like the EU Charter of Fundamental Rights. The Spanish state recognises this in its Constitution and regulates it through its Law of Asylum (Law 12/2009).

Guaranteeing the right to asylum as a human right is a matter for the state. Thus, it must be submitted to a large-scale, effective pact that ensures the agreements adopted to ensure observance of this right are maintained, regardless of political changes.

This pact must be based on the following essential features:

1- Legislative context.

- The Regulations of the 12/2009 Law on Asylum must be applied with guarantees and help build a Common European Asylum System that truly and effectively ensures refugees' rights.

2- Access to international protection.

- Secure legal means must be ensured for obtaining international protection.
- All asylum applications must be resolved within the deadline established by the law in order to avoid unjustified delays and discrimination in dealing with the cases according to nationality.
- Illegal push-backs in Ceuta and Melilla must come to an end, since they prevent access to the international protection procedure and breach the principle of non-refoulement.
- The requirement for airport transit visas from people coming from countries in conflict such as Syria should be removed.
- A gender focus should be considered in the asylum procedure and in the steps taken regarding migration and asylum.
- Agreements should not be signed by the EU and its member states with third countries that do not observe human rights and international law, while those that are in force but do not meet this requirement should be considered to be of no effect.

3- Reception and inclusion.

- Commitments in terms of relocation and resettlement must be met.
- A flexible, sustainable system of reception should be developed that ensures a decent reception for asylum applicants and refugees.
- A tool for sustainable, stable funding should be launched that enables the Spanish reception system to be adapted and to grow in keeping with Europe's current needs.
- A Comprehensive Strategic Plan for Reception and Inclusion should be created for refugees, coordinated with all public administrations and civil society.
- Public policies should be encouraged that foster peaceful coexistence and combat xenophobic and racist discourses and activities.

To sum up, Spain should become a truly receptive country; a land of asylum.



A refugee boy in front of the border police in the camp at Idomeni (Greece) on 21st March 2016. © Alicia Petrashova / Última Parada Libertad.

We are presenting our fifteenth annual report at a very difficult time for the right to asylum and refugees in Europe and the world. By 30th June 2016, nearly seventy million people had been forced to leave their homes due to conflicts, violence and persecution. The proportions of the drama in Syria have driven this number higher than we have ever known. After six years of conflict, more than eleven and a half million Syrian nationals (almost two thirds of the population) have left their homes behind. Of these, five million are refugees who today live scattered over more than a hundred countries, though mainly in Turkey, Lebanon and Jordan. [...]

The controversial agreement signed between the European Union and Turkey, which is a clear breach of the right to asylum, has been in force since March 2016. The intended tightening of the EU's external borders only served to drive thousands of refugees and migrants to risk their lives on more dangerous clandestine journeys, which have made the Mediterranean the deadliest migration route on the planet. According to the

International Organization for Migration (IOM), in 2016 over five thousand people died when they attempted to reach European shores from Egypt, Libya, Turkey and Morocco. This is the highest number recorded so far. It reveals the scale of a tragedy that is unacceptable because it is avoidable, requiring European governments to make a tremendous U-turn in their asylum policy and to urgently open up safe legal means of obtaining international protection. [...]

Faced with these dark times for the right to asylum and refugees in Spain and Europe, with the spectre of xenophobia and racism that again threaten freedoms and human rights, through CEAR we are making a passionate call in particular to political heads to ensure the right to asylum and to create inclusive policies for coexistence that foster the values of equality, non-discrimination and intercultural acceptance, so as to help build a fairer society with greater solidarity that takes in refugees as they deserve.

From the Prologue by Carlos Berzosa, the president of CEAR

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