

EUROPEAN PARLIAMENT

2004



2009

Commission des libertés civiles, de la justice et des affaires intérieures

Brussels, 24 January 2006

**Report from the LIBE Committee Delegation
on the Visit to Ceuta and Melilla (ES)
Rapporteur: Ms Ewa KLAMT**

1. Report on the visit

A delegation of 17 MEPs, 14 from LIBE and 3 from DROI (see list in Annex I) travelled to Ceuta and Melilla to visit the borders and the CETI (Immigrants Temporary Holding Centre) from 7 to 9 December 2005.

The scope of the delegation was to check the implementation of Council Directive 2003/9/EC laying down minimum standards for the reception of asylum seekers, and to get information from the Spanish authorities about the events which started on 28 August 2005 and which resulted in the deaths of migrants who were trying to jump the fence that divides the cities of Ceuta and Melilla from Morocco.

Prior to visiting the two autonomous Spanish towns, the EP delegation met the Secretary of State for Immigration and Emigration, Mrs Consuelo RUMI, in Madrid.

In Melilla the delegation had a meeting with the Government representative, Mr. José Fernández CHACON and with the President of the Town, Mr Juan José IMBRODA. In Ceuta the EP delegation met the Government representative, Mr Jerónimo NIETO and the President of the Town, Mr Juan Jesús VIVAS.

In Madrid, Ceuta and Melilla the delegation also had the opportunity to meet a considerable number of NGOs (see the list in Annexe II).

The visit received good media coverage.

A. Summary of the intervention of the Secretary of state Consuelo RUMI

The Secretary of State Mrs Consuelo RUMI made a broad presentation on the situation of migration in Ceuta and Melilla and explained the facts surrounding the events which occurred from 28 August 2005. Her intervention could be summarised as follows:

- Illegal migration from sub-Saharan Africa in Ceuta and Melilla is not a new phenomenon (it

already started in the 90s) but it has risen sharply recently, in a large-scale and coordinated way.

- The efforts of Morocco and Spain to patrol the coasts of the Canary Islands and the Mediterranean Sea have shifted the migration pressure from there to Ceuta and Melilla's land borders. Due to increased co-operation between Spanish and Moroccan authorities as well as the application of the S.I.V.E. (surveillance) System, the number of illegal immigrants reaching the Spanish coasts (Canary Islands and Mainland) from Africa by boat has decreased by 25% this year and by 18% last year. In the Canary Islands the number of "pateras" (boats) decreased by 44% this year.

- Spain and Morocco have already a bilateral readmission agreement since 1992. Morocco is mainly a transit country, and the real problem is the migration pressure from Africa to Europe. Ceuta and Melilla are on the EU's most southerly border.

- Regarding the events which occurred between August and October resulting in the deaths of at least 11 people, Mrs RUMI said that the Spanish authorities had made an investigation and found that the Spanish Guardia Civil was not responsible for these deaths. Nevertheless the judicial investigations are on going.

- After the events the Spanish Government took a series of measures, including the reinforcement of border controls by the police and coast guards, the allocation of 3 million Euro (1,5 million for each town) to help the towns, and closer cooperation with the Moroccan authorities, in particular to clear the border of vegetation in order to better control the territory near the fence.

- The Government also allocated a fund for non-accompanied minors with 1,7 million Euro in Ceuta and 2,3 million Euro in Melilla, as well as a reception, integration and education fund with 442.000 Euro in Ceuta and 592.000 Euro in Melilla.

- Regarding the case last October of the 73 persons, some of them asylum seekers according to UNHCR, who had been arrested in Melilla and taken from Algeciras to Tanger in Morocco. Mrs RUMI said that among them there where no asylum seekers.

- To a question concerning the possible "pull effect" of the Spanish regularisation of migrants, the Secretary of State answered that the 500.000 people regularised are now tax payers and no longer in the irregular market. She talked of an "escape effect" from poverty and hunger.

B. Visit to the Centres (CETI) of Ceuta and Melilla

Management of the centres

In Melilla the CETI has a capacity of 480 people. On 6 October 2005 1,650 people were housed in the CETI. Now some camping tents (10 military tents + 20 tents for families) have been added. The number of personnel has doubled in the last months.

In Ceuta the CETI has a capacity of 512, up to a maximum of 700 places. There is a smaller problem here than in Melilla.

The CETI are not detention centres, they are Temporary Holding Centres and are under the responsibility of the Ministry of Employment and Social Affairs (the detention centres are under the responsibility of the Interior Ministry). The migrants and asylum seekers are free to leave the CETI during the day. They have to come back in the evening at 23.00 and they need authorisation from the Director of the Centre if they want to leave for more then 24 hours.

The stay in the Centres should be for up to three months, for both migrants and asylum

seekers. The management of the centres, according to the centres rules may propose the extension of the stay of the beneficiaries only once. In fact a lot of people said that they were there for more than 3 months. The centres provide a good coverage of the basic needs of the migrants, including accommodation, health care, education, legal assistance. The centre's inmates had access to legal aid and interpreters, and their religious beliefs were respected

Families are kept together. Every room lodges 6 people normally, at the moment up to 8 people, though more people are lodged in every tent. Rooms are cleaned by a professional cleaning company once a week. The washing of personal clothing is the responsibility of the people residing in the Centres. There is a TV and entertainment room, a nursery, a medical centre, as well as Spanish classes. In Ceuta there is also a library and a computer room.

Within the CETI other activities are organised, such as informative activities regarding the residents' legal and social situation, as well as entertainment and sport activities in collaboration with the NGOs.

The general impression of the EP delegation is that the management and the living conditions in the CETIs were very good. Everything seemed well organised and the atmosphere there was calm and at ease. The delegation also had the impression that the centres were not "disguised" because of the EP visit.

Reception procedure

There are four categories of people in the CETIs:

1. Asylum seekers: they represent a small percentage of the people in the centres. One of the reasons is the fact that Spain is apparently not the final destination of the majority of the people entering Ceuta and Melilla. People do not want to be registered in Spain as asylum seekers and prefer to be sent to the mainland and disappear to become illegal workers in Spain or elsewhere. According to some NGOs the other reason is that only few asylum requests are accepted by the Spanish authorities, (in 2004 less than 3%).

2. Economic migrants who will be returned to the country of origin: when there is a readmission agreement between Spain and the country of origin of the migrants, these migrants are sent back. This is the reason why for example people coming from Sri Lanka (which concluded a readmission agreement with the EU) normally say that they come from India. India does not accept its migrants back.

3. Economic migrants who will be expelled from the Spanish territory: the majority of migrants belong to this category. Cooperation with sub-Saharan countries is very weak, with the exception of Nigeria, so people cannot be sent back to the country of origin. In these cases the Spanish authorities transfer the migrants to the mainland and ask them to leave the Spanish territory within 5 days. It is clear that these people become illegal immigrants in Spain or elsewhere in the European Union. The Spanish authorities are aware of this problem. Some of the migrants are transferred to centres in mainland.

4. Economic migrants accepted as legal migrants: very few migrants are accepted as legal migrants and transferred to Mainland.

Statements by the migrants

All the migrants to whom the Members of the delegation had the occasion to talk with seemed to be happy with the treatment in the CETI and happy to be there. They all think that the worst part of their trip to Europe is over. Most of the people from Sub-Saharan countries (Mali, Gambia, Guinea, Cote d'Ivoire, Ghana, Sudan, Liberia, Mauritania, Nigeria and Guinea Bissau) come to Ceuta and Melilla by jumping the fences and they are self-organised. They took between two to three years to arrive in the Spanish territory from their countries, spending normally up to eight months waiting in the forest around Ceuta and Melilla.

Figures indicate an increase of migrants from South East Asia, especially from India and Bangladesh. They come by boat from their countries and then they cross the border not from scaling the fences but with the help of gangs of human traffickers,. People from Algeria and Morocco are also present in the CETIs. They also come via human traffickers. Women and children do not jump the fences, and in several occasions they have been found in Moroccan territory and accepted into the CETIs for humanitarian reasons.

The majority of the people interviewed by the MEPs said that Spain was not their country of destination.

C. Visit to the Borders of Ceuta and Melilla

Technical situation of the borders

The external land border of Ceuta and Melilla is composed of double fences 7,8 km and 10,5 km long, respectively. The outer fence now has, after the latest events, a height of 6 metres (before the events it had a height of 3/3,5 metres). The inner fence reaches 6 metres as well. Both fences are equipped with barbed wire, fixed cameras for video surveillance, microphone cables and an infra-red surveillance system. Between the two fences there is a 2 metre asphalted road, accessible to motorbikes of the Guardia Civil. Along the fences there are doors to pass from Spanish to Moroccan territory. According to several NGOs the doors on the fences are used by the Guardia Civil to expel migrants who have climbed over the outer fence.

The Guardia Civil is operational 24 hours a day. After the latest events, helicopters are used for further surveillance.

In total, 331 policemen and 676 Guardia Civil officers are deployed in Melilla, and 316 policemen and 626 Guardia Civil officers in Ceuta.

The EP delegation's impression is that the border control is no longer a problem and the borders are now secured so that people can now hardly cross the fences.

The EP delegation expressed its concern about the legal status of the territory within the two fences. According to the Spanish authorities, these two fences (the outer and the inner) have to be considered as a single obstacle, so the EP delegation understood that the two metres between the two fences are "no man's land" and cannot be considered Spanish territory. Taking the opposite view and considering that the two fences are both on Spanish territory, several NGOs, including the UNHCR and Amnesty International, consider that once the migrants have jumped the outer fence they are in Spanish territory and they should be granted the possibility to ask for asylum.

Events of August / October 2005

The attempt by the migrants to illegally cross the fences has been described in detail both by the Guardia Civil official and by the NGOs. The groups of Sub-Saharan persons gather at daytime in the forest near the border, sometime for periods up to 8 months. When the people reach a "critical mass" of a few hundred people start the attempt to climb the fences using self-made wooden ladders. Normally people are divided into three groups: one to attract the attention of the Guardia Civil and one other group, in a different place, jumped over the fence, while the third group was holding the ladders for them. These attempts are self-organised by the migrants, and they are spontaneous but well coordinated.

The EP delegation received contradictory information on the incidents occurring from August to October 2005 in Ceuta and Melilla. The Government authorities and the NGOs had a different view on the number of casualties, on the number of people who tried to jump the fences, on who is responsible for the shootings, and on the presumed violence perpetrated by the Guardia Civil.

The Moroccan authorities, after these tragic events, are now controlling the borders more effectively. The representative of the Government in Ceuta told the delegation that the 40 million Euro the European Commission had allocated to help Morocco face the humanitarian situation between August and October have been used mainly to control the border, to clean the forest near the borders and to dig a fosse along the Moroccan side of the border to make it far more difficult to jump the fences.

Conclusions

The EP delegation appreciated the great cooperation offered by the Spanish authorities during the visit, both from the central governmental and the local authorities.

The EP delegation considers that the situation in Ceuta and Melilla cannot be considered an emergency any more. The EP delegation appreciated the efforts made by the Spanish authorities, in particular by the Guardia Civil, to face the recent crisis, including the humanitarian efforts made to help the people who crossed the fences. The Moroccan authorities are cooperating better with the Spanish authorities and the borders are now completely under control. The situation in the centres is quite difficult due to the large number of people at present, but it will improve considering that the flux of migrants has decreased considerably.

The EP delegation believes that the problem has switched from the EU borders to the Moroccan territory. Further inquiries have to be conducted to check the situation in Morocco.

The EP delegation would like to ask to the Spanish authorities:

1. to clarify the legal status of the territory between the two fences.
2. to report on the results of the inquiries on the casualties which occurred during the events between August and October.
3. to report on the results of the inquiries regarding the violence exercised against migrants, as denounced by Medecins sans frontières .
4. to clarify the nature of the readmission and cooperation agreement with Morocco
5. to clarify the situation of the people who are sent to the mainland to be expelled and who then in fact become illegal workers in Spain and Europe.

**Annexe I: Programme for the Visit by the LIBE Committee
to Ceuta and Melilla
7,8 and 9 December 2005**

Wednesday 7 December

10.45 h: Bus leaving from EP (rue Montoyer, in front of the Committee of the Regions) to the airport

12.35 h: Flight from Brussels to Madrid (Flight IB 3203)

14.50 h: Arrival in Madrid

16.00 h: Meeting with the Spanish Government: Mrs Consuelo Rumi, Secretary of State on Immigration
(Address: José Abascal, 39)

17.00 h: Transfer to the EP office in Madrid

17.15 h: Meeting with NGOs (see list at the bottom of the programme). At the EP office in Madrid (Paseo de la Castellana 46)

19.00 h: Press Conference at the EP Office in Madrid

Free Dinner, Night in Madrid Hotel Gaudi

Thursday 8 December

08.00 h: Bus leaving the Hotel for the airport

10.15 h: Flight from Madrid to Melilla (Flight IB 8792)

12.05 h: Arrival at Melilla

12.45 h: Lunch in the Hotel Parador with the Delegate of the Government

14.00 h: Meeting with Government representative in Melilla, Mr. José Fernández Chacón,
(Avda. de la Marina Española, 3)

14.45 h: Visit to the borders

15.30 h: Visit to the Centre (CETI)

17.00 h: Meeting with NGOs (see list at the bottom of the programme), (Plaza de España s/n)

18.15 h: Meeting with the President of the Town, Mr Juan José Imbroda, (Plaza de España s/n)

19.00 h: Press Conference, (Plaza de España s/n)

21.30 h: Dinner hosted by the President of the Town, Mr Imbroda

Night in Melilla Hotel Parador de Melilla

Friday 9 December

07.45 h: Bus leaving the hotel for the airport
9.00 h: Flight from Melilla to Malaga (Flight IB 8261)
9.50 h: Arrival at Malaga
10.15 h: Bus from Malaga to Algeciras
12.30 h: Arrival in Algeciras
12.30 h: Lunch in the harbour (free lunch)
14.00 h: Boat from Algeciras to Ceuta
14.45 h: Arrival in Ceuta
15.00 h: Meeting with Government representative in Ceuta,
Mr Jerónimo Nieto (Calle Beatriz de Silva, 4)
16.00 h: Visit to the borders
16.45 h: Visit to the Centre (CETI)
18.00 h: Meeting with the President of the Town,
Juan Jesús Vivas
18.45 h: Meeting with NGOs (see list at the bottom of the
programme) (Plaza de Africa, s/n)
20.00 h: Press conference
21.30 h: Boat from Ceuta to Algeciras. Pic-nic on the boat!
22.15 h: Arrival in Algeciras
22.30: Bus from Algeciras to Malaga
Night in Malaga Hotel Tryp Alameda

Saturday 10 December

08.15 h: Bus leaving the hotel for the airport
09.45 h: Flight from Malaga to Madrid (Flight IB 3304)
10.50: Arrival in Madrid
12.20 h: Flight from Madrid to Brussels (Flight IB 3202)
14.40 h: Arrival in Brussels

Contact numbers for organisational details:

Cristina Castagnoli

Before 7 December: 0032-477.31.29.36

During the Mission 7/10 December: **0032 -498.98.35.93**

PARTICIPANTS: 35 people

Official delegation LIBE

- 1) Jean-Marie CAVADA (ALDE) President of the Committee and Head of the delegation
- 2) Ewa KLAMT (PPE)
- 3) Stefano ZAPPALA (PPE)
- 4) Agustin DIAZ DE MERA (PPE)
- 5) Martine ROURE (PSE)
- 6) Wolfgang KREISSL-DORFLER (PSE)
- 7) Kathalijne BUITENWEG (Greens)
- 8) Kyriacos TRIANTAPHYLLIDES (GUE)
- 9) Mario BORGHEZIO (ID)

Official delegation DROI

- 1) Ioannis KASOULIDES (PPE)
- 2) Frederika BREPOELS (PPE)
- 3) María Elena VALENCIANO MARTÍNEZ-OROZCO (PSE)

Members "hors quota" LIBE

- 1) Manfred WEBER (PPE)
- 2) Antonio MASIP (PSE)
- 3) Ignasi GUARDANS CAMBO (ALDE)
- 4) Jeanine HENNIS-PLASSCHAERT (ALDE)
- 5) Jean LAMBERT (Greens)

LIBE political advisors

- 1) Michael SPEISER (PPE)
- 2) Annie LEMARCHAL (PSE)
- 3) Ottavio MARZOCCHI (ALDE)
- 4) Christine SIDENIUS (Greens)
- 5) Esperanza ZAMBRANO (Assistant to Mr. Diaz De Mera)
- 6) Francesca RESTIFO (Assistant to Mr. Zappalà)
- 7) Izaskun BERNAL (Assistant to Mrs VALENCIANO)

LIBE Secretariat

- 1) Emilio De Capitani
- 2) Cristina Castagnoli
- 3) Lena Vestberg

EP Office in Madrid

- 1) Fernando Carbajo
- 2) Damián Castaño

Interpreters

Covering ES - FR - EN - IT

- 1) Annalisa VENTURI
- 2) Catherine GRIS
- 3) Hugo POOLEY
- 4) Ines CARAVIA
- 5) Lorena LOPEZ DE LACALLE
- 6) Carmen ROMERO

Annexe II: Liste des ONG qui vont rencontrer la Délégation

Rencontre avec les ONG à Madrid

- **ACCEM** (Association espagnole experte d'immigration et réfugiés): Mme Julia Fernández et M. Enrique Barbero
- **Amnesty International**: Mme Virginia Alvarez, Responsable des relations institutionnelles et Politique Intérieur d'Amnesty International, Espagne and Mrs Yolanda Román.
- **Croix Rouge**: M. Carlos CAPATAZ, Directeur des interventions sociales en Espagne.
- **Médecins sans frontières**: Carlos Ugarte, Coordinateur général de la mission en Espagne
- **UNHCR**: Mme Debbie Elizondo, Deputy to the Representative for HCR Spain

Rencontre avec les ONG à Melilla

- **Asociacion Pro Derechos Humanos de Melilla (APDHM)**: M. José Alonso
- **CEAR ([Comisión Española de Ayuda al Refugiado](#))**: M. Francisco Javier Arias
- **Melilla ACOGE**: M. Armando Andrés
- **PRODEIN** (Asociación pro derechos de la infancia): M José Palazón Osma

Rencontre avec les ONG à Ceuta

- **ACEMIGRA**: M. Gonzalo Sanz, Président
- **Cruz Blanca**:
- **Cruz Roja**: M Leon Bendaya, Président
- **Elin**: Hermana Paula
- **Médecins sans frontières**: Javier Gabaldón, de MSF basé à Rabat, au Maroc
- **SOS Racisme**: Mme Helena Maleno, qui collabore avec SOS racisme au Maroc et qui travaille dans les camps au Maroc