

El **derecho** amenazado

Campaña **contra la vulneración del asilo**
en el acceso a **Europa**

Eskubidea **arriskuan**

Europar **asilo hartzeko eskubidea**
urratzearen aurkako **kanpaina**

Rights **under threat**

Campaign **against the refusal of refugees'**
access to protection in **Europe**

Comisión de Ayuda al
Refugiado en Euskadi

CEAR



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1 Introduction

A right under threat: Campaign against the refusal of refugees' access to protection in Europe

This report is part of an advocacy campaign which requests the Spanish authorities to abide by the principle of non-refoulement of refugees during control and surveillance activities on Europe's southern border.

Giving a positive answer to the question whether Spain should respect human rights beyond its territory, this report demands the State to fulfil its responsibilities under

international human rights protection instruments also whenever it expands its jurisdiction beyond its borders.

This report deals with Spain's responsibility regarding refugees under the Geneva Convention relating to the Status of Refugees, the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The refugees need to escape from their country of origin

According to the Geneva Convention relating to the Status of Refugees a refugee is any person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

There are 14.2 million refugees in the world -the Iraq conflict alone has caused 4.2 million refugees- and 25 million individuals are internally displaced within their

country, and 13 million of these live in Africa. There are also 5.8 million stateless people, in addition to 5 million Palestinian refugees, under the mandate of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

According to the Escola de Cultura de Pau (UAB University Barcelona) during 2007 thirty armed conflicts were registered, and 28 continued active by the end of that year. One third of those took place in Africa (Algeria, Chad, Ivory Coast, Ethiopia, Nigeria, Central African Republic, Democratic Republic of Congo, Somalia, Sudan, and Uganda). In addition, 17 African States are also included among the countries where more serious human rights violations took place during 2007.

The persecution conditions suffered by refugees, who are under situations of serious risk against their lives, make very difficult for them to:

- Carry out any type of official procedure that would force them to approach an authority in their country of origin (usually the agent of persecution)
- Cross a border in order to get to the closest country where they can apply for asylum
- Apply for asylum at a safe country through diplomatic channels (asylum applications can only be filed at a diplomatic office outside the refugee's country of origin)

It is particularly difficult for refugees to exit their country of origin in a safe and regular manner in order to request international protection.



2 Exit from the country of origin and journey

In order to be able to enjoy the protection of the asylum institute, the first step is succeeding to arrive in a safe country. Article 14(1) of the Universal Declaration of Human Rights states: In case of persecution, all individuals have a right to seek and enjoy asylum in any other country.

In addition to the difficulties refugees suffer to flee their country of origin, intrinsic to situations of persecution, they face the obstacles created by European governments.

Even though the European governments' immigration policies and their border control and surveillance activities are not directed towards restricting the exit of refugees from their country of origin or impeding their arrival in a safe country, this is the actual result, as they prevent refugees from exercising their right to travel to a safe country where they can request international protection. These measures amount to a **violation of the human rights and refugee protection**.

According to the United Nations High Commission for Refugees (UNHCR) 2006 data, the number of asylum applications submitted in the fifty most developed countries had decreased by half during the previous five years, as a consequence of the policy of closing the borders, thus reaching the lowest levels in at least two decades.

Barriers imposed on exit by the Spanish government

Visa requirements Individuals from 134 States and territories -including all 53 African nations- are required to obtain a visa to enter Spain. Africa is the only continent where all inhabitants are obliged to have a visa in order to travel to any country in the European Union.

Bilateral agreements: Spain has signed bilateral agreements with a number of the main countries of origin and transit of individuals who migrate to that country. Under those agreements Spain provides those countries with material, economic, and humanitarian assistance so that they control emigration from their coasts and accept the readmission of irregular migrants. These "Second Generation Agreements" have been signed so far with Algeria, Morocco, Mauritania, Senegal, Guinea-Bissau, Equatorial Guinea, Mali, Cape Verde, Ghana, and Gambia.

Through these agreements Spain holds third countries responsible for migration controls and provides development aid under condition of effective limiting of irregular migration.

Economic penalties for carriers: Although the Geneva Convention relating to the Status of Refugees establishes under Article 31(1)^[1] that the contracting States shall not impose sanctions against refugees as a consequence of their unlawful entry or presence in the country, this provision is rendered ineffective given that Article 54(2) of the Spanish Aliens Act considers a very serious offence carrying to Spain aliens who have not passport, ID card or travel document and eventually, valid and in force visas, and imposes heavy penalties on carriers who have not duly checked the documents. The carrier can only be exonerated if the undocumented alien files an asylum application and this application is deemed admissible to the refugee status determination procedure (Article 54(3) of the Aliens Act^[2]). This is no guarantee for carriers as the decision on admissibility pertains to the Spanish authorities, and actually 60% of applications filed every year are deemed inadmissible by the Spanish government.

Interceptions at the European Union southern border and African coasts

According to the Spanish Ministry of Interior January 2008 report called "an assessment of the fight against illegal immigration"^[3] the number of individuals arrived to Spain on boat were:

In 2006: 39,180 individuals

- Peninsular Spain and Balearic Islands: 7,502
- Canary Islands: 31,678
- Ceuta and Mellilla: 2,000

In 2007: 18,057 individuals
(53.9% decrease in relation to 2006)

- Peninsular Spain and Balearic Islands: 5,579 (-24.3%)
- Canary Islands: 12,478 (-60.6%)
- Ceuta and Mellilla: 1,553 (-22.3%)

This activity, which the Ministry of Interior refers to as “fight against illegal immigration”, includes:

- Patrolling by the European Agency for the Management of Cooperative Operation at the External Borders of the member States of the European Union (FRONTEX).
- Joint patrolling by Spanish and other countries' forces.
- Third country patrolling under Spanish auspices.

FRONTEX plays a fundamental role in this so called “fight”. According to the Spanish Ministry of Interior from August 2006 (when the operative was started) to December of 2007 (end of calendar year) FRONTEX had intercepted in Africa 12,864 immigrants and 155 vessels. 93 vessels carrying over 8,500 migrants were intercepted^[4].

There are two channels stipulated in Spanish law for safe entry procedures for refugees. Transfer to Spain during the processing of an asylum application filed at an embassy and temporary protection status in the event of massive influx of displaced individuals. Both are rather ineffectual.

The asylum procedure at the embassy: The possibility of filing an asylum claim through a Spanish embassy or consulate abroad is established under Article 4(1) of the Asylum Regulation^[5] One of the many problems faced by refugees who apply for asylum through this channel (starting with actual access to consulate offices, after all they are individuals who are being persecuted) is the lack of information and legal counselling.

Moreover the provisions of the Asylum Regulation about resettlement in Spain during the determination procedure of the asylum seeker at risk of persecution (Article 16(1) of the Asylum Regulations^[6]) are rarely deemed applicable. Therefore the asylum seekers must have sufficient economic resources to cover their expenses while awaiting for a resolution of their application.

Besides, only sixteen (out of 43) African States south of the Sahara have a Spanish diplomatic representation.

Temporary protection status in the event of massive influx of displaced individuals: Royal Decree 1325/2003 transposes the European directive related to temporary protection, which allows individuals who have fled areas of armed conflict or permanent violence or are exposed to widespread human rights violations be evacuated and resettled in Spain. The decision to apply this provision is decided by the Spanish government after a decision of the Council of Ministers or after a decision of the Council of the European Union, as proposed by the European Commission.

This regulation has never been activated, not even after the requests by CEAR and other Spanish NGO's to evacuate Iraqi refugees and internally displaced individuals.

[1] Article 31. Refugees unlawfully in the country of asylum.

1. The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of Article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.

[2] «No obstante lo dispuesto en los artículos anteriores, no se considerará infracción a la presente Ley el hecho de transportar hasta la frontera española a un extranjero que, habiendo presentado sin demora su solicitud de asilo, ésta le es admitida a trámite, de conformidad con lo establecido en el

artículo 4.2 de la Ley 5/1984, de 26 de marzo, modificada por la Ley 9/1994, de 19 de mayo.»

[3] Ministerio de Interior. Balance de la lucha contra la Inmigración ilegal. Balance 2007. (Enero 2008).

[4] Ibid.

[5] Artículo 4.1. (Real decreto 203/1995, de 10 de febrero, por el que se aprueba el reglamento de aplicación de la ley 5/1984, de 26 de marzo, reguladora del derecho de asilo y de la condición de refugiado, modificada por la ley 9/1994 de 19 de mayo) Lugar de presentación de la solicitud: El extranjero que desee obtener el asilo en España presentará su solicitud ante cualquiera de las siguientes dependencias:

a) Oficina de Asilo y Refugio. / b) Puestos fronterizos de entrada al territorio

español./ c) Oficinas de Extranjeros./ d) Comisarías Provinciales de Policía o Comisarías de distrito que se señalen mediante Orden del Ministro de Justicia e Interior./ e) Misiones Diplomáticas y Oficinas Consulares españolas en el extranjero.

[6] «Cuando el interesado se encuentre en situación de riesgo y hubiese presentado su solicitud desde un tercer país a través de una Misión Diplomática u Oficina Consular, o en el supuesto previsto en el apartado 2 del artículo 4, la Oficina de Asilo y Refugio podrá someter el caso a la Comisión Interministerial de Asilo y Refugio, para autorizar su traslado a España durante la instrucción del expediente, previa obtención del correspondiente visado, salvoconducto o autorización de entrada, que se tramitarán con carácter urgente.»

3 Consequences of the policy and border control by the Spanish government

Over one thousand people have died while crossing from Africa to Spain

The Human Rights Association of Andalusia (APDHA by its abbreviation in Spanish) in its report "Human Rights at the Southern Border 2007" carried out a detailed follow-up and verification of those individuals who lost their lives in an attempt to reach Spain from Africa. The deaths of 921 individuals trying to reach Spain have been documented in 2007. This agency estimates, however, that at least 3,500 individuals "have lost their lives as a result of the border control policies which are increasingly more repressive and cruel."^[7]

The organization Fortress Europe estimated that 745 individuals have died in 2007 while en route to the Canary Islands, and 131 in the Gibraltar Strait area^[8].

The estimates of the Spanish Ministry of Interior, according to the General Underdirectorate for International Relations, Immigration, and Aliens, are also that around 900 or 1,000 individuals have died during the crossing from the African mainland and the Canary Islands.

A decrease in the number of asylum seekers in Spain

As previously indicated, the number of refugees who succeed in arriving at a safe country is diminishing every year. In Spain the decrease in the number of asylum applications is simply striking, especially if one considers the fact of Spain having a common border with a continent devastated by human rights violations. Asylum applications in Spain have decreased from 9,490 in 2001 to 5,297 in 2006. The number of asylum seekers has increased in

2007, but that is only due to an unusual number of Iraqi citizens that have applied for asylum in the Spanish Embassy in Egypt during the first months of 2007, as well as the increase in Colombian applicants at the Barajas airport .

The number of asylum applications increases at border points and embassies, while applications in territory decrease.

	National Territory	%	Border-crossing Points	%	Embassies	%	TOTAL
2004	4.629	83,4	645	11,6	279	5,0	5.553
2005	3.414	64,94	1.445	27,49	398	7,57	5.257
2006	2.837	53,60	2.140	40,40	320	6,0	5.297
2007	3.293	42,98	2.644	34,51	1.725 ^[9]	22,51	7.662

This is the first time in the history in the right to asylum in Spain that asylum applications in territory make less than a half of the total number. Despite the specific situation created by the Iraqi applicants, the figures corroborate the increased.



The Spanish government's position

The Spanish government holds that Spanish or European laws on asylum and migration have no effect beyond the 12 nautical mile limit.

The First Deputy Prime Minister stated in April 2006 that “the institution of asylum and other legal provisions established by our laws on aliens have a territorial nature, and are applicable to those individuals who arrive in our country.”

Moreover, the State's Attorney, who represents in Court the Spanish administration, in his reply to the lawsuit filed by CEAR regarding the case of the vessel *Marine I*, intercepted and diverted to Mauritania, affirmed that “Spain lacks jurisdiction to decide about the destiny of the 23 migrants concerned by this lawsuit, as *Marine I* was at that time in international waters, over which Spain has no sovereignty”^[10].

[7] Asociación Pro Derechos Humanos de Andalucía (APDHA). *Derechos Humanos en la Frontera Sur* 2007.

[8] *Ibid*

[9] Iraqi nationals filed the majority of asylum applications submitted at Spanish embassies in 2007. Of 533 of those cases studied by the Spanish Asylum and Refugee Office (OAR by

its abbreviation in Spanish) 477 received a negative decision, and 33 were filed with no decision. OAR expressed in its official 2007 yearbook that “this influx of applications cannot be assessed like any other, although the applications were reviewed following the usual criteria, it was a result of rumours propagated among thousands of displaced Iraqis because of the predomi-

nant situation of violence in Iraq, who had settled in Egypt, a country where they receive sufficient protection at the time the applications were submitted”.

[10] Audiencia Nacional, Sala de lo Contencioso-Administrativo, Sección 5ª, sentencia 12.12.2007; recurso nº 3/2007.


4 Spain's responsibility to respect and guarantee the principle of non-refoulement during control and surveillance activities at the Europe Union's southern border

The principle of non-refoulement:

States are forbidden by International Law to expel or return an individual to the territory of any country in which that individual's life or liberty is threatened, or where he may suffer torture, or cruel, inhuman, and degrading treatment or penalty, or any other serious violations of fundamental human rights.

Spain has the duty to observe the principle of non-refoulement under the following international treaties:

- The Geneva Convention relating to the Status of Refugees. Article 33(1)^[11]
- The UN Convention against Torture and other Cruel, Inhuman and Degrading Treatment and Punishment. Article 3(1)^[12]
- The European Convention for the Protection of Human Rights and Fundamental Freedoms. Article 3^[13]



The principle of non-refoulement is the core of the right to asylum. If not observed, refugees are left without guarantees of international protection, and this constitutes a breach of international treaties. Spain is obliged to comply with the principle of non-refoulement at any place and at any time she exercises jurisdiction.

Guarantee of the principle of non-refoulement during control and surveillance activities at the European Union southern border

Spain has developed, in the framework of the European Union, a “control system” of immigration flows that takes the State's jurisdiction beyond the borders of its territory. These control measures, regardless of where they may take place, constitute an exercise of jurisdiction which is not exempted from compliance with international treaties but, on the contrary, obliges the Spanish government to observe them.

- The Geneva Convention relating to the Status of Refugees is to be implemented as an effective protection for refugees. The ban of non-refoulement, once the individual is out of the State of origin, applies anywhere, whether in countries of transit, or on international or Spanish waters^[14].
- Arbitrary restrictions on the freedom to leave the country of origin cannot be imposed by other States during immigration flows^[15].

- When Spain exercises “migration control activities” in international waters or in countries of transit, the individuals who are intercepted find themselves under the effective jurisdiction of this State and affected by its activities^[16].
- The fact of acting within the European Union framework or in joint operations with third countries does not exempt Spain or any other member State from complying with their international obligations.
- The European Union Regulation which creates rapid intervention teams on the borders^[17] clearly established the need to respect the obligations of member States in relation with international protection and non-refoulement, and also their obligations under international Maritime Law.

Spain cannot avoid its international obligations by transferring de facto border controls to places located outside of its territory.



The European Commission and the European Economic and Social Committee have indicated the need to guarantee international protection for refugees in all measures related to extraterritorial control of immigration flows and to implement mechanisms that ensure compliance.

In a Communication to the Council related to the Reinforcing the management of the European Union's Southern Maritime Borders^[18] the Commission pointed out the need to “ensure coherent and effective application of the Member States' protection obligations in the context of measures relating to the interception and rescue at sea of persons who may be in need of international protection, as well as the prompt identification of persons with protection needs at reception sites following disembarkation” (no. 10)

In that sense the Commission makes, inter alia, the following proposals:

- “(...) The deployment of asylum expert teams should in any case be coordinated with the operational activities of FRONTEX at the southern maritime external borders to ensure an efficient handling of critical situations. For the future, reflections should continue on the role which a possible European support office for all forms of cooperation between Member States relating to the Common European Asylum [System].” (no. 29)
- “In this context, a more structured contribution by UNHCR to the activities and operations implemented under the coordination of FRONTEX should be explored in order to help ensure that protection obligations flowing from the EU acquis and international refugee and human rights law constitute a key element of all border management strategies and measures undertaken in this context. The various training activities

for border guards and other immigration officials could benefit from a structural assistance by UNHCR. UNHCR experts could also be invited to participate in the asylum expert teams described above. Special guidelines for the participants in such asylum expert teams should be established.” (no. 30)

The European Economic and Social Committee established in its Opinion on the Green Paper on a future Common European Asylum System:

2.5.1 That those in need of international protection are always able to enter the territory of the European Union, irrespective of the level of strengthened controls in order to ensure that the right at least to submit an asylum application is respected, whatever the form, and that access to fair and efficient procedures is guaranteed.

2.5.6 That all asylum seekers, are entitled to an effective and case-by-case examination of their applications, access to an interpreter, free legal assistance and sufficient time to present their case.

2.5.8 That all appeals against decisions denying refugee status or subsidiary protections should always have the effect of suspending the execution of a repatriation order, especially for people who cannot be expelled without risk to their life, freedom or safety should they be returned to another country.

2.9 Recommends that coast guards, public officials and agents of public or private services having contact with asylum seekers during the initial and subsequent stages

(police, customs, health, education, employment) should be provided with training in asylum rights and humanitarian law.

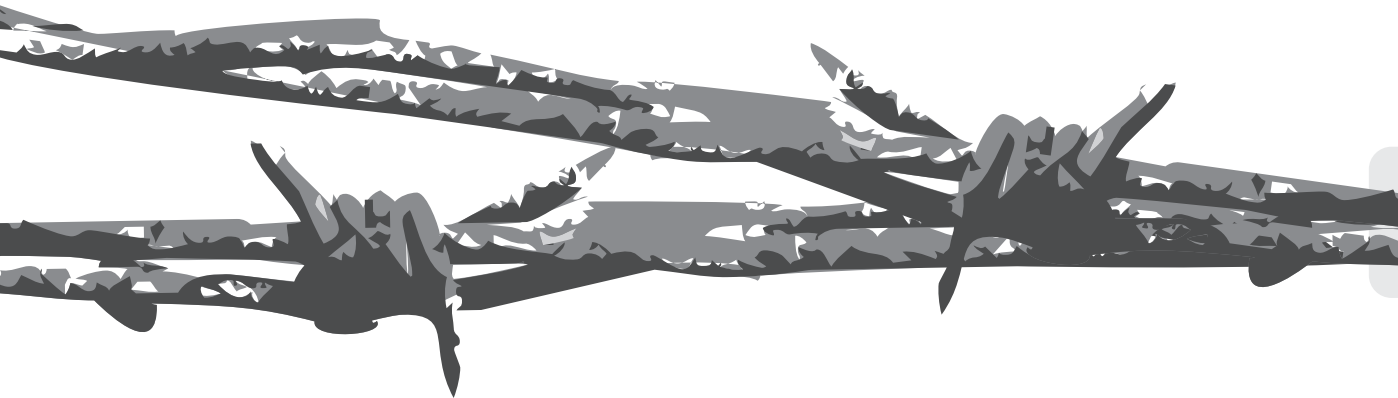
2.12 Recommends that measures taken to control immigration do not result in the violation of fundamental rights, namely the right to seek and obtain protection from persecution.

2.13 Calls for emphasis to be placed on the absolute obligation of ships' captains in cases of interception and rescue at sea to come to the assistance of persons in distress; and for steps to be taken to resolve the lack of recognition of their responsibilities relating to the disembarkation of persons rescued at sea and to provide for the immediate examination of claims and grant international protection if necessary.

Moreover, the Committee states in section 4.5 on asylum at the border that "contrary to what the press would

have us believe, there is a steady fall in asylum applications made in the EU. This leads the Committee to reiterate that all asylum seekers, irrespective of their situation or location, are entitled to an effective examination of their applications. This means that they should have access to an interpreter, free legal assistance and sufficient time to present their case. It recalls its previous proposal that asylum seekers should also be entitled to contact recognised NGOs which defend and promote the right of asylum"

The United Nations High Commissioner for Refugees (UNHCR) is also aware of the problems these new border control systems pose to the protection of refugees, and has established a specific Plan of Action^[19]. Point 5 of this Plan stresses that it is very important that entry controls established by States take into account the refugees' specific protection needs, and that the risk of refoulement is to be avoided in any case.



[11] Article 33. Prohibition of expulsion or return ("refoulement")

1. No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

[12] Article 3

1. No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.
2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

[13] Article 3. Prohibition of torture. No one shall be subject to torture or to inhuman or degrading treatment or punishment.

The doctrine acknowledges that "a barrier to refoulement does not directly emerge" from this text. Nonetheless it is prohibited, in accordance with repeated jurisprudence in the same context by the European Court on Human Rights, to extradite, deport, and transfer a person to a State in which this person would be in danger of being exposed to torture, inhuman and degrading treatments, under the law in article 3 of the European Convention on Human Rights" (Fischer-Lescano, A. - Löhr T. 2007)

[14] Cfr. Fischer-Lescano, A. and Löhr. T. 2007.

[15] The International Covenant on Civil and Political Rights, Article 12(2), states: Every person has the right to freely leave any country, including their own. The doctrine, as well as the Human Rights Commission who had

foreseen "the potential violation of article 12 of the International Covenant on Civil and Political Rights by arbitrarily impeding exit by use of State control of immigration measures in the country of origin." ((Fischer-Lescano, A - Löhr. T. 2007)

[16] Ibid.

[17] Regulation (EC) No. 863/2007 by the European Parliament and the Council of 11 of July of 2007, which established a mechanism to create rapid intervention teams on the borders and which also amends regulation (EC) No. 2007/2004 by the Council concerning this mechanism, and in addition regulates the functions and authorities of invited agents.

[18] COM(2006) 733 final.

[19] Refugee protection and mixed migration: A 10-Point Plan of Action, available at: <http://www.unhcr.org/protect/PROTECTION/4742a30b4.pdf> (last access 16.06.2008)

5 Conclusion

Spanish authorities are not exempted from their obligations under international law when acting beyond the State's borders. Quite on the contrary, these activities create new responsibilities to enforce the respect of the refugees' right to leave, the prohibition of refoulement and the procedural guarantees.

Violations of these protection duties are in breach of International Public Law.

6 Demands of the Spanish Commission for Refugee Aid (CEAR)

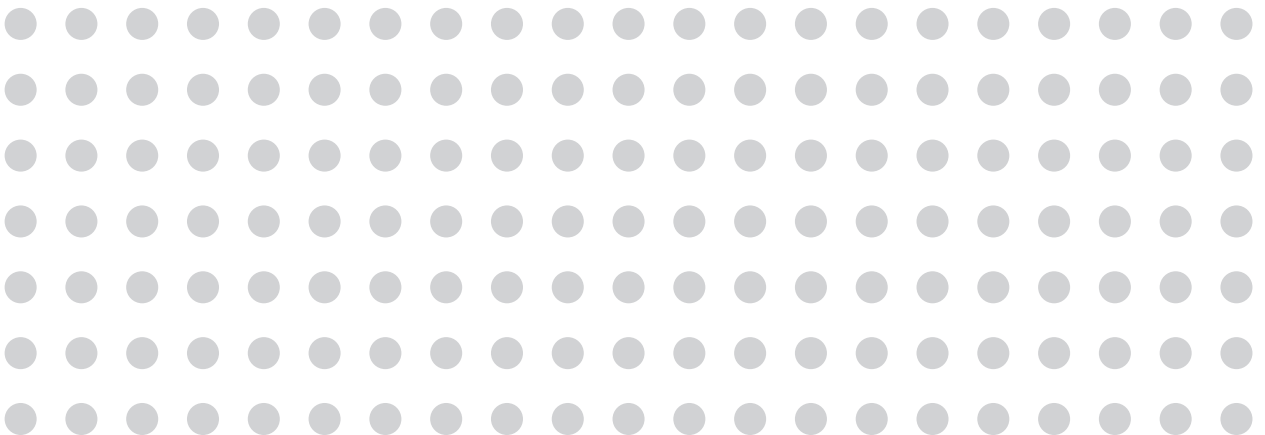
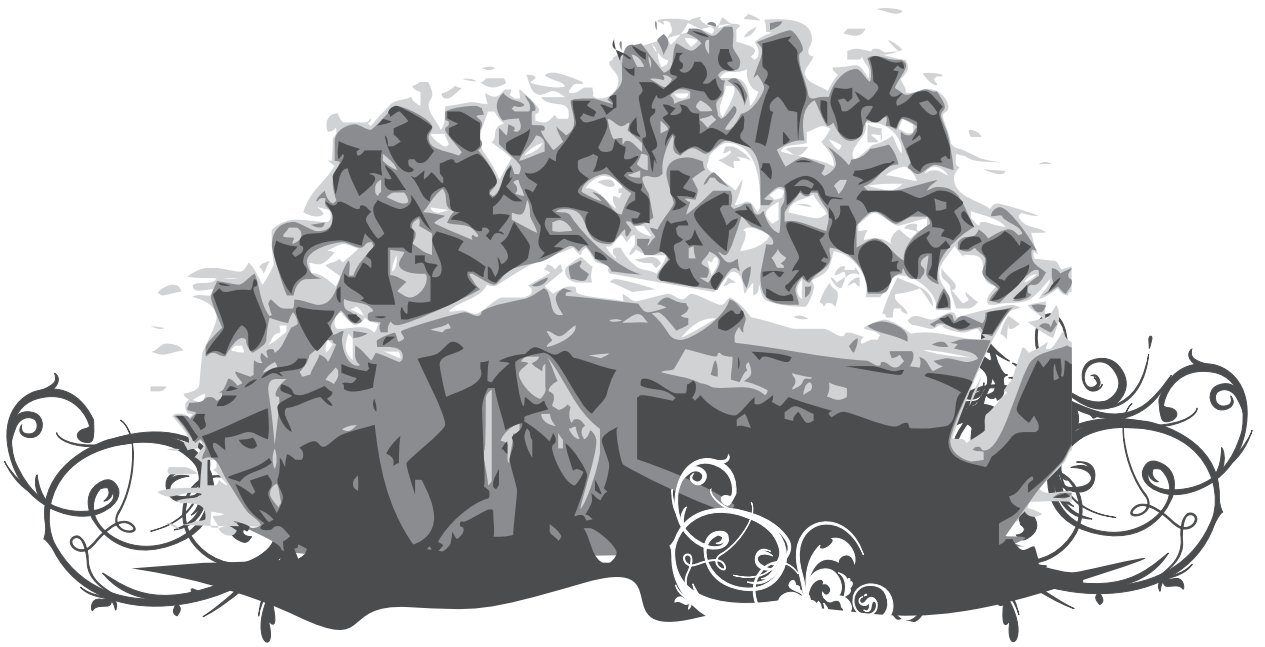
As a consequence of all the above, Spain must:

- a. Guarantee the efficacy of the principle of non-refoulement when acting on international waters and in countries of transit.
- b. Guarantee the fulfilling of international law obligations regarding search and rescue of persons at sea, always having as main objective the protection of human lives.
- c. Guarantee access to asylum procedure through diplomatic channels, as provided for by Spanish law, implementing all necessary measures to make it effective^[20].

FULFILLING THESE OBLIGATIONS REQUIRES:

1. To ensure that the implementation of controls beyond its borders does not hinder the exit of individuals in need of protection from countries where they may face risk of persecution.
2. To ensure that border control and security officers receive appropriate training on human rights and refugee protection issues.
3. To guarantee access to effective legal protection for refugees who are in transit on international waters so as to avoid refoulement. This implies:
 - a. That a human rights or refugee agency is present at FRONTEX operations, so as to ensure legal aid.
 - b. In the course of rescue operations and interceptions, priority must be given to the safety of individuals on board. This involves their transfer to a safe place.
 - c. The identification of asylum seekers and the processing of asylum claims should be carried out on land.
 - d. Access to asylum procedure with all guarantees.
 - e. Improve reception conditions for those who arrive by sea. Rely on the NGO's, who have sufficient experience in protection and reception of asylum seekers and refugees, as key collaborators in this process.
 - f. Promote the adoption within the European Union framework of rules for the determination of the member State responsible for receiving individuals who are rescued at sea, facilitating the ability of the States to fulfil their obligations to protect and preserve the right to seek asylum, underlining at the same time their duty to preserve human life at sea.
4. To guarantee access to effective protection for refugees in transit in north-western African countries. This mechanism requires:
 - a. Implementing mechanisms for claiming asylum through diplomatic channels as established in Spanish law. When an individual expresses the wish to obtain international protection, this claim must be processed according to the provisions of Section 4(3) of the Asylum Act and Section 4 of its implementing Regulations. Depending on the situation of the applicant, the possibility of his transfer to Spain during the determination procedure must be considered under Section 16 of the Regulations.
 - b. Criteria regarding access to international protection must be included in agreements with third countries, establishing, in agreement with countries of transit, provisions relating to legal aid and the presence of international organizations in order to detect individuals in need of international protection.

- c. To establish application processing offices in the main ports of Mauritania, Senegal, and Gambia from which the joint patrols would operate.
 - d. To establish reception centres for individuals that opt for this procedure, until they can be urgently transferred to Spain or until they receive a decision.
 - e. Economic funding for diplomatic representation and for legal aid.
 - f. Involvement by the International Migration Organization (IOM) and the UNCHR during the derivation procedures
- 5 That immigration control activities carried out by Spanish authorities should be subject to judicial review and institutional monitoring, as by the Defensor del Pueblo (Ombudsman).
 - 6 To guarantee training in the fields of human rights and asylum (with special attention to gender and gender-related persecution issues) for officers who take part in border control operations. This training should be done in collaboration with UNHCR and the specialised NGO's.
 - 7 To ensure that readmission agreements with countries of transit are applied in full compliance with the principle of non-refoulement. Individuals must be given the opportunity to express their need for protection before being returned, in order to avoid direct or indirect refoulement to countries where they may be at risk of persecution.
 - 8 That all cooperation activities with third countries must take into account these countries compliance record with non-refoulement and human rights.
 - 9 To establish an independent body in charge of monitoring the human rights and refugee protection record of those countries with which Spain has readmission or resettlement agreements.



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United Nations

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- Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment.

Council of Europe

- European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights)

European Union

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- Regulation (EC) No. 863/2007 by the European Parliament and the Council of 11 July of 2007, which established a mechanism to create rapid border intervention teams and amending Council (EC) No. 2007/2004 of the Council, as regards that mechanism and regulating the tasks and powers of guest officers.

Spain

- Ley 5/1984, de 26 de marzo, reguladora del derecho de asilo y de la condición de refugiado [Asylum Act].
- Real Decreto 203/1995, de 10 de febrero, por el que se aprueba el reglamento de aplicación de la Ley 5/1984, de 26 de marzo, reguladora del derecho de asilo y de la condición de refugiado, modificada por la Ley 9/1994, de 19 de mayo [Asylum Regulations].
- Real Decreto 1325/2003, de 24 de octubre, por el que se aprueba el reglamento sobre regimen de protección temporal en caso de afluencia masiva de personas desplazadas. [Regulation on temporary protection status in the event of massive influx of displaced individuals].
- Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social [Aliens Act].
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El **derecho** amenazado

Campaña **contra la vulneración del asilo**
en el acceso a **Europa**



Eskubidea **arriskuan**

Europar **asilo hartzeko eskubidea**
urratzearen aurkako **kanpaina**



Rights **under threat**

Campaign **against the refusal of refugees'**
access to **protection in Europe**

organiza / antolatzailea / organization

financia / finantziazioa / sponsorship

