

Talk by Spain's Ombudsperson at the TAIEX Multi-Beneficiary Workshop on
Defending the Rights of Applicants for International Protection
Tirana, 13 November 2015

The road ahead: What role for Ombudsperson institutions? In which way can Ombudspersons contribute to defending the rights of applicants for international protection?

Which methods could be applied in the short and which in the long run? How can mutual cooperation be strengthened?

- I. The situation we are experiencing in Europe, which we can describe as a humanitarian emergency, forces us as Human Rights Institutions to be extremely concerned.

The control of migratory flows and the need for people wishing to enter Europe in a legal and orderly manner, must be compatible with respect to Human Rights and the international obligations of each country.

- II. According to the most recent figures provided by UNHCR this past October, more than 700,000 people have reached European shores by sea. The immense majority need international protection. The people arriving in Greece who want to travel to other European countries come from conflict zones such as Syria, Afghanistan and Iraq.
- III. The main challenge facing us is undoubtedly the need for the rapid identification of persons who attempt to enter Europe irregularly (that is to say, without the required legal documents) and are in need of international protection, thus distinguishing them from those who attempt to access our countries irregularly with the main objective of seeking a better life.
- IV. The consequences of failure in identifying early on these persons are several. They affect the credibility of the European system of international protection and, they also aggravate the conditions of special vulnerability in which they are found.
- V. The response to this situation must be unified and coordinated from the European Union. Only a unified emergency response from Europe will make it possible to effectively address the current crisis.

The average of 6,000 arrivals daily on European shores, calls for urgent actions, which have already been proposed by UNHCR has proposed such measures which we can use as a guide for putting forward proposals as National Human Rights Institutions, such as these:

1. Firm European support is necessary for the immediate creation of humanitarian reception facilities in Greece and for expanding existing facilities in Italy, with the capacity for receiving, providing assistance, registering and identifying the persons arriving by sea.

Without this reception capacity, the relocation programme cannot operate successfully, and the secondary movements will continue towards other countries.

2. Step up the relocation process of persons currently in Greece and Italy. This must be expanded with offers of quotas which EU countries have made, following the proposals by the European Commission.
 3. Reinforce the mechanisms for the return of those who do not need international protection and who have not been able to benefit from legal channels for regulating their stay, and do this with the support of FRONTEX and the IOM.
 4. Adopt urgent measures for stabilising the situation in areas bordering Europe. Increase the humanitarian aid funds and the structural support to countries receiving large refugee populations.
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On the 21st of October I personally experienced the generosity in the reception of refugees in Jordan, upon visiting the Zaatari refugee camp, which hosts 79,000 people. Spain is present through the Spanish Agency for International Development Cooperation.

Life in the camp is very difficult despite providing for the most basic needs. Zaatari is a city built for emergency situations because, there, people find protection, but it is not a city for living in permanently. The onset of winter is a concern for all: there could be a shortage of food, medicines and clothing. The Jordanian government provides security, water, electricity, schools and medical care, but is unable to give back to Syrians their city, their jobs or their families.

Zaatari is an admirable humanitarian endeavour but a glance at the near future of its inhabitants is devastating. What is going to happen to all those families in a country which has already received more than 1,400,000 refugees since 2011? Will they ever be able to return to their country of origin?

The Jordanians neither protest nor organise demonstrations in the face of the arrival of refugees. They ask for assistance to help maintain the refugee camps and for the growing needs of a population which has to share schools, teachers, hospitals, water supplies, electricity and other facilities, as well as jobs.

The Ombudsperson of Jordan asks what will happen in 2016 when they will not be in a position to meet the costs involved in this population increase.

The inhabitants of the Zaatari refugee camp all beg for the war to stop, because the end of the war would mean they would be able to return to their home country.

I would like to conclude my talk with two reflections. The first is the need to increase the legal opportunities for refugees to enter the European Union through resettlement programmes and facilitate family reunions through the granting of humanitarian visas.

The second is to recognise the solidarity shown by the majority of the countries in the European Union, and also by countries who are candidates for EU membership, such as Albania.

This humanitarian response must not allow us to lose sight of the fact that the root of the problem lies in the countries from which the refugees are fleeing. The indispensable reception of those who flee cannot be the solution for millions of people. It is absolutely necessary to exert influence to reach agreements with the countries where this crisis originates.

The E.U.'s foreign policy could be an instrument of mediation and pressure, if necessary, with respect to those who have the capacity for achieving an agreement.

Only peace will stop the human suffering we are witnessing, not impassively, but awareness that our humanitarianism, in this case, is not the end.