

(English version)

**Question for written answer E-001808/24  
to the Commission  
Irene Montero (The Left), Isabel Serra Sánchez (The Left)  
(24 September 2024)**

*Subject:* Spain's detention of 40 Sahrawis at Madrid airport

Forty Sahrawi people are being detained in a holding room at Barajas Airport (Madrid) after applying for asylum on the grounds that their lives will be in danger if they are deported to Morocco. Some 29 of them are on hunger strike. These people are being persecuted in the occupied territories of Western Sahara, for which Spain has a historical and legal responsibility as an administering power under international law.

Their prolonged detention could infringe the Charter of Fundamental Rights of the European Union, the right to human dignity, freedom and security, and the right to seek asylum. It could violate, too, the principle of non-refoulement, which prohibits the return of individuals to countries where they could face torture or inhuman treatment. It may also breach the Asylum Procedure Directive and the Reception Conditions Directive for applicants for international protection.

In view of this:

1. What urgent measures will the Commission take to ensure that Spain complies with the EU rules on asylum and the principle of non-refoulement?
2. What steps could it take to help protect the Sahrawi asylum seekers, given the occupation of Western Sahara and human rights violations in that territory?

Submitted: 24.9.2024

**Answer given by Ms Johansson on behalf of the European Commission  
(18 November 2024)**

The Commission is aware of the situation which the Honourable Members refer to. It is crucial that all Member States uphold their obligations under the EU *acquis*, which includes relevant provisions on detention of applicants for international protection, while fully respecting the principle of *non-refoulement* as a core principle of international refugee and human rights law.

The right to asylum is guaranteed by Article 18 of the EU Charter of Fundamental Rights, meaning that everyone fleeing persecution or serious harm in their own country has the right to ask for protection, regardless of where they are coming from.

As Guardian of the treaties the Commission is monitoring the effective implementation of the EU Charter of Fundamental Rights obligations as well as the EU law in the Member States.

Nevertheless, it is for Member States authorities to examine applications for international applications, in accordance with the rules set out in the EU law.

The Commission does not intervene in individual cases and as such it is not in a position to assess the specific case referred to by the Honourable Members.

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