

Death and Summary Returns at Europe's Doorstep: European Commission Must Investigate Border Practices in Ceuta and Melilla

14 February 2014. Jorge Fernández Díaz, Spanish Minister of Interior addressed yesterday the Parliament regarding the [death of at least 12 people](#) and the alleged summary return of 23 people from Ceuta last week. These people were part of a larger group of reportedly more than 200 attempting to enter the Spanish city of Ceuta on the North African coast.

The Minister acknowledged in Parliament the use of anti-riot material (rubber bullets and blank cartridges) to “deter” migrants from reaching Ceuta. Minister Fernández Díaz also confirmed that 23 people arrived at the Spanish beach of El Tarajal, in Ceuta, and were immediately handed over to the Moroccan authorities¹.

The Minister denied that the return of these 23 migrants was a “pushback” operation in violation of international human rights law. While admitting that the migrants had reached the Spanish beach of El Tarajal in Ceuta, the Minister argued that they had never arrived on Spanish territory as the migrants never passed a line of officers posted on the shore, and that therefore Spanish and European legislation was not applicable.

ECRE, Accem and CEAR seriously question such “creative” construction of the territorial scope of Spanish and EU legislation. When migrants set foot on Spanish soil, they are entitled to the rights laid down in Spanish and European asylum and migration legislation. If confirmed that the migrants concerned have been handed over to the Moroccan authorities without any consideration of their individual circumstances or their international protection needs, this would very likely constitute a violation of the principle of *non refoulement* as laid down in the 1951 Refugee Convention, the EU asylum acquis and the EU Charter of Fundamental Rights.

ECRE, Accem and CEAR urge the Spanish government to immediately stop all practices that endanger people's lives and impede their access to international protection. The allegations must be fully and independently investigated by the competent Spanish authorities. The three organisations also call on the European Commission to examine without delay possible breaches of relevant provisions in EU asylum and migration law, including the [EU Asylum Procedures Directive](#), the [EU Return Directive](#), and the [Schengen Borders Code](#), in particular with regard to access to asylum procedures and the right to an effective remedy.

The EU cannot turn a blind eye to these allegations of serious human rights violations and has to do everything in its power to ensure the respect of fundamental rights at its external borders.

¹ The abuse of migrants who have tried to cross into Spain's territories on the North-African coast by the Moroccan authorities has been [widely documented](#)

Further information

ECRE is a pan-European Alliance of 81 non-governmental organisations, including Spanish organisations Accem and CEAR, advancing the rights of all individuals who seek refuge and protection in Europe. Our mission is to promote the establishment of just and humane European asylum policies and practices in accordance with international human rights law.

Contact

ECRE – European Council on Refugees and Exiles

Ana López Fontal - Senior Press and Public Information Officer

afontal@ecre.org - Tel. +32 (0)2 212 08 12 - Mob. +32 (0)474 340 525

CEAR

Estrella Galán - Spokesperson

estrella.galan@cear.es – Tel. +34 649 245 210

Accem

María Tejada Gámez – Head of Campaigns and Communication

mtejadag@accem.es Tel. +34 91 532 74 78 – Mob. +34 696 25 9887