Today, Commissioner Muižnieks has submitted written observations to the European Court of Human Rights in relation to two complaints concerning alleged pushbacks of migrants from the Spanish city of Melilla to Morocco.

Basing his observations on his visit to Melilla in January 2015 as well as on other credible reports, the Commissioner underscores the existence of an established practice of summary returns of migrants who attempt to enter Melilla in groups by climbing the fence surrounding the city. “Such returns, which affect Sub-Saharan Africans in particular, take place outside of any formal procedure and without identification of the persons concerned or assessment of their individual situation. This prevents the persons concerned from effectively exercising their right to seek international protection” he writes in his third party intervention.

He also highlights that migrants who have been summarily removed from Melilla have no access to an effective remedy to challenge their removal or to seek redress for any ill-treatment they may have been subjected to during such operations.

Third party interventions represent an additional tool at the Commissioner’s disposal to help promote and
protect human rights. They are foreseen by the European Convention on Human Rights and are based on the Commissioner’s country and thematic activities. These observations do not include any comments on the facts or merits of the case, but provide objective and impartial information to the Court on aspects of concern to the Commissioner.