



PRESS RELEASE

Spain obliged to amend law on border expulsions

UN Committee Condemns Spain: Push-Back Policy Violates Children's Rights

Berlin/Madrid, 19 February 2019 – “This decision of the UN Committee makes me happy. I want the whole world to know about it and that these violations never happen again”, says D.D. from Mali. D.D. was pushed back from Melilla to Morocco as an unaccompanied minor in December 2014. He had climbed the border fences and entered into Spain, but the Spanish Guardia Civil immediately apprehended and handcuffed him, then returned him to the Moroccan forces. He was not identified as a minor and had no possibility to see a lawyer or translator. The case of D.D. is not an exception; it is representative of a long-standing systematic practice at the Spanish-Moroccan border. This policy has now been strongly condemned by the UN Committee on the Rights of the Child (CRC) in a [decision](#) that clearly upholds the rights of unaccompanied minors at Europe's borders.

This is the first decision on push-backs by the CRC. It came in response to a complaint submitted by D.D. in November 2015 with the support of the European Center for Constitutional and Human Rights ([ECCHR](#)) and [Fundación Raíces](#). The Committee found Spain's practice to be in violation of several provisions of the UN Convention on the Rights of the Child, namely the best interest of the child (Art 3), the special protection of unaccompanied minors (Art 20) and the prohibition of torture and inhuman or degrading treatment (Art 37). In order to prevent similar violations in the future, the decision obliges Spain to amend the special legal regime authorising automatic expulsions in Ceuta and Melilla. Furthermore, the Committee ordered Spain to compensate for the harm suffered by the complainant.

“The decision sets a precedent for the protection of the rights of unaccompanied minors not only at the Spanish-Moroccan border, but at land borders in general”, said ECCHR's partner lawyer Carsten Gericke, who is D.D.'s legal representative. The president of Fundación Raíces Lourdes Reyzábal added: “This case shows that Spain prioritises migration control over the protection of children. Spain has to stop disregarding basic rights at the border and implement the Committee's demands”.

The case of D.D. is part of a series of legal actions challenging [the push-backs](#) at Europe's borders. ECCHR also supports [migration cases in front of the European Court of Human Rights](#) (ECtHR). In October 2017, the ECtHR found that Spain's push-back practice violates the European Convention on Human Rights ([N.D. and N.T. v Spain](#)). A final decision by the Court's Grand Chamber is pending.

For further information on the case of D.D. v Spain, see: [ECCHR/Migration/Minors](#)

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