



PRESS RELEASE

Judgment in Strasbourg on the complaints of two refugees

Expulsions conducted by Spain at the EU's external borders violate the European Convention on Human Rights

Berlin/Strasbourg, 03 October 2017 – Spanish authorities systematically and often violently expel refugees and migrants at the border with Morocco. This long-standing practice of push-backs at the external borders of the European Union (EU) is unlawful. Automatic expulsions violate the European Convention on Human Rights (ECHR), [as the European Court of Human Rights \(ECtHR\) today ruled in Strasbourg](#). The judgment came in response to [two complaints against Spain](#) brought to the ECtHR in February 2015 by two refugees from Mali and Cote d'Ivoire based on the initiative and expertise of the European Center for Constitutional and Human Rights ([ECCHR](#)). The Court's decision states that Spain's push-back practices at the Spanish-Moroccan border are in violation of Article 4 Protocol 4 (prohibition of collective expulsions) and Article 13 (right to an effective remedy) ECHR.

N.D. and N.T. (whose names are anonymized for protection reasons) crossed the border fence structure in Melilla and entered Spain on 13 August 2014. The Spanish Guardia Civil apprehended them, along with approximately 70 other individuals from Sub-Saharan Africa who also had overcome the fences, in order to literally “push” them back to Morocco immediately – without access to any legal procedures or protection. Their complaints are supported by ECCHR in cooperation with [Brot für die Welt](#), and they are represented by ECCHR's cooperating lawyers in Madrid and Hamburg. In further ECtHR proceedings, ECCHR is supporting the complaints of refugees from Syria, Iraq, and Afghanistan against their unlawful expulsion near Idomeni at the Greek-Macedonian border.

“The litigation against Spain has an impact beyond the individual case. It sets a precedent in order to assert the fundamental right to have rights of refugees and migrants”, said ECCHR General Secretary Wolfgang Kaleck. “The ECtHR judgment clarifies that Spain's border regime violates human rights, because the Convention also applies at the external borders of the EU.”

ECCHR cooperating lawyer Gonzalo Boye said: “The Spanish government – in particular the Interior Minister Juan Ignacio Zoido – has to act now and repeal the law on the “Protection of Public Safety” (“Ley de protección de la seguridad ciudadana)”. This law, in force since April 2015, stipulates that people who try to cross the border fence structure of Ceuta and Melilla can be rejected, i.e. immediately returned to Morocco.

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