

PRESS RELEASE

N.D. and N.T. v. Spain

– A groundbreaking case for refugee and migrant rights

Grand Chamber of the ECtHR hears case on Spain's longstanding push-back practice at the border with Morocco

Strasbourg/Berlin/Madrid, 26 September 2018 – “My rights were violated by Spain. There needs to be measures to stop such harm from being done to other people. I still cannot accept that humans can treat humans like that. What I would like to see from this Court is that justice exists – even for those who are poor, vulnerable and do not have a voice,” said N.D. from Mali in a statement to the European Court of Human Rights (ECtHR) in Strasbourg. Today, the Grand Chamber of the ECtHR heard again a key case on unlawful push-backs at the Spanish-Moroccan border. In October 2017, the ECtHR [ruled](#) that Spain's practice of automatic expulsions violates the European Convention on Human Rights. The judgment followed complaints against Spain from [N.D. and N.T.](#) from Mali and the Ivory Coast who are seeking to enforce their fundamental right to have rights.

“N.D. and N.T. v. Spain before the European Court of Human Rights is a groundbreaking case for refugee and migrant rights,” says Wolfgang Kaleck, General Secretary of the European Center for Constitutional and Human Rights ([ECCHR](#)). “The ECtHR has to clarify two things: that the European Convention of Human Rights applies at the external borders of the EU and that refugees and migrants must have access to rights.” ECCHR's partner lawyer in Madrid, Gonzalo Boye, adds: “The ECtHR should not bend to the political interests of the Spanish or any other EU government, but must decide solely on the basis of the European Convention on Human Rights.”

In August 2014, N.D. and N.T. were directly pushed back to Morocco after they had crossed the border fence structure at Melilla. They were denied access to any legal procedures or protection. On the initiative and with the expertise of ECCHR, they submitted individual complaints to the ECtHR in February 2015. They are represented by ECCHR partner lawyers Carsten Gericke (Hamburg) and Gonzalo Boye (Madrid).

In other proceedings before the Court in Strasbourg, ECCHR is supporting refugees from Syria, Iraq and Afghanistan in their complaints against brutal push-backs near the [Idomeni](#) camp on the Macedonian-Greek border.

For more information about the case of N.D. and N.T. v. Spain see: [ECCHR/Melilla](#)

Contact ECCHR

Anabel Bermejo: Tel.: + 49 (0)30 6981 9797 / Mob.: + 49 (0)172 587 0087 / E-Mail: bermejo@ecchr.eu

Contact Gonzalo Boye: Tel.: +34 91 401 4330 / E-Mail: g.boy@be-abogados.com