



PRESS RELEASE

The Migrants with Rights Campaign applauds the European Court of Human Rights' judgment against Spain for the practice of summary expulsions

The judgment made public yesterday in Strasbourg supports one of the claims raised by Caritas, CONFER, the Social Sector of the Society of Jesus and Justice and Peace

Madrid, October 3, 2017.- The Catholic Church entities in Spain that work with migrants and refugees, and that drive the campaign "Migrants with rights" -Cáritas, CONFER (Spanish Conference of Religious), the Social Sector of the Company of Jesus and Justice and Peace - applaud the judgment of the European Court of Human Rights (ECHR) made public yesterday in Strasbourg on the summary expulsion of two people carried out on 13 August 2014 on the border of Melilla.

The judgment, unfavorable for Spain, confirms that these two persons were returned to Morocco without due observance of the guarantees and in the framework of a process subject to multiple irregularities. It is a practice that we have repeatedly denounced from our organizations and which, as the sentence now corroborates, violates the rights of migrants.

In its judgment, the European Court notes, inter alia, that it was a collective expulsion, contrary to the provisions of Article 4 of Protocol No. 4 of the Convention for the Protection of Human Rights and Fundamental Freedoms. It also considers that, because of the summary expulsion, any recourse to the applicants was prevented, which would have enabled them to submit to a competent authority infringement of their right not to be subject to collective expulsion. Therefore, the Court considers that there is also a violation of art. 13 of the Convention in relation to art. 4 of Protocol 4 to the Convention.

It is important to note how the judgment dismantles the claim of the Government of Spain, which understood that the victims of the return had not entered Spanish territory when they were rejected while crossing the border containment elements, applying what he calls "border operational concept." In this regard, it states without question that a State (Spain) cannot unilaterally change the borders of its territory with those of another State (Morocco) to respond to the needs of a specific situation.

We draw attention to the fact that this case has been solved by the ECHR thanks to the graphic testimony (a video in which the complainants were acknowledged) collected by journalists who were in the vicinity. Unfortunately, this is an exceptional situation, since border containment operations occur outside the outbreaks and without witnesses. Hence the importance of publicizing these cases, which give visibility to the objective dangers to which migrants and refugees subjected to summary expulsions are exposed.

This judgment should serve to eradicate irregular practices in the field of immigration and human rights, which, as the European Court confirms, cannot be accommodated in a Member State of the European Union. Therefore, we urge the Government to proceed with the immediate repeal of the provisions of the 10th Additional Provision of Organic Law 4/2000 on the rights and freedoms of foreigners in Spain.

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