

Ref: CommHR/DM/sf 020-2022

Mr Fernando GRANDE-MARLASKA GÓMEZ
Minister of Interior of Spain

Strasbourg, 1 July 2022

Dear Minister,

I have been closely following developments regarding the human rights of refugees, asylum seekers and migrants in Spain, in particular at the borders of Ceuta and Melilla. Accordingly, I am writing to you with regard to the tragic events in the context of the attempted crossings of the fence between Nador, in Morocco, and Melilla on 24 June.

I have received information indicating that at least 23 people reportedly died in the attempt, while many others were injured. According to the [Spokesperson for the UN High Commissioner for Human Rights](#), this is the highest number of deaths that has been recorded in a single incident over the past years in similar attempted crossings via the Spanish cities of Melilla and Ceuta. Moroccan and Spanish law enforcement authorities have also reportedly sustained injuries. While condemning the use of violence by all actors, I note that there have been many allegations of the use of excessive force by Moroccan officials against persons who were trying to climb the fence.

In this connection, I have also received information indicating that co-operation in the area of migration control between Morocco and Spain reportedly leads to coordinated actions between the two countries that may expose migrants and asylum seekers to the risk of human rights violations. While all states have the right to control their borders, and to engage in co-operation with other states in doing so, this must be done in full compliance with all applicable international human rights standards. In this respect, it is also crucial that Council of Europe member states do not, directly or indirectly, contribute to human rights violations through measures taken to implement their migration co-operation with third countries.

Considering the severity of the 24 June events at the border of Melilla, I urge your authorities to conduct an independent, full and effective investigation into these events. In my view, such an investigation should also particularly look at the wider circumstances and policies related to Spain's migration co-operation with Morocco, with a view to preventing future tragedies and ensuring that any policies in place do not violate human rights standards.

More generally, as I highlighted in my 2019 [Recommendation](#) on saving lives at sea, its 2021 [follow-up report](#), and my recent [Recommendation](#) on preventing and ending pushbacks, it is crucial that Council of Europe member states enhance transparency and accountability in relation to their border control practices, especially when these involve co-operation activities with third countries. This includes making human rights impact assessments before engaging in such activities, developing risk mitigation strategies, and ensuring independent monitoring of the human rights impact of these activities. In this regard, I would be grateful if you could keep me informed of your government's intended steps to ensure that co-operation in the field of migration and border control prioritises human rights in full compliance with Spain's international obligations, including ensuring genuine and effective access to asylum, the prevention of *refoulement*, the humane treatment of every individual regardless of legal status, and the observance of procedural safeguards in case of expulsion.

Lastly, I recall that ensuring the availability of sufficient safe and legal routes is a crucial element of a human rights compliant approach to addressing irregular migration and preventing people from undertaking dangerous journeys.

I look forward to receiving your reply and continuing our fruitful dialogue on this and other topics.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Dunja Mijatović', with a large loop at the end.

Dunja Mijatović