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Mr José Luis ESCRIVÁ BELMONTE

Minister for Inclusion, Social Security and Migration of Spain

Mr Fernando GRANDE-MARLASKA

Minister for Home Affairs of Spain

Strasbourg, 27 August 2020

Dear Ministers,

I am writing to you concerning the situation of the migrants, including asylum seekers, who are currently accommodated in the bullring (“plaza de toros”) of Melilla, following the prolonged lockdown of the reception centre for migrants in Melilla (CETI).

I have been informed that around 500 persons are currently living in substandard conditions in the “plaza de toros”, including several persons with potential international protection needs. The building is not adequate for the reception and long term stay of migrants and asylum seekers. Reports which have been brought to my attention indicate limited access to showers and toilets, lack of provision of hygiene products and serious overcrowding, which also makes it difficult to respect social distancing measures imposed in the context of the COVID-19 pandemic. No identification of vulnerable persons or medical screening is reportedly taking place.

Of particular concern is the situation of the persons placed in quarantine as it appears that their living conditions are even more precarious as regards access to toilets and showers, natural light and sufficient water and food. Moreover, some of these persons have reportedly had to undergo quarantine for more than the prescribed two weeks. It is also of concern that those in quarantine could reportedly not register an asylum claim during the quarantine period.

I have also been informed that the security situation has at times been problematic, with fights and thefts being reported, as well as some allegations of excessive use of force by security personnel. While noting that a private security company has been entrusted with the management of the “plaza de toros”, I wish to stress that, ultimately, it is the authorities’ responsibility to ensure that the facility’s management fully respects human rights.

I am aware of the difficulties posed by the need to accommodate new arrivals while at the same time implementing measures to avoid further spreading of the pandemic in Melilla. However, the situation prevailing in the “plaza de toros” does not appear to be adequate from a human rights point of view and I urge you to find alternatives to accommodating migrants, including asylum seekers, there. I would be grateful if you could inform me of the actions that are foreseen in order to remedy this situation.

I would also like to stress that any measure impacting on the right to liberty, such as quarantine, should be held in adequate conditions and should be strictly limited in time. Moreover, it is crucial to guarantee access to asylum proceedings to all potential claimants, notwithstanding the challenges faced by the authorities due to the COVID-19 crisis. In this regard, I encourage you to facilitate access to the “plaza de toros” for relevant actors providing information and assistance in accessing international protection and monitoring material conditions, as well as to lawyers.

I understand that in previous months, about 50 vulnerable persons have been taken out of the CETI to be accommodated in a hotel. I also note that two transfers of about 200 persons in total to the mainland took place in April and May. These are welcome developments, which should be extended to more persons, in particular asylum seekers and vulnerable persons, in order to alleviate the pressure on Melilla's limited reception capacity and provide more human rights compliant options.

In this context, I noted with particular interest two Supreme Court decisions of 29 July 2020 confirming that persons who requested asylum in Ceuta or Melilla have the right to freedom of movement in Spain. You will remember that my Office has repeatedly expressed concerns about the lack of legal basis and of transparent criteria as regards the policy of limiting transfers of asylum seekers to the mainland. I would be grateful if you could share with me further information on the authorities' plans as regards the implementation of these decisions, which should in principle result in an easing of transfers to the mainland.

Lastly, I am dismayed by continuing reports over the last weeks of persons drowning trying to reach the Spanish shores, especially the Canary Islands. In this context, while noting with appreciation the valuable work of the Spanish search and rescue services, I would like to draw your attention to a [Recommendation](#) I issued in 2019 entitled: "Lives saved. Rights protected. Bridging the protection gap for refugees and migrants in the Mediterranean". While this analysis is mainly based on the situation in the Central Mediterranean, it provides detailed recommendations in such areas as ensuring effective search and rescue, the prevention of *refoulement* and collective expulsions, and the safeguarding of human rights when co-operating with third countries, all of which may be useful to the Spanish government in shaping its response to sea crossings. I am at the disposal of the Spanish authorities to discuss further the recommendations contained in this document.

I look forward to receiving your reply and continuing our constructive dialogue on these and other human rights issues.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Dunja Mijatović', with a large, stylized initial 'D'.

Dunja Mijatović