



PRESS RELEASE

Automatic expulsions at the Spanish-Moroccan land border under legal scrutiny

European Court of Human Rights questions Spain on “push backs” of refugees and migrants

Berlin / Madrid, 31 July 2015 – For the first time an international court will consider the unlawfulness of automatic expulsions – also known as “push backs” or “*devoluciones en caliente*” – at the Spanish-Moroccan land border. On 30 July 2015, the European Court of Human Rights (ECtHR) published its first decision on a case brought by two sub-Saharan men - from Mali and the Ivory Coast respectively - who were summarily and collectively expelled from Spanish territory on 13 August 2014 as part of a group of over 75 individuals. This was not an isolated case, but the standard practice of Spanish border guards. Now, the ECtHR requests an answer from the Spanish government to the applicants’ claim that their rights under the European Convention on Human Rights were violated.

The European Center for Constitutional and Human Rights (ECCHR) in Berlin has been working with the two applicants and their communities for over a year. At the ECtHR the applicants were represented by ECCHR’s cooperation attorneys, Gonzalo Boye (Spain) and Carsten Gericke (Germany). “*We welcome the Court’s decision because illegal push-backs or forced returns at the EU borders like those in Spain represent a flagrant violation of fundamental human rights and refugee laws,*” said ECCHR’s General Secretary Wolfgang Kaleck.

Spain has been heavily criticized by a number of international institutions and organizations for its longstanding practice of push backs and for the recent implementation of a new law which seeks to legalize them. Spanish Interior Minister Fernández Días has continued to assert that push backs are legal and do not breach national or human rights law. The applicants’ Spanish lawyer, Gonzalo Boye, added: “*Any ruling that push backs are in violation of the applicants’ rights under the European Convention on Human Rights would imply that Spain’s new law on collective expulsions itself is incompatible with the Convention and should be amended.*”

The ECtHR’s decision ([here](#)) in *N.D. and N.T. v. Spain* (8675/15 and 8697/15) is a first step and the Court’s questions to the Spanish government go to the heart of the subject, namely the prohibition, under the European Convention, of collective expulsions without individual process. Now Spain is requested to provide information on the procedures and identification measures taken at the time of the applicants’ expulsion.

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