



Plenary sitting

B9-0323/2021

8.6.2021

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 144 of the Rules of Procedure

on Breach of the UN Convention of the Rights of the Child and the use of minors by the Moroccan authorities in the migratory crisis in Ceuta (2021/2747(RSP))

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on behalf of The Left Group

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European Parliament resolution on Breach of the UN Convention of the Rights of the Child and the use of minors by the Moroccan authorities in the migratory crisis in Ceuta (2021/2747(RSP))

The European Parliament,

- having regard to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the UN Convention on the Rights of the Child;
 - having regard to the Geneva Convention of 1951 and the additional protocol thereto, and in particular the right to non-refoulement,
 - having regard to the Council conclusions of 8 June 2017 on the protection of children in migration,
 - having regard to the its resolution of 3 May 2018 on the protection of migrant children and the Commission communication of 12 April 2017 on the protection of children in migration,
 - having regard to the EU Guidelines of 6 March 2017 for the Promotion and Protection of the Rights of the Child: Leave no child behind,
 - having regard to the IOM statement on recent arrivals in Ceuta Spain, of 27 May 2021,
 - having regard to the Council of the EU statement on reaffirming its solidarity with Spain in the Ceuta crisis, of 25 May 2021,
 - having regard to Rule 144 of its Rules of Procedure,
- A. Whereas between 17 and 18 May between 8,000 and 10,000 women, men and children arrived in Ceuta; whereas there are entire families and between 2,000 and 3,000 unaccompanied minors;
- B. whereas according to the allegations, Moroccan border guards encouraged the migrants to cross the border; whereas many of them were minors who did not even notify their families; whereas many Moroccan families are desperately searching for their missing children; whereas the King of Morocco accuses European countries of delaying the return of minors to their families; whereas, however, there are clear procedures laid down by national and international regulations governing the return of minors; whereas no minor should be repatriated to Morocco without the consent of the minor and of the parents; whereas from the beginning of June, Moroccan authorities are accused to block returns of those who voluntarily wanted to leave Ceuta, including some minors;
- C. whereas at least three people died in the attempt to cross the borders; whereas on 6 February 2014, on the same border, 15 people died at sea as a result of the action of security forces, who used rubber bullets to prevent them from reaching land and this case still remains in impunity;
- D. whereas the Spanish government deployed the army and even tanks in the area, and ordered the use of riot control equipment to contain the arrival of migrants; whereas

Spanish soldiers and police officers physically dragged people to the border fence, chased after some with batons and fired tear gas to people on the other side to disperse and discourage them from crossing; whereas attacks on minors by members of the Spanish army, have been reported;

- E. whereas more than half of people including children, have been expelled to Morocco, a number that includes both collectively and forcibly expelled and voluntary returnees; whereas, according to the government, the returns have been carried out within the framework of the agreement between Spain and Morocco, which facilitates express returns contrary to international human rights law and the European Convention on Human Rights; whereas this agreement does not apply to Moroccan citizens as it is explicitly stated in the Spanish Official State Bulletin;
- F. whereas the collective and forced returns were carried out, without any safeguards making it impossible to identify vulnerable people and children to ensure that they receive adequate information, legal assistance and request asylum; whereas people who have expressed their intention to seek asylum or who already have an asylum application in process have been returned to Morocco;
- G. whereas unaccompanied children should not be subject to forced returns; whereas on 27 May 2021 the Ceuta Prosecutor's Office opened Criminal Information Proceedings for the pushbacks of children based on footages where children were handed by the army, abandoned in inflatable floats at sea, and left unattended while roaming around and sleeping rough;
- H. whereas hundreds of unaccompanied children were crammed into industrial warehouses to undergo a ten-day quarantine under police watch, while others are sleeping rough in the streets; whereas the conditions of the shelters have been described as inadequate with many children having had to sleep on the floor and to go days without hot meals;
- I. whereas on 2 June, the Spanish Ombudsman called on the authorities to fulfil the undocumented children schooling rights and to enforce relocation mechanism to the Spanish regions based on solidarity and to stop automatic push backs of foreigners;
- J. whereas while acknowledging the call from Spanish Ministry of Social Rights and 2030 Agenda to Regions to host children in their territories and the commitment to host about 200 children, 800 identified children and an unknown number of children sleeping rough are not yet included in any relocation program;
- K. whereas migrants, human rights defenders and aid volunteers of NGOs in Spain have been targets of xenophobic and sexist online abuse; whereas right-wing groups have instrumentalised the humanitarian crisis to serve their own racist agenda;
- L. whereas the first agreement between Spain and Morocco on migration control dates back to 1992; whereas Morocco is, after Turkey and Libya, the third country that has received most funding from the EU for migration control; whereas since 2014 the EU has given Morocco 343 millions of euros to intercept people attempting to seek safety in Spain, among which European Trust Funds projects; whereas 32 million euros were

allocated to Morocco directly by the Spanish Government in summer 2019; whereas this time, the Spanish government approved again an allocation of 30 million euros to Morocco for migration control and border management;

- M. whereas in response to the humanitarian crisis, the Moroccan ambassador in Spain, stated that 'there are acts that have consequences and they have to be assumed'; whereas on 18 April Spain accepted the reception of the leader of the Polisario Front, Brahim Gali, to be treated for COVID-19 in a Spanish hospital, a decision that Morocco rejected; whereas in December 2020, the US recognised Morocco's sovereignty over Western Sahara and since then the Moroccan authorities have been pressuring the EU and its member states, in particular Spain, to follow the US decision;
- N. whereas Western Sahara is a separate and distinct territory in relation to any State, including Morocco; whereas in Western Sahara, Moroccan authorities continue to harass activists supporting Sahrawi self-determination, who are subjected to arbitrary imprisonment, surveillance, physical and verbal violence including sexual assault; whereas reprisals against Sahrawi human rights defenders and their families have increased over the last few months, especially since Morocco broke the ceasefire in Guerguerat.;
- O. whereas the Morocco-Spain border is the most unequal in the world; that the GDP per inhabitant in Spain is \$30,000 and in Morocco \$3,000; whereas most of the people who arrived in Ceuta were Moroccans;
- P. whereas Moroccan authorities continue to crack down on street protests, obstruct human rights groups, and harass journalists, activists, and everybody critical of the monarchy; whereas human rights defenders and journalists in Morocco have been operating in an increasingly restrictive environment and run the risk of being criminalised for speaking out online under the criminal code, antiterrorism law, and press code; whereas critical journalists such as Soulayman Raissouni (currently on hunger strike) Omar Radi, Taoufik Bouachrine, Imad Stitou and Chafik Omerani remain in prison; whereas dozens of people, serve long prison terms after unfair trials for politically motivated offenses; whereas some detainees have also reported suffering torture;
- Q. whereas since the protests broke out in 2016, hundreds of Rifians have reached Spanish coast fleeing the repression they are suffering in the Rif where hundreds of people have been and are victims of arbitrary arrests, unfair trials and torture, as already noted in Amnesty International's report of 17 December 2018; whereas 12 Rifian political prisoners remain imprisoned for their role in the 2016 and 2017 demonstrations and for their defence of Hirak and political prisoners;
- R. whereas dozens of Rifians have arrived in Ceuta; whereas at least 23 of them, including minors, want to seek international protection but the lack of information and the military and police presence keep them away from urban centres and force them to live in subhuman conditions; whereas these people report having suffered threats in which they are warned that if they give statements to the press, they will be attacked when they are deported to Morocco;

- S. whereas the growing securitization of borders and the aim to reduce migration from Morocco towards the European Union have led to unjustifiable deaths, serious and systemic violations of human rights with migrants illegally detained in very difficult conditions and deportations to regions far from transit routes; whereas in 2021, Morocco has been carrying out campaigns of mass arrest and forcible displacement of African migrants to remote areas in the south of Morocco leaving them with no food or water;
- T. whereas prominent migrants rights defender Helena Maleno Garzon was expelled from Morocco on 27 January 2021, with the complicit involvement of the Spanish Ministry of Interior, after being a resident for 20 years, because of work providing humanitarian assistance to migrants, including at sea; whereas this is the culmination of years worth of judicial harassment, physical surveillance, and reprisals against the woman human rights defender and her family.
1. Strongly denounces and condemns Moroccan authorities for using people's lives, including minors and its own citizens, with the aim of altering the political positions of Member States or of the European Union; points out that the attempt to force the European Union to abandon multilateralism, to empty the United Nations resolutions on Western Sahara of their content and to support an approach that is outside international law is unacceptable;
 2. Strongly asks Moroccan authorities to stop using migrants' lives, to obtain its political goals;
 3. Affirms that the arrival of thousands of people to Ceuta once again shows that the policies of externalisation of borders not only do not offer lasting and permanent solutions to human mobility, but also normalized the violations of human rights and favour the instrumentalisation of people in migratory processes to exert political pressure;
 4. Denounces the mistreatment and use of violence against migrants ; condemns a long-standing systematic practice at the Spanish-Moroccan borders of push backs of migrants and unaccompanied minors; reiterates that the use of violence against migrants, in particular against unaccompanied minors, and the collective expulsions of more than half of those arriving in Ceuta violates international law and its conventions, including European conventions,
 5. Urges Spanish authorities to immediately halt the collective expulsions and pushbacks of migrants; calls on Spain to ensure that all those who intend to seek asylum have access to individualised and fair asylum procedures, as enshrined inter alia in Art. 4 of Protocol No. 4 of the European Convention on Human Rights and Art. 19 of the Charter of Fundamental Rights of the EU; to guarantee that vulnerable migrants receive appropriate medical treatment and psychological support; and to respect and fulfil Art. 31 of the 1951 Refugee Convention, that recognises that, in order to seek asylum, migrants are often compelled to arrive, enter or stay in a territory irregularly;
 6. Calls for special attention to migrants of Rif origin who intend to seek asylum as they

are fleeing militarisation, repression and lack of alternatives in the Rif;

7. Stresses that the return of the minors should be done solely on a voluntary and case-by-case basis, by upholding the child's safety and interests above everything else; reminds that the pushbacks of minors is a violation of several provisions of the UN Convention on the Rights of the Child, namely the best interest of the child (Art. 3), the special protection of unaccompanied minors (Art. 20) and the prohibition of torture and inhuman or degrading treatment (Art. 37);
8. Demands that the safety of unaccompanied minors be guaranteed, their comprehensive care from authorised centres that ensure dignified treatment in all its facets and that prevent any situation of aggression or danger to their persons;
9. Acknowledges the efforts of the Ministry of Social Rights and 2030 Agenda in guaranteeing the best interests of the minor, in the identification of girls, boys and adolescents who have crossed the Ceuta border from Morocco and in the regrouping processes;
10. Welcomes that an inter-territorial Council was convened urgently to ensure the co-responsibility of the other Autonomous Communities in caring for these children; welcomes that the transfer of 200 boys and girls who were previously in Ceuta, to protection centers in other Autonomous Communities was approved, ensuring their best care and helping to guarantee the rights of those who have just arrived; calls on the Spanish authorities to urgently relocate the remaining unaccompanied minors as well as families with children and vulnerable people to the mainland;
11. Recognizes that, in addition, the Government has approved -at the proposal of the Ministry of Social Rights and 2030 Agenda- an extraordinary budget item of €5M, which will be distributed among the Autonomous Communities according to the number of children from Ceuta that they take in to support the Autonomous Communities in their (exclusive) competence to care for children and adolescents;
12. Regrets that hundreds of unaccompanied children have been crammed into industrial warehouses, while others are sleeping in the streets in Ceuta; calls on the Spanish authorities to guarantee that everyone, and unaccompanied children in particular, has access to dignified accommodation, and to ensure full access to formal and inclusive education under the same conditions as national children;
13. Calls on the Commission and the Spanish authorities to ensure the implementation of safeguards and procedural rights for children in the Common European Asylum System, with a particular focus on swift family reunification processes in line with Directive 2003/86/EC, access to adequate reception conditions, social and medical care, the timely appointment of qualified legal representatives and guardians for unaccompanied minors, and access to child-friendly information;
14. Demands a radical change in Spanish and European migration policies, putting an end to the externalisation of borders, facilitating legal pathways for safe and dignified migration, building legal channels for people seeking international protection and establishing an automatic distribution system between member states, based on solidarity, shared responsibility and a dignified reception;

15. Points out that subcontracting countries that do not respect human rights such as Morocco, to control our external borders results in thousands of people having their rights violated with our complicity; reiterates that the repressive nature of EU migration policy not only has given rise to systemic violations of human rights and brutality against migrants but also has empowered the autocratic regime in Morocco;
16. Urges the Moroccan authorities to respect their international obligations regarding migrants' rights and human dignity; stresses that the inhuman treatment of migrants through arrests and violations cannot be justified in any way; calls on Morocco to stop arresting and intimidating African migrants, to end illegal operations aimed at deporting migrants from the border areas, and to enable migrants to exercise their rights and integrate them into Moroccan society;
17. Deplores Morocco's crackdown on fundamental rights and on human rights defenders, lawyers, protesters, journalists, bloggers, children, women's rights activists, LGBTI people, civil society organisations, political opponents and minorities;
18. Deplores that the European Union and its member states have historically ignored the human rights violations committed by the Moroccan regime in particular against the Rifian and Saharawi people; reiterates that political, economic and commercial interests must never come over respect for and guarantee of human rights and international law;
19. Strongly condemns the expulsion of woman human rights defender Helena Maleno Garzon from Morocco, with the complicity of the Spanish Ministry of Interior, and calls for her residence in Morocco to be immediately and unconditionally reinstated and for her to be able to carry out her legitimate human rights activities free from reprisals;
20. Calls the EU and its Member States to urge Morocco for the immediate and unconditional release of political prisoners detained for peacefully exercising their rights to freedom of expression and assembly including Saharan and Rifian political prisoners, notably Nasser Zefzafi, 2018 Sakharov Prize finalist;
21. Deplores the flagrant human rights violations committed in Western Sahara, from the violation of freedom of expression and assembly, the torture and ill-treatment reported by political prisoners, the unfair trials, the repression during demonstrations (including cases of torture and killings), and the prohibition of free entry to the occupied territories for observers and the international press;
22. Reiterates that the EU and its Member States do not recognise the sovereignty of Morocco over Western Sahara; stresses that Western Sahara is a separate and distinct territory in relation to any State, including Morocco;
23. Urges on the EU and the Member States to support the self-determination and decolonization efforts of Sahrawi people by ensuring an urgent, just and lasting solution to the conflict in Western Sahara, based on the right to self-determination of the Saharawi people and in accordance with the relevant UN Resolutions;
24. Denounces that human rights violations in both occupied Western Sahara and Morocco contravene the human rights clause, which is considered in legal terms as an essential element of trade agreements ratified by the European Union, and therefore calls for the

suspension of the trade agreements;

25. Calls on the EU, to establish clear benchmarks that make cooperation with Morocco conditional on progress in the rule of law and human rights, to mainstream human rights concerns and to raise with Moroccan authorities cases of human rights defenders attacked;
26. Stresses the need to focus EU financial support to Morocco on projects protecting migrants and refugees in Morocco instead of the current disproportionate focus on migration control and border management, notably via the EUTF for Africa;
27. Stresses further that European financial support, including for development, must not be made conditional on cooperation in migration matters such as border management or readmission agreements;
28. Expresses its solidarity and support for the people of Ceuta who are an example of solidarity and coexistence;
29. Expresses its concern over the instrumentalisation of this humanitarian crisis by right-wings groups which are misusing the situation to attack the work of human right defenders and volunteers as well as to fuel racism and discrimination against migrants; condemns xenophobic and negative discourses on migration which risk damaging the social trust and social cohesion of our societies; underlines that the rights of those who provide humanitarian assistance should be fully protected and calls the EU to protect solidarity and migrant rights;
30. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President / High Representative of the Union for Foreign Affairs and Security Policy, the parliaments and governments of the Member States, the President and Government of Morocco, the African Commission on Human Rights and Peoples' Rights, the UN general secretary and UN relevant bodies.