



Plenary sitting

B9-0349/2021

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 the 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 Verts/ALE Group

B9-0349/2021

European Parliament resolution on the 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 EU-Morocco Association Agreement of 2000,
- having regard to the Universal Declaration of Human Rights of 1948, and in particular Articles 13 and 14 thereof,
- having regard to the Convention Relating to the Status of Refugees of 1951 and the additional protocol thereto,
- having regard to the Convention on the Rights of the Child of 1989 and the additional protocols thereto,
- having regard to the Global Compact for Safe, Orderly and Regular Migration and the Global Compact on Refugees, adopted by the UN General Assembly in 2018,
- having regard to the OHCHR’s Recommended Principles and Guidelines on Human Rights at International Borders,
- having regard to its previous resolutions on migration-related issues, in particular its resolution on human rights protection and the EU external migration policy of 19 May 2021,
- having regard to its resolution on children’s rights in view of the EU Strategy on the rights of the child, of 11 March 2021,
- having regard to the outcome of the special European Council meeting of 24-25 May 2021, during which the situation in Ceuta was discussed,
- having regard to the press remarks by High Representative Josep Borrell after the Foreign Affairs Council on 18 May 2021; having regard to the statement on the situation made by Commissioner Schinas and the phone conversation between Commissioner Varhelyi and Moroccan Foreign Minister Nasser Bourita;
- having regard to the press conference of Moroccan Foreign Minister Nasser Bourita on 20 May 2021 in relation to the developments in Ceuta and to his press release of 31 May,
- having regard to the rulings of the Court of Justice of the European Union (CJEU) on Western Sahara, which among others ruled on the separate and distinct nature of Western Sahara from Morocco and required that the EU seek the prior consent of the Saharawi people for any of its dealings with the territory;
- having regard to statements by international civil society organizations in relation to the recent crisis in Ceuta, including by Amnesty International, Euromed Human Rights

Network and Oxfam,

- having regard to Rule 144 of its Rules of Procedure,
- A. Whereas on 17 May 2021, Morocco temporarily suspended its controls at the border with the Spanish enclave of Ceuta, thus enabling an unprecedented influx of close to 9,000 persons, mostly Moroccan nationals, into Ceuta, who entered by swimming around or climbing over the 10-metre border fence in the span of 48 hours; whereas these persons included at least 1,500 children between the ages of seven and fifteen; whereas many of them had to be rescued at sea, and at least three young Moroccans died in and on their way to Ceuta;
- B. Whereas tensions between Spain and Morocco had been mounting since the decision of the former to allow the President of the Saharawi liberation movement Front Polisario, Brahim Ghali, to seek medical treatment in Spain in April; whereas Morocco recalled its ambassador to Spain for consultations on 18 May;
- C. Whereas several statements by Moroccan officials, including the Minister for Human Rights and the Foreign Minister, indicate that the passive border enforcement by Rabat was a direct retaliation for the provision of medical treatment to President Ghali;
- D. Whereas the recognition by the Trump administration in December 2020 of Moroccan sovereignty over Western Sahara, two thirds of which have been illegally occupied by Morocco since 1975, has led Rabat to seek further international recognition of its hold onto the territory, notably by the former colonial power, Spain; whereas to date, no government except the USA, has recognised Moroccan sovereignty over Western Sahara which is considered by the United Nations as a non-self-governing territory;
- E. Whereas the current Spanish-Moroccan tension comes in the wake of an unprecedented diplomatic crisis between Morocco and Germany; whereas in March 2021, Rabat suspended all diplomatic ties with Germany and recalled its ambassador; whereas Moroccan media have linked this diplomatic spat to Rabat's displeasure with Berlin's position on Western Sahara;
- F. Whereas the Ceuta administration has put in place a hotline for families to search for their missing children; whereas a number of the unaccompanied children have been returned through family reunification and tracing assistance while 1.100 of them have been registered by the local authorities and are currently hosted in cramped conditions in industrial warehouses in Ceuta; whereas approximately 400 children, including some very young ones, are sleeping rough around the city; whereas before the latest influx, 490 Moroccan children were already living on the streets of the enclave;
- G. Whereas to date, 7,500 of these migrants have already been returned to Morocco under a bilateral Spain-Morocco arrangement; whereas some human rights organizations have denounced these returns as illegal collective expulsions and have also decried acts of violence by Spanish forces, including against children, during their attempted entry into Ceuta; whereas Spain's General Prosecutor has opened an inquiry into whether any migrants under the age of 18 were among those expelled, as reported by civil society groups;

whereas Spanish media have recently reported that Morocco was blocking further deportations;

- H. Whereas returns from all areas where the State exercises jurisdiction or effective control, including extraterritorially, should be strictly carried out in accordance with international law and with due procedural guarantees; whereas arbitrary or collective expulsions that violate the principle of non-refoulement and/or the prohibition of collective expulsion are illegal under international human rights and EU law;
- I. Whereas on 1st June, the Moroccan King instructed the country's government to facilitate the re-admission of all identified unaccompanied Moroccan children who are currently in the EU without regular papers; whereas the best interests of the child must be a primary consideration in all decisions involving children;
- J. Whereas under the UN Convention on the Rights of the Child, host countries must guarantee all rights under this Convention to migrant children, including in relation to border control and return;
- K. Whereas the situation in Ceuta was discussed at the Foreign Affairs Council of 18 May 2021, following which High Representative Borrell expressed "full European solidarity and support" to Spain; whereas Borrell insisted that "Ceuta is on the European Union's border with Morocco and that the EU will do all the necessary to assist Spain in these difficult moments"; whereas Borrell recalled that the EU had a strong and strategic association with Morocco of which migration management constituted an important aspect and that must be carried out in a spirit of cooperation and dialogue;
- L. Whereas at the special European Council meeting of 24-25 May 2021, EU leaders reaffirmed full support for the Spanish Government and stressed that "Spanish borders are European borders";
- M. Whereas local media have reported several violent incidents of migrants being threatened by locals and subjected to physical assault; whereas the Spanish far-right party Vox has sought to enflame anti-migrant sentiment, including through holding unauthorized demonstrations in the enclave;
- N. Whereas Morocco is the country that enjoys the highest level of EU assistance per capita among those of the EU's Southern Neighbourhood, as well as a privileged status under this policy; whereas for the period 2014-2020, the EU's bilateral assistance to Morocco under the European Neighbourhood Instrument amounted to €1.4 billion, while under the EU External Investment Plan, Morocco has benefited from over €11.5 billion of investment since 2007;
- O. Whereas since 2018, the EU and its Member States have granted €343 million to Morocco for border and migration management; whereas on 18 May, the Spanish government decided to allocate an additional €30 million to support Morocco in this field;

- P. Whereas Spain had faced increased arrivals of Moroccan and Sub-Saharan migrants departing from Morocco and the heavily militarised coast of occupied Western Sahara into the Canary Islands throughout 2020;
1. Deplores the latest humanitarian crisis in Ceuta, initiated by the Moroccan authorities in order to secure political gains on Western Sahara, by enabling a mass arrival of its own nationals, including a quarter of them children, into the Spanish enclave;
 2. Welcomes and shares the full support expressed by the special European Council to the Spanish Government; calls on the EU and all Member States to urgently show solidarity with Spain and relocate migrant children with a view of ensuring their dignified reception; considers that the use of the migration valve by the Moroccan authorities against Spain as well as the ratcheting up of its diplomatic rhetoric against Germany constitute an act of defiance towards the entire European Union;
 3. Urges the EU and its Member States to respond in a firm and unified manner, while preserving the important and multifaceted nature of the EU-Morocco relationship and the closeness of the ties between the peoples of Europe and its Southern neighbour;
 4. Calls on the Moroccan authorities to de-escalate their policy of tension with individual EU Member States and to revert to a behaviour which is conducive to a constructive and reliable EU-Morocco partnership;
 5. Expresses its dismay at the large presence of children among the migrants that entered into Ceuta; recalls the obligations upon States Parties under the UN Convention on the Rights of the Child; urges the Moroccan authorities to cease using children as pawns for geopolitical gains; calls on Spain to ensure that its assistance to the children is guided by the best interest of the child and the adequate protection safeguards as enshrined under the Convention;
 6. Recalls that the expulsion of unaccompanied minors is illegal; calls for adequate reception capacity and dignified reception conditions for these children in Ceuta as well as for those transferred to other regions in Spain; looks forward to the outcome of the investigation into the reports of abuses by Spanish forces against the migrants, including migrant children; deplores the illegal collective expulsions of the recently arrived migrants by the Spanish authorities and recalls the obligation under international law to uphold the right to a fair and individualized evaluation of asylum claims;
 7. Welcomes the efforts made by the Spanish authorities, in cooperation with the Autonomous Communities, to relocate urgently more than 200 unaccompanied minors from Ceuta to other Spanish regions, and the mobilisation of an extraordinary budget line of €5 million for that purpose;
 8. Calls for the suspension of the informal Spanish-Moroccan arrangement, which provides the basis for the deportation of Moroccan irregular migrants from Ceuta, including in relation to the latest influx; calls on Spain to apply the Return Directive in its entirety, ceasing to exclude the territories of Ceuta and Melilla from the application of the safeguards enshrined in the Directive;

9. Considers that the transactional, short-term and security-focused migration policy of the EU towards its neighbours renders it vulnerable to migration blackmail and humanitarian crises as witnessed most recently in Ceuta; recalls that migration arrivals in the European Union both by sea and land are manageable through better migration governance, including increased pathways for safe and regular migration and improved solidarity mechanisms amongst EU Member States;
10. Condemns the instrumentalisation of the crisis in Ceuta by the Spanish far-right political party Vox and other far-right organizations; reiterates its abhorrence of far-right populism and its rhetoric of hate and stigmatization of migrants;
11. Notes that this crisis underscores how the lack of resolve of the international community to address the longstanding conflict of Western Sahara and to deliver on the right to self-determination of the Saharawi people constitute an impediment to a serene bilateral relationship between the EU and Morocco; calls on the EU to urgently seek the relaunch of an effective UN-led conflict resolution process, including through the swift appointment of a UN Envoy on Western Sahara;
12. Deplores the persistent failure of the EU to comply with international law and EU jurisprudence in its dealings with the territory of Western Sahara; in particular, calls on the EU to uphold the distinct and separate territorial status of Western Sahara and thus effectively exclude Western Sahara from the scope of its agreements with the occupying power; believes that the current EU policy contributes to maintaining the status quo over the territory by reducing the incentives for Rabat to engage in earnest in the UN-led process and to de-escalate its policy of diplomatic and migratory tension towards its European partners;
13. Denounces the recognition by the USA under the Trump administration of the sovereignty of Morocco over Western Sahara; recalls that such recognition goes against international law and undermines UN-efforts to reach a long-lasting solution to the conflict; urges the Biden administration to repeal this decision and to take active steps towards settling the conflict;
14. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/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 and the African Commission on Human Rights and Peoples' Rights.