

ADVANCE UNEDITED VERSION

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

107th Session of CERD

8-30 August 2022

**STATEMENT ON THE TRAGIC EVENTS AT
MOROCCAN-SPANISH BORDER**

Statement 3 (2022)

The Committee on the Elimination of Racial Discrimination,

Acting under its Early Warning and Urgent Action Procedure,

Gravely disturbed by the incidents that led to the loss of life of at least 23 migrants of African descent and injury of more than 70 others as they tried to cross from Morocco (Nador) into Spain (Melilla) on 24 June 2022, as well as by the border guards injured;

Deeply concerned by reports of alleged excessive and lethal use of force, violent and degrading treatment against migrants and asylum seekers of African descent, by border guards at the international border between Morocco and Spain, including allegations of migrants beaten with batons, kicked, shoved, and attacked with stones as they tried to scale the fence separating Morocco (Nador) from Spain (Melilla);

Noting that the investigations into these tragic events have been launched, but concerned about reports of inadequate preservation of evidence and bodies to allow for autopsies and verification of the cause of death;

Concerned further about previous reports of incidents of excessive use of force by border guards against migrants and asylum seekers of African descent at the borders between Morocco and Spain, and stressing the need to adopt immediate measures to prevent recurrence of these events and further loss of lives;

Concerned also by reports of illegal practices regarding collective expulsions and cases of *refoulement* from Melilla to Morocco, without due consideration of international protection requests, as was the situation of hundreds of migrants who were violently returned after arriving in Spanish territory on 24 June 2022;

Taking note of the statements made by the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families of 28 June 2022,¹ the UN International

¹ <https://www.ohchr.org/en/press-releases/2022/06/un-committee-urges-prompt-investigation-deaths-migrants-moroccan-spanish>

Independent Expert Mechanism to Advance Racial Justice and Equality in the Context of Law Enforcement and the UN Working Group of Experts on People of African Descent of 18 July 2022;²

Recalling its General Recommendation No 30 (2005) in which the Committee calls on States Parties to the Convention to adopt measures to combat ill-treatment of and discrimination against non-citizens by police and other law enforcement agencies and civil servants by strictly applying relevant legislation and regulations providing for sanctions;

Recalling also that States Parties to the Convention should adopt measures to ensure that laws concerning deportation or other forms of removal of non-citizens from the jurisdiction of the State party do not discriminate in purpose or effect among non-citizens on grounds of race, colour or ethnic or national origin, and that non-citizens have equal access to effective remedies, including the right to challenge expulsion orders, and are allowed effectively to pursue such remedies (*General Recommendation No 30 (2005), para. 25*);

Reaffirming further that States Parties to the Convention should take measures to ensure that non-citizens are not subject to collective expulsion, in particular in situations where there are insufficient guarantees that the personal circumstances of each of the persons concerned have been taken into account (*General Recommendation No 30 (2005), para. 26*);

Calls upon Morocco and Spain to ensure that the investigations launched into these tragic events are conducted in a prompt, thorough, independent, impartial and transparent manner in order to establish the circumstances of the deaths and injuries, as well as to determine any responsibilities, and to provide full reparation to the victims and their families;

Calls upon Morocco and Spain to ensure respect for the human rights of migrants and asylum seekers at their joint border, including by reinforcing measures to prevent any use of excessive force, cruel, inhuman or degrading treatment by border authorities against migrants and asylum seekers, and by providing all migrants arriving at their borders with sufficient procedural guarantees to consider their applications for international protection;

Calls upon the international community, in particular the European Union, the African Union and all their Member States, along with other relevant international and regional actors, to implement human-rights-based frameworks for overall migration and border management, taking into account the rights and needs of migrants and asylum seekers, and to strengthen efforts towards providing long-term solutions, including by increasing opportunities for accessible, regular and safe migration channels, without discrimination on grounds of race, colour, descent, or national or ethnic origin in all its borders.

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² <https://www.ohchr.org/en/press-releases/2022/07/un-experts-call-accountability-melilla-tragedy>