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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

European Parliament resolution of 10 June 2021 on the breach of the UN Convention on 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 its previous resolutions on Morocco, in particular that of 16 January 2019 on the EU-Morocco Agreement\(^1\), and to its resolution of 26 November 2019 on children’s rights on the occasion of the 30th anniversary of the UN Convention on the Rights of the Child\(^2\),

– having regard to the UN Convention on the Rights of the Child of 20 November 1989, in particular the principle of the best interests of the child (Articles 3 and 18),

– having regard to the General Comments of the UN Committee on the Rights of the Child, in particular No 14,

– having regard to the Charter of Fundamental Rights of the European Union,

– having regard to the statement by Morocco of 1 June 2021 on the issue of unaccompanied Moroccan minors in an illegal situation in certain European countries,

– having regard to the two statements by the Moroccan Ministry of Foreign Affairs, African Cooperation and Moroccan Expatriates of 31 May 2021 on the Spanish-Moroccan crisis,

– having regard to the Euro-Mediterranean Agreement establishing an association between the European Communities and its Member States, of the one part, and the Kingdom of Morocco, of the other part\(^3\), which entered into force in 2000, and to the 2013 Mobility Partnership,

– having regard to the press remarks by the High Representative of the Union for Foreign Affairs and Security Policy after the Foreign Affairs Council on 18 May 2021,

\(^1\) OJ C 411, 27.11.2020, p. 292.
\(^3\) OJ L 70, 18.3.2000, p. 2.
– having regard to the joint communication from the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 9 February 2021 entitled ‘Renewed partnership with the Southern Neighbourhood: a new Agenda for the Mediterranean’, notably chapter four on migration and mobility (JOIN(2021)0002),

– having regard to the Agreement between the Kingdom of Spain and the Kingdom of Morocco on cooperation in the field of prevention of illegal emigration of unaccompanied minors, their protection and their concerted return, which was signed in Rabat on 6 March 2007 and entered into force on 2 October 2012,

– having regard to the statement by the International Organization for Migration of 27 March 2021 on recent arrivals in Ceuta, Spain,

– having regard to Rules 144(5) and 132(4) of its Rules of Procedure,

A. whereas the relations between the European Union and the Kingdom of Morocco are legally based on the 2000 Association Agreement; whereas as a close neighbour, Morocco is a privileged partner of the EU in the field of political and economic cooperation as well as trade, technical and development cooperation, as reflected in the instruments to these ends, which include the annual action programmes, the EU Emergency Trust Fund for Africa, the European Neighbourhood Instrument and the Global Europe Programme, as well as Morocco’s participation in Erasmus+, and ‘advanced status’ under the European Neighbourhood Policy granted in 2008; whereas Morocco is the third-largest recipient of EU funds under the European Neighbourhood Policy;

B. whereas the present crisis has given rise to unprecedented diplomatic tensions between Morocco, on one side, and Spain and the EU, on the other; whereas whatever the purposes may be behind the situation created in Ceuta, this unjustifiable incident does not accord with the long-established cooperation and trust-based relationship between both sides, particularly in the field of migration; whereas relations have to be safeguarded and re-established to those preceding the crisis through good neighbourhood relations, and should serve to advance the mutually beneficial relationship by implementing the new, recently published EU Agenda for the Mediterranean in the context of a renewed partnership with the Southern Neighbourhood, in which Morocco is invited to strengthen its partnership with the EU in various areas;

C. whereas from 17 May 2021, an unprecedented surge of crossings to Spanish territory occurred with around 9 000 people entering, swimming or walking into the Spanish autonomous city of Ceuta after the Moroccan police temporarily eased border controls, opened the gates of their border fence and did not take action to stop illegal entrance; whereas the humanitarian response by Spanish security and armed forces, NGOs and the citizens of Ceuta prevented the occurrence of a genuine tragedy; whereas most of the migrants crossing illegally were Moroccan nationals; whereas such a large movement of people can hardly be regarded as spontaneous; whereas at least 1 200 were unaccompanied minors, and many whole families; whereas some of the children were previously in school and therefore undocumented at the time of their crossing;

D. whereas on 1 June 2021, the Moroccan authorities decided to facilitate the re-entry of all unaccompanied but identified Moroccan children who are in the European Union irregularly; whereas according to the International Organization for Migration, many have already been returned through family reunification and tracing assistance; whereas a
hotline was set up by the Spanish authorities in Ceuta to reunite children and unaccompanied minors with their families; whereas, however, many of the children are still on Spanish premises, such as at the Tarajal warehouse and the migrant reception centres of Pinier and Santa Amelia, under the guardianship of the autonomous city of Ceuta, in order to undergo an assessment of their identity, personal circumstances, vulnerabilities, and risk of persecution and irreparable harm; whereas families are desperately looking for their missing children; whereas this can lead to further risks to the children’s physical, mental, moral, spiritual and social development, as enshrined in the UN Declaration of the Rights of the Child;

E. whereas most of the children were wrongly led to believe that star footballers were playing in a match with free entrance in the city of Ceuta, and that they were on a school excursion;

F. whereas the best interests of the child must be the primary consideration in all actions and decisions concerning unaccompanied minors and their physical and mental well-being; whereas it is therefore necessary, with the acknowledgement of and facilitation by all authorities concerned, to recognise these children and, with proper and strengthened cooperation, to find their parents or close family members and return them to their families safely as required by international law, as they did not intentionally leave their families; whereas in the EU Strategy on the Rights of the Child, the Commission recommended that Member States strengthen their guardianship systems for unaccompanied minors, in particular by participating in the activities of the European Guardianship Network; whereas under the UN Convention on the Rights of the Child, host countries must guarantee all rights for migrant children, including in relation to border control and return;

G. whereas the crisis was triggered by Morocco due to a political and diplomatic crisis after the leader of the Polisario Front, Brahim Ghali, was admitted to a Spanish hospital for humanitarian reasons due to the state of his health caused by the COVID-19 virus; whereas on 2 June 2021, the Polisario Front leader arrived in Algeria;

H. whereas the official statements issued by Morocco on 31 May 2021 stressed that the bilateral crisis was not related to the migration issue; whereas the Moroccan Minister of Foreign Affairs initially acknowledged that the reasons for the crisis of the mass entry of thousands of people, including children, resided in Spain welcoming the leader of the Polisario Front; whereas in another official statement issued later, the Moroccan authorities acknowledged that the real reason was Spain’s supposedly ambiguous position on Western Sahara;

I. whereas at the special European Council meeting of 24 and 25 May 2021, EU leaders reaffirmed their full support for Spain and stressed that Spanish borders are the EU’s external borders; whereas the situation in Ceuta was also discussed at the Foreign Affairs Council of 18 May 2021, whereupon the High Representative of the Union for Foreign Affairs and Security Policy expressed full solidarity with and support for Spain on behalf of the EU; whereas international law and the principle of sovereignty, territorial integrity and the inviolability of state borders must be respected;

J. whereas a negotiating mandate to conclude a readmission agreement with Morocco was granted by the Council to the Commission in 2000; whereas to date, no such agreement has been finalised and adopted;
K. whereas the Moroccan authorities should facilitate the return of almost 13,000 seasonal workers stranded in the south of Spain who are due to return in the coming weeks;

1. Rejects Morocco’s use of border control and migration, and unaccompanied minors in particular, as political pressure against a Member State of the EU; deplores, in particular, the participation of children, unaccompanied minors and families in the mass crossing of the border from Morocco to the Spanish city of Ceuta, putting their lives and safety at clear risk; regrets the deepening of the political and diplomatic crisis, which should undermine neither the strategic, multidimensional and privileged neighbourhood relations between the Kingdom of Morocco and the European Union and its Member States, nor the longstanding, trust-based cooperation in the areas of counter-terrorism, human and drugs trafficking, migration and trade policies; considers that bilateral disagreements between close partners should be addressed through diplomatic dialogue; calls for an appeasement of recent tensions, and for a return to a constructive and reliable EU-Morocco partnership; reiterates its support for continuing to advancing this relationship based on mutual trust and respect; urges Morocco, in this regard, to respect its longstanding commitment to enhanced cooperation on border management and migration mobility in a spirit of cooperation and dialogue; stresses the importance of strengthening the EU-Morocco partnership, which should take account of the needs of both partners in a balanced manner and on an equal footing;

2. Welcomes the step taken by the Moroccan authorities on 1 June 2021 to facilitate the re-entry of all identified unaccompanied children who are on European Union territory irregularly; calls on Spain and Morocco to work closely to allow for the repatriation of children to their families, which must be guided by the best interests of the child and carried out in compliance with national and international law, in particular the UN Convention on the Rights of the Child, to which Morocco has been a signatory since 1990 and has twice ratified (in June and July 1993), together with the relevant agreements between the EU and its Member States and Morocco, in particular the Agreement between the Kingdom of Spain and the Kingdom of Morocco on cooperation in the field of prevention of illegal migration of unaccompanied minors, their protection and their concerted return; recalls that the principle of family unity and the right to family reunification should always be safeguarded; underlines that strong cooperation on migration challenges is in the mutual interests of the EU and Morocco; calls on the Kingdom of Morocco to uphold its commitments effectively, as it is crucial to ensure the safe return of children to their families while safeguarding their rights under international law;

3. Recalls that Ceuta is an EU external border whose protection and security concerns the whole of the European Union; welcomes the prompt reaction of the European Border and Coast Guard Agency to offer resources to support the Spanish Government to help it meet the migration challenges that have arisen as a consequence of this crisis; calls on the Commission to provide emergency funding to address the situation in Ceuta, including funding additional shelter capacity for unaccompanied children;

4. Expresses its full solidarity with the citizens of Ceuta and applauds the efficient and professional response of the Spanish security bodies and army in the autonomous city, as well as that of NGOs and the citizens of Ceuta, in coping with the crisis and helping to save numerous lives; welcomes the protection provided to unaccompanied children by the Spanish authorities in accordance with EU law and the UN Convention on the Rights of the Child;
5. Reiterates the EU’s consolidated position on Western Sahara, which is based on full respect for international law in accordance with UN Security Council resolutions and the UN-led political process of achieving a just, lasting, peaceful and mutually acceptable negotiated solution by both parties;

6. Reiterates the inviolability of EU Member States’ national borders and the full and non-negotiable respect for the territorial integrity of EU Member States as a basic principle of international law and as a principle of European solidarity; recalls that undermining the territorial sovereignty of the Member States cannot be tolerated;

7. Urges the Commission and the Kingdom of Morocco to cooperate and formally conclude an EU-Morocco readmission agreement with the necessary legal safeguards as soon as possible; is convinced that future EU cooperation with the countries of the southern shore of the Mediterranean should be based on the long-term objective of tackling the root causes of irregular migration by strengthening economic development, investment and the creation of new job opportunities, and promoting quality education for all children in the region;

8. 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 governments and parliaments of the Member States and the Government and Parliament of Morocco.