

Spain: "Street children" have rights too

In the run-up to the Third World Conference against Racism, Amnesty International called today for the full protection of the rights of undocumented foreign children found on Spanish territory in the North African Spanish enclaves of Ceuta and Melilla.

The organization expressed concern at reports that the authorities in Ceuta and Melilla plan to resume their practice of systematically expelling unaccompanied and undocumented children -- mostly of Moroccan origin -- living on the streets or in reception centres for foreign children.

"No such child should be removed from Spanish territory unless it is in their best interest and there are clear guarantees that the removal will not lead to human rights violations," the organization added, noting that past expulsions led to allegations that the children were subjected to inhuman and degrading treatment and even physical ill-treatment.

In the most recent episode, a sixteen-year-old who was forcibly returned to the Moroccan frontier by the Melilla police reported being "slapped around hard" by the police before being taken to the border. He was part of a group of children expelled from Melilla on 27 July, ostensibly to be reunited with their families. This, however, was not the case and he and three other children found their way back to the city on their own.

"This is just one example of how children are often simply abandoned on the frontier or taken into detention in Morocco before being again released on the streets," Amnesty International said.

Before the latest expulsions, the organization had written to the Spanish government expressing concern about reports that the authorities in Ceuta and Melilla were seeking to be exempted from parts of Spanish legislation regulating the rights and duties of foreigners, which includes the obligation to protect and care for unaccompanied foreign minors, and to grant residence permits, within a period of months, to those it has not been able to reunite with their families.

"Such an exemption could lead to a repetition of past incidents in which unaccompanied children have allegedly been subjected to abuses at the hands of Spanish police," Amnesty International said, making reference to allegations that children were ill-treated during expulsion procedures. Such allegations included detention, often with adults, for several hours in a police van, without seats, windows, ventilation or even water; beatings with truncheons and sexual abuse by at least one officer. There were also allegations that, after the children had been handed over to the Moroccan police, some had been beaten with rubber tubing, prior to being placed in a cell.

In its letter to the Spanish government, Amnesty International also expressed concern about the widely-reported inadequacy of facilities for the care of undocumented children, in Ceuta in particular. The organization referred both to the poor health and physical abuse which the children suffered while living in the streets, port installations and underground or hillside tunnels, and to the apparently inadequate conditions in Ceuta's only reception centre for the children. The centre was recently described as "lacking minimum standards of hygiene".

"The Spanish authorities -- as well as the governments in Ceuta and Melilla -- must abide by international standards on the care and

protection of children," Amnesty International said, reminding them of their legal obligation to protect all children within their jurisdiction.

"Ceuta and Melilla must be given the resources to care for each child, and to examine each case thoroughly and on an individual basis -- ensuring also that the child's views are taken into account -- before any decision is taken to remove that child from Spain," the organization added.

"But the will must also be there to abide by Spain's international obligations, which means ensuring that unaccompanied children enjoy all the rights guaranteed under the UN Convention on the Rights of the Child, and that any decision taken is in the child's best interest."

Background

In 1998 three Local Police sergeants lodged a judicial complaint with the prosecutor of Ceuta, alleging "serious irregularities" in the detention of Moroccan children by the police in Ceuta. After the allegations were publicized, the expulsions ceased, as did allegations of police ill-treatment. However, the three officers were removed from patrol work and sent to guard the local cemetery. They were then suspended without pay. When no evidence was found to justify disciplinary proceedings against them they were reinstated after seven months but have reportedly remained the victims of a sustained campaign of vilification and harassment. They continue to face charges brought against them by other police officers and a government minister for making false accusations.

In its letter of 20 July to the Spanish government, Amnesty International urged the authorities to ensure that courageous police officers, and others in the autonomous cities who sought to defend

human rights, were not subjected to harassment and persecution by colleagues or by government administrations.

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