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# FACING MULTIPLE CRISES

On the treatment of refugees and displaced people in northern France during the Covid-19 pandemic.



Photo credit: Abdul Saboor

# ACKNOWLEDGEMENTS


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laubergedesmigrants.fr/fr/publications-hro

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# EXECUTIVE SUMMARY

Refugees and displaced people in northern France are faced with multiple crises. For many years, men, women and children have struggled to survive in the informal settlements of Calais and Grande-Synthe.



Photo credit: Human Rights Observers

Their daily lives are characterised by evictions, police violence and violations of fundamental rights, with insufficient and intermittent access to food, shelter, water, information etc. While these violations continue, the Covid-19 pandemic reinforces this group's acute vulnerability and urgent need of protection.

However, despite the French state announcing some limited measures for the protection of displaced people, our research shows that little has changed in the authorities' treatment of this group and discriminatory practices continue to be employed. Our analysis shows that between April – June 2020, in the camps of Calais and Grande-Synthe:

- Evictions of informal living sites have continued, with a total of 308 being observed.
- Displaced people and human rights defenders have been subjected to ongoing arrests, with a total of 51 arrests being observed.
- The practice of law enforcement officials seizing personal items has continued.
- Covid-19 sheltering operations have been insufficient across the time period, with many people still requiring safe accommodation.

Meanwhile, few of the vital WASH measures have been implemented and the harassment of human rights defenders by law enforcement officials continues.

It is imperative that the French state changes course and takes immediate action to ensure the protection of displaced people during the Covid-19 pandemic and beyond. Specifically, we are calling for:

- An immediate end to the evictions of camps and settlements and the prioritization of management of health and sanitation in these areas.
- A guarantee of access to rights (food distributions, access to sanitation facilities, clean drinking water, etc.).
- The provision of clear and accessible information for displaced people on the continued Covid-19 pandemic, government policy and health measures.
- The provision of sufficient, unconditional, suitable and sustainable accommodation places for displaced people in northern France, which must meet all fundamental needs (including access to accommodation, food, drinking water, hygiene facilities, medical and psychological care, reliable legal information and social support). Additional means must also be mobilized to inform, orient, welcome and provide dignified support to displaced people in these reception facilities.
- An end to the culture of harassment and abuse directed at displaced people and human rights defenders by law enforcement officials.
- The implementation of effective and appropriate measures to ensure the protection of unaccompanied children present in northern France, in line with international commitments and domestic law.




Photo credit: Abdul Saboor

# INTRODUCTION

For more than twenty years, women, men and children in the area have been staying in informal encampments, characterised by unsanitary conditions with extremely limited, if not entirely lacking, access to drinking water, food, hygiene, health care and information.

They are daily exposed to state violence, and face ongoing harassment and abuse from law enforcement officials. The practice of obstructing human rights defenders is also prevalent.

With the spread of Covid-19 from the spring of 2020 onwards, displaced people have been facing yet another crisis. Their pre-existing poor living conditions have left them in an exceptionally vulnerable position. Analysis based on the findings of the Human Rights Observers (HRO) team shows that the measures taken by the French state during this emergency have not adequately protected displaced people. Instead, existing practices of discrimination continue to be perpetuated.

This report focuses on the situation in Calais and Grande-Synthe and draws on data collated by HRO over the three-month period of April – June 2020. It sets out the context in northern France and implications of the Covid-19 pandemic, shares an overview of HRO's findings and makes recommendations to the French State and the EU institutions for urgent action.




Photo credit: Human Rights Observers

INTRODUCTION

# CONTEXT

Displaced people have been struggling to survive in informal camps in northern France for several decades. The UK's so-called 'juxtaposed border arrangements' and increased security measures have created a 'bottle-neck' scenario,[1] whereby the hostile climate appears to deter prospective asylum seekers from wanting to stay in France, with liminal and precarious conditions acting as a strong impetus for people to try and get to the UK at any cost.

Yet at the same time the same border security arrangements further diminish people's ability to reach the UK safely, which means that people are trapped in an untenable situation.

In addition, the violation of fundamental rights observed in this area have been worsening.[2] Settlements in Calais and Grande-Synthe are characterised by inhumane and unsanitary conditions, where access to drinking water, food, hygiene, health care and information is too often hampered or non-existent[3] and police violence is commonplace. The fight against 'fixation points', explicitly defined as a priority for public authorities, aims at deterring displaced people from any stay on the territory, as well as targeting structures of support provided to them by citizens.[4]

According to NGOs operating in Calais and Grande-Synthe, there were approximately 1,200 displaced people living in a street situation in Calais, and around 400 in Grande-Synthe, including families with children as well as unaccompanied children (UAC), during the Covid-19 confinement period. The associations estimate the number of displaced people on the street to be higher than the above-mentioned figures. It can be explained by the great mobility of displaced people in the area, combined with the restricted access of organisations to the ground due to high police presence and continuous evictions.

Civil Society Organisations (CSOs) working with these vulnerable populations have been holding the public authorities to account for many years, highlighting the need to implement a policy of hospitality, where the right to accommodation and housing is ensured, as well as the right to decent material living conditions, which uphold the principle of dignity for all individuals. The concerns of these groups have been echoed by the UN Special Rapporteur on Adequate Housing. On visiting Calais and Grande-Synthe in 2019 she reported that she was *"deeply concerned about the housing and living conditions of refugees and migrants in the Hauts-de-France near Calais (...) Urgent State action is required to bring the situation in conformity with international human rights norms."* [5]

The treatment of individuals working either individually or on behalf of CSOs to protect the rights of displaced people in northern France has been of particular concern.[6] The rights of human rights defenders to, for instance, meet and assemble peacefully or conduct human rights work are firmly rooted in the international system of human rights.[7] However, those working in Calais and Grande-Synthe have faced *"unprecedented restrictions, including threats and violence, denunciation in public discourse, and criminalization"* all impacting their ability to provide sorely needed support to displaced people.[8]

1. Crawley, H. (2010) Chance or choice? Understanding why asylum seekers come to the UK. Refugee Council
2. https://www.defenseurdesdroits.fr/fr/rapports/2018/12/exiles-et-droits-fondamentaux-trois-ans-apres-le-rapport-calais
3. https://france3-regions.francetvinfo.fr/hauts-de-france/grande-synthe-plus-300-migrants-se-retrouvent-douche-toilette-1843770.html ; https://www.lacimade.org/situation-des-personnes-exilees-presentes-sur-le-littoral-franco-britannique
4. Tazzioli, M. (2019) The Making of Migration: The Biopolitics of Mobility at Europe's Borders
5. Report of the then Special Rapporteur on adequate housing as a component of the right to adequate standard of living and to non-discrimination in that context, on her visit to France, March 2020 (A/HCR/43/43/Add.2) https://www.ohchr.org/EN/Issues/Housing/Pages/HousingIndex.aspx
6. The term "human rights defender" refers to individuals or groups who, in their personal or professional capacity and in a peaceful manner, strive to protect and promote human rights. Please see here for further information: https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/008/51/PDF/G1800851.pdf?OpenElement
7. Declaration on Human Rights Defenders https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx
8. Special Rapporteur on Human Rights Defenders quoted in https://www.amnesty.org/en/documents/eur21/0356/2019/en

INTRODUCTION

# COVID-19 PANDEMIC

The Covid-19 pandemic has exacerbated the vulnerability of the displaced men, women and children residing in northern France.

Since the start of the crisis, it has been vital to ensure their protection. Despite the State committing to *"communication with the migrant population, guaranteed access to water and soap to allow for the compliance with guidelines, support to ensure the continuity of operations by state actors and associations, and the care and confinement of migrants with Covid-19 symptoms"*[9] evidence gathered on the ground indicates that the response has been inadequate. Actions taken by the French government have failed to substantively address the human rights violations faced by displaced people in the region.

Indeed, CSOs report that displaced people lack access to information regarding the current health situation, and of the guidelines and containment measures implemented. Sanitary facilities and water points are sorely lacking (the minimal facilities that do exist are often located hundreds of meters or even kilometers from living spaces), and access to sufficient drinking water is not always guaranteed.[10] The daily practice of evicting displaced people from their living spaces continues. It should be noted that forced evictions such as these constitute a violation of international human rights law, including the right to adequate housing.[11] In times of emergency, the right to adequate housing is not subject to derogation.[12] Meanwhile, Covid-19 sheltering operations are marred by a lack of transparency and capacity. Finally, the application of the measures recommended by the government also limits the actions carried out by CSOs, providing little respite to people in displacement.



Photo credit: Human Rights Observers

9. https://france3-regions.francetvinfo.fr/hauts-de-france/coronavirus-quelles-mesures-etat-prend-il-aupres-migrants-calais-grande-synthe-1802114.html
10. Urgent communication to UN Special Rapporteurs regarding France's Covid-19 response : https://www.gisti.org/IMG/pdf/urgent_communication_un_special_rapporteurs.pdf
11. UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions, 20 May 1997, E/1998/22, available at: https://www.refworld.org/docid/47a70799d.html [accessed 25 July 2020]
12. https://www.ohchr.org/Documents/Issues/Housing/SR_housing_COVID-19_guidance_evictions.pdf
13. OHCHR Press release March 2020: https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25727&LangID=E



**LEILANI FARHA, THE THEN UN SPECIAL RAPPORTEUR ON ADEQUATE HOUSING ARGUED THAT GOVERNMENTS:**

"must take urgent measures to prevent anyone falling into homelessness and ensure access to adequate housing for those without ... Housing has become the front line defence against the coronavirus. Home has rarely been more of a life or death situation." [13]



Photo credit: Abdul Saboor

# METHODOLOGY

Every day, HRO teams are on the ground to document human rights violations against displaced individuals (observations, videos, photos). During eviction operations, they collect data such as the type of operations, frequency of evictions, number of seizures/ confiscations, violence, presence of translators, bailiffs, etc.

The aim on the field is to be present, to observe and to record. The purpose is to be an observation body and not a proactive data gathering group. It is important to note that HRO count one eviction for each living space evicted, so the same police operation can comprise three evictions if it affects three different living spaces.

The nature of the terrain, the concealment of operations and the presence of security perimeters, which are sometimes set hundreds of meters from police operations, mean that HRO cannot observe all arrests, seizures and destruction of property which take place. As a result, HRO's data is not exhaustive.



Photo credit: Human Rights Observers

# OVERVIEW OF RESEARCH FINDINGS



Photo credit: Abdul Saboor

This report draws on data gathered by the Human Rights Observers (HRO) project in Calais and Grande-Synthe across April, May and June 2020. HRO has been documenting the human rights violations of displaced people in Northern France since 2017.

The data on unaccompanied children (UAC) comes from a UAC-specific working group, which compiles information from actors intervening on the ground in different sectors, including a UAC dedicated organisation (in Calais only), as well as from direct testimonies, exchanges with authorities and state-funded operators.

# EVICTIONS




Photo credit: Human Rights Observers

Following the dismantling of the so-called 'Jungle' and the forced eviction of thousands of displaced people in October 2016, the French State has sought to prevent another large informal camp developing.

Dispersal measures continue to be utilised by the local authorities in order to avoid 'fixation points'. This strategy aims to prevent displaced people from permanently residing in one area as well as to target structures of support provided to them by citizens.[14] Over recent years, this strategy has resulted in daily evictions taking place in Calais (where displaced people are forced to move their tents and belongings between two to 500 meters each time). Evictions also take place in Grande-Synthe on a weekly basis[15]. Over the past three months HRO recorded 308 evictions in both locations. Forced evictions such as these are already in contravention of international human rights law and during Covid-19 have subjected displaced people to even greater trauma and distress. They also further limit the ability of this vulnerable group to practice strict social distancing and hygiene practices.

14. Tazzioli, M. The Making of Migration: The Biopolitics of Mobility at Europe's Borders, 2019
15. The Human Rights Observers Project, Forced evictions in Calais and Grande-Synthe, 1 August 2019 – 1 June 2019: https://helprefugees.org/wp-content/uploads/2019/06/Forced-Evictions-in-Calais-and-Grande-Synthe-ENG-1.pdf

# COVID-19 SHELTERING OPERATIONS

In response to the Covid-19 pandemic, the local administrations in Calais and Grande-Synthe have pledged to provide shelter to displaced people living in these areas. Yet feedback from charities and other organisations on the ground shows that provisions do not meet the level of need required.



Photo credit: Human Rights Observers

For instance, the number of places in accommodation offered by the prefecture of Pas-de-Calais in April was 623 [16], whilst more than 1,100 displaced people were estimated to live in the area's informal camps. In Grande-Synthe, the prefecture of the North organized a special plan to provide shelter for displaced people in April. In both locations, these sheltering operations are run semi-coercively and little information is provided about the sheltering process or the consequences of moving into accommodation. Unfortunately, state efforts have been insufficient across the months: thousands of displaced people are still living in a street situation and continue to remain exceptionally vulnerable to Covid-19, as well as suffering ongoing infringements of their rights.

16. Official figure given by local authorities during a meeting in late April. 323 displaced people have accessed accommodation centres at that time

# HARASSMENT AND INTIMIDATION

HRO found that the practice of seizing and destroying displaced people's possessions has been ongoing throughout both the evictions and Covid-19 sheltering operations.

Personal belongings and necessities (such as tents, phones, luggage and personal documentation) are regularly taken and destroyed. For instance, on four occasions in Grande-Synthe, people were forced by the Compagnies républicaines de sécurité (CRS) onto buses whilst personal belongings were thrown into large skips.[17] Over the three-month period, HRO observed that a total of 1007 personal belongings were seized, including tents, phones, personal documents, suitcases and sleeping bags. Displaced people need these belongings to survive, stay in touch with friends and family and lodge applications for asylum. In addition to the seizing of belongings, the eviction and sheltering operations are often accompanied by acts of intimidation, arbitrary arrests and illegal stays in administrative detention. HRO found that arrests were ongoing throughout the three-month period, with a total of 71 arrests being observed.



Photo credit: Human Rights Observers

17. HRO April report, accessible here: http://www.laubergedesmigrants.fr/fr/publications-hro

# UNACCOMPANIED CHILDREN (UAC)



Photo credit: Human Rights Observers

Despite the ongoing violence and harassment detailed above, as well as a UAC specific court decision condemning French authorities,[18] a significant number of unaccompanied minors remain in these informal camps, finding themselves living alongside adults in degrading and inhumane conditions.[19]

Responses from those who bear a duty to protect them as children have been limited and inadequate for years, even within this Covid-19 period whereby specific announcements were made by the child protection Secretary of State.[20]

For instance, in Calais, organisations met 150 unaccompanied children living in a street situation over a period of 8 weeks of confinement, while having a very restricted presence (8 hours/week for the UAC specific organisation). Among them, 67 were newly arrived, despite Covid-19 related restriction of circulation at national level. Most UAC encountered were boys between 14 and 17 years of age; the youngest identified being 11 years old. In Grande-Synthe, during the same period, organisations estimated that a minimum of 90 UAC were living in similar conditions. By the end of June 2020, there were approximately 30. The absence of adequate protection measures combined with evictions and involuntary 'mise à l'abri' (sheltering operations) when UAC were driven together with the adult population, and without child-specific treatment, resulted in many of them disappearing.

The organisations estimate the number of children living on the street to be higher than the above-mentioned figure. The limited presence of organisations on the ground due to their access being restricted as a result of high police presence, combined with the mobility of children and continuous evictions, explain the lack of exhaustive data regarding the actual number of UAC in those two towns. In addition, during the various eviction operations - often accompanied by destruction and confiscation of personal belongings - children are exposed to police violence and regular use of chemical agents, and are at times being taken to detention centres. These eviction operations are sources of increased fragility and even disappearance for children and adolescents, girls and boys, and therefore, put them at increased risk of trafficking and exploitation. All these practices constitute additional barriers for children to trust and therefore access the child protection system.

18. The European court of Human Rights ruled that the failure of French authorities to provide care and protection for an unaccompanied child in a Calais refugee camp, along with precarious living conditions, were in violation of Article 3 of the European Convention on Human Rights. See: European Court of Human Rights - Khan v. France (no. 12267/16), 28 February 2019: https://www.asylumlawdatabase.eu/sites/default/files/aldfiles/AFFAIRE%20KHAN%20c.%20FRANCE.pdf.

19. Specific information on their living conditions can be found in the following reports: RRE, "Left out in the cold", Autumn 2019, available at: https://refugee-rights.eu/wp-content/uploads/2019/10/RRE_LeftOutInTheCold.pdf ; Human Rights Watch, "Like Living in Hell" - Police Abuses Against Child and Adult Migrants in Calais, 25 July 2017, available at: https://www.refworld.org/docid/59784c8f4.html; Press article on reported use of violence against an UAC by the police: Médiapart, Violences contre des migrants: quand des gendarmes brisent l'omerta, 20 May 2020, available at: https://www.mediapart.fr/journal/france/290520/violences-contre-des-migrants-quand-des-gendarmes-brisent-l-omerta.

20. 21 mars 2020, letter from Adrien Taquet, child protection Secretary of State to the Presidents of french decentralized administration in charge of child protection, Available at:https://www.cnape.fr/documents/courrier-adrien-taquet-gestion-covid-19-protection-de-lenfance

# HARASSMENT AND OBSTRUCTION OF HUMAN RIGHTS DEFENDERS

Human rights defenders working in Calais and Grande-Synthe are often harassed and abused as they provide support to displaced people who lack access to shelter, food, water, medical care and legal advice.

They also monitor the actions of the police and other authorities in relation to their treatment of the men, women and children in these camps. During the forcible evictions and sheltering operations outlined above, human rights defenders have continued to be harassed and obstructed by the French police. Indeed, analysis of HRO's findings shows an increase in these practices across the three-month period. HRO reports 16 intimidation attempts (arrests or threat to be arrested, fines, identity controls, verbal intimidation...) and 23 incidents of being filmed by technical and forensic police/by police officers' personal phones in Calais. In addition to this, the Sub-Prefect of Calais, M. Tournaire, declared in a letter dated 25th March that the "the presence of associations in public spaces during dismantling operations which take place daily, could be subject to a fine from police as provided for by decree n°2020-293 of 23rd March 2020".



Photo credit: Human Rights Observers

# KEY TRENDS

## ANALYSIS OF HRO'S DATA COLLECTED IN APRIL - JUNE 2020 SHOWS THE FOLLOWING:



Evictions of informal settlements have continued during the Covid-19 pandemic, exposing thousands of displaced individuals to Covid-19 and to ongoing human rights' violations.



The practice of law enforcement officials seizing personal items has continued.



Covid-19 sheltering operations were insufficient across the time period, with many people still requiring safe accommodation.



Displaced people and human rights defenders were subjected to ongoing arrests.




There has been an increase in harassment of human rights defenders across the time period.[21]

21. Data for Calais only

# CONCLUSION AND RECOMMENDATIONS

The research carried out by HRO between April – June 2020 in the camps of Calais and Grande-Synthe shows that the French State has failed to adequately protect displaced people from Covid-19.



Indeed, at a time when individuals living in these camps were rendered acutely vulnerable, they continued to be subjected to a range of human rights violations that have characterised the situation in northern France for many years. The human rights defenders supporting them also continued to be harassed and obstructed. Our analysis demonstrates that, even during the Covid-19 pandemic, evictions and arrests have been ongoing and law enforcement officials have continued to seize displaced people's personal items. At the same-time, Covid-19 sheltering operations have not met the needs of the displaced population. It is imperative that urgent action is taken in order to deliver full protection and safeguard the dignity of the people living in the camps of Calais and Grande-Synthe.




Photo credit: Human Rights Observers

# KEY RECOMMENDATIONS

## THE FRENCH STATE SHOULD:

- Immediately halt evictions of camps and settlements and instead prioritise management of the pandemic in these areas. For instance, by establishing safe quarantine locations and ensuring access to adequate sanitation facilities (water, soap, masks etc).
- Guarantee ongoing access to rights such as shelter, health, asylum, food, water, information and physical integrity for the displaced people living in northern France.
- Provide clear and accessible information for displaced people on the Covid-19 pandemic, government policy and health measures. This information should be available in relevant languages.
- Open sufficient, unconditional, suitable and sustainable accommodation places for displaced people in northern France, which must meet all fundamental needs (including access to accommodation, food, drinking water, hygiene facilities, medical and psychological care, reliable legal information and social support). Additional means must also be mobilised to inform, orient, welcome and provide dignified support to displaced people in these reception facilities. Specialised support and accommodation must be available for women, children and unaccompanied children.
- Immediately implement effective and appropriate measures to ensure the protection of unaccompanied children present in Northern France, in line with international commitments and domestic law.
- End the culture of harassment and abuse directed at displaced people in northern France and ensure that police forces adhere to the highest standards of behaviour.
- Ensure that the important role of human rights defenders is recognised and enable them to operate free from police violence, surveillance and intimidation.

## THE INSTITUTIONS OF THE EUROPEAN UNION SHOULD:

- Support and hold the French government to account in its efforts to ensure health care and relevant protections are extended to include displaced people. This should include measures for infection prevention and control, rapid identification and isolation of existing cases, and the treatment of individuals experiencing severe cases.
- Support and hold the French government to account in expanding access to key rights such as shelter, health, asylum, food, water and physical integrity for displaced people.

# ANNEX

## TABLE OF DATA COLLECTED BY THE HUMAN RIGHTS OBSERVERS (HRO)

| DATA COLLECTED DURING EVICTIONS OR COVID-19 SHELTERING OPERATIONS[22] | APRIL Calais | APRIL Grande-Synthe | MAY Calais | MAY Grande-Synthe | JUNE Calais | JUNE Grande-Synthe | TOTAL |
|---|---|---|---|---|---|---|---|
| Estimation of the number of evictions from informal living sites | 90 | 3 | 101 | 4 | 107 | 3 | 308 |
| Estimation of the number of arrests | 6 | - | 26 | 6 | 27 | 6 | 71 |
| Estimation of the number of items seized (e.g. tents / luggage/sleeping bags/phones/ personal documents/firewood/ bicycles/clothes etc) | 27 | 550 | 254 | 34 | 82 | 60 | 1007 |
| Estimation of the number of unaccompanied children present[23] | 98 | - | 106 | 25 | 128 | 30 | 387 |

22. These tables summarise the data which constitute the cornerstone of this report. The data was collated by HRO over the three-month period of April – June 2020 and is accessible here: http://www.laubergedesmigrants.fr/fr/publications-hro

23. The data hereby presented for Calais capture the monthly interactions of two associations with UAC, with limited resources. It is therefore not a comprehensive representation of UAC as not every site is visited daily. Additionally, some UAC choose not to disclose their information and those who directly access state protection are hereby not considered. In Grande Synthe, the number hereby specified represent the number of children met by association in a site at a given time and therefore does not include the overall children met during the month as in Calais.

# TABLE REFERRING TO THE HARASSMENT OF HUMAN RIGHTS DEFENDERS

| INCIDENT | APRIL Calais | APRIL Grande-Synthe | MAY Calais | MAY Grande-Synthe | JUNE Calais | JUNE Grande-Synthe | TOTAL |
|---|---|---|---|---|---|---|---|
| Filming by technical and forensic police / police officers' personal phones | 2 | - | 8 | - | 13 | - | 23 |
| Intimidation attempts (e.g. arrests or threat to be arrested/fines/ identity controls/verbal intimidation ...) | 7 | 1 | 4 | 1 | 3 | - | 16 |



Photo credit: Abdul Saboor




Photo credit: Abdul Saboor