

# TARGETING SOLIDARITY

*Criminalization and harassment of people defending migrant and refugee rights in northern France*

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## EXECUTIVE SUMMARY

This report highlights the plight of a particular group of **human rights defenders**, those who individually or collectively provide humanitarian aid, and advocate for the rights of people on the move, that is migrants, regardless of their legal status, asylum-seekers and refugees, in Calais and Grande-Synthe in northern France.

These human rights defenders, which include local people and civil society organizations and individuals from across France and Europe, are facing “unprecedented restrictions, including threats and violence, denunciation in public discourse, and criminalization”<sup>1</sup> fanned by flawed migration policies, as well as by increasing advocacy of hatred and scapegoating of migrants and refugees. They face slanderous accusations by politicians and officials, unsubstantiated prosecutions, and intimidation and harassment by law enforcement officials for saving lives at sea, helping people in distress, providing food and shelter, and shedding light on human rights violations. At best, they are labelled as “meddling do-gooders”, and at worst, they are accused of fuelling social tensions, facilitating crimes, and even of colluding with smugglers.

The attacks against human rights defenders are linked to the situation faced by people on the move in the area of Calais and Grande-Synthe. Hundreds of people, including adults, teenagers, and families with young children, continue to arrive to the area hoping to cross over to the United Kingdom (UK). Some interviewed for this report told Amnesty International that they wanted to be reunited with family members and friends, or to work, and pursue integration opportunities in the UK. Others stated that they ended up in the area after having waited for months to get a decision on their asylum claim in France and other European countries.

While waiting to be able to make their way to the UK, people on the move live in dire conditions in tents and informal camps in the area. This is where the action of human rights defenders, either individually or as part of civil society organizations, has been essential in plugging the gaps and providing much needed support to people surviving without regular access to food, water, sanitation, shelter, and legal assistance.

Since October 2016, after the dismantlement of the so-called “Jungle”, the makeshift settlement home to thousands of foreign nationals in Calais, and the forcible eviction of thousands of its residents, the aim of the French authorities has been to prevent the creation of another large informal settlement of refugees, asylum-seekers and migrants at the French-British border.

A key measure to this end is the policy of preventing so-called “attachment points”, involving the routine forcible eviction of people who sleep rough or in encampments in the area. This policy is implemented through the deployment of large numbers of police officers, transferred from elsewhere in France, working in stints of up to one month, and trained to deal with riots and crowd control, rather than with people in need. Other measures have included keeping reception centres and asylum offices away from the areas of Calais and Grande-Synthe, and deliberately failing to ensure adequate access

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<sup>1</sup> Report of the Special Rapporteur on the situation of human rights defenders, 16 January 2018, UN Doc. A/HRC/37/51, [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/37/51](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/37/51)

to essential services such as water and sanitation, food and shelter for all those who need it.

Today, over two and half years since these policies have been in place, migrants, asylum-seekers and refugees continue to be drawn to the area. The real “pull-factor” remains its geographical proximity to the UK, a country that has given international protection to a very limited number of refugees.

The UK’s refusal to increase access to its territory via regular channels, coupled with France’s insistence on preventing the establishment of camps in the area, has contributed to a climate of hostility. Those waiting to cross are left to fend for themselves in harsh living conditions and risk ill-treatment at the hands of law enforcement officials; while those who try to help them and defend their rights are routinely obstructed, intimidated, harassed, ill-treated and in some cases subjected to baseless prosecutions by the French authorities.

In this context, the role of human rights defenders to ensure that people on the move have access to food and shelter, and are protected from abuse, is key. Instead of seeing them as obstacles or a nuisance, the French authorities must recognise their role as essential and complementary in ensuring the state complies with its human rights obligations. As stated in the UN Declaration on Human Rights Defenders, whose 20<sup>th</sup> anniversary was recently marked and celebrated at the UN General Assembly and at the recent Paris Human Rights Defenders World Summit,<sup>2</sup> human rights defenders are essential actors for the advancement of justice, freedom and equality for all without discrimination, the ultimate goals of the Universal Declaration of Human Rights. France should take immediate measures to guarantee a safe and enabling environment in which they can work without fear of being targeted.

The work of human rights defenders in the area is inextricably linked to the treatment of people on the move. It is therefore paramount to end the human rights violations faced by this group. This requires that France ensures its asylum and reception system is fit for purpose; that the UK increases the number of refugees and asylum-seekers it currently accepts by providing safe and legal routes; and that the EU reforms the Dublin regulation by removing the requirement that asylum-seekers seek protection in their first country of entry and making family reunification processes easier to access.

Until this regulation is reformed, the French authorities must take concrete measures to give a humane solution to the suffering of people on the move living around Calais and Grande-Synthe, including by providing emergency shelter *in situ* to all those living on the streets, irrespective of their migratory status. It must also end the harassment and attacks against human rights defenders and establish a constructive dialogue with civil society actors who provide humanitarian aid.

Key recommendations:

To the French authorities:

- Publicly recognise the important role human rights defenders play in addressing the needs of people on the move in Calais and Grande-Synthe – be it when they provide aid or when they monitor police behaviour - and ensure they are able to operate free from intimidation;

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<sup>2</sup> Amnesty International et al. *Global action plan for states at the UNGA to ensure protection for human rights defenders worldwide*, 18 December 2018, <https://hrdworldsummit.org/wp-content/uploads/2018/12/PRESS-RELEASE-re-18-december-2018-UNGA-intervention-by-HRD-Summit-1.pdf>

- Ensure that police forces operating in the region adhere to the highest standards of behaviour, and that all reports of human rights violations against foreign nationals and human rights defenders are fully and impartially investigated and brought to justice;
- Offer all people on the move access to decent living conditions;

To the UK authorities:

- Ensure increased access for migrants, asylum-seekers, and refugees via safe and legal channels;

To the European Union:

- Ensure EU countries share fairly the responsibility for the protection and assistance of asylum-seekers and refugees, to enhance family reunification processes, and to increase prospects for integration.

#### **METHODOLOGY**

This report focuses on developments in the last two years and geographically in two specific cities along the northern coast of France: Calais and Grande-Synthe (near Dunkirk). The information was collected primarily via three field missions conducted in July and August 2018 and in January 2019. Amnesty International met with 38 human rights defenders, including volunteers and members of over a dozen local organizations working to provide humanitarian support to migrants, asylum-seekers and refugees. The organization also interviewed 49 foreign nationals, some of whom had received some support by French authorities (e.g. food distribution, or emergency winter shelter), and some of whom had received little or no support. Many individuals who spoke to Amnesty International asked to remain anonymous as they fear further reprisals. In these cases the report uses a fictional name.

In addition, Amnesty International reviewed numerous reports of human rights abuses committed by the police documented by civil society organizations, such as Human Rights Watch, Refugee Rights Europe, l'Auberge des Migrants, Cabane Juridique, Refugee Info Bus, Utopia 56, Help Refugees, Human Rights Observers, as well as official reports, letters and complaints filed by victims to the authorities, and the responses they received.

In March 2019, the organization wrote to the French Ministries of Justice and of the Interior highlighting the concerns raised in this report. As of 24 May 2019, when this report was finalized, only the Ministry of Justice had answered. Their response is reflected in the report.

#### **ACKNOWLEDGMENTS**

Amnesty International would like to thank all individuals who shared their stories and the people and organizations who facilitated this research - especially those who participate in the network Plateforme de Services aux Migrant-e-s (PSM), particularly: staff and volunteers at PSM, Secours Catholique (Caritas France), Cabane Juridique, l'Auberge des Migrants, and Salam. A special thanks to Mobile Refugee Support, Refugee Women's Centre, and DROP Solidarité, for the support given in Grande-Synthe.

# 1. DETERRING PEOPLE ON THE MOVE – AN ADVERSE CONTEXT FOR THOSE DEFENDING THEIR RIGHTS

## 1.1 FACTORS CONTRIBUTING TO THE SITUATION OF PEOPLE ON THE MOVE IN THE AREA

In recent decades people on the move<sup>3</sup>, including individuals fleeing conflict, persecution, and economic hardship from countries such as Syria, Iraq, Iran, Sudan, Eritrea, Ethiopia, Sudan, Afghanistan and Pakistan, have gathered along the French-British border in the hope of crossing over the Channel and reach the United Kingdom. The situation became particularly visible when the Red Cross opened the first migrant camp in Sangatte in 1999, a site close to the Eurotunnel entrance. By the time that camp was closed in 2002, it housed 2000 people.<sup>4</sup> Since then, there have been several other makeshift camps, including the largest one, the so-called “Jungle”, which housed 6500 people when it was demolished in 2016.

To this day, people on the move continue to gather in Calais and other sites in northern France, such as Grande-Synthe, near Dunkirk, regardless of whether formal or informal camps are there or not. Currently most of the people on the move in Calais and Grande-Synthe come from Iraq, Iran, Afghanistan, Pakistan, Eritrea, Ethiopia, and Sudan.<sup>5</sup> Some of them have already been granted asylum elsewhere in Europe, some others have filed asylum claims in other European countries, and others are on the move without having filed asylum claims. Amongst them are many families with young children. In both areas, their number fluctuates depending on seasonal migration flows and because many of them often travel to Belgium, Paris, and Lille, either to get some respite from sleeping rough, or to follow up on their asylum process in France.<sup>6</sup>

Those interviewed for this report stated that they came there because they wanted to cross the Channel to go to the UK for many different reasons. Some believed that only in Britain they would be able to rebuild their lives, either because they already spoke English or because they had relatives and friends who would support them. Others told Amnesty International that they would rather claim asylum in the UK because they believed – rightly or wrongly – they had a better chance of being granted asylum than elsewhere.<sup>7</sup> Some said they did not want to stay in France because of the way they had been

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<sup>3</sup> Through this report the term “people on the move” refers to migrants, regardless of their legal statuses, asylum-seekers and refugees.

<sup>4</sup> BBC, The history of the Calais 'Jungle' camp and how it's changed since 1999, 24 October 2016, [www.bbc.co.uk/newsbeat/article/37750368/the-history-of-the-calais-jungle-camp-and-how-its-changed-since-1999](http://www.bbc.co.uk/newsbeat/article/37750368/the-history-of-the-calais-jungle-camp-and-how-its-changed-since-1999)

<sup>5</sup> Although this report focuses on Calais and Grande-Synthe, there are also other places in northern France, such as Steenvorde in Nord department and in Paris, where migrants and refugees face a similar situation. See Défenseur des Droits, *Exilés et droits fondamentaux, trois ans après le rapport Calais*, December 2018, p. 49, [www.defenseurdesdroits.fr/sites/default/files/atoms/files/rapport\\_calais-num-14.12.18.pdf](http://www.defenseurdesdroits.fr/sites/default/files/atoms/files/rapport_calais-num-14.12.18.pdf)

<sup>6</sup> According to official sources, as of mid-March 2019, there were around 350 migrants in Calais.

<sup>7</sup> Recognition rates of asylum claims regarding different countries vary considerably among EU countries. See Home Office, “How many people do we grant asylum or protection to?”, 23 August 2018, <https://www.gov.uk/government/publications/immigration-statistics-year-ending-june-2018/how-many-people-do-we-grant-asylum-or-protection-to> and Eurostat 2018 asylum statistics,

treated by French police in the area.

Some told Amnesty International that they had grown tired of waiting for the completion of lengthy asylum processes in other EU member states where they first claimed asylum or became disillusioned about their chances of integrating. As a result, many decided to continue their journey, irregularly, towards the destination where they hope they will have the best chances to settle and find a home and a job, engaging in what is sometimes called, in European jargon, “secondary movements”.

The Dublin Regulation<sup>8</sup> – which was adopted to help identify the EU country responsible for examining an asylum application – determines that the country in which the asylum-seeker first entered the EU is responsible for examining their asylum claim. This has meant that countries at the external borders of the EU such as Italy, Spain, Greece and Bulgaria, being the first port of entry, bear the greatest responsibility for processing asylum requests, hosting applicants through the process and after they have been granted asylum. They also bear the responsibility of dealing with the returns of those whose asylum applications have been rejected. Despite the considerable drop in the number of arrivals in Europe in 2017 and 2018, this system has led to difficulties in ensuring adequate reception and access to international protection to those arriving at their borders, including delays in the processing of asylum applications and expediting family reunions.<sup>9</sup> For example, “Moussa”, a 22-year-old Guinean national told Amnesty International “I claimed asylum in Italy. I was at a reception centre for three years. I was there waiting and waiting for a response, doing nothing. I speak several languages and I am young and fit. I wanted to work but was not allowed to. I was losing all hope, so I left”.<sup>10</sup>

In addition, those who have their status recognised in a particular EU member state do not enjoy the right to free movement within the Union, having to comply with a series of conditions, such as waiting for a number of years in the country which first granted protection, according to the Long-Term Residence directive, amended in 2011.<sup>11</sup>

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<https://ec.europa.eu/eurostat/fr/web/asylum-and-managed-migration/data/main-tables>

<sup>8</sup> The Dublin Regulation, also known as Dublin III regulation, has been in place since 2013. It replaced the Dublin II regulation (adopted in 2003), which in turn replaced the Dublin convention (signed in 1990, entered into force in 1997). See: Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0031:0059:en:PDF>

<sup>9</sup> See *Aida country report: Greece*, March 2019, <http://www.asylumineurope.org/reports/country/greece>  
Concerning Bulgaria, in November 2018, the European Commission announced a formal notice to Bulgarian authorities for breaches in EU law in relation to Bulgaria’s reception conditions and asylum procedures. Concerns included accommodation and legal representation of unaccompanied minors; the correct identification and support of vulnerable asylum seekers; provision of adequate legal assistance; and the detention of asylum seekers, [http://europa.eu/rapid/press-release\\_MEMO-18-6247\\_EN.htm](http://europa.eu/rapid/press-release_MEMO-18-6247_EN.htm). See as well, *Aida country report: Bulgaria*, January 2019 <https://www.asylumineurope.org/reports/country/bulgaria>

<sup>10</sup> Interviewed in Calais, August 2018.

<sup>11</sup> Directive 2011/51/EU of the European Parliament and the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection <https://eur->

European rules and national procedures fail to facilitate family reunification, take into consideration prospects for integration, fairly share the responsibility for the protection and assistance of asylum-seekers and refugees across the EU, and have a bearing on the dire situation people face in the area around Calais and Grande-Synthe.

In addition, the UK's unwillingness to share the global responsibility to protect refugees by offering them safe and legal routes contributes to people attempting to enter through its borders irregularly from northern France.<sup>12</sup>

The UK takes advantage of its geographical position and from the unfairness of the Dublin rules to shirk its responsibility towards asylum-seekers who have already reached Europe.<sup>13</sup> Furthermore, according to the Treaty of Le Touquet,<sup>14</sup> a 2003 French-British agreement on management of borders and immigration, British border authorities can operate on French territory to stop people without the right papers and wanting to seek protection in the UK, from ever setting foot on British soil. This agreement was strengthened in 2018 with the Sandhurst Treaty,<sup>15</sup> whereby the British authorities committed to spending an extra 50 million euros on strengthening border security at Calais and other ports, bringing the total expenditure to £150 million since the 2016 demolition of the "Jungle".<sup>16</sup>

Thus, those in the area are faced with adverse European asylum rules and the UK's failure to share responsibility for offering protection to refugees. Coupled with this, the French authorities fail to ensure that their asylum and reception system is adequately organized and resourced to respond to

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[lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:132:0001:0004:EN:PDF](http://lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:132:0001:0004:EN:PDF)

<sup>12</sup> See Home Office, *Immigration statistics, published 28 February 2019*,

[www.gov.uk/government/publications/immigration-statistics-year-ending-december-2018/how-many-people-do-we-grant-asylum-or-protection-to](http://www.gov.uk/government/publications/immigration-statistics-year-ending-december-2018/how-many-people-do-we-grant-asylum-or-protection-to)

<sup>13</sup> According to UNHCR in 2018 and 2017 altogether, 323,000 people arrived in Europe via Spain, Greece and Italy. See UNHCR, *Refugee and Migrant arrivals into Europe, January-December 2018*.

<https://data2.unhcr.org/en/documents/download/68006>. Over 2017 and 2018 altogether, the UK received only 4,077 requests from other countries to transfer asylum-seekers into the UK as per Dublin rules. Out of this figure, only 1,676 people were transferred into the UK. Over these two years, France sent 1,101 requests to the UK to transfer asylum seekers into the UK, but only 183 asylum-seekers were transferred from France into the UK pursuant Dublin rules. See Home Office, *Immigration statistics, published 28 February 2019*.

<sup>14</sup> Loi n° 2003-1368 du 31 décembre 2003 autorisant l'approbation du traité entre le Gouvernement de la République française et le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord relatif à la mise en œuvre de contrôles frontaliers dans les ports maritimes de la Manche et de la mer du Nord des deux pays,

[www.legifrance.gouv.fr/affichSarde.do?reprise=true&fastReqId=1880447818&idSarde=SARDOBJT000007115306&page=3](http://www.legifrance.gouv.fr/affichSarde.do?reprise=true&fastReqId=1880447818&idSarde=SARDOBJT000007115306&page=3)

<sup>15</sup> Décret n° 2018-263 du 11 avril 2018 portant publication du traité entre le Gouvernement de la République française et le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord relatif au renforcement de la coopération pour la gestion coordonnée de leur frontière commune, signé à Sandhurst le 18 janvier 2018, [www.legifrance.gouv.fr/eli/decret/2018/4/11/EAEJ1803750D/JO/texte](http://www.legifrance.gouv.fr/eli/decret/2018/4/11/EAEJ1803750D/JO/texte)

<sup>16</sup> ECRE, *New Agreement over Border Control in Calais*, 19 January 2018, [www.ecre.org/new-agreement-over-border-control-in-calais/](http://www.ecre.org/new-agreement-over-border-control-in-calais/) and The Guardian, *UK to pay extra £44.5m for Calais security in Anglo-French deal*, 18 January 2018, <https://www.theguardian.com/politics/2018/jan/18/uk-to-pay-extra-445m-for-calais-security-in-anglo-french-deal>

the demand throughout the country, and particularly in Calais and Grande-Synthe. For example, the process for claiming asylum is often slow and does not guarantee access to housing for everyone.<sup>17</sup> In Calais and Grande-Synthe, the situation is complicated further by the lack of a local asylum office (*Guichet unique de demandeurs d'asile*): those wanting to claim asylum have to travel to Lille (over 100km away) or to Paris. "Abbas", an Afghan national living in a small camp in Calais, told Amnesty International, "I have applied for asylum in France even though I would like to go the UK because my brother lives there. I have to travel to Paris to follow up on my application because there is no asylum office here. I have been waiting for months. I have not been given a place in a shelter and cannot work. I am tired and depressed. I feel I have no future in France, I still want to get to the UK at some point".<sup>18</sup>

The authorities have put in place a regular outreach service (*maraudes*) to enable foreign nationals to access reception centres (*Centres d'accueil et d'examen des situations*, CAES or *Centres d'accueil et orientation*, CAO) where they can also receive information about the asylum process. French authorities claim that thanks to this outreach service, all homeless migrants and refugees can have access to shelter (*mise à l'abri*) and there is no need for anyone to sleep rough.<sup>19</sup>



*Camp in Grande Synthe, August 2018 © Amnesty International*

Indeed, this state-sponsored service regularly visits the camps to take them to reception centres and hotels in other parts of the country where they are provided with basic housing and the possibility to regularise their status.

However, the national ombudsman, the Défenseur des Droits, has criticised the limited capacity of this outreach service, as it is dependent on the availability of places in reception centres, which are often full.<sup>20</sup> For example, during a visit to Grande-Synthe, on a snowy freezing day at the end of January 2019, Amnesty International observed how, out of a group of over 20 people waiting to be collected at a rendez-vous point near the camps, about 12 of them, including two families with young children, were left behind without any alternatives as the reception centres were full. Local independent organizations had to step in to arrange alternative emergency accommodation.

In addition, many of those taken to these reception centres, tend to leave after a period of time, either

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<sup>17</sup> Défenseurs des Droits, *Exilés et droits fondamentaux, trois ans après le rapport Calais*, December 2018, p. 49, [www.defenseurdesdroits.fr/sites/default/files/atoms/files/rapport\\_calais-num-14.12.18.pdf](http://www.defenseurdesdroits.fr/sites/default/files/atoms/files/rapport_calais-num-14.12.18.pdf)

<sup>18</sup> Interviewed in Calais, July 2018.

<sup>19</sup> As repeatedly mentioned during meetings with local organizations and on the Facebook page of the *Préfet of Pas-de-Calais*, see, for example: <https://www.facebook.com/prefetpasdecalais/posts/1223267787879787>

<sup>20</sup> Défenseur des Droits, *Exilés et droits fondamentaux, trois ans après le rapport Calais*, December 2018, p. 17 and 53. This has also been confirmed by local organizations interviewed in August 2018 and January 2019.

because they are not interested in claiming asylum in France, or because they fear being sent back to the European country where they first arrived, on account of the Dublin regulation. These people end up with little option but sleeping rough or in tents again, while they consider the best way of crossing the Channel to the UK.

## 1.2 ONGOING HUMAN RIGHTS CONCERNS FOR PEOPLE ON THE MOVE

Since the demolition of the Jungle in 2016, and in response to the movement of refugees, migrants and asylum seekers towards the area, the authorities have introduced a policy of preventing so-called “attachment points” to deter people on the move from coming and staying in the area.<sup>21</sup> This is implemented by routinely demolishing new camps, removing tents, and failing to provide adequate emergency shelter *in situ*,<sup>22</sup> or essential services (such as water and sanitation) near encampments. The removal of encampments is executed by deploying large numbers of police officers (usually *Compagnie Républicaine de Sécurité* (CRS) officers or *gendarmes*), transferred from elsewhere in France, working in stints of up to one month, and trained to deal with riots and crowd control, rather than with people in need of protection.

As migrants, asylum-seekers and refugees continue to arrive and stay in the area, it is clear that this policy has proved an ineffective deterrent. What is also clear is that it adds to the pressure, suffering and distress they experience, as has been documented in a report by L’Auberge des Migrants in April 2018, focusing on abuses during routine forced evictions.<sup>23</sup> In August 2018, “Ismail”, a Sudanese national, told Amnesty International, “they come and take our stuff all the time. You have to be prepared and make sure you keep hold of your bag. I dismantle and hide my tent and sleeping bag somewhere safe every morning. If I don’t, they would destroy and take my tent with everything inside. I try to stay out of their way.”<sup>24</sup> In January 2019, Amnesty International heard from “Reza”, an Iranian national: “I have been here two months and I live in the street. I left my country looking for safety, but here I face police abuse and a very cold winter. The police come every day to take my tent and

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<sup>21</sup> La Voix du Nord, « Cazeneuve : Ce démantèlement est un devoir humanitaire pour notre pays », 23 October 2016, [www.lavoixdunord.fr/63970/article/2016-10-23/cazeneuve-ce-demantelement-est-un-devoir-humanitaire-pour-notre-pays](http://www.lavoixdunord.fr/63970/article/2016-10-23/cazeneuve-ce-demantelement-est-un-devoir-humanitaire-pour-notre-pays); Minister of Interior, « Action de l'Etat à Calais et dans le Dunkerquois », 23 October 2017, [www.interieur.gouv.fr/Archives/Archives-ministre-de-l-interieur/Archives-Gerard-Collomb-mai-2017-octobre-2018/Communiqués-du-ministre/Action-de-l-Etat-a-Calais-et-dans-le-Dunkerquois](http://www.interieur.gouv.fr/Archives/Archives-ministre-de-l-interieur/Archives-Gerard-Collomb-mai-2017-octobre-2018/Communiqués-du-ministre/Action-de-l-Etat-a-Calais-et-dans-le-Dunkerquois)

<sup>22</sup> Some attempts at providing emergency shelter have been made in Grande-Synthe, with the opening of a gym for men in the winter of 2017-8 and 2018-9, and a municipal building for families in the winter of 2018-9. These were however insufficient to cover the needs of all those in the area. For example, at the end of January 2019, at least 200 men were living in tents outside the gym and a few dozens more in the woods nearby (PSM, La situation à Grande-Synthe, 2 March 2019, [www.psmigrants.org/site/la-situation-a-grande-synthe/](http://www.psmigrants.org/site/la-situation-a-grande-synthe/)), while some families relied on alternative accommodation found by humanitarian organizations. In Calais, emergency shelter in warehouses was made available on particularly cold nights in the winter of 2017-8 and 2018-9. Over the last winter, such emergency shelter was only available for 24 nights.

<sup>23</sup> Auberge des Migrants, *Rapport sur les expulsions forcées*, April 2018, [www.laubergedesmigrants.fr/wp-content/uploads/2018/06/Rapport-expulsion-forc%C3%A9es-mai-2018.pdf](http://www.laubergedesmigrants.fr/wp-content/uploads/2018/06/Rapport-expulsion-forc%C3%A9es-mai-2018.pdf)

<sup>24</sup> Interview conducted in August 2018 in Calais.

clothes. Why are they doing this?”<sup>25</sup>

French courts have issued significant rulings on the situation of people on the move in the region. After annulling two municipal orders forbidding food distribution in March 2017, an administrative tribunal recognised in June 2017 the dire situation of migrants and refugees in Calais as “inhuman and degrading treatment”, and ordered the authorities to reach out to them, particularly unaccompanied minors, to ensure they are able to access the asylum system and shelter, and that water and sanitation points be provided immediately in Calais.<sup>26</sup> The municipality of Calais and the Ministry of Interior appealed this decision, but their appeal was rejected by the Conseil d’État (the highest court ruling on public administration issues), which confirmed the urgency of responding to the needs of people on the move living in the streets.<sup>27</sup>

UN experts are also concerned by the situation. For example, several UN Special Rapporteurs called on France to provide access to water and sanitation to homeless migrants and refugees in October 2017.<sup>28</sup> In April 2019, the UN Special Rapporteur on Adequate Housing expressed concern that the lack of emergency shelter and the routine evictions in Calais “are a gross violation of the right to adequate housing under international human rights law. They also constitute violations of the rights to health, food, and to physical integrity. The systematic and repeated nature of these forced evictions during winter time suggest they also constitute cruel, inhuman or degrading treatment of one of the most vulnerable populations in France”.<sup>29</sup>

National human rights institutions have visited the area and produced reports and recommendations to demand that the authorities address the situation. In 2017, the national ombudsman, the Défenseur des Droits,<sup>30</sup> condemned the lack of essential services and humanitarian provision for both adults and unaccompanied minors living in the streets of Calais. He also criticised the intimidation of those who provided humanitarian aid and the obstruction of their activities. Most recently, in December 2018, the Défenseur des Droits issued a major report looking at the situation of migrants and refugees in Calais, Grande-Synthe and other parts of northern France, criticizing the lack of an unconditional reception system and basic humanitarian provision, the continued forced evictions, the police abuses against migrants and refugees, and different forms of what he called the “penalization” of

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<sup>25</sup> Interviewed in Calais, January 2019.

<sup>26</sup> Tribunal administratif de Lille, Ordonnance du juin 2017, [www.laubergedesmigrants.fr/wp-content/uploads/2017/10/TA-Lille-26-juin.pdf](http://www.laubergedesmigrants.fr/wp-content/uploads/2017/10/TA-Lille-26-juin.pdf)

<sup>27</sup> Conseil d’État, 31 juillet 2017, Commune de Calais, Ministre d’État, ministre de l’Intérieur, [www.conseil-etat.fr/Decisions-Avis-Publications/Decisions/Selection-des-decisions-faisant-l-objet-d-une-communication-particuliere/Conseil-d-Etat-31-juillet-2017-Commune-de-Calais-Ministre-d-Etat-ministre-de-l-Interieur](http://www.conseil-etat.fr/Decisions-Avis-Publications/Decisions/Selection-des-decisions-faisant-l-objet-d-une-communication-particuliere/Conseil-d-Etat-31-juillet-2017-Commune-de-Calais-Ministre-d-Etat-ministre-de-l-Interieur)

<sup>28</sup> OHCHR, *France must provide safe drinking water and sanitation for migrants in the “Calais Jungle”, say UN rights experts*, 16 October 2017, [www.ohchr.org/en/newsevents/pages/DisplayNews.aspx?NewsID=22240&LangID=E](http://www.ohchr.org/en/newsevents/pages/DisplayNews.aspx?NewsID=22240&LangID=E)

<sup>29</sup> OHCHR, End of Mission Statement by The Special Rapporteur on the right to adequate housing presents her preliminary findings after her visit to the Republic of France, conducted on 2 – 11 April 2019, [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24475&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24475&LangID=E)

<sup>30</sup> Défenseur des Droits, *Le Défenseur des Droits dénonce une nouvelle fois les conditions de vie inhumaines que subissent les exilés à calais*, 14 June 2017, [www.defenseurdesdroits.fr/fr/node/23871](http://www.defenseurdesdroits.fr/fr/node/23871)

humanitarian aid to migrants.<sup>31</sup> For its part, the Commission Nationale Consultative des Droits de l'Homme (a national human rights institution comprised of governmental and non-governmental representatives), issued a statement in October 2017<sup>32</sup> condemning the reluctance of the authorities to comply with judgements upholding the rights of homeless migrants and refugees,<sup>33</sup> the ongoing insufficient humanitarian provision for them, and the practice of evictions and ill-treatment of migrants and refugees at the hands of police. In addition, it criticized the practice of intimidating and prosecuting those who provide humanitarian help, which was, in the words of the Commission, “revealing [of] a political will to penalize solidarity”.<sup>34</sup>

In March 2019, following legal action by local civil society organizations, an administrative tribunal ruled that a major eviction carried out in Grande-Synthe in 2017 was carried out unlawfully, without a judicial or administrative order, and that the operation violated the human rights of the evictees, as it constituted a forced eviction.<sup>35</sup>

Instead of heeding these “wake up” calls, evictions in both Calais and Grande-Synthe have intensified during the last year, with 275 carried out in the first three months of 2019 alone, and continuing to this day.<sup>36</sup>

Human rights violations committed by police forces in the area have also been widely documented by civil society organizations and French institutions. For example, Human Rights Watch documented widespread police abuse, including misuse of teargas and excessive use of force against migrants and refugees, as well as harassment of humanitarian workers and volunteers, primarily at the hands of riot police (*Compagnies Républicaines de Sécurité*, CRS) in 2017.<sup>37</sup> This was followed by a report by Refugee Rights Europe, based on a broad survey of about a third of all people on the move present in Calais in October 2017, who described abuses by police (about 90% of respondents reported having been sprayed with teargas) and of fearing for their safety while living in the streets of Calais.<sup>38</sup> while four NGOs issued a report in August 2018 detailing the harassment of human rights defenders in Calais and Grande-Synthe.<sup>39</sup> The most recent NGO report documenting abuses committed by the

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<sup>31</sup> Défenseur des Droits, *Exilés et droits fondamentaux, trois ans après le rapport Calais*, December 2018, [www.defenseurdesdroits.fr/sites/default/files/atoms/files/rapport\\_calais-num-14.12.18.pdf](http://www.defenseurdesdroits.fr/sites/default/files/atoms/files/rapport_calais-num-14.12.18.pdf)

<sup>32</sup> CNCDH, *Alerte sur le traitement de personnes migrantes*, 17 October 2017, [www.cncdh.fr/fr/publications/alerte-sur-le-traitement-des-personnes-migrantes](http://www.cncdh.fr/fr/publications/alerte-sur-le-traitement-des-personnes-migrantes)

<sup>33</sup> For example, by the Lille Administrative Tribunal – see footnote 27.

<sup>34</sup> Ibid. p. 4. See also their advisory opinion, CNCDH, *Mettre fin au délit de solidarité* 18 May 2017, [www.cncdh.fr/sites/default/files/170518\\_avis\\_delit\\_de\\_solidarite.pdf](http://www.cncdh.fr/sites/default/files/170518_avis_delit_de_solidarite.pdf)

<sup>35</sup> Tribunal Administrative de Lille, *Les contrôles d'identité et les fouilles à proximité du bidonville de Puythouck (Grande-Synthe) ainsi que l'évacuation de ce campement étaient illégaux*, 13 March 2019, <http://lille.tribunal-administratif.fr/Actualites/Communiqués/Les-contrôles-d-identite-et-les-fouilles-a-proximite-du-bidonville-de-Puythouck-Grande-Synthe-ainsi-que-l-evacuation-de-ce-campement-etaient-illegaux>

<sup>36</sup> According to evictions observation records by the Human Rights Observer project, supported by local NGOs.

<sup>37</sup> Human Rights Watch, “Like living in hell”, *Police Abuses Against Child and Adult Migrants in Calais*, 26 July 2017, [www.hrw.org/report/2017/07/26/living-hell/police-abuses-against-child-and-adult-migrants-calais](http://www.hrw.org/report/2017/07/26/living-hell/police-abuses-against-child-and-adult-migrants-calais)

<sup>38</sup> Refugee Rights Europe, *Twelve Months on*, 2018, [http://refugeerights.org.uk/wp-content/uploads/2017/11/RRDP\\_TwelveMonthsOn.pdf](http://refugeerights.org.uk/wp-content/uploads/2017/11/RRDP_TwelveMonthsOn.pdf)

<sup>39</sup> Utopia 56, Help Refugees, Refugee Info bus, L'Auberge des Migrants, *Calais : le Harcèlement policier des*

police against migrants and refugees was published in December 2018,<sup>40</sup> and the Human Rights Observers project, supported by a range of local organizations, continues to document daily instances of evictions, and police abuse against people on the move and human rights defenders alike.

The national bodies in charge of monitoring the Police, the Gendarmerie and the Public Administration (known as IGPN, IGA, IGGN), published in October 2017 their findings after an inquiry into police behaviour in the Calais and Dunkirk areas. The report found that, while there was no “formal evidence”, the sheer amount of verbal and written testimonies led the investigators to “consider as plausible some violations of the guidelines on the use of force and of policing ethical standards, particularly in Calais” including “use of violence, a disproportionate use of teargas sprays, the destruction of migrants’ property and the failure to display police identification numbers (RIO)”.<sup>41</sup>

In January 2018, French President Emmanuel Macron gave a speech in Calais in the presence of local and national authorities and police forces, with some revealing statements.<sup>42</sup> On policing, President Macron expressed support for the work of police forces, stating they were the object of “sometimes lies, and often manipulation” in order to attack government policies. At the same time, he also said that he could not “believe that security forces could use physical violence, seize personal belongings, wake up people in the night, and use teargas sprays on water or during food distribution. If true, this is contrary to all ethical professional standards. If proved, this will be punished”.

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*bénévoles*, August 2018, [www.laubergedesmigrants.fr/rapport-calais-le-harcelement-policier-des-benevoles/](http://www.laubergedesmigrants.fr/rapport-calais-le-harcelement-policier-des-benevoles/)

<sup>40</sup> Utopia 56, Cabane Juridique, Refugee Info bus, Auberge des Migrants, *Police Violence in Calais : abusive and illegal practices by law enforcement officers*, December 2018,

[https://docs.wixstatic.com/ugd/5eb73a\\_ae875cd65dcc434588a7a69ed4cf3167.pdf](https://docs.wixstatic.com/ugd/5eb73a_ae875cd65dcc434588a7a69ed4cf3167.pdf)

<sup>41</sup> IGPN, IGA, IGGN, *Evaluation de l'action des forces de l'ordre à Calais et dans le Dunquerqueois*, Octobre 2017, [www.interieur.gouv.fr/Publications/Rapports-de-l-IGA/Rapports-recents/Evaluation-de-l-action-des-forces-de-l-ordre-a-Calais-et-dans-le-Dunkerquois](http://www.interieur.gouv.fr/Publications/Rapports-de-l-IGA/Rapports-recents/Evaluation-de-l-action-des-forces-de-l-ordre-a-Calais-et-dans-le-Dunkerquois)

<sup>42</sup> Présidence de la République, Discours devant les forces de sécurité à Calais, 16 January 2018, [www.elysee.fr/declarations/article/transcription-du-discours-du-president-de-la-republique-aupres-des-forces-mobilisees/](http://www.elysee.fr/declarations/article/transcription-du-discours-du-president-de-la-republique-aupres-des-forces-mobilisees/)

During its visits to Calais and Grande-Synthe, Amnesty International was able to corroborate that people on the move continue to suffer abuses at the hands of police. “Asif”, an Afghan national, told Amnesty International in July 2018 that he had recently been beaten on his back with a baton during a forced eviction, and “Rashid” also from Afghanistan, said he had his tent ruined when a police officer urinated on it, adding “Why do they have to treat us like this? We are humiliated as well as ill-treated.”<sup>43</sup>

“Suleyman”, a 17-year-old from Sudan who had spent six months in Calais, told Amnesty International in August 2018 that once he was walking alone when he was insulted by police passing by in a car. He answered back “what do you want?”, and then he said the police stopped their car and sprayed him with teargas in his face. He added, “it is dangerous to walk alone round here, you have to stick together in a group”. “Amani”, a 23-year-old man from South Sudan told Amnesty International, “I’ve only been in Calais a few days, but yesterday police beat me on my back with a stick for no reason”.<sup>44</sup>



*“We are not bugs! Stop spraying us with gas!” - Poster photographed in Calais, July 2018 © Amnesty International*

Some individuals have told Amnesty International about having been detained only to be released shortly afterwards. Some of them were given an order to leave French territory (“Obligation de quitter le territoire français”) but not repatriated or taken to the border.<sup>45</sup> For example, “Ibrahim”, a 25-year-old Sudanese national told Amnesty International in August 2018, “two days ago I was arrested by police in plainclothes and driven away. I was abandoned far away. I had to walk for eight hours to get back here. I was not given any paper”.<sup>46</sup>

“Ahmed”, a Sudanese national, said he had been apprehended by police officers and beaten, but not taken to a detention centre: “I was punched in the face after I told them they had no right to send me back to Sudan”. He added “I don’t want to stay in France and I don’t want to go to the shelter. The police must stop beating us”<sup>47</sup>.

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<sup>43</sup> Interviews conducted in July 2018 in Calais.

<sup>44</sup> Both interviews conducted in August 2018 in Calais.

<sup>45</sup> Interviews with migrants and local organizations in 2018 and 2019. See also : Défenseur des Droits, *Exilés et droits fondamentaux, trois ans après le rapport Calais*, December 2018, [www.defenseurdesdroits.fr/sites/default/files/atoms/files/rapport\\_calais-num-14.12.18.pdf](http://www.defenseurdesdroits.fr/sites/default/files/atoms/files/rapport_calais-num-14.12.18.pdf)

<sup>46</sup> Interview conducted in August 2018 in Calais.

<sup>47</sup> Interview conducted in August 2018 in Calais

In January 2019, “Omid”, an Iranian man, told Amnesty International, “A friend of mine was taken to jail and slapped several times. He was put in a very cold cell for two days and was not given a blanket. He did not know where he was, but he was released. I feel scared it may happen to me too.”<sup>48</sup>

Complaints are usually not filed by people on the move. Those interviewed cited fear of getting into contact with French authorities and/or simply wanting to move on and leave France. They fear being deported and the potential consequences that filing a complaint would have on their prospects to regularize their migration status, a commonly held belief that nothing will happen as a result, and lack of accessible information on how to file a complaint in a language they understand.<sup>49</sup> In a letter from the Ministry of Justice to Amnesty International, they confirmed victims rarely come forward, and only when accompanied by civil society groups. The Ministry informed the organization that they had received 11 complaints of police abuse between 2016 and 2019, with only one case currently reaching prosecution stage, and the rest apparently closed for lack of evidence.<sup>50</sup>

In spite of the awareness, at many levels, that human rights violations, particularly at the hands of police, take place in the area, Amnesty International is not aware of any proactive measures being taken to prevent or seek accountability for these abuses.

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<sup>48</sup> Interviews conducted in January 2019 in Calais.

<sup>49</sup> One of the recommendations in the IGP/IGGN/IGA report of 2017 called on the authorities to make available information on how to file a complaint. The authorities have published a leaflet online, however, it is in French and none of the people on the move were aware of its existence. See: [www.pas-de-calais.gouv.fr/content/download/29988/200273/file/saisine%20autorit%C3%A9s%20administratives%20et%20judiciaires.pdf](http://www.pas-de-calais.gouv.fr/content/download/29988/200273/file/saisine%20autorit%C3%A9s%20administratives%20et%20judiciaires.pdf). In practice, migrants only file complaints if they are assisted by Cabane Juridique, a legal charity with limited capacity.

<sup>50</sup> Letter received from the Ministry of Justice, dated 15 May 2019.

## 2. DEFENDING THE RIGHTS OF PEOPLE ON THE MOVE - HUMAN RIGHTS DEFENDERS UNDER ATTACK

Human rights defenders are individuals who, alone or in association with others, take injustice personally and act to promote or defend human rights at the local, national, or international levels. The human rights violations faced by those defending the rights of people on the move are inextricably linked to the treatment of the people whose rights they defend.

The hostility of European governments towards human rights defenders of people on the move has been well-documented, including the repeated smearing and prosecutions against several search and rescue organizations operating in the Central Mediterranean;<sup>51</sup> the prosecution of 73-year-old activist Martine Landry for assisting two 15-year-old asylum-seekers in Nice, France; the conviction on terror-related charges of 15 activists trying to stop what they believed were unfair deportations at Stansted airport in the United Kingdom; and recent legislation in Hungary penalizing the provision of aid and of advocacy in support of refugees and migrants.<sup>52</sup>

In the Calais and Grande-Synthe areas, human rights defenders have long provided essential services that the French state has failed to offer, demanded decent emergency reception, and brought to light the abuses perpetrated by police forces. However, instead of recognising their work and taking seriously their complaints, authorities have treated human rights defenders as meddlers and trouble-makers.

For example, the municipality of Calais forbade the distribution of food with two municipal orders in March 2017<sup>53</sup> and obstructed the delivery of temporary showers to the site of a local charity.<sup>54</sup> Human rights defenders successfully challenged these actions in court,<sup>55</sup> but these actions by local authorities clearly showed their hostility towards the efforts of human rights defenders to alleviate the conditions of destitute, homeless people on the move.

Throughout 2017, when the authorities did not deliver any food to those in need, police tried to prevent human rights defenders from distributing food in Calais, by intimidating and regularly ID checking them, and giving out large amounts of parking fines to vans and cars delivering food.<sup>56</sup> Since

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<sup>51</sup> Amnesty International, *Between the Devil and the Deep Blue Sea: Europe fails refugees and migrants in the Central Mediterranean* (AI INDEX: EUR 30/8906/2018), August 2018.

<sup>52</sup> Time, *How Europe turned compassion into a crime*, by Maria Serrano, 25 October 2018, <http://time.com/5433001/swiss-pastor-norbert-europe-compassion/>

<sup>53</sup> The municipal orders of March 2017 and other documents are available here: [www.gisti.org/spip.php?article5648](http://www.gisti.org/spip.php?article5648)

<sup>54</sup> L'express, « Douches pour migrants à Calais: la mairie condamnée à retirer sa benne », 13 February 2017, [www.lexpress.fr/actualite/societe/douches-pour-migrants-a-calais-le-secours-catholique-en-conflit-avec-la-mairie\\_1878704.html](http://www.lexpress.fr/actualite/societe/douches-pour-migrants-a-calais-le-secours-catholique-en-conflit-avec-la-mairie_1878704.html)

<sup>55</sup> Decisions by the Lille Administrative Tribunal, 22 March 2017, are available here: [www.gisti.org/spip.php?article5648](http://www.gisti.org/spip.php?article5648)

<sup>56</sup> Interviews conducted in July 2018. For example, human rights defenders with Auberge de Migrants calculated that since November 2017 they had to pay 3,000 euros in parking fines usually for “obstructive parking”

March 2018 daily food distribution, subsidized by the state and provided by an NGO, has been in place in Calais. This and other essential services provision, such as clean water points, were achieved thanks to sustained pressure by local civil society organizations who had been publicly raising the gravity of the situation and fighting for the rights of migrants, asylum-seekers and refugees living in the streets, including via legal challenges and sustained advocacy, both at the local and international levels.<sup>57</sup> This has meant that local civil society organizations have had to divert some of their limited time and resources in challenging the actions of the authorities, rather than being able to focus solely on their core activities, such as delivering food, water, sanitation and shelter, when no one else was providing these essential services.

In the last few years, particularly since the demolition of the “Jungle” in 2016 and the policy to avoid “attachment points”, human rights defenders have said the pressure on them has increased: they are caught between the acute needs and suffering inflicted on people on the move by the authorities responsible to protect them, and the intimidation tactics deployed by French authorities to hamper humanitarian activities.

Human rights defenders are working in an environment where they face a mix of intimidation, obstacles to aid delivery, and hostility aimed at discouraging their work. As will be discussed in further detail below, the tactics are varied and have included, over the past two years, smearing attacks, orders and instructions imposing arbitrary restrictions as to where and when aid can be provided and by whom; frequent ID checks; numerous parking fines; abusive language; threats of arrest; assault; and in some cases, detention and prosecution on a variety of grounds, including defamation, contempt, and assault.

Much of the intimidation and harassment takes place when individuals witness evictions and ill-treatment of migrants and refugees, when they monitor police behaviour during evictions, or when they publicly denounce abuses.<sup>58</sup> This has resulted in a hostile environment where those defending the rights of migrants, asylum-seekers or refugees find themselves pitted against the authorities, just for doing their legitimate work. This aggressive and abusive way of policing this area has contributed to creating a climate of fear and mistrust between human rights defenders and the authorities.

As mentioned above, local organizations and individual human rights defenders have submitted information about abuses against themselves and against people on the move to a range of authorities, including the Défenseur des Droits; police inspection bodies (such as the IGPN), and the Prosecutor’s Office. The Défenseur des Droits has brought relevant cases to the attention of the authorities and made recommendations to regional prosecutors and prefects. In the case of the IGPN, their 2017 report into the behaviour of police forces in the Calais and Grande-Synthe areas recognised that abuses

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(*stationnement gênant*), even in industrial areas of Calais with little traffic or justification. Human rights defenders with Salam also reported to have paid a similar amount through 2017.

<sup>57</sup> Auberge des Migrants, Référé-liberté : face au tribunal, la préfecture du Pas de Calais admet ses manquements et annonce de nouveaux dispositifs, July 2018, [www.laubergedesmigrants.fr/fr/refere-liberte-face-au-tribunal-la-prefecture-du-pas-de-calais-admet-ses-manquements-et-annonce-de-nouveaux-dispositifs/](http://www.laubergedesmigrants.fr/fr/refere-liberte-face-au-tribunal-la-prefecture-du-pas-de-calais-admet-ses-manquements-et-annonce-de-nouveaux-dispositifs/)

<sup>58</sup> See, for example, Utopia 56, Help Refugees, Refugee Info bus, L’Auberge des Migrants, *Calais : le Harcèlement policier des bénévoles*, August 2018, [www.laubergedesmigrants.fr/rapport-calais-le-harcèlement-policier-des-benevoles/](http://www.laubergedesmigrants.fr/rapport-calais-le-harcèlement-policier-des-benevoles/)

were plausible and that several complaints had been received, but failed to provide information on the outcomes of these complaints.<sup>59</sup>

In June 2018, when one volunteer submitted several complaints online to the IGPN after having been pushed and ill-treated by police while she was observing a dispersal operation, she was told that following an investigation they had not found “the slightest professional or ethical failure”. On the contrary, they found that her behaviour was “questionable”, “troublesome” and that parts of her complaints were “defamatory in character” and could constitute a “crime”, as well as creating unnecessary work for the IGPN.<sup>60</sup> As for criminal complaints with the Prosecutor, there has not been any prosecution against abusive police officers. Despite having filed several complaints to the Prosecutor over the past two years, one human rights organization in Calais, Cabane Juridique, say they have not received further information about any of them advancing.<sup>61</sup>

This lack of accountability has discouraged many individuals from filing official complaints after suffering abuses by the police. As some human rights defenders told Amnesty International, acts of intimidation, threats of arrest, verbal and physical abuse are part and parcel of their daily work.

Unless action is taken to ensure accountability for these human rights violations and officials are called by their superiors to conduct themselves to the highest ethical standards, and investigate and prosecute where appropriate, the human rights violations described below will continue.

## 2.1 SMEARING ATTACKS

Declarations by public officials smearing human rights defenders have contributed to the hostility shown by the police and the society at large. The routine accusation that those providing humanitarian aid are creating a “pull factor” that attracts migrants and refugees to Calais is particularly dangerous and unsubstantiated. In a municipal order issued by the Mayor of Calais in March 2017 forbidding all food distribution among migrants and refugees, “the regular, persistent and large presence of individuals and groups ...distributing food to migrants” was considered as a “risk to peace and security” in the city. The accusation was repeated in December 2017, when the Mayor of Calais accused civil society organizations and volunteers of being complicit in violence and criminality: “the

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<sup>59</sup> The 2017 IGPN report (see *Evaluation de l'action des forces de l'ordre à Calais et dans le Dunquerois*, October 2017) however did say that the Défenseur des Droits had opened 51 dossiers between the end of 2014 and September 2017 to look into complaints against police. Of those, 40 were closed due to no breach being found (because of absence of evidence supporting the complaints or because it was impossible to contact the complainants). Seven more cases were being investigated at the time. In the remaining four cases (dating back to 2014 and 2015), the Défenseur des Droits found evidence of misconduct. Of those, he recommended disciplinary procedures for one officer and a caution for another (decision 2017-171 of 27 July 2017). However, in his 2018 report, the Défenseur des Droits stated that the Ministry of Interior only agreed to caution one officer but not to discipline the other (see Défenseur des Droits, *Exilés et droits fondamentaux, trois ans après le rapport Calais*, December 2018)

<sup>60</sup> Auberge des Migrants, Utopia 56, Help Refugees, Refugee Info bus, *Calais : le Harcèlement policier des bénévoles*, August 2018, [www.laubergedesmigrants.fr/rapport-calais-le-harcèlement-policier-des-benevoles/](http://www.laubergedesmigrants.fr/rapport-calais-le-harcèlement-policier-des-benevoles/)

<sup>61</sup> Human rights organization Cabane Juridique, reported having filed 54 complaints in 2016 (out of over 150 requests for legal advice), 3 complaints in 2017 et 2018 (out of over 100 requests for legal advice), and 6 complaints up to the beginning of April 2019.

work of humanitarian actors is often linked to breaches of public order. [Humanitarian organizations] commit and are sometimes complicit in serious criminal acts".<sup>62</sup>

Similar smearing language has been used by the then Minister of Interior, Gérard Collomb, who, after a violent incident involving migrants and refugees in Calais in early 2018, blamed local organizations, claiming that their actions contributed to "gatherings leading to serious breaches of public order".<sup>63</sup> Referring to the same incident, a spokesperson of Collomb's party was reported to have said: "Make no mistake, many of those organizations are infiltrated by militants of the extreme left".<sup>64</sup> In the same vein, humanitarian actors, particularly British ones, are often pejoratively labelled as "no borders", a term associated with being "extremists" or "agitators".<sup>65</sup> For example, in January 2019, a group of four volunteers with local humanitarian organizations taking a stroll on the beach near where they lived, were approached and ID checked by five officers (*gendarmes*), none of whom were wearing their identification (RIO) numbers. One officer told the volunteers that the reason for the checks was because they were walking in a public space, and another officer told them that their voluntary work was 'aiding illegal immigration'. He also claimed they must be affiliated with people smugglers because they were at the beach.<sup>66</sup>

This hostile, alarmist and biased discourse is having a real impact on human rights defenders in the region. **Hisham Aly**, a humanitarian worker with humanitarian organization Secours Catholique (Caritas France) in Calais told Amnesty International: "We are constantly accused of bringing migrants here, but it is ridiculous to say this just because of some water points, meals and some outside showers – migrants are here because they want to go to the UK. Psychologically, it is hard to deal with [the smearing]."<sup>67</sup>

In the summer of 2018, local residents near a site where migrants and refugees often camp told Hisham that humanitarian organizations were to blame for the presence of migrants and that "charities are very bad for the town". Hisham feels this is due to the hostility that has been encouraged by the authorities over the years, particularly since 2013, when the Mayor asked residents to report migrant "squats", which many volunteers feel was an attempt to incite residents to become informers and

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<sup>62</sup> France info, « Migrants : la maire de Calais "approuve" et "soutient" l'action d'Emmanuel Macron », 26 December 2017, [www.francetvinfo.fr/monde/europe/migrants/migrants-la-maire-de-calais-approuve-et-soutient-l-action-d-emmanuel-macron\\_2531781.html](http://www.francetvinfo.fr/monde/europe/migrants/migrants-la-maire-de-calais-approuve-et-soutient-l-action-d-emmanuel-macron_2531781.html)

<sup>63</sup> Lyon Capitale, « Migrants : l'affrontement continue entre les associations et Collomb », 3 February 2018, [www.lyoncapitale.fr/actualite/Migrants-l-affrontement-continue-entre-les-associations-et-Collomb/](http://www.lyoncapitale.fr/actualite/Migrants-l-affrontement-continue-entre-les-associations-et-Collomb/)

<sup>64</sup> Lyon Capitale, « Les associations d'aide aux migrants comparées à l'ex-URSS par Collomb », 10 January 2018, [www.lyoncapitale.fr/politique/Les-associations-d-aide-aux-migrants-comparees-a-l-ex-URSS-par-Collomb/](http://www.lyoncapitale.fr/politique/Les-associations-d-aide-aux-migrants-comparees-a-l-ex-URSS-par-Collomb/)

<sup>65</sup> France info, « Affrontements entre migrants à Calais : la maire de la ville dénonce "la complicité" de "certains activistes et associatifs" », 2 February 2018, [www.francetvinfo.fr/france/hauts-de-france/migrants-a-calais/affrontements-entre-migrants-a-calais-la-maire-de-la-ville-denonce-la-complicite-de-certains-activistes-et-associatifs\\_2590532.html](http://www.francetvinfo.fr/france/hauts-de-france/migrants-a-calais/affrontements-entre-migrants-a-calais-la-maire-de-la-ville-denonce-la-complicite-de-certains-activistes-et-associatifs_2590532.html), and Le Monde, « Calais : les « No Border », une poignée de militants décriés », 4 February 2016, [https://www.lemonde.fr/immigration-et-diversite/article/2016/02/05/calais-les-no-border-une-poignee-de-militants-decries\\_4860357\\_1654200.html](https://www.lemonde.fr/immigration-et-diversite/article/2016/02/05/calais-les-no-border-une-poignee-de-militants-decries_4860357_1654200.html)

<sup>66</sup> Testimonies from the Human Rights Observer project database, and interviews January 2019.

<sup>67</sup> Interview with Amnesty International, July 2018.

encourage denunciation on each other.<sup>68</sup>

Such policies have damaged local community relations in Calais, since local volunteers sometimes provide humanitarian support directly from their own homes. Hisham is concerned that this language may have contributed to acts of vandalism over the past year, such as when corks spiked with nails were repeatedly scattered in front of Secours Catholique's parking lot, so as to puncture the tyres of passing vehicles, or when the tyres of their vans were slashed directly with sharp objects.



*Left: slashed tyre of Secours Catholique van, November 2018, right: corks spiked with nails, collected outside Secours Catholique's Calais office, July 2018, © Private*

Some humanitarian workers and volunteers have decided to stop talking about their work to avoid conflict or retaliation. For example, a worker with a medical charity told Amnesty International "I've stopped telling people that I work with [a medical charity] in Calais. We regularly receive insults and threats on Twitter. For the volunteers it's very difficult. They are scared. We brief them on security and the context and they get scared. We struggle to recruit new volunteers."<sup>69</sup>

## 2.2 INTIMIDATION AND OBSTRUCTION

Human rights defenders interviewed told Amnesty they have been intimidated and obstructed from delivering food and other essential services to people on the move.

"**Beatrice**" is a local volunteer who has been providing support to people on the move from her own home in Calais for 12 years.<sup>70</sup> She lets people charge their phones in her garage, where they can also wash, and distributes necessities such as sleeping bags. Her neighbours have threatened to sue her for "inciting to degrade the property of others" and, in June 2018, a neighbour left a dead rat on her lawn. She told Amnesty International that riot police (CRS) come to her place 2-3 times a week: "They

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<sup>68</sup> Le Figaro, « La maire de Calais invite à signaler par mail les «squats de migrants» », 24 October 2013, [www.lefigaro.fr/actualite-france/2013/10/24/01016-20131024ARTFIG00513-la-maire-de-calais-invite-a-signalier-par-mailles-squats-de-migrants.php](http://www.lefigaro.fr/actualite-france/2013/10/24/01016-20131024ARTFIG00513-la-maire-de-calais-invite-a-signalier-par-mailles-squats-de-migrants.php); Le Figaro, « Calais : les «No Border» prêts à se mobiliser contre le démantèlement », 22 October 2016, [www.lefigaro.fr/actualite-france/2016/10/22/01016-20161022ARTFIG00090-calais-les-no-border-prets-a-se-mobiliser-contre-le-demantelement.php](http://www.lefigaro.fr/actualite-france/2016/10/22/01016-20161022ARTFIG00090-calais-les-no-border-prets-a-se-mobiliser-contre-le-demantelement.php)

<sup>69</sup> The name of the interviewee and the medical charity are known to Amnesty International - Interviewed in Calais in July 2018.

<sup>70</sup> Interview with Amnesty International, July 2018.

carry big guns. Some take pictures of what I do, of the inside of my garage". When she has asked the basis for this, she has been told that the head of police has given the order to find out what is going on at her property. "Beatrice" felt that the attitude of the police towards migrants and volunteers has worsened since the eviction of the "Jungle" in 2016. She has witnessed police spray migrants with teargas in the face while they were sleeping in her garden and claims that "since the Mayor has called on residents to inform on each other, the situation has become toxic".

In early 2017, staff and volunteers at Secours Catholique (Caritas France) in Calais were subjected to intimidation and harassment by the authorities. First, the entrance to their office and warehouse was blocked by a skip installed by the municipal authorities so as to impede the delivery of showers to the site. The skip remained in place for about two weeks, until a tribunal ordered its removal. Meanwhile, police officers were stationed near the entrance of the site and staff and volunteers reported being intimidated and repeatedly ID checked as they entered and left the premises. Shortly after the skip was removed, Secours Catholique worker **Mariam Guerey** was arrested on suspicion of smuggling migrants and taken to the police station along with a journalist and five teenage migrants. The arrest happened when Mariam was driving the children back to their tents, after they had taken a shower at the site of the charity. As she was being apprehended, police told her "we know who you are". She and the others were released a few hours later without charge.<sup>71</sup>

**Yolaine Bernard**,<sup>72</sup> a volunteer with Salam, a charity that distributes food, clothing and other necessities to homeless migrants and refugees in the Calais area, said that she and her organization continued to distribute food from Christmas 2016 and through the first half of 2017, even though there was a municipal ban in place. On one occasion, when she was distributing food in a city park, she was surrounded by police, made to sit on a bench for one hour and half and forbidden from speaking to any of her fellow volunteers. She told Amnesty International "I felt they were punishing me like a child".

In July 2017, Yolaine witnessed police teargassing the face of two of her fellow volunteers and the food they were distributing. As she continues her work, she has lost count of many other incidents she has witnessed: "migrants are sprayed regularly, we get parking fines all the time, all types of police film us and take pictures of us every day and they do constant ID checks but they never show us any papers or warrants". She believed the situation was getting worse: "we have recently seen CRS officers beat migrants and being openly racist. For example, we once saw police giving migrants bananas and calling them monkeys. During Ramadan this year [2018], they put a plastic pig on the windscreen of a CRS van".

Humanitarian workers and volunteers in Grande-Synthe, told Amnesty that until the first half of 2018 they were able to work in relative peace and hardly ever faced obstruction or witnessed police violence like in Calais. However, in the summer of 2018, they were sometimes denied access to a large encampment in Grande-Synthe or received contradictory information regarding access. For example, at the end of June 2018, all volunteers were denied access during an eviction. The following day,

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<sup>71</sup> France info, « Calais : une salariée du Secours catholique et une journaliste brièvement arrêtées par la police aux frontières », [www.francetvinfo.fr/monde/europe/migrants/calais-une-salariee-de-secours-catholique-et-une-journaliste-brievement-arretees-par-la-police-aux-frontieres\\_2061853.html](http://www.francetvinfo.fr/monde/europe/migrants/calais-une-salariee-de-secours-catholique-et-une-journaliste-brievement-arretees-par-la-police-aux-frontieres_2061853.html)

<sup>72</sup> Interviewed in July 2018.

British volunteers were banned from bringing aid to the camp and only French volunteers were allowed in.<sup>73</sup>

**“Tim”** a British volunteer with Mobile Refugee Support working in Grande-Synthe, told Amnesty International, “I was blocked from entry because I was British. They don't usually control IDs, but on Friday [29 June 2018] they checked our IDs. National Police officers told me they just wanted to talk; I parked. They guided three of us towards their van and then pushed me in. I couldn't move back. They took me to the police station where they did an ID check. They were very hostile”.<sup>74</sup>

On 2 July 2018, three British women volunteers with the Refugee Women's Centre were doing a delivery of essential items in Grande-Synthe when national police officers asked for their IDs. According to one of them, **“Nelly”**, “they checked our IDs, the vans, the nappies and told us to go with them to the police station. When we asked why, they said ‘because we are the police’ and ‘because you are foreigners’. None of them displayed their identification numbers.” As none of the three women spoke French, they asked for a translator: “They took it as a joke and one of them said ‘Oh, I can be your translator’. We finally got a translator an hour and 40 minutes later.” “Nelly” felt intimidated because they were surrounded by 10 policemen: “they checked our IDs, they asked for our addresses. We stayed in the police station for almost four hours. They asked if we had a tattoo. We were told that we were being questioned as part of an investigation for distributing items to refugees. They told us of a new law according to which foreigners cannot distribute food or other items. They said: ‘the law in France is the law’ and that this was a warning and that what we were doing was wrong and against the law”. This was obviously false information, but it contributed to the three volunteers feeling pressured into giving their fingerprints and having their photo taken, without being charged with any crime. When they asked for a lawyer, they were told they would have one, but they would have to stay in custody overnight, so they dropped the request.<sup>75</sup>

In August 2018, **Akim T.**, vice-president of local civil society organization DROP Solidarité, was about to distribute tents and sleeping bags to unaccompanied minors at an encampment in Grande-Synthe, when he was stopped by CRS officers and told to open his car to be searched. He refused and asked to be shown a warrant. The officers then asked for his ID. When Akim showed his work ID and driving licence, he was told these were insufficient forms of identification. One of the officers then took his papers back to the van where he sat for half an hour, while three other officers conducted a body search on Akim. During that time, he said he heard officers say to each other “migrants must die, they are dogs. I don't understand why people help them” and to Akim: “go help the homeless instead. Take them all home with you!”. When he was given his papers back, the officers told him “We'll see you very soon”. He was eventually allowed to access the camp, but was followed by the officers who took photos of him. At that point, he felt intimidated and decided not to distribute anything. Before leaving he said the police told him: “we'll be here for 15 days. Right now we are cool, but we may not be so cool in 15 days”. Akim reported the incident to the Défenseur des Droits and the IGPN. The police officers were identified and asked by their supervisor to give an account of their behaviour. To date,

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<sup>73</sup> Interviews with humanitarian organizations in Grande-Synthe, July 2018.

<sup>74</sup> Interviewed in Grande-Synthe, July 2018.

<sup>75</sup> Interviewed in July 2018.

Akim has not been informed whether further actions were taken.<sup>76</sup>

### 2.3 ARRESTS, THREATS OF ARREST AND PROSECUTION

Police have resorted to taking volunteers in for questioning during forced evictions of people on the move. In March 2017, “Robert”<sup>77</sup> was volunteering with a local organization in Calais and decided to sleep overnight in a tent next to migrants and refugees so he could witness with his own eyes the evictions, beatings and destruction of property he had repeatedly been told about. He told Amnesty International that he was woken in the middle of the night by the arrival of the police. He started filming, but almost immediately the police took him and all the other foreign nationals present into custody. Though most of the foreign individuals were released shortly afterwards, “Robert” remained in detention for 10 hours, and then he was released without charge and was not provided with any legal grounds justifying his detention.

In August 2017, “Manon”, another volunteer with a local organization, watched as police forcibly evicted about 40 migrants and refugees sleeping under a bridge in Calais. Although she was simply standing and watching from the other side of the bridge, she was arrested and then put in custody on suspicion of “rebellion” but released later that day without charges. When news of her detention spread amongst other civil society organizations, several started calling the police station to enquire about her wellbeing. One of them, **Nan Mokngar Mali**, who works with organization “Terre d’Errances” was called in by the police months later, in November 2017, to be questioned for having made several “malicious calls”.<sup>78</sup>

**Loan Torondel**, who worked with L’Auberge des Migrants in Calais until the summer of 2018, was charged with defamation for a tweet he posted in January 2018.<sup>79</sup> He posted the tweet when he was in charge of monitoring the daily evictions of migrants and refugees, including a picture of French police officers standing over a man who appears to be a migrant or a refugee sitting on his sleeping bag. The caption suggests the officers are about to take away the man’s blanket in very cold



<sup>76</sup> Interviewed in January 2019.

<sup>77</sup> Interviewed in July 2018.

<sup>78</sup> Casefile information provided by Cabane Juridique, July 2018.

<sup>79</sup> <https://twitter.com/LoanTorondel/status/947827212153180161?s=19>

temperatures.<sup>80</sup>

In September 2018, he was found guilty of “defamation of public officials” and sentenced to a suspended fine of 1,500 euros, and to almost 1,000 euros in costs and damages, which were not suspended.<sup>81</sup> As coordinator of the Auberge des Migrants, Loan had a very public role at the forefront of the organization, including publishing information about excessive use of force by police against migrants. While being questioned by the police investigating the complaint for defamation, he said he was repeatedly asked about his work and the information he published, and was warned, “be careful, we are watching you”. On a separate occasion, police showed him screen grabs from his Twitter account and the Auberge des Migrants webpage, without asking any questions.<sup>82</sup>

**Mathilde Robert**, another volunteer with L’Auberge des Migrants in 2018, also used her Twitter account to publish information about police abuse. In a tweet she posted in April 2018,<sup>83</sup> she reported what some migrants and refugees told her about how the police had thrown buckets of water into their tents and then thrown some of their belongings in a nearby pond a day before. The Prefect of Pas-de-Calais sent her a letter, also published in a tweet,<sup>84</sup> in which he claimed to have verified the facts and denied that police had been involved in misconduct. The letter also called on Mathilde to bring evidence of what she said, or he would consider taking action for defamation. In response, Mathilde tweeted a picture of migrants’ clothes floating in the pond and filed a complaint with the Défenseur des Droits.<sup>85</sup>

#### 2.4 HARASSMENT AND ASSAULT

**Eleonore Vigny**, who was in charge of advocacy and legal issues for L’Auberge des Migrants and took part in the Human Rights Observers project in Calais, a project supported by local organizations to document human rights violations, told Amnesty International in July 2018, “we noticed a spike in intimidation of volunteers during April and May 2018. New harassment techniques have emerged: initially we recorded numerous ID checks and parking fines, but in April and May there were also several body searches, especially of female volunteers, sometimes done by male officers. There was also an escalation in insults, and people have been pushed, sometimes to the ground. At the beginning of June, a female volunteer was held by the throat. And recently we received more threats of legal suits, and threats of arrests”.<sup>86</sup>

A report published in August 2018 by four organizations including L’Auberge des Migrants, Utopia56, Help Refugees and Refugee Info Bus,<sup>87</sup> counted 646 separate instances of police abuse against

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<sup>80</sup> <https://twitter.com/LoanTorondel/status/947827212153180161?s=19>

<sup>81</sup> Amnesty International, France: Criminal conviction for a tweet will have chilling effect on migrants defenders, 25 September 2018, [www.amnesty.org/en/latest/news/2018/09/france-criminal-conviction-for-a-tweet-will-have-chilling-effect-on-migrant-rights-defenders/](http://www.amnesty.org/en/latest/news/2018/09/france-criminal-conviction-for-a-tweet-will-have-chilling-effect-on-migrant-rights-defenders/)

<sup>82</sup> Interviewed in Calais, July 2018.

<sup>83</sup> <https://twitter.com/MathildeROBERT/status/989386802082566144>

<sup>84</sup> <https://twitter.com/Prefet62/status/1001816479040507910>

<sup>85</sup> <https://twitter.com/MathildeROBERT/status/1002977253171527681>

<sup>86</sup> Interview conducted in July 2018

<sup>87</sup> Auberge des Migrants, Utopia 56, Help Refugees, Refugee Info bus, *Calais : le harcèlement policier des bénévoles*, August 2018, [www.laubergedesmigrants.fr/rapport-calais-le-harcelement-policier-des-benevoles/](http://www.laubergedesmigrants.fr/rapport-calais-le-harcelement-policier-des-benevoles/)

volunteers between November 2017 and June 2018, including unjustified parking fines; photos and video recording by police officers with personal phones; frequent ID checks; body and vehicle searches; insults and threats; and several cases of assault. One case from the report is that of **Charlotte Head**, who took part in the Human Rights Observer project at the time, who was violently pushed to the floor in June 2018 in Calais while filming four police officers chasing a foreign national: “they came towards us and told us to get back and to stop filming. Despite the fact that I was moving backwards, one officer pushed me violently on my shoulder and I fell backwards [...]. My phone was damaged in the fall. Another volunteer helped me get up and we were moved away from the scene by several officers. There were at least 15 officers then and they formed a line and walked towards us to make us move. Whilst we continued to move backwards, an officer pushed me violently, and I fell to the ground again. He stood over me whilst I was on the ground and raised his baton towards me, threateningly. I really thought he was going to hit me.”<sup>88</sup> Charlotte lodged a complaint with the IGPN, however, the outcome is so far unknown.

In the second half of 2018, instances of abuses by the police recorded by volunteers in Calais seemed to slow down, but they have not stopped – according to an incident log compiled by local organizations conducting human rights monitoring in the area, there were 73 incidents between July and December 2018, involving ID checks, intimidation, fines, and on a couple of instances, physical violence.



#### **TOM CIOTKOWSKI**

At the end of July 2018, **Tom Ciotkowski**, a British human rights defender, was observing riot police (CRS) ID-checking volunteers who were trying to distribute food to migrants and refugees in Calais. He was recording with his mobile phone how a police officer pushed and kicked a volunteer doing the distribution. When Tom complained about the treatment of the volunteer, the officer approached him and another female volunteer. Tom asked the officer for his identification number (RIO), at which point the officer struck his female colleague with a baton. When Tom asked the policeman not to hit women, he was pushed hard backwards by the same officer, falling over a metal barrier separating the pavement from the road. As Tom fell backwards, a passing lorry narrowly missed him. He was then arrested, put into custody for 36 hours, and then released after being charged with contempt and assault (“*outrage et violence*”). His trial is due to take place in May 2019. In May 2019, Tom filed a complaint against the police officer who pushed him and against other officers who provided reports against Tom to support his arrest and prosecution.<sup>89</sup>

## 2.5 CHILLING EFFECT ON HUMAN RIGHTS DEFENDERS

This situation has taken a heavy toll on human rights defenders who feel anxiety and pressure to stop their activities, they are ostracized in their communities, and face particularly serious

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<sup>88</sup> Ibid.

<sup>89</sup> Interview with Tom Ciotkowski in July 2018 and in April 2019.

consequences if they are arrested and prosecuted. Instead of being applauded for their work, many of the individuals who gave their testimonies feel torn between the duty of providing for the needs of people on the move and the hostility towards their work.

**“Josephine”**, a retired woman and volunteer linked to Secours Catholique,<sup>90</sup> told Amnesty International of an incident in 2017 when she was distributing meals to migrants: “As it was a very cold day, they were sitting in my car. The police arrived and put the migrants against the wall, then took them away. This for me was very upsetting and I cried. I felt like I betrayed those young men.” Though she was affected by this, she said she feels that as a Catholic she has no choice but to continue to provide humanitarian aid to migrants and refugees.

**Yolaine Bernard**, who volunteers with Salam, recounted that on several occasions, she saw police coming to detain migrants when she distributed food and then releasing them after a few hours: “It’s a kind of pressure on us, they make us feel guilty and fearful for the consequences on migrants”. She is convinced that “they are doing this to discourage us”. Yolaine devotes a lot of her time to volunteering and is committed to the work, but she is concerned about the impact of the intimidation: “we have managed to keep going thanks to our team spirit, however, we are unable to attract new volunteers due to the continuous pressure by the police.”

**Loan Torondel**, who worked with L’Auberge des Migrants, believes his prosecution was an attempt to intimidate him for his work denouncing abuses committed by the police. He told Amnesty International: “Even though I did not face a custodial sentence, a court case for defamation means months of judicial proceedings (16 between my first interview at the police station and the appeal hearing), with several court hearings. I’m only 22 years old: it’s stressful, it’s exhausting, it’s financially expensive. Without any support, I think it’s impossible to keep the same level of efficiency in the field.”

**“Nelly”**, who volunteered with the Refugee Women Centre, told Amnesty International about her arrest: “we were not given information about our rights... I’m really angry and furious. We were told they would give our details to the prosecutor and they would keep the records in case we are checked again. This will have consequences in terms of disrupting aid distribution and discouraging other volunteers. One of our volunteers is attending medical school and she is afraid of the consequences because she must not have any criminal record”.<sup>91</sup>

**“Beatrice”**, a local volunteer, is thankful for the presence of the migrants and refugees, “they have made us more human, they have enriched our lives” and believes that many volunteers like her are determined to carry on with their activities in spite of the hostility. However, she also added that many other volunteers do not publicise the work they do for fear of being criticised or shunned: “My own grandchildren have been bullied and harassed in school because of my activities and visibility”.<sup>92</sup>

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<sup>90</sup> Name known to Amnesty International, interviewed in July 2018.

<sup>91</sup> Interviewed in July 2018.

<sup>92</sup> Interviewed in July 2018.

## 2.6 THE DUTY TO RECOGNISE AND PROTECT THE RIGHT TO DEFEND HUMAN RIGHTS UNDER INTERNATIONAL LAW

“Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms” (Article 1, UN Declaration on Human Rights Defenders).<sup>93</sup>

The right to defend human rights is recognized as an autonomous and independent right in the Declaration on Human Rights Defenders, adopted by consensus by the United Nations General Assembly, whose 20<sup>th</sup> anniversary was recently marked and celebrated at the UN General Assembly and at the recent Paris Human Rights Defenders World Summit, which issued a detailed plan of action to implement the Declaration.<sup>94</sup>

The Declaration articulates human rights recognized in other legally binding instruments (such as the International Covenant on Civil and Political Rights) and applies them to the particular role and situation of human rights defenders. Deriving from this Declaration and the international treaties on which it is based on, the right to defend human rights reaffirms the importance of other rights, such as the right to freedom of expression, peaceful assembly and association, amongst others.<sup>95</sup>

The Declaration on Human Rights Defenders also gives special recognition to those who promote or defend human rights as a fundamental pillar of the international human rights system. When the Declaration was adopted, it shifted “the understanding of the human rights project: from a task accomplished mainly through the international community and States, to one that belongs to every person and group within society. The Declaration recognizes that equal justice, equal opportunity and equal dignity without discrimination long sought and deserved by every person can be realized only by empowering individuals and groups to advocate, agitate and take action for human rights. State action, while necessary and required, is insufficient to fully realize the human rights enshrined in the Universal Declaration of Human Rights”.<sup>96</sup>

In practice, this means that human rights defenders have a right to take peaceful action and speak out to prevent human rights violations from taking place, support victims of human rights violations, seek and disseminate information regarding such violations, monitor and criticise the activities of authorities and other powerful actors, and demand justice, accountability and redress, without fear of attack or retaliation.

When actions in defence of human rights are prevented, limited, punished or suppressed, or when nothing is done to prevent or eliminate such situations, states are failing to comply with their

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<sup>93</sup> Abbreviation of “Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms”, UN Doc. GA A/RES/53/144, [www.ohchr.org/en/issues/srhrdefenders/pages/declaration.aspx](http://www.ohchr.org/en/issues/srhrdefenders/pages/declaration.aspx)

<sup>94</sup> [Amnesty International et al. Global action plan for states at the UNGA to ensure protection for human rights defenders worldwide, 18 December 2018, https://hrdworldsummit.org/wp-content/uploads/2018/12/PRESS-RELEASE-re-18-december-2018-UNGA-intervention-by-HRD-Summit-1.pdf](https://hrdworldsummit.org/wp-content/uploads/2018/12/PRESS-RELEASE-re-18-december-2018-UNGA-intervention-by-HRD-Summit-1.pdf)

<sup>95</sup> OHCHR Factsheet no. 29, Human Rights Defenders: Protecting the Right to Defend Human Rights, <https://www.ohchr.org/Documents/Publications/FactSheet29en.pdf>

<sup>96</sup> Report of the Special Rapporteur on the situation of human rights defenders, 23 July 2018, A/73/215 <https://undocs.org/en/A/73/215>

international human rights obligations. States have a duty to ensure that everyone under their jurisdiction can enjoy all human rights in practice, including the right to promote and defend human rights<sup>97</sup> and must take specific measures to create a safe and enabling environment for exercising this right. The necessary conditions for this environment include: the public recognition of human rights defenders; a conducive legal, institutional and administrative framework; access to justice and an end to impunity for violations against defenders; effective protection policies and mechanisms paying attention to groups at risk; specific attention given to women human rights defenders and other defenders facing discrimination, amongst others.<sup>98</sup>

As seen with the attacks on human rights defenders of people on the move across Europe and specifically in northern France, it is urgent and essential that European governments put an end to blatantly unfair accusations, spurious prosecutions of human rights defenders, as well as legislation or administrative requirements aimed at stopping the legitimate work of civil society organizations. Furthermore, states must also recognise that protecting the human rights of individuals, whatever their migration status, must take precedence over unjust laws and practices. As noted by the UN Special Rapporteur on the situation of human rights defenders:

“while States have the sovereign right to determine their migration policies, this right is constrained by the obligations voluntarily assumed by States under international human rights law. Although a diverse array of international agreements apply to certain, widely recognized groups, such as refugees and migrant workers, all people on the move and their allies share the same universal human rights articulated in the Universal Declaration of Human Rights. Where limitations are allowed to the rights of people on the move, international human rights law requires that such restrictions be in response to a pressing public or social need, pursue a legitimate aim, and be proportionate to that aim. All too often, restrictions on the rights of people on the move to defend their rights, or on human rights defenders defending their rights, fail one or more of these requirements.”<sup>99</sup>

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<sup>97</sup> Declaration on Human Rights Defenders, Article 2

<sup>98</sup> Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, 2013, UN Doc. A/HRC/25/55

<sup>99</sup> Report of the Special Rapporteur on the situation of human rights defenders, 16 January 2018, UN Doc. A/HRC/37/51

### 3. RECOMMENDATIONS

Those who defend the rights of people on the move are caught between the acute needs and suffering inflicted on people on the move by the authorities responsible to protect them, and the intimidation, harassment, and abuse used by French authorities to hamper humanitarian activities, particularly around the areas of Calais and Grande-Synthe.

The situation of migrants and refugees in those areas will continue to be precarious and unsettled while the current European, UK and French migration policies remain in place.

EU asylum rules and restrictions on freedom of movement for refugees, have contributed to thousands of people moving irregularly across EU borders, trying to reunite with their families or seeking to enjoy the full set of rights granted to them by EU law.

Until EU leaders agree on a fairer system to regulate migration and asylum, the French authorities must ensure their reception and asylum system is fit for purpose and adopt an approach that addresses adequately the avoidable suffering of the people who are stuck along the French-British border, and ensures their rights are protected irrespective of their status. They must send a clear signal that excessive use of force by the security forces will not be tolerated, by investigating and prosecuting all reports of police misconduct.

Those who take action against all violations committed against migrants, asylum seekers and refugees must be respected and protected. Smear campaigns, threats, intimidation, assault and baseless arrests against human rights defenders must not be tolerated.

The role of those who defend the rights of people on the move must be recognised and they should be enabled to conduct their necessary and complementary work in addressing the needs of people on the move in a safe environment and without fear of reprisals. They should be seen as allies and work with them, not against them.

#### **Amnesty International calls on the French authorities at all levels, national regional and municipal levels to:**

- Explicitly recognize the legitimacy of human rights defenders, publicly support their vital work on behalf of people on the move, and ensure they are able to work in an environment free from human rights violations;
- Refrain and strongly condemn any smearing of human rights defenders, including using language that stigmatizes, abuses, disparages or discriminates against them including by characterizing them as criminals and trouble-makers, “facilitators of illegal immigration”, “meddling do-gooders”, “smugglers”;
- Ensure that national and local legislative and administrative provisions and their application facilitate the work of all those who defend the human rights of people on the move, including by avoiding any form of criminalization, impediment, obstruction or undue restriction;
- Thoroughly investigate any attacks against human rights defenders and bring those

responsible for these attacks to justice.

- Ensure that all aspects of the asylum system is fit for purpose and adequately resourced, including by enabling access to the asylum procedure in Calais and Grande-Synthe with the opening of a GUDA (*Guichet Unique pour demandeur d'asile*), by reinforcing the outreach service (*maraude*) for people on the move, and by ensuring that the protection of unaccompanied minors is fully effective;
- Protect the right to live in dignity and safety for all people on the move, no matter their legal status, by providing unconditional humanitarian support such as shelter and food;
- Provide all people on the move with information on their rights, including how to complain about police behaviour, in a way that is accessible and in a language they understand;
- Ensure that law enforcement officers behave according to the highest standards of policing conduct, including by refraining from unlawful acts of violence, misuse of teargas spray, arbitrary detention and intimidation against people on the move and human rights defenders; observing the obligation to wear identification numbers (RIO);
- Initiate a thorough and independent investigation into alleged widespread abuse on migrants, refugees and human rights defenders at the hands of law enforcement officers in the areas of Calais and Grande-Synthe and initiate the adequate disciplinary and/or criminal proceedings against those responsible.

#### **To the European Union**

- Agree on the reform of the Dublin system, by overhauling the logic which assigns disproportionate responsibility to the state of first entry and replacing it with a relocation system which prioritises family reunification and other connections to a particular EU or associated country; and ensure effective implementation of common European asylum rules to achieve fairer and equivalent protection standards;
- Allow free movement for refugees in the EU: revise EU legislation limiting freedom of movement of successful asylum seekers within the EU and establish a system of mutual recognition of positive decisions on international protection.

#### **To the United Kingdom**

- Expand safe and legal routes for those wanting to claim asylum and accept a fairer share of refugees, including by sharing the responsibility for the assistance and protection of asylum-seekers with other European countries;
- Under the Dublin Regulation or under UK policy and practice. cooperate with the French authorities to ensure the swift transfer of refugees and asylum seekers, in particular unaccompanied minors;

- Allow child refugees in the UK the right to sponsor their close family; expand who qualifies as family, so that young people who have turned 18 and elderly parents can join their family in the UK; and reintroduce legal aid for refugee family reunion cases.