

# ANNUAL REPORT 2019

## Human Rights Observers

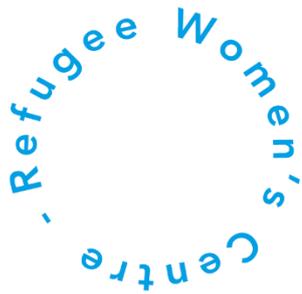
*OBSERVATION OF HUMAN RIGHTS  
VIOLATIONS AT THE UK-FRENCH BORDER*



Written by:



In Collaboration with:



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## 1. Presentation

### *1.1. Brief overview of HRO*

Human Rights Observers (HRO) is a team of experienced volunteers that monitor, document and ultimately challenge the detrimental practices of authorities, with the aim of upholding the fundamental rights of displaced people. This project was created in 2017, following the request of certain communities of displaced people in Calais, for an increased volunteer presence on the ground at night and during evictions, due to a particularly high number of reports of police violence. This presence served to document the police violence taking place, and to act as a deterrence against them. In August 2018, the team came to focus more specifically on forced evictions. In January 2019, observation shifts expanded to Grande-Synthe, following the testimonies of displaced people reporting more frequent forced evictions across the city.

Since September 2019, HRO has been supported by L'Auberge des Migrants, Help Refugees, Utopia 56 and Refugee Info Bus. The HRO project is inter-associative<sup>1</sup>, led by employees and trainees of L'Auberge des Migrants, in coordination with volunteers from other associations. The aim is to be present during as many police operations as possible and to act as an unofficial watchdog, documenting evictions of informal living sites, arrests and abusive identity checks <sup>2</sup>.

### *1.2. Methodology*

Every day, HRO teams are on the ground in order to document human rights violations against the displaced population (taking notes, videos, photos). At eviction operations, we collect data such as the type of operations, frequency of evictions, number of seizures/confiscations, violence, presence of translators, bailiffs, etc. Our aim on the field

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<sup>1</sup> In collaboration with: Utopia 56, Refugee Women's Centre, Legal Centre, Collective Aid, Project Play, Refugee Community Kitchen, The Woodyard, Refugee Info Bus.

<sup>2</sup> These operations are accompanied by identity checks that are often abusive. They often fail to comply with the obligation laid down by the Court of Cassation, according to which identity checks must be based on "objective elements deduced from circumstances external to the nature of the person concerned [which] are such as to reveal his or her status as an alien" (Court of Cassation, 25 April 1985, Appeal No. 84-92916). These checks often result in arrests and then administrative detention, which is then illegal.

is to be present, to observe and to record, The purpose is to be an observation body and not a proactive one.

It is important to note that we count one eviction for each living space evicted, so the same police operation can comprise of three evictions if it affects three different living spaces<sup>3</sup>.

### *1.3. Limitations*

The figures presented in this report relate to the period from 1<sup>st</sup> January 2019 to 31<sup>st</sup> December 2019.

In Calais, our teams were present on the ground 345 days out of the 365 days of the year, and we observed 875 of a total 961 evictions. The other 86 evictions were witnessed but not documented in detail and are therefore not included in our statistical analysis.

In Grande-Synthe, our teams are present from Monday to Friday, having never received any reports of evictions on the weekend. Over the year 2019 we were present for 148 days. The nature reserve of Puythouck, in which the informal settlements exist in Grande-Synthe, is so vast (more than 116 hectares) that it limits our observations. The size of the area has meant that some evictions of the entire nature reserve have lasted more than seven hours.

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

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<sup>3</sup> See in: Definitions part.

## 2. Definitions

### 2.1. A forced eviction

Evictions on the French coast take three forms. A distinction can be made between evictions; more or less recurrent in Grande-Synthe, daily evictions in Calais and finally large-scale evictions described as '*mises à l'abri*' or 'sheltering operations' by the authorities.

According to the Office of the United Nations High Commissioner for Human Rights, a forced eviction refers to the 'permanent or temporary eviction, against their will and without any legal or appropriate protection, of any persons, families, or communities from their homes or the land they occupy'<sup>4</sup>. It is on the basis of this definition that we consider the operations that take place daily in Calais and weekly in Grande-Synthe as 'evictions'.

### 2.2 An informal living site

Informal living sites in Calais and Grande-Synthe are generally located in industrial areas, on wasteland or in wooded areas on the outskirts of town. Due to the extremely high frequency of evictions, these informal settlements are, materially, extremely precarious: simple tents are the most permanent form of shelter. In addition to the precariousness of these sites, they are also extremely squalid<sup>5</sup>.

When counting evictions, we identify an individual living space using five criteria, set out as follows<sup>6</sup>:

- a) **An organised place:** it is possible to characterize a living space by the organisation of daily life (shelters, fires, meals, maintenance of the place, etc.) and the rules and principles of organisation specific to that place.

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<sup>4</sup> Office of the United Nations High Commissioner for Human Rights, "The Right to adequate housing", June 2014.

<sup>5</sup> Human Rights Observers report, '[Forced Evictions in Calais and Grand-Synthe – English \(4MB\)](#)', June 2019, p.4.

<sup>6</sup> These criteria are neither exhaustive nor limiting; they have been established as needed for our data collection.

- b) **A place defined in space:** a place defined in space by material or natural boundaries (woods, roads, mountains, lakes, fences, etc.) that separate it from other living spaces.
- c) **A place where basic needs are met:** eating, sleeping, washing, etc.
- d) **A place where people choose to live in a group constituting a 'community of homes':** a place shared by the same group of people who have "chosen" to gather and "live" together.
- e) **A place delimited during eviction operations:** a place categorized as singular, different and separate from others during eviction operations because it requires its own police operation, or a defined/clear phase thereof, with its own security perimeter.

### 3. Introduction

The European Union and its Member States have chosen for several years to make migration management one of their main priorities. Based on a securitised vision of migration, they are implementing repressive policies to protect their borders to the detriment of the fundamental rights of displaced people. Thus, following measures to externalize control of the British border, the French and British authorities have made *avoiding fixation points* the cornerstone of migration policy along the French coast. This policy is implemented through various measures aimed at dissuading displaced people from going to transit points<sup>7</sup> along the coast and keeping them as far away as possible from the UK-French border.

In Calais, France's attempt to *avoid fixation points* like Sangatte<sup>8</sup> and the 2016 Calais 'Jungle', have led to operations in which people are evicted from their living space. Since August 2018, we have observed an intensification of this policy, as evictions have become a daily occurrence. For several years now, it has been the subject of much criticism from human rights defenders and has been described as a policy of 'harassment'<sup>9</sup>.

In Grande-Synthe, displaced people also bear the brunt of this policy, especially since the previous mayor, M. Carême, left office. If Grande-Synthe could once be described as an example of a 'welcoming' town, it has taken a turn towards securitisation since Mayor Beyaert took office and has aligned its policy closer to that of Calais. This turning point was marked in September 2019 by the eviction of the gymnasium Espace Jeunes du

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<sup>7</sup> In the context of migration, a point of transit is a place, city or area through which a person or group of persons pass on their way to the country of destination or, leaving the country of destination, to the country of origin or habitual residence. Calais and Grande-Synthe are "transit points" for people wishing to travel to the UK. See IOM, "definition of key migration terms", available here: <https://www.iom.int/fr/termes-cles-de-la-migration>.

<sup>8</sup> Although this political strategy is aimed at avoiding so-called "fixation points", on the contrary, it contributes to its formation, as was the case at the time of the formation of the Jungle in 2016. Indeed, the repeated evictions from the city centre camps have led to the forced settlement of the inhabitants of these camps in a place that will then become the "jungle".

<sup>9</sup> L'Observatoire des expulsions collectives de lieux de vie informels, *Note d'analyse détaillée : Observatoire des expulsions de lieux de vie informels, 1<sup>er</sup> novembre 2018 – 31 octobre 2019*, Novembre 2019, pg. 5. Amnesty international, *France. Malgré des preuves de plus en plus nombreuses, l'impunité persiste et les pratiques abusives se multiplient à la frontière avec le Royaume-Uni*, 18<sup>th</sup> December 2019, pg. 2.

Moulin, the removal of showers and toilets, the closure of water points and the unequivocal increase in the number of evictions in the following months: in the last four months of the year 2019, there were more evictions than in the previous eight months.

Human rights violations in Calais and Grande-Synthe have been widely documented. Reports have spoken of a ‘lawless zone’<sup>10</sup>, in which permanent violence is ongoing. The most notable reports are from Auberge des Migrants, the Human Rights Defender (*Défenseur des droits*), the United Nations High Commissioner for Human Rights (UNHCR), the National Consultative Commission for Human Rights (CNCDDH), Amnesty International, the Observatory of Collective Evictions from Informal Living Places (*l’Observatoire des expulsions collectives de lieux de vie informels*), Refugee Rights Europe and other local associations<sup>10</sup>. Local and national authorities have been repeatedly condemned for various violations of fundamental rights<sup>11</sup>.

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<sup>10</sup> L’Auberge des Migrants, [Rapport sur les expulsions forcées à Calais: Confiscations et destructions des arbris des exilés](#), April 2018; L’auberge des Migrants, [Calais: Le harcèlement policier des bénévoles, étude du 1<sup>er</sup> novembre 2017 au 1<sup>er</sup> juillet 2018](#), August 2018; L’Auberge des Migrants, [Rapport sur les violences à Calais, Pratiques abusives et illégales des forces de l’ordre. Observations et témoignages du 1<sup>er</sup> novembre 2017 au 1<sup>er</sup> novembre 2018](#), December 2018. CNCDDH, [Avis «suivi sur la situation des migrants à Calais et dans le Calaisis»](#), 7<sup>th</sup> July 2016; CNCDDH [Avis, «Alerte sur le traitement des personnes migrantes»](#), 17<sup>th</sup> October 2017; CNCDDH, [Requête n°12267/16 Jamil Kahn contre France](#), introduite le 3<sup>rd</sup> March 2017; Amnesty international, [France. Malgré des preuves de plus en plus nombreuses, l’impunité persiste et les pratiques abusives se multiplient à la frontière avec le Royaume-Uni](#), 18<sup>th</sup> December 2019; Amnesty International, [La solidarité prise pour cible : Criminalisation et harcèlement des personnes qui défendent les droits des migrant-e-s et des réfugié-e-s dans le nord de la France](#), June 2019; L’Observatoire des expulsions collectives de lieux de vie informels, [Note d’analyse détaillée: Observatoire des expulsions de lieux de vie informels, 1<sup>er</sup> novembre 2018 – 31 octobre 2019, November 2019](#); Le Défenseur des droits, [Exilés et droits fondamentaux: la situation sur le territoire de Calais](#), October 2015. Le Défenseur des droits, [Exilés et droits fondamentaux trois ans après le rapport Calais](#), December 2018. Refugee Rights Europe (RRE); [The unknown Knowns : Observations from small informal refugee camps in northern France; The “other” camp : Filling data gaps relating to refugees and displaced people in Dunkirk; Still here : exploring further dynamics of the Calais camp](#), 2016. RRE, [Twelve months on: Filling information gaps relating to refugees and displaced people in Northern France a year on from the demolition of the Calais camp](#), 2017. Office of the United Nations High Commissioner for Human Rights, [“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”](#), April 2019. La Cimade, [Rapport d’observation sur les conditions de vie des personnes exilées à Grande-Synthe](#), 2019.

<sup>11</sup> See in particular the opinion of the CNCDDH, October 2017, pg. 3. Conseil d’Etat, 21st June 2019 n° 431115; Conseil d’Etat, 31st July 2017 «Commune de Calais» n°412125, n°412171.

This report will focus on analysing the extent to which the practice of evictions, a cornerstone of the policy of *avoiding fixation points*, violates fundamental rights at the UK-French border. Our analysis complements our previous report "Forced Evictions in Calais and Grande-Synthe"<sup>12</sup> where we expressed our legal and political concerns about this policy and questioned its compatibility with fundamental rights<sup>13</sup> through a descriptive analysis of the eviction operations.

This report calls on France and the United Kingdom to implement migration policies that respect the rights of displaced people.

#### 4. Background

In 2015, the camps of the Calais 'Jungle' and of Basroch in Grande-Synthe grew significantly in population and size. Semi-formal shelters and community structures, such as schools and churches were created and kept alive by inhabitants of the camp. However, these camps were still filthy and insecure, especially for women and unaccompanied minors, and police violence was prevalent and extreme. These informal camps, and their neglect and destruction by the authorities, highlighted the failure of European asylum and reception policies and of bilateral French-British agreements on the coast. In a context of humanitarian crisis and solidarity, the French and British authorities should have worked to put in place lasting reception solutions and opened safe and legal channels for displaced people to reach the UK to seek asylum. However, instead of assuming their responsibilities in terms of reception and fundamental rights, they opted for a policy of rejection, invisibility and repression of the displaced by adopting an approach which aims to avoid the creation of so-called *points of fixation*.

This strategy manifests itself in particular through evictions of informal settlements. Indeed, evictions in Calais and Grande-Synthe alone account for 85% of known evictions

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<sup>12</sup> Human Rights Observers report, "["Forced Evictions in Calais and Grand-Synthe' – English \(4MB\)](#)", June 2019. Also read, HRO [The constant cycle of displacement and destruction in northern France](#), 2020.

<sup>13</sup> HRO, June 2019, where we denounced violations of the rights to health, food and physical integrity as well as the rights to shelter and decent housing and the right to be free from inhuman and degrading treatment.

*[...] evictions in Calais and Grande-Synthe alone account for 69% of evictions on French metropolitan territory, 94% of which have no known legal basis. Moreover, 98% of these evictions have not been the subject of any shelter proposals [...]*

on French metropolitan territory, 94% of which have no known legal basis<sup>14</sup>. Moreover, 98% of these evictions have not been the subject of any shelter

proposals, which demonstrates the lack of political will to "reduce shantytowns by allowing their inhabitants to find alternative solutions"<sup>15</sup>. These practices, which result in the destruction of informal living spaces and the confiscation of personal items are exacerbated by the lack of accessibility to basic necessities, health services, and social support<sup>16</sup>. They exemplify the willingness of public authorities to carry out continual harassment and violence against displaced people and to further a strategy of dissuasion and invisibility<sup>17</sup>.

These measures are partly the consequence of the externalisation of the UK's border to the French coast, following the Le Touquet agreement, and its realization through the payment of £150 million to France from 2015 to 2019<sup>18</sup>. This agreement enabled the UK to outsource its responsibility to receive and protect asylum seekers, breaching the right of asylum and the 1951 Geneva Convention. In the absence of safe, legal immigration channels, and of respect for fundamental rights, including a) the right to shelter and decent housing, and b) the right to be free from inhuman and degrading treatment, people seeking protection are forced to put their lives at risk and endure harsh, undignified living conditions in order to reach the UK.

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<sup>14</sup> L'Observatoire des expulsions collectives de lieux de vie informels, November 2019, pg. 6.

<sup>15</sup> Ibid., pg.5.

<sup>16</sup> DDD, October 2015; CNCDH, Avis July 2016.

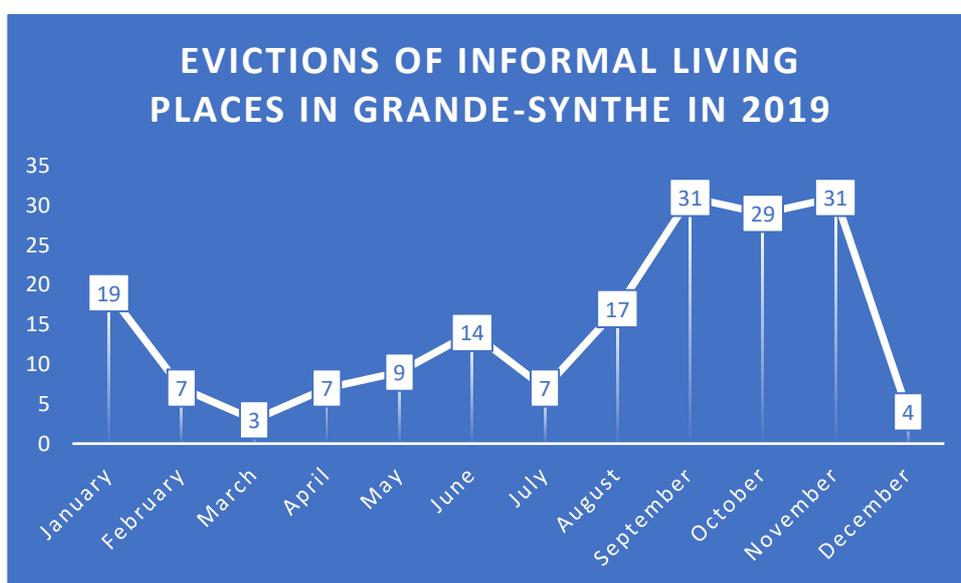
<sup>17</sup> L'Observatoire des expulsions collectives de lieux de vie informels, November 2019; Amnesty International, December 2019; DDD, December report 2018.

<sup>18</sup> Vie Publique, «*France-Royaume-Uni: un nouvel accord pour la gestion des flux migratoires* », 2018. Available here: <https://www.vie-publique.fr/en-bref/19822-france-royaume-uni-gestion-des-flux-migratoires> .

## 5. Analysis: The State of Rights on the UK-French border; facts and figures

### 5.1. Grande-Synthe: securitisation and a repressive turning point

In a nationwide census of informal living site evictions in France<sup>19</sup>, Grande-Synthe, a town in the Dunkirk area, was found to be the city with the second highest number of evictions, no less than 164 observed between October 2018 and October 2019. From 1<sup>st</sup> January 2019 to 31<sup>st</sup> December 2019, there were 178 evictions.



As can be seen from the graph above, evictions are highly irregular, ranging from 31 evictions during the months of September and November to only 3 during the month of March. The low number of evictions in December (4) is likely explained by national strikes that mobilized a large number of riot police, *Compagnies Républicaines de Sécurité* (CRS), throughout France.

<sup>19</sup> L'Observatoire des expulsions collectives de lieux de vie informels, November 2019.

For the most part, evictions ranged from 2 to 4 expulsions per week. Compared to the year 2018, evictions have more than quadrupled, with 32 in 2018 and 142 in 2019, representing an increase of 343.7%.

From 1<sup>st</sup> January to 1<sup>st</sup> September 2019 there was an average of 10 evictions per month in Grande-Synthe. This number more than doubled from 17<sup>th</sup> September 2019, the date which the 'Gymnase de l'Espace Jeunes du Moulin'<sup>20</sup>, a centre opened the previous winter by the municipality under M. Carême, was evicted. Indeed, in the three weeks following the closure of the gymnasium, there were 22 evictions, with a sustained average of 24 evictions per month until the end of the year. In the last four months of 2019, there were more evictions than in the previous eight months, from January to August 2019. Some minority communities were evicted up to three times a week.

As mentioned in the introduction, this intensification of evictions coincides with M. Beyaert's start in office as mayor of Grande-Synthe on 4<sup>th</sup> July 2019. We noted increased securitisation measures and a repressive shift in the city's policy towards its displaced community after M. Beyaert "renewed dialogue with the administration", which had been broken off by the previous mayor M. Carême. This dialogue led to an increase in evictions, aligning the situation closer to that of Calais. Grande-Synthe has now also become a key part of the strategy to *avoid fixation points* and is no longer a "welcoming reception model".

### 5.2. Institutional violence

Institutional and symbolic violence is carried out by law enforcement officers, accompanied by a clean-up team. In Grande-Synthe, the majority of evictions observed are carried out by the National Police (*Police Nationale*) with support of the CRS and the presence of a bailiff. During the eviction operation, a team then comes to "clean" the living areas. In 100% of the evictions observed, all living areas are destroyed (by hand with knives, but also with saws or chainsaws) and basic necessities and belongings are seized. This includes tents, shelters, kitchen utensils, backpacks, books and other items. As

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<sup>20</sup> La Voix du Nord, « Grande-Synthe: le tribunal administratif valide la demande d'évacuation des migrants de l'Espace Jeunes », 4<sup>th</sup> September 2019.

indicated by the Conseil d'Etat in its order of 21<sup>st</sup> June 2019<sup>21</sup>, the public authorities justify the confiscation of personal property because "occupants flee with their bags" and consider items in the camp as "abandoned by the occupants or left by other migrants not

*From 1<sup>st</sup> January 2019 to 31<sup>st</sup> December 2019, there were 178 evictions [...] In 100% of the evictions observed, all living areas are destroyed.*

present during the operations, [and] are picked up by a cleaning company". However, we have often observed

evictions during which belongings are seized despite the owners still being present. Therefore, these items cannot be considered as abandoned.

In a joint report dated 23<sup>rd</sup> October 2017<sup>22</sup>, the general inspection services of the administration and law enforcement agencies indicated that "there is nothing to prevent these persons from recovering their belongings, whether they move away from the scene of the intervention or are stopped". The Conseil d'Etat however, in the above-mentioned decision, stated that a *procès-verbal* (legal document) was not served to the persons concerned because law enforcement did not know their identity, and the restitution of property was therefore materially impossible.

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<sup>21</sup> Conseil d'Etat, Ordonnance du 21 juin 2019 n° 431115, 21<sup>st</sup> June 2019.

<sup>22</sup> Reports of the IGA/IGPN/IGGN «[Evaluation de l'action des forces de l'ordre à Calais et dans le Dunkerquois](#)», 23<sup>rd</sup> October 2017, pg. 32.

**Eviction operation on Friday 15th November 2019, one of the 7 living sites evicted that day.**



**10h:** Start of the eviction operation.



**10h05:** Seizure and destruction of property in the presence of the inhabitants.



**10h08:** Seizure and destruction of property continues after inhabitants have been removed by police forces.



**10h19:** Inhabitants return to their living site, which has been completely destroyed, without any offer of alternative accommodation.

In Grande-Synthe, institutional pressure is also exerted outside the evictions by the almost daily presence of the Border Police, *Police aux Frontières* (PAF), near the living areas in order to control the administrative situation of displaced people.

During our observations in September and October 2019, PAF was systematically present, and we observed no less than 161 arrests from 24<sup>th</sup> October to 31<sup>st</sup> December 2019. There have also been 'mass' arrests in Grande-Synthe, such as one that was reported to us on 11<sup>th</sup> October with 60 people arrested at six o'clock in the morning, or again on 25<sup>th</sup> November with almost 30 people arrested in half an hour, which our team directly witnessed. We have also observed mass identity checks; operations that consist of blocking access to, and exit from, a living area, with reports of around 100 to 200 people being checked for identification over the course of one morning.

These abusive identity checks and arrests are therefore systematic. These operations directly target persons categorised as belonging to the displaced community, as they are observed exclusively in key places where displaced people live or pass through. The entrance to the area in which migrants live is thus subject to requisitions from the public prosecutor, allowing these controls to occur even though passing along this road is necessary for access to the sole water point, to the places where food and basic necessities are distributed by the associations, as well as to the commercial supermarket zone.

Following these operations, people are taken to the police stations of Dunkirk, Loon Plage, Calais, Coquelle, or Lille. During the months of October and November we observed a dehumanizing practice in which bracelets with handwritten numbers were put around people's wrists as a means of identifying them. This practice seems unnecessary since people can declare their identities orally or with their documents. Once at the police station in Lille, police officers would call them only by their allocated numbers and not by their names. Moreover, we were told that not all arrests result in the issuance of a *procès-verbal*. A *procès-verbal* is a legal report or document of proof of proceedings, in this case, including transcripts of interviews and general information about the arrest. In Calais and Grande-Synthe police seem to use these documents as a way of identifying people and deciding who should be arrested and who not, although this is not their intended purpose.

It is reported that police deem these *procès-verbal* as valid for 7 days, in which time people are not re-arrested, thereby turning them into a 'temporary identity document'. The same has also been found for documents given which oblige people to leave the French territory (OQTF). Therefore, in addition to the illegality of the practice of using bracelets as identification, these numbered bracelets come to replace legal documents in the face of repeated arrests<sup>23</sup>. In other words, people have been forced to keep their bracelets on their wrists for several days to prove that they have been arrested and to avoid being arrested again.

### 5.3. Sheltering

To begin with, it is useful to point out that the figures presented in this report, like those presented by the prefectural services, may count the sheltering of the same person several times, because they may have been temporarily sheltered several times and/or been refused shelter several times. Therefore, these data do not represent the exact number of people sheltered, but rather the number of places available or not, and so proves that the system put in place by the administration is flawed and insufficient, as refusals are daily<sup>24</sup>. Here, we will only analyse the supply and demand ratio of this system in order to observe its limits.

According to our observations, sheltering was provided by AFEJI<sup>25</sup> on over 148 days of the year, resulting in 1108 people being sheltered in 2019 under order of the prefecture. Of these, 53.6% were single men (594 persons) and 45.1% were families (500 persons), with only 0.8% of people accommodated being unaccompanied minors<sup>26</sup> (9 persons) and 0.5% single women (5 persons), as seen on the following graph:

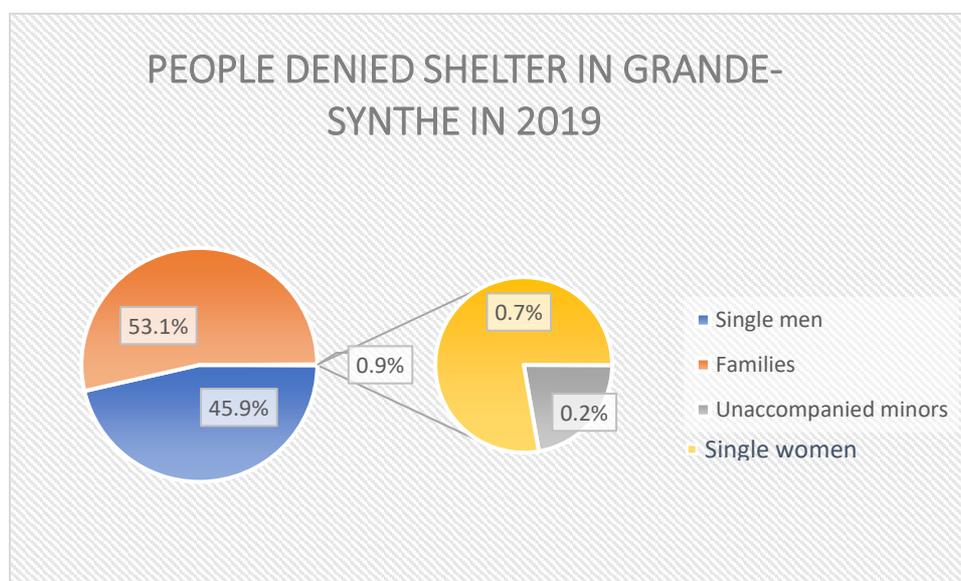
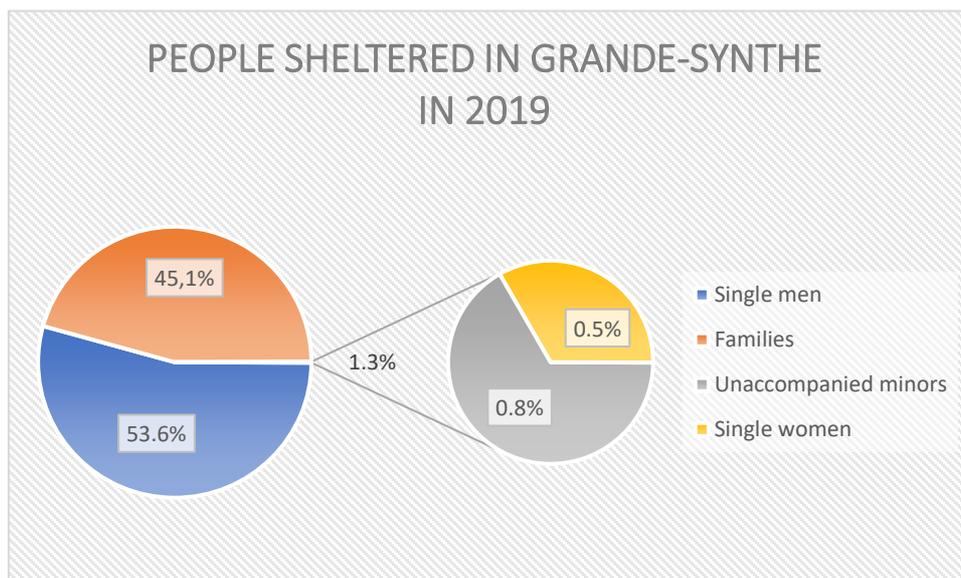
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<sup>23</sup> We have numerous testimonies from people saying they were arrested twice in one day or two days in a row.

<sup>24</sup> However, it is worth noting that these data are based on our observations and are therefore not exhaustive. In particular, the true number of people refused shelter may be higher than recorded.

<sup>25</sup> AFEJI is an association mandated by the state to provide shelter.

<sup>26</sup> According to the definition of the Office of the United Nations High Commissioner for Refugees (UNHCR), "an unaccompanied minor is a person under 18 years of age, unless majority is attained earlier under the law applicable to him or her, who is separated from both parents and is not being cared for by an adult who has, by law or custom, the responsibility to do so".



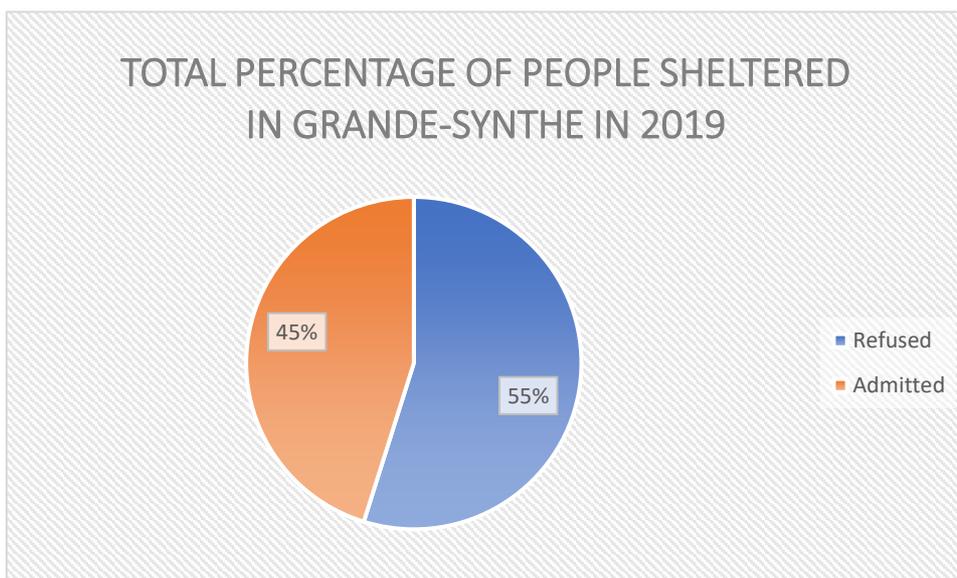
**About 1 345 people were denied shelter, of whom:**

**53.1% were families – 714 persons**

**45.9% were single men – 618 persons**

**0.7% were single women – 10 persons**

**0.2% were unaccompanied minors – 3 persons**



**Out of a total of 2,453 persons who presented themselves at the allocated bus place wishing to be sheltered, more than half were turned away, meaning almost 55% of vulnerable persons wishing to be sheltered were refused access to their right to accommodation.**

These figures demonstrate the inadequacy of the "sheltering" system set up in Grande-Synthe. Moreover, we have observed evictions (with destruction and confiscation of property) which took place after the departure of the chartered bus for the so-called shelters. For example, on 15<sup>th</sup> November, 7 informal settlements were destroyed, leaving more than 60 people without any shelter proposals. People often do not show up at the bus in question because they do not know of its existence or because there is no translator in their language to inform them of the shelter arrangements<sup>27</sup>. During our observations we have noted that the bailiff in charge of the eviction operation systematically does not inform the occupants being evicted of the existence of buses that are provided to take them to state accommodation centres. This is contrary to what was defended by the public authorities at the hearing of 21<sup>st</sup> June 2019 before the Conseil d'Etat, which highlights the liberticidal nature, both in terms of property rights and the right to emergency accommodation, of these operations.

<sup>27</sup> For example, for the language Pashto, there is no translator available to give people information and orientate them towards state services.

During the hearing before the Conseil d'Etat on 17<sup>th</sup> June 2019, when asked why families are often refused access to the proposed accommodation, the sub-prefect of Dunkirk indicated that this was because the size of many families is too big, and therefore there is no space for them as they "do not correspond to French standards". However, out of all the families refused, 77 of the refused families were composed of three to six people and 39 refused families were composed of seven or more people.

In addition, in the summer of 2019, a couple and a family composed of a couple with six children separately applied to the administrative judge in Lille via a summary procedure, because they had been denied access to the right of emergency accommodation for several weeks. They all wanted to seek asylum in France. However, on 1<sup>st</sup> August 2019 during the hearing, M. Blondel, defence counsel for the Prefect of the North, stated that these two families could not be accommodated because "the state's accommodation system is saturated and there is no accommodation available for this type of large family"<sup>28</sup>. As M. Blondel had invoked the same argument for both cases, it is possible to question the relevance of this statement when one of the families was made up of only two people.

*Displaced people therefore do not have access to their right to emergency accommodation when they seek it [...]*

Finally, out of the 146 days observed, we count nearly 30 days where there were no places for any single men, 11 days where there were no places for any families and 10 days without any shelter proposals at all. In these 10 days, all individuals, including families, men, women and children were unable to benefit from sheltering.

These observations lead to the conclusion that the system is insufficient in terms of available places, and not unsuitable due to the composition of the families wishing to access their right to accommodation. Displaced people therefore do not have access to their right to emergency accommodation when they seek it, as shown in the above tables. Furthermore, when people are given access to this right, it would be more accurate to

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<sup>28</sup> Lille Administrative Court, [Ordonnance n° N°1906548](#), August 2019, pg. 2; Lille Administrative Court, [Ordonnance n° N°1906547](#), August 2019, pg. 2.

speak of 'temporary sheltering', because the period people may stay in accommodation lasts on average between three days to two weeks only.

Finally, we note questionable sheltering modalities. The charter of the Reception and Orientation Centres (CAO) stipulates that orientation towards a CAO "is carried out with the agreement of the displaced people concerned, following complete information delivered during marauds concerning the CAOs (geographical location, accessibility in terms of transport, type of accommodation) and the prospects following accommodation in a CAO".

In the field, we observe that AFEJI employees are informed the same morning about the number of places available in centres, in this circumstance CAES (Reception and situation review centres). This lack of information on the predictability of available places results in a lack of information for people wishing to access these shelters. Indeed, every morning, people wait at a fixed point for the arrival of AFEJI employees without knowing whether places are available, nor the location of the centres. The latter information was only given to them once they were in the coaches after their departure<sup>29</sup>.

In addition, CRS officers are sometimes positioned at the same place as the departure point of the bus and carry out identity checks there. In the period from September to December, identity checks were carried out at the same time as the arrival of the bus for shelters, which inevitably created fear and reluctance to go to the bus as well as mistrust of the sheltering system. This contradictory practice should be addressed.

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<sup>29</sup> Similar situations have already been observed in Calais : CNCDH, Avis « suivi sur la situation des migrants à Calais et dans le Calais », 7th July 2016, p. 40.

## 6. Evictions in Calais: a daily harassment

### 6.1. The evictions : facts and figures

In a national census of evictions of informal settlements<sup>30</sup>, Calais was shown to be the city with the highest number of evictions in France, with no less than 814 evictions observed between October 2018 and October 2019. Described as a real "lawless zone" by the CNCDH<sup>31</sup>, the policy of avoiding fixation points is pushed to its extreme.

From 1<sup>st</sup> January to 31<sup>st</sup> December 2019, there were 961 evictions of informal settlements. Compared to the year 2018, when 452 evictions were recorded, the number of evictions has more than doubled, with an increase of almost 112%. For 99.5% of these evictions, the legal basis is unknown. Indeed, only 6 eviction operations<sup>32</sup> had a known legal basis. In Calais, there are two types of evictions: those carried out by virtue of a court decision - six over the year 2019- and daily evictions which consist of a forced displacement from living space of between 2 to 500 meters, and/or their destruction. To date, there is no known legal basis for these daily forced evictions.



However, if a legal basis for these evictions does exist, it would most likely be linked to the offence of unlawful occupation of land<sup>33</sup>. In March 2019, the then Commissioner first told a lawyer assisting the network of associations at the

<sup>30</sup> L'Observatoire des expulsions de lieux de vie informels, November 2019.

<sup>31</sup> CNCDH, Avis July 2016.

<sup>32</sup> Classified as "sheltering operations" by the Prefect, they took place on 12<sup>th</sup> March, 9<sup>th</sup> July, 12<sup>th</sup> September, 24<sup>th</sup> October, 3<sup>rd</sup> December and 20<sup>th</sup> December 2019. They concern the same area, but more than five different places of life.

<sup>33</sup> Article 322-4-1 of the Penal Code, "The fact of settling in a group, in order to establish a dwelling, even temporarily, on land belonging either to a commune which has complied with its obligations under the departmental scheme provided for in article 1 of Act No. 2000-614 of 5<sup>th</sup> July 2000 on the reception and housing of Travellers or which is not included in that scheme, or to any other owner other than a commune,

border that law enforcement interventions were carried out as part of a law enforcement operation after a complaint was filed by the landowner, a complaint that was repeated every two days. He therefore claimed that these operations were carried out under a procedure of "permanent flagrante delicto" (permanent emergency procedure). However, it is expressly stated in the Code of Criminal Procedure that "following the discovery of a flagrant crime or offence, the investigation conducted under the supervision of the public prosecutor under the conditions laid down in this chapter may continue without interruption for a period of eight days" <sup>34</sup>. Beyond eight days, therefore, flagrante delicto is extinguished; there is no "permanent flagrante delicto" procedure.

*From 1<sup>st</sup> January to 31<sup>st</sup> December 2019, there were 961 evictions of informal settlements [..]For 99.5% of these evictions, the legal basis is unknown.*

In March 2020, in response to an open letter from several associations working in Calais, the prefect of the Pas-de-Calais still claimed that these operations were taking place "on the basis of flagrante delicto". This was denied by the public prosecutor of Boulogne sur Mer, Mr. Marconville, in April 2020. Indeed, he told the news channel France 3 that these dismantling operations have been carried out for four years, following complaints filed by the owners <sup>35</sup>.

Whatever the legal basis put forward by the administrative and judicial authorities in the course of these media interviews, the fact remains that the inhabitants of the places in question are subjected to repeated forced evictions, hitherto devoid of any legal basis. Our report looks specifically at this type of eviction.

As can be seen in the table below, the number of evictions is relatively stable throughout the year, with an average of 80 evictions per month and 3 evictions per day.

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without being able to justify his authorisation or that of the holder of the right to use the land, is punished by one year's imprisonment and a fine of €7,500.

<sup>34</sup> Article 53 §2 of the Code of Criminal Procedure.

<sup>35</sup> France 3 Région, [Malgré le confinement, les démantèlements de camps de personnes migrantes se poursuivent à Calais](#), March 2020.

There is a peak in March with 92 evictions against "only" 70 in November. These fluctuations are not necessarily explained by the intensification or decrease in eviction operations, but by a dispersal of living areas, or a greater concentration of people in a given place.

We counted a total of 14 informal living areas in 2019. It is interesting to note that 8 of them underwent evictions from January to December 2019, every 48 hours <sup>36</sup> between 8:30 am and 11 am. Therefore, for the same living space, the people living there will potentially have each experienced no less than 182 evictions over the course of one year.

### *6.2. Seizure and destruction of property*

During these evictions, we observed at least **1,243 tents** being seized <sup>37</sup> and/or disposed of. **In 36% of cases**, basic necessities were also seized (blankets, sleeping bags, mattresses, wood). **In 37.2% of cases** other types of personal belongings were seized (backpacks, identity and asylum application documents, telephones, clothes etc.).



In light of this destruction of people's shelter, in 99.5% of cases, sheltering during and following evictions was ineffective. In fact, only six operations - following court decisions - were officially sheltering operations. The inadequacy, inefficiency and shortcomings of

<sup>36</sup> Except on 2<sup>nd</sup> November where the prefect cancelled the daily evictions, at the request of the associations due to the death of a person in these living places, but "made up for it" the next day by evicting all the living places in Calais. The routine of evictions could thus be resumed "without delay" the next day.

<sup>37</sup> HRO June 2019 report, section on Ressourcerie.

the existing "sheltering" system have been documented and denounced by many associations. These sheltering operations are carried out without any real social assessment of the persons, in disregard of their consent, and result in shelter located in places far from the transit point<sup>38</sup>. Furthermore, these shelters are only temporary, and people can usually only stay in them for periods ranging from 24 hours to two weeks. They are therefore similar to 'removal operations' and are in line with the policy of *avoiding fixation points*, by seeking to remove people and not to provide them with unconditional, permanent shelter which would be in accordance with their fundamental needs and rights. As a result, following these six "sheltering" operations, the number of people sleeping outside then returned to around the original figure on average 72 hours later. The daily evictions continue uninterrupted, at the same locations, thus perpetuating this senseless cycle of evictions - immediate resettlement - temporary sheltering - resettlement - evictions - immediate resettlement.

In April 2019, the UN Special Rapporteur on Housing also found that public practices and policies in Calais are the result of "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 wintertime suggest they also constitute cruel, inhuman or degrading treatment of one of the most vulnerable populations in France"<sup>39</sup>. The rapporteur urges the state to prohibit the repeated and systematic eviction of people living in tents and camps and to provide sufficient and dignified emergency accommodation. To date, the French state has still not heeded these recommendations.

The intensity of the evictions in Calais remains marked by their repeated and daily nature, which qualifies, in our view, as harassment. In addition to the psychological exhaustion of the targeted populations, these practices also aim to reduce their access to living spaces.

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<sup>38</sup> Here, in the context of migration, a transit point is a place, a city, an area, which a person or a group of people cross to enter the country of destination or, leaving the country of destination, to go in the country of origin or habitual residence. Calais and Grande-Synthe constitute "transit points" for people wishing to go to England. See: IOM, « *définition des termes clés de la migration* », disponible ici : <https://www.iom.int/fr/termes-cles-de-la-migration>

<sup>39</sup> Press release of the UNHCHR regarding their report: <https://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=24479&LangID=F>

In 2019, 9 places of life were permanently closed. When they are not permanently closed, they are regularly destroyed, partitioned, fenced or condemned <sup>40</sup>. In addition to this, space in which people can exist has at times been restricted further through bans on circulating in the city centre of Calais <sup>41</sup>, which, through incitement to hatred, contributes to "the social and spatial exclusion of these vulnerable people"<sup>42</sup>.

### *6.3. Institutional violence*

As in Grande-Synthe, symbolic and institutional violence is carried out by a daily convoy composed of law enforcement and a cleaning team. APC's clean-up teams are systematically present and destroy, pick up and throw away belongings and shelters, sometimes by specific order of the law enforcement agencies. The national police are always present and coordinate operations with the CRS in **13% of evictions** or with the mobile gendarmerie in **80%** of cases. In nearly **6%** of cases, evictions are carried out by CRS and gendarmes together. In the remaining **1%** of cases, the national police alone is in charge of operations. This represents close to **2,919 vehicles mobilized**, with an average of 6 police officers per vehicle, with some operations mobilising up to 150-200 officers. During these operations, the PAF, in charge of arrests, is present in 46% of the cases observed, i.e. almost one out of every two expulsions. Consequently, 342 arrests were made.



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<sup>40</sup> HRO June 2019 report, pg.11-12.

<sup>41</sup> Nord Littoral, *Les associations attaquent l'arrêté anti-migrants de la mairie de Calais*, 31st October 2019.

<sup>42</sup> Press conference by the associations, October 2019.

This policy, carried out by law enforcement officials alone with no social workers present during daily operations, reflects the xenophobic and repressive nature of its approach. People seeking international protection are approached on a daily basis as a security issue, not for their own safety, but instead as a real danger to the population and public order. Under this policy, the forces of law and order are used not to protect or ensure the safety of these persons in need of protection, who are vulnerable in myriad ways, but to carry out and supervise harassment devised and organized by French policies.

## **7. Conclusion: an organised harassment policy contrary to fundamental rights, at high financial and human cost**

Instead of implementing reception and protective policies appropriate to the challenges they face, the cities of Calais and Grande-Synthe are focusing on strengthening the implementation of policies hostile to displaced people, making them key places in the policy of *avoiding fixation points*.

This policy, implemented to avoid situations such as the 'Jungle' of 2016 or the Basroch camp, has contributed for more than two years to the violation of the rights of displaced people, including the right to shelter and adequate housing, and the right to be free from inhuman and degrading treatment. Evictions, arrests and systematic controls are in direct contradiction with fundamental rights, and are the manifestation of a policy that is fundamentally repressive and reluctant to receive displaced people in need of protection.

This policy requires very substantial financial and human resources. In Calais, it is estimated that at least 3 million euros a year are spent on daily evictions<sup>43</sup>. Christine Lazergues, former president of the CNCDH, also stated in 2016 that Great Britain covered "approximately the expenses of the French police and gendarmerie forces"<sup>44</sup>. The Le

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<sup>43</sup> Robin Tutenges, *Le jour sans fin des migrants de Calais*, Slate.fr, January 2020.

<sup>44</sup> Declaration available on YouTube «*Sens et contresens des frontières à l'aune des libertés et des droits fondamentaux.*»

Touquet agreement was renegotiated on 18<sup>th</sup> January 2018 in order to increase the British financial contribution by £44.5 million to "improve border security"<sup>45</sup>.

This practice of organised harassment within a discriminatory process targeting one group of people, namely displaced people, leads on the one hand to their exclusion, both socially and spatially, and on the other hand to their death. Indeed, one of the consequences of these practices is the increase in the number of attempted Channel boat crossings, with an increase of almost 5000% between 2017 and 2019. A total of 2,358 people were rescued during Channel crossings in 2019 (rescued because they were in danger, or simply blocked and brought back to the French coast), compared to 586 in 2018 and 47 in 2017<sup>46</sup>. In 2019, four people drowned while attempting the crossing<sup>47</sup>, an official but perhaps underestimated number. Two people were killed after being hit on the motorway<sup>48</sup> and another person was found dead in the back of a lorry in the Calais port<sup>49</sup>. The inhumane living conditions in the informal settlements of Calais also lead to the death of a man named God's Will, who died from carbon monoxide poisoning in his tent while trying to keep warm<sup>50</sup>.

Today at its peak, this cynical and inhumane policy is consciously carried out in total contradiction to the fundamental values and rights upon which France, the so-called country of human rights, was built.

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<sup>45</sup> La Croix « [Londres va payer 50 millions d'euros pour sécuriser sa frontière à Calais](#) » 18<sup>th</sup> January 2018.

<sup>46</sup> Ouest France, [En 2019 le nombre de migrants qui ont tenté la traversée de la Manche a été multiplié par quatre](#), 31 décembre 2019.

<sup>47</sup> Le Monde, [Migrants : les traversées de la Manche multipliées par quatre en 2019](#), January 2020. La Croix, [Deux migrants retrouvés morts sur la plage du Touquet](#), October 2019.

<sup>48</sup> La voix du Nord, [Guemps Un migrant est mort sur l'autoroute A16 dans la nuit de lundi](#), mai 2019. Calais Migrant Solidarity, [Deaths at the Calais Border](#), 2019.

<sup>49</sup> Ouest France, [Port de Calais. Mort d'un migrant caché dans la remorque d'un poids lourd](#), March 2019.

<sup>50</sup> Le Point, [Calais : après la mort d'un migrant, la polémique enfle sur les conditions d'accueil](#), November 2019.

## 8. Recommendations

In Calais and Grande-Synthe the violation of rights has become the norm. We demand that the French and British authorities implement migration policies that respect the rights of displaced people and reaffirm their willingness to guarantee the right to asylum and the right to reception on French territory and at its borders, in accordance with international and European obligations. This requires a profound rethinking of the policy of *avoiding fixation points*. The solutions exist, and have been repeatedly formulated here and there, for France and the United Kingdom to achieve these objectives.

Our recommendations are:

- a) The immediate cessation of all forms of police harassment: evictions, arrests and abusive controls; and the immediate cessation of all seizures and destruction of property: tents, rucksacks, clothes, wood, blankets, personal belongings etc.
- b) The immediate implementation of adequate and dignified housing solutions for all displaced people living in Calais and Grande-Synthe, within reasonable distance of their current living sites.
- c) A revision of the Le Touquet agreement, comprising the end of the outsourcing of control of the British border, and a shift towards the establishment of safe and legal channels to migrate and seek refuge.

### *An Afternote:*

*From January 2020 to July 2020, the cycle of evictions continues in Calais and Grande-Synthe, as was also the case during the health crisis of the global COVID-19 pandemic.*

*With 708 evictions since January 2020, fundamental rights are disregarded every day at the UK-French border.*