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Children's Rights

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The Degrading Treatment of Migrant Children and Adults in Northern France

Two children watch as police seize their tent during an eviction of a migrant encampment in Grande-Synthe, northern France, January 21, 2021. 2021 Abdul Saboor

Five years after French authorities dismantled a sprawling migrant encampment on the edge of Calais, large numbers of migrants continue to arrive in northern France, many in the hope of crossing the Channel to reach the United Kingdom. Today, some 2,000 migrants including hundreds of unaccompanied children are living in wooded areas, in and around disused warehouses, and under bridges in and around Calais. Several hundred more are staying in a forest in Grande-Synthe, a commune adjacent to the northern French town of Dunkerque (Dunkirk).

Repeated mass evictions from encampments and other policing efforts to push migrant adults and children out of Calais and Grande-Synthe have not discouraged new arrivals and do not appear to have reduced irregular Channel crossings. But policing practices in these two towns, along with policies that restrict distributions of food, water, and other essentials by humanitarian groups, have made migrants lives increasingly miserable. Policing operations in Calais and Grande-Synthe have left the adults and children living in encampments constantly on alert and visibly in a state of physical and mental exhaustion, the French Defender of Rights observed after a September 2020 visit.

Police undertake routine eviction operations that require migrants to move off the land they occupy temporarily while police confiscate tents migrants have not managed to take with them often cutting them open so that they are unusable along with other belongings left behind. We do this every other day, Abel N., an Eritrean man, told Human Rights Watch in October 2020 after we observed people moving their tents off a field in preparation for one such eviction. Usually the migrants have to leave their temporary settlement for no more than 20 minutes to half an hour, before returning to set up again. Most Calais encampments were subject to these routine eviction operations every 48 hours in 2020 and the first half of 2021. In Grande-Synthe, these evictions took place once or twice a week.

Police also carry out periodic mass evictions that remove everybody from an encampment. During these mass evictions, most people are forced to go to a reception center (officially, a reception and assessment center, *centre d'accueil et d'évaluation des situations administratives*, or CAES), where they usually are able to stay no more than a few days.

Human Rights Observers (HRO), which monitors policing practices in Calais and Grande-Synthe, recorded at least 90 mass evictions of migrant encampments in northern France in 2020 and the first seven months of 2021.

In fact, Calais and Grande-Synthe accounted for nearly 9 out of every 10 large-scale evictions in metropolitan France between November 2019 and October 2020, according to the Observatory of Collective Evictions from Informal Living Spaces (Observatoire des expulsions collectives de lieux de vie informels), a collaborative initiative of groups working for the human rights of those living in precarious housing. Most people subject to mass evictions in Calais and Grande-Synthe did not know the legal basis for their evictions, and most did not receive temporary accommodation, the Observatory found.

As the French Defender of Rights has concluded, the evictions are carried out with the primary purpose of forcing people to move elsewhere and do not serve to resolve people's migration or housing status.

Officials have also placed legal and practical restrictions on humanitarian assistance. Local ordinances prohibit food and water distributions by aid groups in the Calais town center. Elsewhere, authorities have installed fences and other barriers that prevent direct access to some encampments, meaning that people staying in these areas must walk farther for food and water. Basically, the authorities are doing everything they can to make conditions unlivable for migrant adults and children, said Antoine Guittin, Choose Loves field manager for northern France when Human Rights Watch spoke to him in June 2021.

Aggressive policing of aid groups reinforces these impediments to humanitarian aid. Volunteers with Utopia 56, a group that carries out regular rounds in Calais and Grande-Synthe to connect new arrivals and others with emergency shelter, health care, and other essential services, are regularly stopped for identity checks and frequently fined for minor vehicle and traffic infractions: low tire pressure, chipped windshields, failing to signal sufficiently in advance before turning, crooked parking, and the like. The amount is always 135 euros, the highest fine for these supposed offenses, said Antoine Nehr, a coordinator for Utopia 56 in Calais.

It is not improper for police to inspect vehicles and issue citations for infractions, but the circumstances in which these tactics are used suggest that police are not

employing them for public safety or other legitimate policing purposes. In many cases, the circumstances suggest that police engage in these acts to intimidate aid workers, or at the very least to create obstacles to the delivery of humanitarian assistance.

In addition, during periods of restrictions on movement in response to the Covid-19 pandemic, Utopia 56 volunteers received more than 90 citations for alleged violations of the curfew and other limits on movement even though they carried documents showing that they were carrying out activities that were exempt from these restrictions.

Police have also harassed volunteers with HRO and other groups that observe police conduct during evictions, with the apparent goal of intimidating them. Some police falsely told observers that they were not permitted to film police operations and threatened to arrest them if they continued to do so. Some officers addressed observers, particularly women, in demeaning including sexist and racist terms. In a few instances, police shoved observers. HRO volunteers received more than 30 fines for alleged violations of pandemic-related restrictions on movement.

Officials have instituted these abusive practices to further a deterrence policy under which they eliminate or avoid anything that they regard as drawing migrants to northern France and encouraging the establishment of encampments or other points of fixation. Interior Minister Gerald Darmanin stated in July 2021, for example, The instruction I gave to avoid reliving what the people of Calais experienced a few years ago is for firm policing. It is true that this firmness means a very strong presence and operations every 24 or 48 hours.

But this approach fails to account for the reality that the real draw of northern France is its proximity to the United Kingdom and the widespread, and in many cases accurate, perception that migrants have no viable options for staying in France.

The end of the Brexit transition period means that the United Kingdom is no longer subject to European Union rules allowing asylum-seeking unaccompanied children to join family members already in another state rather than being required to apply for asylum where they are. It also means the United Kingdom can no longer return most adult asylum seekers to France without first considering their asylum claims. The UK government also stopped accepting new family reunification transfer applications after September 2020, ending the only practical legal option for UK entry available to unaccompanied children in other European countries.

In combination, the repeated evictions, other forms of police harassment of migrants and volunteers, and official impediments to humanitarian assistance subject migrants in northern France to degrading treatment and fail to afford unaccompanied children appropriate care and protection. The purpose of the mass evictions of migrant encampments is not to offer migrants alternative housing and protection against homelessness, and the effect of this approach is to make people vulnerable to other serious human rights abuses, in violation of the states obligation to refrain from and protect against forced evictions.

Instead of continuing to follow the familiar, failed playbook of the past five years, French authorities should change their approach.

The prefects of Pas-de-Calais and Nord should take steps to end the cycle of repeated evictions and harassment. In particular, police should end the practice of seizing tents, tarps, sleeping bags, and blankets from encampments and should take other steps to ensure that evictions are not carried out if they deprive people of shelter, make them destitute, or expose them to other serious human rights violations.

The prefectures should also suspend all evictions or displacement from encampments during the Covid-19 pandemic, in line with the recommendations of the UN special rapporteur on the right to adequate housing, and instead work with departmental authorities to provide alternative accommodation that provides people with the stability and assistance they need to enable them to make informed choices about seeking asylum or other migration status in France or another country or returning to their countries of origin.

For unaccompanied children, child protection authorities can and should do more to give them as full a sense as possible of the range of options available to them, including entry into the child protection system (which includes legal status upon reaching adulthood), asylum, and transfer to another EU country to join relatives.

For adult migrants, including those who are traveling with children, France can waive EU rules that require most people to seek asylum in the first EU country they reach, as it did for a short time after authorities dismantled the large Calais migrant camp in 2016. The majority of people have entered the European Union via countries other than France, notably Italy and Greece.

These EU asylum rules are patently unfair to countries on the European Union's outer borders. The European Union should change these rules to assign responsibility for examining asylum claims to the EU country of first application rather than the country of first arrival, and should also create a system for sharing responsibility among EU member states so that the most popular destinations do not bear a disproportionate burden.

For those who are not eligible for asylum or who do not wish to apply for it, France and other EU countries can also offer additional options for migration status based on family or community ties, language, or historical connections between their countries of origin and countries of desired residence.

Even with these changes, creation of more safe and legal routes to the United Kingdom could help reduce unsafe Channel crossings and the number of people gathering in migrant encampments in order to undertake these journeys. The UK government should develop safe and legal means for migrants in France, elsewhere in the European Union, and other countries to seek safe haven, reunification with family members, and for work or study. Doing so could save lives and would also place the UK government in a stronger position to insist that France strengthen its own protections for asylum seekers in ways that could encourage people to seek protection in France rather than traveling onward to the United Kingdom.

Human Rights Watch researchers interviewed more than 60 people, all migrants, living in encampments or sleeping on the streets in and around Calais and Grande-Synthe during visits to northern France in October, November, and December 2020 and June and July 2021. Forty identified themselves as unaccompanied children under the age of 18. These unaccompanied children were from Afghanistan, Chad, Eritrea, Ethiopia, Iraq, Morocco, and Sudan.

Human Rights Watch also interviewed aid workers, volunteers, and activists who distribute food, provide medical or legal services, or offer information and other support to asylum seekers and migrants in the departments of Nord and Pas-de-Calais. We took part in eviction observations undertaken by Human Rights Observers (HRO) teams in November and December 2020 and July 2021, accompanied Utopia 56 volunteers on nighttime rounds in Calais in November 2020 and June 2021 and in Grande-Synthe in December 2020, and accompanied these and other groups, including Refugee Youth Service and the Refugee Womens Center, on daytime visits to encampments in Calais in October and November 2020 and June 2021 and in Grande-Synthe in December 2020 and June 2021, and we carried out follow-up interviews remotely in August and September 2021.

In addition, we examined video footage and photos of evictions carried out by police, and we reviewed case files relating to evictions and other acts by police, including official documents disclosed in litigation.

We sought meetings with the prefectures of Pas-de-Calais and Nord, the departmental councils for Pas-de-Calais and Nord, the director of the Saint-Omer shelter for unaccompanied children (run by the nongovernmental organization France Terre d'Asile under an agreement with the department of Pas-de-Calais), and the Calais and Grande-Synthe mayors' offices. At this writing, we had met with the director of the Pas-de-Calais prefectures Social Cohesion Department, the deputy head of the Pas-de-Calais Departmental Reception Service for Unaccompanied Minors, the director of the Saint-Omer shelter, and the Grande-Synthe mayors' office. We sent a summary of our findings and specific questions to the remaining officials in advance of publication. At this writing, we had not received responses from the prefectures of Pas-de-Calais or Nord.

Human Rights Watch researchers conducted interviews in English or French, in some cases with the aid of interpreters. We explained to all interviewees the nature and purpose of our research, that the interviews were voluntary and confidential, and that they would receive no personal service or benefit for speaking to us, and we obtained verbal consent from each interviewee.

This report uses pseudonyms for all children and adults. Human Rights Watch has also withheld the names and other identifying information of some humanitarian workers who requested that we not publish this information.

In line with international standards, the term child refers to a person under the age of 18.^[1] As the United Nations Committee on the Rights of the Child and other international authorities do, we use the term unaccompanied children in this report to refer to children who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.^[2] Separated children are those who are separated from both parents, or from their previous legal or customary primary care-giver, but not necessarily from other relatives,^[3] meaning that they may be accompanied by other adult relatives.

The term migrant is not defined in international law; our use of this term is in its common lay understanding of a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons.^[4] It includes asylum seekers and refugees, and migrant children includes asylum-seeking and refugee children.^[5] Some groups in France, including the French Defender of Rights, use the term exile in preference to migrant.^[6]

We closed the camps, but we opened the door to the unspeakable.

Five years ago this month, French authorities demolished the sprawling Calais migrant camp frequently called the Jungle.^[7] National and local authorities expressed hope that the camps closure would mark a new chapter for the city and the Hauts-de-France region implicitly, one that did not feature a sizable migrant population.^[8]

Nonetheless, migrant adults and children began returning to Calais almost immediately after the demolition of the large camp, many seeking to travel on to the United Kingdom.^[9] As many as 700 people, including 100 or more unaccompanied children, were staying outdoors in and around Calais at the end of 2017.^[10] Four years later, an estimated 2,000 people, including at least 300 unaccompanied children, were staying in encampments in and around the town.^[11] Another 400 to 800 people, including many families with children, were in a forest in Grande-Synthe, a commune adjacent to the northern French city of Dunkirk.^[12]

Elsewhere in northern France, smaller numbers of migrants have stayed in encampments in Ouistreham, a coastal town some 15 kilometers north of Caen, since the October 2016 demolition of the large Calais migrant camp.^[13] An estimated 50 migrants were staying in Ouistreham in March 2021.^[14]

In July 2017, two months after taking office, President Emmanuel Macron offered a hopeful vision for France's treatment of asylum seekers and other migrants, saying, By the end of the year, I do not want to have men and women on the streets, in the woods. Instead, he promised, emergency accommodation would be available throughout the country.^[15]

During a visit to Calais in January 2018, Macron announced that the state would take charge of food distributions to migrants there, underlining as he did so that the distributions would take place without tolerating any installation of illegal camps.^[16]

Macron's January 2018 remarks also included a warning for activists. He stated that some groups have made unfounded accusations against authorities and suggested that the state would bring defamation charges against those whose reports of police abuses could be corroborated.^[17]

Authorities have responded to new arrivals of migrants in Calais by referring to the need to avoid points of fixation or pull factors (*appels d'air*), broadly understood to include any conditions they believe draw migrants to and enable them to remain in northern France.^[18] We want to avoid any gathering [of migrants], and new points of fixation in Calais . . . will be made inaccessible, the prefect of Pas-de-Calais said in September 2020,^[19] echoing statements officials made in 2017.^[20]

In line with the anti-fixation policy, authorities have taken a series of measures aimed at discouraging the establishment of encampments or anything that in their view has drawn migrants to northern France, including the following:

These initiatives have had no apparent effect on the numbers of migrant adults and children in Calais and Grande-Synthe. The changes just mean that people keep moving within Calais to increasingly isolated locations, said Charlotte Kwantes, Utopia 56s national coordinator.^[30]

But they have increased the misery of child and adult migrants in northern France, as discussed in more detail in the following chapters of this report. Leave is the message from authorities to the exiles; and if you stay, you can't even have a minimum of comfort or dignity, said Sandra Caumel, a volunteer with the Cabane Juridique, which provides legal services to migrants.^[31]

In fact, in the assessment of groups and local officials interviewed by the National Consultative Human Rights Commission (Commission Nationale Consultative des Droits de l'Homme, CNCDH), the situation at the end of 2020 for migrants in northern France was the worst it had been at any point in the previous ten years. We closed the camps, but we opened the door to the unspeakable, one elected official told the CNCDH.^[32]

The lure of northern France is its proximity to the United Kingdom, a reality that is unchanged by any of the anti-fixation measures authorities have implemented. Over and over, the children and adults we interviewed said that the hope of reaching the United Kingdom had drawn them to northern France and motivated them to attempt to cross the Channel by whatever means possible. I have tried so many times to reach the United Kingdom, Majeed K., a 15-year-old Sudanese boy, told Human Rights Watch, adding that he would keep attempting to cross irregularly until he succeeded.^[33] The draw to cross may have increased since Brexit because the United Kingdom's withdrawal from the European Union means that it can no longer employ EU asylum rules to return most adult asylum seekers who arrive from France without considering their claims for protection.

For unaccompanied children with family members in the United Kingdom, transfer under EU family reunification rules was possible until the end of 2020, when the Brexit transition period ended. The United Kingdom did not accept many children under these rules in the years prior to the end of the Brexit transition period⁷⁰ in 2019 and 20 in the first 11 months of 2020. The UK government stopped accepting new transfer applications after September 2020, causing significant hardship for unaccompanied children in Calais with family in the United Kingdom, said Nathalie Chomette, director of the Pas-de-Calais prefecture's Social Cohesion Department.^[34]

In large part to prevent irregular Channel crossings, France and the United Kingdom have entered into a series of border security agreements and other arrangements that have included UK government financing to France to increase security at ferry terminals, the Calais-Frithun train station, other access points to the Channel Tunnel, and along the coast.^[35]

For instance, a 2018 border agreement signed by France and the United Kingdom confirmed a 2003 arrangement that has allowed French border controls in the United Kingdom and UK controls in Calais. In principle, the 2018 agreement also reduced the time needed to complete transfers to the United Kingdom for family reunification.^[36] The UK government announced at the time that it would devote an additional 50 million euros (about US\$62 million at the exchange rate then in effect) to border security in Calais,^[37] and in July 2021 it committed to a further 62.7 million euros (\$73.8 million) in funding for French border patrols and other border security measures.^[38]

Irregular crossings by small boats increased sharply beginning in late 2018,^[39] possibly because of greater security at the Channel Tunnel and at ferry terminals. In 2019, about 1,800 people used small boats to cross the channel irregularly, as compared with fewer than 300 in 2018 most of those in the last three months of the year.^[40] The numbers for 2020 were four times greater: about 8,500, according to the UK Home Office.^[41]

Nearly as many small boat crossings took place in the first seven months of 2021, by which point at least 8,452 people had reached the United Kingdom irregularly after crossing the Channel in small boats, a compilation of available official data showed.^[42] On a single day in the first week of August, at least 482

people reached the United Kingdom in small boats, breaking a record set two weeks earlier.^[43] And on August 21, 2021, at least 828 people crossed the Channel in small boats.^[44] By the end of September 2021, more than 16,000 people had crossed the Channel irregularly.^[45]

We now regularly get calls from people whose boats have capsized. They're wet, they need assistance. Sometimes they're suffering from hypothermia. Sometimes they include kids, even babies, Charlotte Kwantes said.^[46] One person died in August 2021 after a boat carrying about 40 people began to sink off the coast of Dunkerque.^[47] At least 11 deaths between 2018 and 2020 are known to have resulted from attempts to cross irregularly in small boats.^[48]

In early September 2021, the UK government reportedly authorized the UK Border Force to turn back boats crossing the Channel irregularly, according to news accounts.^[49] UK officials also reportedly suggested that the United Kingdom might withhold some of its pledged funding for border security in northern France if French authorities did not do more to prevent irregular Channel crossings.^[50]

Legislation proposed by the UK government and currently before the UK parliament would allow for summary rejection or lesser forms of protection status for asylum claims made by people who have traveled through or have a connection to countries deemed by the UK government to be safe.^[51] The proposals, contained in the Nationality and Borders Bill, would also include new criminal offenses that could result in imprisonment for arriving in or entering the United Kingdom without entry clearance or leave to remain.^[52] The bill does not introduce new safe and legal routes for refugees or other migrants to travel directly to the United Kingdom.

Commenting on the bill, the Refugee Council in the United Kingdom has observed:

If the UK government were to offer more safe and legal routes for asylum seekers wishing to reach the country, rather than imposing draconian measures that seek to deter asylum seekers, it could help reduce unsafe Channel crossings and the number of people gathering in migrant encampments in order to do so. Doing so could save lives and would also place the United Kingdom in a stronger position to insist that France strengthen its own protections for asylum seekers in ways that could encourage people to seek protection in France rather than traveling onward to the United Kingdom.

When the police arrive, we have five minutes to get out of the tent before they destroy everything. It is not possible for five people, including young children, to get dressed in five minutes in a tent.

Every other day, police require the occupants of most encampments in Calais to remove their tents or tarps and other personal possessions temporarily from the land where they are staying. In Grande-Synthe, police conduct eviction operations of this kind once or twice a week. In both towns, police or private cleaning crews seize and may destroy anything that is not removed immediately, particularly tents, sleeping bags, and blankets. These frequent eviction operations do not actually clear encampments and do not appear to be intended to do so; those affected return to the same areas as soon as police have left. Instead, the circumstances strongly suggest that the primary and perhaps the only purpose of these eviction operations is to harass migrant children and adults. The point of the evictions is to show people, just in case they didn't understand, that they are not welcome, said Juliette Delaplace, who heads Secours Catholiques northern France migrant outreach program.^[54]

Police also conduct regular mass evictions of encampments in both towns. For instance, in late September 2020, an estimated 350 officers from the National Police, the riot police (Compagnies républicaines de sécurité, CRS), and the gendarmerie carried out a mass eviction that removed more than 600 people from a large encampment near the Calais hospital zone and sent them to shelters for adult asylum seekers located throughout France.^[55] Authorities described it as the largest such operation since the 2016 demolition of the large migrant camp often known as the Jungle.^[56] In response, a volunteer with the Auberge des Migrants told journalists, People will come back in a few days and settle down a bit further away. A fortune is spent moving around dozens of buses, police, and it is absolutely useless. It's nothing more than a public relations measure.^[57]

In fact, this mass eviction was one of more than 35 that police carried out in Calais in 2020 and the first seven months of 2021.^[58] These evictions have displaced large numbers of people without offering them effective protection against homelessness. Nor have they had any apparent impact on the number of migrant adults and children in Calais and Grande-Synthe. In fact, these tactics have led to a vicious cycle of forced evictions, increased homelessness and short-term encampments in places such as Calais, the UN special rapporteur on the right to adequate housing found after her 2019 visit to France.^[59]

Most mass evictions result in large numbers of people sent to migration reception and assessment centers (centres d'accueil et d'évaluation des situations administratives, CAES), facilities that in practice limit stays to three or four days at most. Only people who seek asylum are eligible for referral to longer-term accommodation. For the many who are ineligible to apply for asylum in France under EU rules that require most people to seek asylum in the first EU country they reach, there are no options for longer periods of accommodation.

Authorities carrying out mass evictions do not effectively identify and make specific provision for the care of unaccompanied children. In particular, unaccompanied children should not be taken to adult reception centers, but in practice, police do not make distinctions by age during large evictions, Human Rights Watch heard. Volunteers described seeing police order people the volunteers knew to be children as well as others who looked very young onto the buses.^[60]

Evictions of migrant and other encampments are not unique to northern France; for instance, officials in Paris have conducted periodic evictions of areas under bridges, along river banks, and other spaces.^[61] But nearly 9 out of every 10 large-scale evictions in metropolitan France between November 2019 and October 2020 took place in Calais and Grande-Synthe, according to the Observatory of Collective Evictions from Informal Living Spaces (Observatoire des expulsions collectives de lieux de vie informels), a collaborative initiative of groups working for the human rights of those living in precarious housing.^[62]

The frequency of these police operations leaves children and adults focused on their day-to-day survival and constantly on alert. Many are haggard, sleep-deprived, and, as the French Defender of Rights observed in September 2020, in a state of physical and mental exhaustion.^[63]

A temporary removal, including from an informal settlement, is an eviction under international standards regardless of the length of time people are removed or displaced from the places where they are staying.^[64] An eviction that does not offer effective protection against homelessness is a forced eviction, a gross violation of human rights.^[65] Moreover, evictions should not subject people to degrading treatment and should more generally respect the principle of human dignity.^[66]

About every two days since 2018, police have required people in Calais to move their tents and other belongings off the land where they spent the night. Items not moved quickly enough—particularly tents, tarps, and sleeping bags—are confiscated and may be destroyed. Similar evictions take place once or twice per week in Grande-Synthe, although the frequency has varied.^[67]

These operations do not have the aim of traditional evictions in that the people affected do not actually leave the land permanently; police know that everybody will return immediately after authorities depart.

For example, in November 2020, a Human Rights Watch researcher watched a group of men and boys relocate their tents and clothing to a parking lot adjacent to the land where they slept, near the BMX Stadium in Calais. A convoy of police units arrived several minutes later and swept the land the group had just vacated. As soon as the police left, the group returned to the land and set up their tents. In July 2021, we saw the same process take place. Members of the group told us they did this every other day first thing in the morning.^[68]

People we spoke with on visits to other encampments in and around Calais described the same routine. Every other morning we gather up all our tents, then we put them back after the police have looked around, Irfan R., a 17-year-old Syrian boy, said in November 2020.^[69]

Police do not attempt to identify unaccompanied children during these routine evictions, we heard. In a typical account, a Human Rights Observers (HRO) volunteer who spoke to us in July said, At an eviction this morning, I saw a lot of families with children and unaccompanied minors. They were not taken into

care.^[70]

The Human Rights Watch researcher saw police confiscate tents, sleeping bags, and backpacks at three other encampments in October 2020, placing some of these items in a police van and others in the open flatbed of a truck. Similarly, an HRO team recorded 27 tents and 13 tarps seized during displacement operations at six encampments on May 16, 2021; a video posted to HROs Instagram site show police placing some of these items in a white van.^[71]

Dozens of people told us police had seized their tents, tarps, sleeping bags, or blankets. In many cases, they were unable to obtain replacements immediately, meaning that they spent at least one night with no protection from the cold and routinely, rain or snow. Others, particularly unaccompanied children, told us they were afraid of having their tents confiscated. The following are typical of accounts we heard:

Police conducted more than 950 routine eviction operations in Calais in 2020, seizing at least 2,816 tents and tarps, 802 sleeping bags and blankets, 228 backpacks and other bags containing personal items, and 51 phones and battery chargers, according to HRO. In Grande-Synthe, authorities carried out more than 90 such evictions, seizing at least 2,110 tents and tarps, 357 sleeping bags and blankets, and 32 backpacks and other bags during evictions in 2020, HRO reported.^[76]

The true numbers are likely much higher: in Grande-Synthe, for example, Utopia 56 handed out 6,000 tents over a four-month period from late 2020 to early 2021, telling us it was likely most were seized by police.^[77] In fact, the routine evictions seem to have the aim of seizing as much material as possible and creating a hostile environment where people constantly have to be on edge and without any respite. They have no other objective, Antoine Guittin, then the Northern France field manager for Choose Love, said in June 2021.^[78]

Police justify the confiscations on the theory that the items have been abandoned.^[79] This justification is in many cases spurious: during evictions in Calais and Grande-Synthe, HRO teams have seen people pleading unsuccessfully with police to be able to retrieve backpacks, blankets and sleeping bags, and other personal items.^[80] and children and adults interviewed by Human Rights Watch told us that police had forced them to leave encampments without these items or prevented them from collecting them after displacement operations had begun.^[81] These accounts are consistent with our own observations: during a July 2021 eviction near the Calais hospital complex, for example, we watched as police refused to allow a man to retrieve a tent they had pulled to the side of a gravel path; instead, they threw it into the back of an open flatbed vehicle.

These regular evictions have been the practice in Calais since mid-2018.^[82] At first the evictions were once or twice a week. Then they became more frequent. There's been an eviction nearly every single day for the last two years, Charlotte Kwantes, national coordinator for Utopia 56, said when we spoke to her in June 2021. Efforts by Utopia 56 and other groups to challenge the evictions in court have failed, she told us.^[83]

In a 2019 report, HRO described routine evictions in these terms:

In 2021, police began to vary the times of routine evictions, carrying out some in the afternoon. The first set of afternoon evictions, on April 6, 2021, covered six encampments across Calais where a total of 300 people were staying.^[85] HRO recorded at least 126 tents (including 76 with personal possessions), 170 tarps, and 77 blankets seized by police in the course of the afternoon.^[86]

When evictions are carried out at unexpected times or in encampments where people are unfamiliar with or unprepared for the need to relocate temporarily, police wake them up by shouting, whistling, kicking tents, and grabbing people by the ankles.^[87] In some instances, people told HRO volunteers that police insulted them during these operations, including by using racist slurs.^[88]

The change in timing also meant that police confiscations increased. During the first afternoon eviction, people were taken by surprise, so their stuff was still in many tents, an HRO volunteer told Human Rights Watch.^[89]

Police take some seized items those placed in police vans during evictions to the Ressourcerie, an establishment that is a combination of a thrift shop and a recycling center.^[90] Items placed in the open flatbed are discarded. The HRO teams we accompanied in October and December 2020 told us that as far as they could tell, police agents' decisions about which items to take to the Ressourcerie and which to dispose of was entirely random.^[91]

Items taken to the Ressourcerie can in theory be reclaimed. But migrants cannot go on their own to the Ressourcerie; under the procedures established by the prefecture, they must be accompanied by a member of the HRO team or another group.^[92]

The Ressourcerie stores seized items in several shipping containers. Depending on the weather, the containers can be filled with piles of rank, muddy, damp tents and clothing, volunteers told us, accounts that match photographs of the containers posted on HROs social media accounts and which are consistent with our own observations of these containers.^[93] Most of the time people don't find their things. Backpacks might be there, but they're empty; photos and documents are gone. Tents have been dragged through the mud, ripped, poles and stakes broken, an HRO coordinator said in October 2021.^[94] Over the course of 2020, nearly three-quarters of those able to make it to the Ressourcerie to reclaim confiscated identity documents, cellular phones, battery chargers, money, and medication could not locate their property, HRO found.^[95]

Police may carry out evictions at the same time that state-provided food and access to showers are offered, in effect forcing people to choose between benefitting [from these services] or being able to keep all of their possessions, HRO noted in its 2020 report.^[96]

Routine evictions in Grande-Synthe are less frequent than in Calais, generally conducted no more than once or twice a week and sometimes less often; in all, HRO recorded 86 evictions in Grande-Synthe from January 2020 to July 2021.^[97] The policing practices are similar to those employed in Calais. On June 23, 2021, for instance, Utopia 56 volunteers saw police advancing in a line down a large field where people were sleeping under tarps and in tents.^[98] On May 26, 2021, HRO teams in Grande-Synthe reported that CRS officers equipped with riot shields and batons advanced in groups, hitting their shields with batons.^[99]

In these and other routine evictions, police and members of a cleaning crew under police supervision removed and confiscated tents and tarps, often destroying them in the process.^[100] Tents, tarps, sleeping bags, and blankets seized in Grande-Synthe cannot be reclaimed.^[101] The following accounts are typical of or consistent with those we heard in Grande-Synthe:

Because these routine evictions are premised on the legal principle that police may take action when they come upon a person in the act of committing an offense (*in flagrante delicto*), authorities contend that advance notice or other elements of a formal eviction are not required.^[108] As ve Thieffry, a lawyer in Lille, commented, The authorities interpret the law in an artificial way. They pretend to discover a tent camp and therefore invoke [the concept of] flagrante. This is utter hypocrisy, of course, since the tents are always in the same places.^[109]

The scale of the mass eviction on September 29, 2020, described at the beginning of this chapter was not unusual at least a dozen other mass evictions in 2020 and 2021 have each relocated 100 or more people living in migrant encampments in Calais. In all, authorities carried out more than 35 mass evictions in and around Calais between January 2020 and July 2021, half of which were in just two months, July and December 2020.^[110] In Grande-Synthe, authorities carried out 55 such evictions between January 2020 and July 2021.^[111] Sometimes euphemistically called shelter operations (*opérations de mises l'abri*) or evacuations, these evictions remove people from the places where they are living, involve the confiscation and potentially the destruction of their only protection from the elements, and fail to provide them effective alternatives to homelessness.

Each of these evictions cleared entire encampments, removing dozens of people and in some instances hundreds. For example, on June 4, 2021, police dismantled an encampment at a group of disused warehouses where more than 500 people were living, including some 30 children.^[112]

Some locations have been the site of repeated mass evictions. Authorities carried out at least three other evictions at the warehouses in 2021 before they were demolished in August. An encampment on the grounds of a former furniture wholesale store was evicted three times between December 30, 2020, and June 23,

2021.[\[113\]](#)

Volunteers who have observed mass evictions gave consistent accounts of these operations as including large convoys of police vans and involving police from various forces, including the National Police, the gendarmerie, CRS, border police (police aux frontières, PAF), and the BAC (the Brigade Anti-Criminalité, a specialized unit within the National Police). The participation of the CRS and the BAC is more common in Grande-Synthe than in Calais. The eviction of September 29, 2020, involved more than 70 police vans, we heard.

Police typically move quickly through the camps in large numbers, rounding up occupants and forcing them to board buses. People are usually permitted to take only a single backpack each; all other belongings were taken by clearance teams, an HRO coordinator said.[\[114\]](#)

In some instances, police use chemical sprays, presumably tear gas, and rubber bullets. For instance:

By law, notice must be given in advance of evictions. These requirements are not always observed. When authorities give advance notice of these evictions, they often do so only in writing and only in French, taking little effort to ensure that people receive and understand the notices.[\[120\]](#) In addition, many mass evictions receive judicial authorization under procedures that do not afford those affected an opportunity to be heard.[\[121\]](#)

Interpreters should be present during evictions, but those on hand do not always speak the languages of the people being evicted. Even when interpreters are available, those who are evicted consistently tell HRO and other observers that authorities do not tell them where they are going. For instance, police carried out a large-scale eviction in Grande-Synthe on May 18, 2021, without adequate interpretation, instead employing gestures and mobile applications such as Google Translate to communicate with people at the encampment, an HRO team reported.[\[122\]](#) The French Defender of Rights has also recorded such accounts.[\[123\]](#)

The short-term accommodation authorities offer those who are evicted are not intended to be long-term solutions; for the most part, these temporary shelters are in reception and assessment centers, facilities that are intended for short-term stays.[\[124\]](#) In practice, these centers limit stays to three or four days.[\[125\]](#) People who apply for asylum are eligible for transfer to other accommodation, but those who do not want to seek asylum in France or who are prevented from doing so by EU regulations have no other options for shelter after they are asked to leave the reception and assessment center. But that's the only solution offered by the state. It is not an effective response, said Juliette Delaplace of Secours Catholique.[\[126\]](#)

Police carrying out evictions do not systematically identify unaccompanied children or arrange for them to be transferred to child protection authorities, aid groups told Human Rights Watch. I've seen kids who I knew to be minors put on the buses with adults and sent to the adult centers, an HRO coordinator said.[\[127\]](#) Other volunteers described cases in which unaccompanied children called them immediately after evictions or spoke with them in Calais after they returned, saying that they had been placed in centers for adults.[\[128\]](#) Similar accounts have appeared in news reports.[\[129\]](#)

The winter reprieve (*trêve hivernale*), which generally extends from November 1 to March 31, is a period during which renters cannot be evicted from their lodgings. The protection does not apply to squatters. This period was extended in 2020 and 2021 in response to the Covid-19 pandemic in 2020, until July 10, and in 2021, until May 31.[\[130\]](#) In the 12 months from November 2019 to October 2020, nearly four out of five evictions of encampments in Calais and Grande-Synthe were during the winter break, the Observatory of Collective Evictions from Informal Living Spaces has noted.[\[131\]](#)

The Covid-19 pandemic and three periods of pandemic-related restrictions on movement did not affect these evictions. In March 2020, the Boulogne prosecutor commented, There is nothing to prove to me these people are sick. We invite people who illegally occupy land to leave it.[\[132\]](#)

When authorities carry out regular displacement operations and periodic mass evictions, they do not offer people viable alternatives to staying in encampments. As discussed more fully in the following chapter, the shelters to which people are relocated after mass evictions only afford temporary accommodation, meaning that they are effectively homeless after a few days. Moreover, these temporary accommodations do not necessarily meet people's needs, particularly for unaccompanied children, families with children, and people who are at risk of being trafficked. The response is to push people out rather than bring them into a protection system that's fully in line with their needs, said Ellen Ackroyd, at the time a Northern France field manager for Choose Love (formerly known as Help Refugees), in October 2020.[\[133\]](#)

Nor do these practices meaningfully reduce the number of people living in encampments. As a 2018 government report that analyzed official responses to informal settlements of various kinds across France observed, Despite repeated evacuations in recent years, the number of people occupying these slums has not significantly decreased.[\[134\]](#) In fact, as the French Defender of Rights observed in a 2018 report, the failure of the Calais and Grande-Synthe eviction and displacement operations to offer durable solutions contributes to the establishment of new encampments of the kind these operations aim to eliminate.[\[135\]](#)

Commenting on the repeated evictions carried out by police in northern France, Grald Darmanin, the minister of the interior, said, It is true, there is this feeling of trying to empty something that is filling up, even if it is filling less. But this is the only way not to allow unacceptable settlements in the Calais region.[\[136\]](#)

Evictions and the confiscation of people's only means of shelter place them at immediate risk and take a physical and emotional toll. The French Defender of Rights said at the end of a September 2020 visit to Calais: The constant evacuations of the land on which they sleep have the intent of forcing them to flee. . . . The exiles cannot rest and instead must remain constantly on alert. They are visibly in a state of physical and mental exhaustion.[\[137\]](#)

These practices impede people's ability to identify and work toward alternatives to their existing situation. It is really difficult to talk with people about asylum here when they are expelled every day. They're worried about how they will eat, how they will get access to water, how they can wash their clothes and clean themselves. To talk about asylum, or about long-term possibilities more generally, that's tough. Authorities have done nothing to create a safe space where people can consider their options. People are really focused on surviving, said Juliette Delaplace of Secours Catholique.[\[138\]](#)

Evictions and efforts to fence off areas used for encampments mean that migrant children and adults may end up staying farther from regular food and water distribution points and are harder for groups to identify and work with, said Utopia 56s Charlotte Kwantes.[\[139\]](#) In particular, evictions make it almost impossible for organizations to identify, monitor and follow-up with vulnerable children, the nongovernmental organization Project Play noted in a 2020 report.[\[140\]](#) The same is true of efforts to identify and assist adults who are victims of trafficking in persons.

Speaking in July 2021, Interior Minister Grald Darmanin told the media, I have understood the observations made by the French Defender of Rights, associations, and human rights organizations, but the instructions are clear: the police of the Republic apply republican ethical rules. And if they do not apply them, it is the role of the hierarchy to remind them.[\[141\]](#)

Nonetheless, the adverse outcomes of policing practices in Calais and Grande-Synthe are not accidental or incidental. They are intentional, an example of what some researchers have termed the politics of exhaustion.[\[142\]](#) What we are seeing is a strategy of creating instability for the people here, Antoine Guittin, Choose Loves Northern France field manager, said in October 2020.[\[143\]](#) The policy is to make life as awful, as undignified, and as dehumanizing as possible, commented Antoine Nehr, a Utopia 56 coordinator.[\[144\]](#)

Children and adults living in migrant encampments in northern France described ongoing struggles to meet their day-to-day needs. State-provided food and water distributions in Calais do not take place at all living areas, and a shift to mobile distributions in October 2020 has meant that the timing and location of these distributions may change without notice. Distributions may also take place at the same time that police carry out morning or afternoon evictions, in effect requiring people to choose between receiving these basic necessities and keeping their tents, tarps, and other possessions.

State-provided services have failed to meet the specific needs of women. There are no separate toilets for women at Calais encampments, for example, and toilets that have been installed are not adequately lit. Practical barriers in access to water mean scarcity for everybody and pose specific challenges for women in maintaining personal hygiene during menstruation.

France's emergency shelter system, in principle available to all in need of accommodation regardless of migration status, is overstretched throughout the country. In Calais, it is frequently full, especially during periods of poor weather and during the summer months, when the number of migrants typically increases. Emergency accommodation is even more limited for those in Grande-Synthe. In each department, Pas-de-Calais and Nord, even when emergency accommodation is available, it is usually limited to two or three nights. Temporary shelters available to unaccompanied children may also be at or near capacity, so many children who want shelter are turned away.

Emergency health services are by law available to everybody without regard to migration status, but language and other practical barriers in access may prevent people in need from benefitting from these services.

Evaluating the efforts of authorities to address the basic needs of migrants, the National Consultative Human Rights Commission (Commission Nationale Consultative des Droits de l'Homme, CNCDH), observed, If the current response has been imperfect and insufficient, it has the merit of existing at Calais. On the contrary, such a response is almost absent at Grande-Synthe even though the exiled peoples needs and levels of distress are similar there.^[145]

Aid groups and private actors have attempted to fill the gaps by providing additional distributions of food and water, trying to facilitate access to emergency shelter and health services, and arranging phone charging stations and internet access which the CNCDH has recommended be considered essential needs provided by the state.^[146] But the state's failure to live up to its responsibilities diverts groups from undertaking the painstaking, systematic work necessary to identify and respond to situations of trafficking and other complicated cases. We are so focused on trying to help people survive that we don't have the time to speak with them in depth. We are busy responding to their basic needs because the state is not providing these, said Juliette Delaplace, the head of Secours Catholiques northern France migrant outreach program, in November 2020.^[147]

La Vie Active is the association contracted by authorities to provide food for migrants in and around Calais, carrying out food distributions twice per day. Even when food is provided, it's not sufficient in quantity or sufficiently adapted to people's needs, a member of the Calais Food Collective said.^[148] In particular, these state-provided food distributions did not include milk or other food suitable for young children or for women who are pregnant or breastfeeding, we heard.^[149]

The Pas-de-Calais prefecture ordered La Vie Active to shift to mobile distributions in Calais in October 2020, justifying the move as a means of meeting migrants near identified living places and limiting the gathering of people.^[150] But the change has meant that people do not always know when or where to collect food and water, Human Rights Watch heard. Sometimes they are switching where they give out the food, and we don't know where to go. We try to run when we hear where the food is. But they are only there for a certain period of time, and maybe by the time we get there they are already gone, a 17-year-old Syrian boy told us.^[151] They are always moving the distributions from camp to camp. People don't always know when the distributions will be, and when they do know, they can't always find the truck. Many people tell us they do not have access to food and water because of the mobile nature of these distributions, Juliette Delaplace of Secours Catholique said.^[152]

The mobile distributions do not serve all the places where people are living in and around Calais. A 16-year-old boy told a group working in Calais that he walked 15 kilometers roundtrip, a journey that took him about three hours, to reach food distribution and water points.^[153] The French Defender of Rights observed after her September 2020 visit to Calais that some migrants were not able to eat every day.^[154]

In addition to the state distributions, two associations regularly provide food to migrants in Calais. But in September 2020, the prefecture of Pas-de-Calais banned food distributions in the town center and in Beau-Marais, a neighborhood in the southeast part of the town, by groups other than La Vie Active, the agency contracted by the state to handle official distributions.^[155] Legal challenges to this order were unsuccessful.^[156]

The ban has been extended more than a dozen times.^[157] At this writing, it was in effect through October 18, 2021, and the prefecture had expanded the ban to include an area that had contained several large encampments before they were dismantled at the beginning of June 2021.^[158]

The successive orders have disrupted the work of aid groups, Human Rights Watch heard. François Guinnoc, of Auberge des Migrants, said in October 2020, We are obliged to move the places where we distribute meals. After the first order, we moved 30 meters, from one street to the next. Three days ago we had to move again.^[159]

The prefecture said official distributions provided an average of 2,394 meals per day in September 2020 and 483 per day from October 1 to 13, 2020.^[160] The Auberge des Migrants estimated that there were between 550 and 600 migrants in Calais in the first week of October,^[161] meaning that official distributions at that time were not sufficient to provide all migrants in Calais even one meal every day.

Access to water in sufficient quantities for drinking and personal hygiene is a particular problem for migrants in Calais, where water is provided through mobile distribution points. Some encampments receive no state water distributions at all; for instance, one encampment in Coquelles was relying on a single 1,000-liter water container placed, refilled, and regularly replaced by an aid group.^[162] In other cases, even when official distributions are offered, they take place at locations or times that are not always predictable, in some cases far from where people are staying.

State water distributions in Calais averaged just under five liters per person per day in September 2020, according to the prefecture of Pas-de-Calais.^[163] This amount is under what's needed, said Juliette Delaplace of Secours Catholique.^[164] Clémentine Le Berre, legal coordinator of the Plateforme des Soutiens aux Migrants (PSM), commented, It's not just drinking water that people need. Women and families have specific needs that require more water, including to manage menstruation. She added, Some people need water in a certain way to wash after using the toilet.^[165]

A person's basic survival-level water requirement is 4.5 to 9 liters per day for drinking and basic hygiene.^[166] The Sphere Projects Minimum Standards in Humanitarian Response call for a minimum of 15 liters of water per person per day for drinking and personal hygiene,^[167] and World Health Organization guidance recommends a minimum of 20 liters of water per person per day as the minimum quantity of safe water required to realize minimum essential levels for health and hygiene.^[168]

In addition, the available water points are very far from the places where people live, [resulting in] some exiles having to walk several hours per day to access them, the French Defender of Rights observed in September 2020.^[169] For women with young children, collection of water poses particular challenges. Men have more access to water because they are more mobile. Women may have to stay in the woods with their children. They need more water, but they may have to depend on men to get water for them, said Clémentine Le Berre of the PSM.^[170]

In response to these limitations, the Calais Food Collective and other groups have placed water containers near some encampments.^[171] These often go missing. We tried placing them in different locations. Then we tried putting a sticker with the name of the association on the cans, to show that they haven't been abandoned. It didn't matter; the cans kept disappearing, a volunteer with one association told Human Rights Watch.^[172]

The state provides shower facilities for migrants in Calais, about 200 showers a day in most of 2020,^[173] meaning that people are not entirely dependent on water distributions for their personal hygiene needs. People have access to these showers by taking a designated bus. They cannot go on their own; they have to take the bus. The bus goes from camp to camp, not necessarily at specific hours, so people never know whether they will be able to take a shower or not, said Juliette Delaplace of Secours Catholique. After September 2020, she said, About 116 showers per day were offered by the state. That's very low in comparison to the number of people present here.^[174] At that point, the drop-in center run by Secours Catholique saw an immediate change in people's needs: Before then, we rarely saw people washing themselves or their clothes at the center. Now that's a constant, Delaplace said.^[175]

Residents of the encampments in Grande-Synthe did not have regular access to showers. It's been one month since I showered, a woman staying in Grande-Synthe told Human Rights Watch in December 2020. It is difficult for my children, it's difficult being clean, eating, washing, playing, she added.^[176]

Authorities have installed portable toilets near some of the largest encampments in Calais. In December 2020, some thirty toilets were available at three

locations.^[177] Many encampments have no toilets at all.

In Grande-Synthe, the encampment in the Puythouck natural area had composting toilets that were not functional at the time of our visits in October and early December 2020. Utopia 56 told us they had not been used as toilets since the first week after their installation.^[178] At the time the CNCDH visited Grande-Synthe in mid-December 2020, a family was living in one of the toilets.^[179] There were no toilets at the encampment in the Petit Prdembourg.^[180]

Even where toilets have been installed, they may not be close to where people are living. For example, many people living in encampments near the hospital in Calais are a kilometer or more from the toilets installed for their use. Nearly all are more than 50 meters from toilets, the maximum distance recommended in the Sphere Standards to ensure safe access.^[181] In addition, none of the toilets we saw had adequate lighting for safe nighttime use.^[182]

Distance to toilets and lack of adequate lighting are safety issues for everybody and are particular concerns for women. Limited access to water and showers and the fact that menstrual hygiene products are only distributed at showers also mean that women cannot manage menstruation with dignity.^[183]

Everybody in France who is without shelter should be able to receive emergency accommodation, regardless of their migration status. But emergency accommodations are full or nearly full, and Human Rights Watch heard numerous accounts of unaccompanied children, families with children, and single adults turned away during each of our visits to Calais and Grande-Synthe.

There are several types of emergency accommodation in France. Single adults and families with children are served by a network that is managed by the prefecture.^[184] In practice, migrant adults and families are usually permitted two or three nights in emergency accommodation before they are told to go to a migrant reception center (*centre d'accueil et d'évaluation des situations administratives*, CAES). As discussed more fully in the following chapter, unaccompanied children are the responsibility of each department's child protection service, the Aide sociale lenfance (ASE), which has its own shelter system. In addition, authorities in Calais and Grande-Synthe periodically open additional emergency accommodation during periods of cold weather.

Adults, including families with children, request access to emergency accommodation by calling a dedicated number, 115. In practice, when groups call 115 on behalf of single adult migrants, they often receive the response that shelters are full. When we call to arrange emergency shelter for the women we encounter, very often the response is that they cannot get it, Juliette Delaplace said.^[185]

In July 2021, a family of eight stationed themselves outside the offices of the Pas-de-Calais subprefecture and prepared to spend the night there after they were turned away from emergency shelter. Officials quickly arranged for their accommodation.^[186]

Emergency accommodations may not offer suitable facilities for migrant families. We heard, for instance, that some shelters do not provide *halal* food, do not have interpreters available, and may not have appropriate spaces for children. For those in Grande-Synthe, an accommodation center to which families were frequently sent had no hot water, no food for children, no social worker, no real way for people who do not speak English or French to get information on asylum. Its really far from the city, with no public transport available. Women will tell us, We cannot take the bus to go to the supermarket to buy nappies or food for our babies. They feel better in the forest, where the supermarket is nearby, said Laure Pichot, then the Utopia 56 coordinator in Grande-Synthe, said in November 2020.^[187]

In one case, a Kurdish woman in Grande-Synthe told us that she and her family were unable to stay at a shelter outside Lille in November 2020 because it was not accessible:

When they reached Grande-Synthe, they found that their tent and clothes were gone. The children were tired. I was very cold and scared, the woman said.^[188]

Those who do receive emergency accommodation can ordinarily stay for only a few days. Those who are migrants are then directed to reception centers, which in turn limit stays to a few days for people who do not apply for asylum in France. A legal adviser with the Cabane Juridique described one such case from late September 2020, telling us that a family was limited to two nights of emergency shelter and then told to leave.^[189] Staff and volunteers with other groups described similar cases in 2020 and 2021.^[190]

Families and single adults who have already stayed in emergency accommodation cannot stay a second time. In November 2020, for instance, Human Rights Watch observed a woman and a seven-year-old boy denied emergency accommodation because they had spent several days in a shelter the previous month.

In another such case, an Eritrean woman was denied emergency shelter in early November 2020. She needs psychological support. She cant be accommodated at the emergency shelter offered by the 115 because she has already benefitted from them. In Calais, the 115 shelter for women and families is limited to two to four nights. After that time, the only option is the CAES, Juliette Delaplace said, referring to the reception centers. We gave her a tent and blankets, she told us, adding that this case was not unusual.^[191]

Delaplace explained the relationship between 115 accommodation and the reception centers in these terms: The law in France is that emergency accommodation is supposed to be available if needed, without regard to a persons nationality or administrative situation. Authorities should only take into account the persons vulnerability, she said. But as a consequence of a decision of the Conseil d'Etat, Frances highest court for administrative matters, authorities can deny emergency accommodation if an alternative solution is offered and refused. In Calais, after three nights, migrant women are told to go to the CAES. If they say no, authorities can deny them 115 accommodation. That contrasts with how they handle cases of French women who are homeless. They have access to emergency shelter with no three-day time limit, Delaplace said.^[192] Authorities in the department of Nord take the same approach, Utopia 56 told us.^[193]

Many people who spend time in migrant reception centers including those who are involuntarily relocated to these centers following a mass eviction leave after a few days. Longer stays in these centers are only possible for those who make an asylum claim in France, which many adults cannot do because of EU rules that require them to seek asylum in the first EU country they reach.

Emergency shelter for unaccompanied children is the responsibility of each department's child protection authorities (Aide sociale lenfance, ASE). The primary emergency accommodation for unaccompanied children in Calais is at a shelter in Saint-Omer, about 45 kilometers away, managed by France Terre d'Asile (FTDA) on behalf of the department. Another shelter sometimes used to house unaccompanied migrant children is in Saint-Pol-sur-Ternoise, about 85 kilometers from Calais, an hour-and-a-half away by car.^[194] Nord, the department in which Grande-Synthe is located, has limited accommodation for unaccompanied children.^[195]

The Saint-Omer shelter had 80 beds available for emergency accommodation in late 2020. In addition, another part of the shelter offered 40 beds for those who had been recognized as children in need of protection.^[196] Maxence Pierre, the shelter director, told us in November 2020, In 2019, 1,294 young people passed through the emergency shelter. We have already reached this figure for 2020.^[197]

FTDA, the organization contracted by authorities in Pas-de-Calais to run the Saint-Omer shelter, does outreach in encampments in and around Calais until about 5 p.m. or 6 p.m. After these hours, unaccompanied children who want to go to the Saint-Omer shelter must go to the police station, which then arranges for their transport to the shelter in a taxi.^[198] Some children who initially express interest in the shelter are reluctant to go to the police station because they often associate police with evictions, Cline Gagne from Help Refugees (now known as Choose Love) said.^[199] Utopia 56 volunteers described similar experiences.^[200]

In contrast, in Grande-Synthe, where for a time Utopia 56 could contact child protection authorities directly to arrange transport for unaccompanied children, volunteers found that children agreed much more readily to go to shelters. In the winter, we were starting to have better communication with the child protection authorities. They told us we could contact them directly when we identified children in need of care. When we had this link, every week we had 20 minors who wanted to go to the accommodation center, said Arnaud Gabillat, a Grande-Synthe coordinator for Utopia 56. But now thats changed. We need to go to the police station to ask them to call the ASE. This discourages children from requesting help.^[201]

Utopia 56 volunteers said that children who do agree to go to the police station to arrange transfer to the shelter face long waits at the police station and occasional insults from officers. In addition, police in Calais have required children to wait outside the station, even in cold or rainy weather, purportedly as a social distancing measure.[\[202\]](#)

There have been referral errors at the police station, with transportation problems, Fanny Bertrand, the deputy head of the Pas-de-Calais Departmental Reception Service for Unaccompanied Minors, told us when we spoke to her in November. It has been reconfirmed with the police station that young people are to wait inside and not outside. The difficulty of the wait times is linked to the taxi company. FTDA is testing a new, more responsive company. There have been some long wait times that are in the process of being resolved, she said.[\[203\]](#)

Nathalie Chomette, director of the Pas-de-Calais prefectures Social Cohesion Department, objected strongly when we asked her in December if the practice of police was to require children to wait outside the station. This happened only one time, just a single night in July [2020], she replied.[\[204\]](#) She added, We have to take [all the criticism], and Im sick of it, its like that all the time. Relations like these in Calais are difficult. We try to keep the dialogue going. The activist associations dont have a monopoly on compassion.[\[205\]](#)

Notwithstanding Chomettes statement, several Utopia 56 volunteers described similar challenges in late 2020 that occurred before we interviewed her in December and well after the single date in July she referred to.[\[206\]](#) Cline Gagne of Help Refugees (now known as Choose Love) told us in October she had repeatedly approached child protection officials to tell them that police had made many children wait outside. She told us that each time, the following week, kids are being let into the police station. But we have to do this again and again.[\[207\]](#)

And in June 2021, we heard that police still made unaccompanied children wait outside the station for transport to the Saint-Omer shelter. We stay with kids because theyre not allowed inside the police station, Pierre Roques from Utopia 56 said, adding that the only time children were allowed to wait in the police station that he could immediately recall was on one night earlier that month, when several National Assembly deputies accompanied Utopia 56 on their rounds.[\[208\]](#)

Rain is common throughout the year in northern France, making the prospect of several hours outdoors unappealing and causing some children to give up, volunteers told us.[\[209\]](#) More generally, as the French Defender of Rights observed that the need to go to the police station at all is of a dissuasive nature given the successive dismantling operations carried out by the same law enforcement agencies.[\[210\]](#)

Authorities with the Pas-de-Calais department and the prefecture said that the capacity of the Saint-Omer shelter was sufficient to meet the need. When we spoke to Fanny Bertrand, the deputy head of the Pas-de-Calais Departmental Reception Service for Unaccompanied Minors, in November 2020, she told us, Overall, the 80 emergency accommodation places are sufficient. Variations [in numbers] are difficult to anticipate. Were at close to 80 right now. She added, We are rarely above 80. When the establishment is full, we find temporary solutions. . . . Once, the police said there were no places, but that was bad information.[\[211\]](#)

Nevertheless, Human Rights Watchs interviews with other officials and groups suggested that Bertrand was overly optimistic in stating the Saint-Omer shelter had sufficient capacity. In mid-October 2020, a few weeks before we spoke to Bertrand, at least eight children couldnt access the shelter because it was full, Juliette Delaplace of Secours Catholique told us.[\[212\]](#) Similarly, when volunteers with Utopia 56 and other groups tried to get unaccompanied children placed in the Saint-Omer shelter later in November 2020 as well as in June and July 2021, they were told that it was full. As a result, the children spent the night on the streets or in an encampment.[\[213\]](#)

France Terre dAsile (FTDA), the association that operates the Saint-Omer shelter, told us that there were 72 unaccompanied children in the emergency shelter on the day we spoke in November 2020 and said that the population regularly reached capacity, including on most days the prior week.[\[214\]](#) And Nathalie Chomette said:

Nonetheless, Chomette told us authorities make efforts to find bed space when the shelter is full. As one example, young people whose family reunification files have been accepted and who are awaiting transfer are sometimes placed in other centers to free up space in Saint-Omer, she said.[\[216\]](#)

When we spoke to her in November, Bertrand conceded that children waiting to receive social assessment, the first stage to be taken into care, are occupying emergency accommodation places while I have stabilization accommodation places available. She told us that FTDA was speeding up its social assessment work in response.[\[217\]](#)

In mid-2021, a portion of the Saint-Omer shelter was closed for repairs and not expected to reopen until September, limiting the number of beds available during the summer months.[\[218\]](#) Even before part of the shelter closed, the French Defender of Rights observed that the facility did not always have sufficient space, adding,

For children in Grande-Synthe, where smuggling operations have an obvious presence and trafficking is widely thought to be a significant concern, volunteers suggest that long-term shelters should be far enough away that they are not easy for smugglers to reach for instance, in and around Lille. At the same time, we would also like to see a shelter opened on the coast, something that can offer a bed for the first night. That way children can go there directly and then on to Lille, so they dont need to wait for hours at the police station, Arnaud Gabillat, a Grande-Synthe coordinator for Utopia 56, said.[\[220\]](#)

A cold weather plan (*Plan Grand Froid*) provides additional emergency accommodation during the times it is in effect. For instance, in mid-January 2021, the Pas-de-Calais prefecture opened a warehouse in the Zone des Dunes, an industrial area east of the Calais town center, to provide cold-weather emergency housing with a nightly capacity of 200. Over a three-day period, 459 people, including 167 unaccompanied children, stayed at the facility, the prefecture said.[\[221\]](#) A separate cold-weather shelter for unaccompanied children with a capacity of 80 opened on January 1, 2021.[\[222\]](#) Authorities have undertaken similar operations each winter in recent years.[\[223\]](#)

One limitation of cold weather accommodations is that they do not necessarily operate continuously after they are opened. In 2021, for instance, cold-weather shelters were open for a total of 16 nights between January 1 and February 15. Another is that authorities sometimes announce availability a few days at a time. Sandra Caumel, a volunteer with the Cabane Juridique, told Human Rights Watch:

Respiratory and similar illnesses, including tonsillitis, ear infections, sinusitis, bronchitis, and pneumonia, are common among children and adults in these informal encampments due to poor living conditions, as are medical conditions relating to poor hygiene, such as scabies and other skin conditions, as well as diarrhea.[\[225\]](#) Asked about the conditions the Saint-Omer shelter sees most frequently among unaccompanied children, Maxence Pierre, the shelter director, replied, Scabies, bedbugs, poorly treated fractures, sores.[\[226\]](#)

Emergency medical services are available to migrants in Calais at a designated health clinic, the Permanence daces aux soins de sant (PASS), located in the hospital complex.[\[227\]](#) Officials announced that migrants would be eligible for Covid-19 vaccines beginning in mid-July 2021.[\[228\]](#) and some 35 migrants had received vaccinations at the PASS at the end of the month.[\[229\]](#)

We heard some cases of people discharged after treatment even though they had suffered serious injuries from which recovery would be difficult while staying in an encampment. In July 2021, for instance, a man told us he had been discharged from the PASS after being treated for a back injury even though he had difficulty moving, no place to stay, and no tent or tarp.[\[230\]](#) Volunteers with aid groups described similar cases. Sometimes people leave the hospital after theyve broken a leg, but they have no place to rest. One guy was injured with a knife. The hospital released him the next day, but he was not able to walk. They didnt give him crutches. We had to take him back to the hospital, and he stayed there another 10 days, said Pierre Roques of Utopia 56.[\[231\]](#)

Mental health needs among children and adults living in migrant encampments are likely to be significant, several volunteers suggested. People arrive after a long journey. Then they are stuck here so long. You can see their mental health deteriorate, Roques said. PASS has a psychiatrist available two days a week, with interpreters available, but it is often difficult to explain the service to people, he said.[\[232\]](#) Assessing the mental health services available at the PASS, a

psychologist commented that they are often not well suited to the specific needs of this population in transit.[\[233\]](#)

Roques added, For some, its not something theyre familiar with. It can be hard to explain. Its hard to bring people to a service they dont understand. Whats needed is a team of people who are really trained that can go into the field directly. Ive never seen this kind of approach in Calais, with the exception of initiatives by humanitarian groups.[\[234\]](#)

Police frequently target members of groups that carry out humanitarian activities or monitor police conduct. Typical tactics include repeated and unnecessary identity checks, citations for minor infractions, and threats to arrest those who engage in lawful activities such as filming police. In addition, during periods in which pandemic-related restrictions on movement were in effect, police regularly issued fines for purported noncompliance even though these restrictions did not apply to humanitarian assistance and work-related activities.

For example, a member of the Calais Food Collective told us one of their teams had been fined in February 2021 for organizing a tea distribution during a time when pandemic-related restrictions on movement were in force. It was six degrees below zero that day, and the police fined us for giving out hot tea, she said.[\[235\]](#)

Utopia 56 volunteers received more than 95 fines during the three lockdown periods between March 2020 and the end of April 2021, when movement on the streets was allowed only for specific permitted purposes. During these periods, people were required to carry attestations, signed forms that indicated the permitted basis for leaving their homessuch as travel to and from a place of work or travel to provide assistance to people in need. The attestation form includes a provision for assistance to people who are vulnerable or in a precarious situation. Our volunteers carry letters from Utopia certifying that they are doing the work of the association. This should be sufficient. Its sufficient in Paris, said Pierre Roques, Utopia 56s Calais coordinator. We are allowed to do this work. But the police dont even examine the attestation. . . . Sometimes theyll say, We dont have the machine to read the QR code. They just cite us for infractions. Theyll do an ID check. Thats it.[\[236\]](#)

Similarly, Human Rights Observers (HRO) volunteers received more than 30 fines for purported noncompliance with lockdown restrictions. These fines were nearly always assessed at the maximum amount possible, 135 euros.[\[237\]](#)

Roques told us that police also regularly issued fines to Utopia 56 volunteers for other infractions, typically those relating to the condition of Utopias vehicles. We get fined for broken light bulbs, cracks in the windshield, low tire pressure, or maybe the tires are too worn, maybe we turned without putting on the signal or put it on late. If we dont put out the reflective triangle when we stop the car, thats a fine. Every small infraction, they just jump on it, he said.[\[238\]](#)

Identity checks are also frequent, HRO and Utopia 56 volunteers told us, describing instances in which police checked their identification documents several times in a single day.[\[239\]](#) People staying in encampments also told us they had observed volunteers being stopped by police and made to produce identification.[\[240\]](#)

Some police also used insulting or provocative terms in interactions with HRO volunteers or in their earshot.[\[241\]](#) In general, their demeanor often gives the impression that theyre trying to push us to react in a way that would give them an excuse to arrest us, said one HRO volunteer.[\[242\]](#) Under French law, an act that undermines the dignity or respect due to a public official is the crime of *outrage* (roughly equivalent to contempt) and impeding a public official from carrying out official duties may constitute the crime of *rebellion*.[\[243\]](#) Describing an instance where police threatened to arrest HRO volunteers, she said, We asked about the legal basis for not letting us continue along a public path to observe what they were doing. When the officer didnt reply, we asked again. He then said, If you ask again, Ill consider that *outrage*.[\[244\]](#)

Police have also told HRO volunteers that they risked arrest if they continued to film evictions.[\[245\]](#) Filming police in the course of their work is not unlawful in France, although security legislation passed by the National Assembly in April 2021 included a prohibition on doing so.[\[246\]](#) In May 2021, the Constitutional Council (Conseil constitutionnel) struck down the prohibition.[\[247\]](#)

In July 2018, riot police charged Tom Ciotkowski with *outrage* and assault after he filmed a police officer pushing and kicking another volunteer. Ciotkowski faced up to five years in prison and a fine of up to 7,500 euros.[\[248\]](#) The charges were based on three officers claims that he had pushed one of them. In fact, video footage established that the officers had lied about who had pushed whom: one can clearly see, from several angles, [a CRS officer] pushing the British volunteer who falls to the other side of the guardrail, *France Bleu* reported.[\[249\]](#) The officers were charged with perjury; at their trial, prosecutors requested suspended sentences and temporary disqualification from police service for each.[\[250\]](#) In September 2021, one of the officers received an 18-month suspended sentence; a second received a reprimand.[\[251\]](#)

Also in 2018, the public prosecutors office brought criminal defamation charges against Loan Torondel, then a 21-year-old aid worker who had spent two years in Calais providing legal information and humanitarian assistance to migrants and asylum seekers, for an ironic tweet containing an imagined conversation between police and a young man whose sleeping bag they had confiscated. Torondel was initially convicted of the charge, but the Court of Cassation, Frances highest court for criminal and civil matters, overturned the conviction in April 2021, after nearly three years of appeals.[\[252\]](#)

These and other efforts to punish those who provide humanitarian assistance to migrants are often called crimes of solidarity.[\[253\]](#) The crime of solidarity is not supposed to exist in French law, but weve seen that the French authorities find ways to target people who are engaging in acts of solidarity, said Charlotte Kwantes, Utopia 56s national coordinator.[\[254\]](#)

Humanitarian groups do the bulk of the work identifying unaccompanied migrant children in Calais and Grande-Synthe. Outreach workers with France Terre dAsile (FTDA), the agency mandated by Pas-de-Calais authorities to undertake child protection activities, are not present in the encampments after 6 p.m., when unaccompanied children are more likely to request placement in a shelter. When Human Rights Watch observed FTDA outreach staff at encampments, it appeared they spent little time at the sites.

In the department of Nord, where Grande-Synthe is located, there is no government-mandated agency to conduct outreach to unaccompanied migrant children. Utopia 56 has routinely submitted reports to child protection authorities when its volunteers identify unaccompanied children in Grande-Synthe, but authorities have generally refused to act on these reports.

Many, if not most, unaccompanied children arrive in northern France with the intention of travelling on to the United Kingdom. But unaccompanied migrant children may be able to stay in France, either by claiming asylum or by entering the child protection system, and those with relatives in other European Union countries may be able to join them under EU family reunification rules. All unaccompanied children would benefit from more systematic efforts to present these options.

In fact, the department of Pas-de-Calais offers particular benefits to children in the care of its child protection system. Those who enter the protection system as children receive services until age 21, a good practice that a few other departments have also adopted. This commitment is particularly laudable because of the number of children in the Pas-de-Calais child protection system6,500 not counting unaccompanied minors at the end of 2020, according to Nathalie Chomette, director of the Pas-de-Calais prefectures Social Cohesion Department, among the most of any department in France.[\[255\]](#)

At least in the immediate term, the combined effect of family and community ties in the United Kingdom, the fact that many unaccompanied migrant children in northern France speak at least some English but little or no French, and the perception that the United Kingdom offers them a better future make it likely that many children will continue to cross the Channel irregularly. Safe and legal routes to the United Kingdom, including provisions for family reunification, would offer unaccompanied children alternatives to small boat crossings and other unsafe means of crossing the Channel.

In both Calais and Grande-Synthe, aid groups such as the Refugee Youth Service, the Refugee Womens Center, and Utopia 56 do the bulk of the work identifying unaccompanied children. Their longstanding, consistent, and frequent presence in migrant encampments and their willingness to engage with children

and adults contrasts markedly with the approach taken by the staff of France Terre d'Asile (FTDA), the agency contracted by the Pas-de-Calais department to provide some child protection services to unaccompanied migrant children.

FTDA rounds are limited to specific daytime hours in late 2020, 1 p.m. to 6 p.m.^[256] These hours do not correspond with the times unaccompanied children seek help, volunteers told Human Rights Watch, saying that the best times to reach them is in the early evening. When it's getting dark, they start thinking about how they will survive the night. During the day they'll say no, a Utopia 56 volunteer said.^[257]

Moreover, Human Rights Watch's observations suggest that FTDA outreach workers do not proactively reach out to children or to adult migrants who might help identify them and advise them to go to shelters. When Human Rights Watch visited encampments in early November 2020, for example, the FTDA outreach workers we saw spent less than 15 minutes at the site and talked only to volunteers with aid groups. We saw FTDA outreach staff take the same approach in June 2021.

In Grande-Synthe, located in the department of Nord, there is no government-mandated agency to undertake outreach to unaccompanied children. Officially there's no public authority responsible for reaching out to unaccompanied children and orienting them toward the child protection accommodation center, Laure Pichot, then the Grande-Synthe coordinator for Utopia 56, told Human Rights Watch in November 2020.^[258]

Utopia 56 regularly submits reports, known as *informations préoccupantes*, to child protection authorities when its volunteers identify unaccompanied children in Grande-Synthe. Authorities generally do not act on these reports that children are potentially at risk, we heard. Human Rights Watch heard of one case in which authorities took two years to respond to a report that raised concerns about trafficking of children in Grande-Synthe.^[259] And in response to each of more than 100 reports Utopia 56 sent in October and November 2020, authorities replied that they could not follow up because the reports did not give a precise address or lacked details such as the child's full name or complete date of birth. Each of these minors was living in Puythouck, in the woods. That's their address. They have no other address, said Pichot.^[260]

The strong presence of smugglers and traffickers in Grande-Synthe makes it difficult for groups to persuade unaccompanied children to enter the French child protection system, we heard. In this context, specialized, professional outreach is crucial, volunteers pointed out. The smugglers know we are talking to kids about the child protection system, and they are telling kids not to take our offers of help, one volunteer said.^[261] Another volunteer told us:

Unaccompanied migrant children are eligible to apply for asylum in France; the general requirement that asylum can only be sought in the first EU country reached does not apply to them.^[262] Alternatively, if they enter France's child protection system before age 18, they are eligible for immigration status in France as adults. And those with relatives in other EU countries may be eligible to join their relatives under EU family reunification rules.

All of the unaccompanied children Human Rights Watch interviewed expressed definite plans to travel on to the United Kingdom, and most of the volunteers and staff of aid groups we spoke with said that was true of the majority of unaccompanied children they saw. That said, the children we spoke with did not know that they were potentially eligible for immigration status in France and discounted both the dangers of the Channel crossing and the possibility that they might face challenges once they arrived in Britain. Unaccompanied children mostly don't know their options in France. Their experience in France is police violence, so it is not a place where they see themselves. And they never really receive information about their rights, said Cline Gagne, who was the operational strategy and advocacy adviser for Help Refugees (now known as Choose Love) when she spoke to Human Rights Watch in September 2020.^[264]

Confirming Gagne's remarks, several unaccompanied children who were aware in general terms that they might be able to stay in France told Human Rights Watch they had not considered that possibility because of their treatment by French police. The police are very bad to us in France. France is not good. I want to go to the UK, said Jamal M., a 16-year-old from Sudan.^[265] I don't want to stay in France. I'm angry with our horrible situation in France, Irfan R., a 17-year-old Syrian boy, told Human Rights Watch.^[266]

Nonetheless, we heard that a small but increasing number of children became more open to possible options in France after they spent time in the Saint-Omer shelter. Between March and September [2020], the profile of young people changed, said Maxence Pierre, the shelter director. In March, the children arriving at the Saint-Omer shelter were determined to go to the UK at all costs. What we were providing was simply shelter. By November 2020, more children expressed interest in remaining in France, he told Human Rights Watch.^[267]

It is not surprising that children who have the opportunity for rest and reflection will be more prepared to consider alternatives, particularly if they receive accurate information from sources they trust. Increased efforts to get unaccompanied children to seek shelter placement and stay longer, coupled with fuller information about options to remain in France or seek reunification with family members in other EU countries, are worthy initiatives that authorities in Pas-de-Calais and Nord should pursue.

Even if French authorities adopt more robust initiatives to advise children of their legal options, in the immediate term it is likely that large numbers of unaccompanied children will continue to seek to travel to the United Kingdom and that they will do so in dangerous conditions if there are no practical alternatives open to them. In view of this reality, the United Kingdom should make available to migrants in France and elsewhere in the European Union safe and legal routes, including the possibility of joining family members in the United Kingdom.

The practices described in this report violate the right to freedom from cruel, inhuman, and degrading treatment or punishment, the prohibition on forced evictions, the right to adequate food and water, and children's right to care and protection. More generally, they are inconsistent with the principle of human dignity, the fundamental value and indeed the core of positive European human rights law, in the words of the European Committee of Social Rights.^[268]

Freedom from degrading treatment is a component of the prohibition of torture and other forms of cruel, inhuman, and degrading treatment or punishment, guaranteed by the International Covenant on Civil and Political Rights, the Convention against Torture, the Convention on the Rights of the Child, and the European Convention on Human Rights.^[269]

In combination, the actions taken by authorities in Calais and Grande-Synthe including

the repeated evictions, the confiscation and destruction of people's means of shelter, the limited provision of water, food, toilets, and showers and the authorities' frequent failure to provide emergency accommodation to those in need, expose children and adults to degrading treatment, in violation of France's obligations under these treaties.

In particular, leaving unaccompanied migrant children to fend for themselves or depend on nongovernmental organizations for their care is a violation of the prohibition on inhuman or degrading treatment, the European Court of Human Rights has found.^[270] Unaccompanied children in Calais and Grande-Synthe face circumstances similar to those the European Court of Human Rights criticized in *Khan v. France*, a case brought by an unaccompanied Afghan boy who had not received support from child protection authorities, whose makeshift shelter in the Calais migrant camp was demolished in an early 2016 clearance operation, and in all spent six months in an environment that was manifestly unsuited to his status as a child, characterized in particular by unhealthy, precarious and unsafe conditions.^[271] The court found that these failings by French authorities left the boy in a situation that amounted to degrading treatment.^[272]

Forced evictions are a *prima facie* violation of the right to adequate housing.^[273] As the UN Committee on Economic, Social and Cultural Rights has recognized, the term forced evictions is imperfect; it does not refer to a lawful eviction, including one carried out by force, that conforms to international human rights standards.^[274] The committee uses forced eviction to mean as the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.^[275] The elements of a forced eviction include (1) the removal from housing or land, temporarily or permanently, that is occupied or depended on, (2) done against the will of the occupants, whether or not force is used to effect the removal, and carried out (3) without adequate due process protections or (4) without the provision of adequate alternative housing in cases where people would be made homeless.^[276]

The states obligation to refrain from and protect against forced evictions from homes and land is an aspect of the right to an adequate standard of living, including adequate housing.^[277] Everyone has the right to adequate housing, regardless of factors such as migration status, age, or residence in an encampment or other informal settlement.^[278] [T]he right to adequate housing and protection against forced evictions must be extended to all, including migrants, the UN special rapporteur on the right to adequate housing has observed.^[279] The right should be understood in a broad sense to include living in security, peace and dignity.^[280]

The right to adequate housing is violated if evictions including those that are in principle justifiable are not carried out in accordance with general principles of reasonableness and proportionality.^[281]

The practice of forced evictions violates, directly and indirectly, the full spectrum of civil, cultural, economic, political and social rights.^[282] Forced evictions can have a particularly adverse impact on children, as the UN special rapporteur on the right to adequate housing has observed: Testimonies from children that have been subjected to forced evictions describe the violence, panic and confusion of the evictions and the experience of sleeping and managing their lives out in the open.^[283]

The Committee on Economic, Social and Cultural Rights has outlined minimum due process guarantees that authorities should observe before carrying out evictions. Among other steps, authorities should:

In particular, [e]victions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights.^[285] Authorities should take all appropriate measures, to the maximum of . . . available resources, to ensure that adequate alternative housing is available . . .^[286]

If minimum protections are not afforded, evictions are deemed to have been forced and to constitute a violation of the right to housing, the UN special rapporteur on the right to adequate housing Guidelines for the Implementation of the Right to Adequate Housing note.^[287] The prohibition of forced evictions applies regardless of ownership or tenure status of those affected.^[288]

The Committee on Economic, Social and Cultural Rights also notes that house demolition as a punitive measure is inconsistent with the International Covenant on Economic, Social and Cultural Rights.^[289]

The UN Basic Principles and Guidelines on Development-Based Evictions and Displacement contain useful additional guidance in assessing eviction practices. Although this guidance specifically addresses evictions that take place in the context of development, many of the principles set forth can be used to ensure all evictions are carried out in accordance with general principles of reasonableness and proportionality. In particular, the guidelines call on authorities to take the following steps:

The UN special rapporteur on the right to adequate housing has called for a ban on all evictions during the Covid-19 pandemic, stating, Evictions are not only inconsistent with the stay home policy, but forced evictions are a violation of international human rights law, including the right to housing, as are any evictions that result in homelessness.^[296]

The human rights to food and water are components of the right to an adequate standard of living^[297] and are human rights in and of themselves, as explained by the UN Committee on Economic, Social and Cultural Rights, the expert group established to provide authoritative interpretation of the International Covenant on Economic, Social and Cultural Rights.^[298] The rights to food and water are also protected in human rights treaties focused on the rights of children, women, and people with disabilities.^[299] These rights are fundamental for life^[300] and are inextricably related to the right to the highest attainable standard of health^[301] and the right of children to survival and development.^[302]

The Committee on the Rights of the Child, together with the Committee on Migrant Workers, has called on states to ensure that children in the context of international migration have a standard of living adequate for their physical, mental, spiritual and moral development, and in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing, and housing.^[303]

Children have the right to special care, protection, and assistance.^[304] particularly if they are unaccompanied or otherwise temporarily or permanently deprived of their family environment,^[305] and the right to protection from violence, neglect, and exploitation.^[306]

Their best interests should be a primary consideration in all actions concerning them, including actions taken by public authorities.^[307] The best interests principle includes an obligation of states to promote childrens human dignity.^[308] Similarly, childrens right to life includes an entitlement to enjoy a life with dignity.^[309]

The Committee on the Rights of the Child has addressed analogous situations where children who are in need of protection are reluctant to accept it. For children in a variety of street situations, it suggests a nuanced approach to child protection that includes practical and moral support to children on the streets, through a trustworthy adult street worker or peer support, without requiring or coercing children to renounce their street connections and/or move into alternative accommodation; drop-in and community/social centres; night shelters; day-care centres; [and] temporary residential care in group homes.^[310] The committee adds, A transitional stage between the streets and a long-term placement is often required, the length of this period being determined on a case-by-case basis with the child.^[311]

Arbitrary or unlawful interference with privacy, family, and home is prohibited by the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, and the European Convention on Human Rights.^[312] As the Committee on Economic, Social and Cultural Rights has observed, protection against arbitrary interference with privacy, family, and home constitutes a very important dimension in defining the right to adequate housing.^[313]

This report was written by Michael Garcia Bochenek based on research he undertook in Calais and Grande-Synthe from October to December 2020 and June and July 2021, along with additional remote interviews in August and September 2021. Camille Marquis, then the senior advocacy officer in the Paris office, took part in interviews, eviction observation, and visits to encampments in Calais and Grande-Synthe in December 2020. Ismal Diallo, intern in the Paris office, Elvire Fondacci, Paris office advocacy coordinator, and Katherine La Puente, Childrens Rights Division associate, contributed to the research.

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- [1] United Nations Convention on the Rights of the Child, November 20, 1989, 1577 U.N.T.S. 3 (entered into force September 2, 1990), art. 1. France ratified the convention on August 7, 1990.
- [2] UN Committee on the Rights of the Child, General Comment No. 6: Treatment of Unaccompanied and Separated Children Outside Their Country of Origin, U.N. Doc. CRC/GC/2005/6 (September 1, 2005), para. 7. The Committee on the Rights of the Child issues authoritative guidance on the Convention on the Rights of the Child.
- [3] *Ibid.*, para. 8.
- [4] International Organization for Migration, *Glossary on Migration* (Geneva: IOM, 2019), p. 132, https://publications.iom.int/system/files/pdf/iml_34_glossary.pdf (accessed July 31, 2021).
- [5] See *International Commission of Jurists (ICJ) and European Council for Refugees and Exiles (ECRE) v. Greece*, Merits, paras. 70-71, Complaint No. 173/2018 (Eur. Comm. Soc. Rts. January 26, 2021).
- [6] See, for example, Dfenseur des droits, Dcision 2020-179 du 24 septembre 2020 relative linterdiction de distribution de denres en certains lieux du centre-ville de Calais en prvention de risques sanitaires et des risques lis la salubrit publique, September 24, 2020, https://juridique.defenseurdesdroits.fr/doc_num.php?explnum_id=20107 (accessed September 12, 2021).
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- [9] See Human Rights Watch, *Like Living in Hell: Police Abuses Against Child and Adult Migrants in Calais* (New York: Human Rights Watch, July 2017), p. 11.
- [10] Human Rights Watch, France: Calais Migrants at Risk as Cold Arrives, December 18, 2017, <https://www.hrw.org/news/2017/12/18/france-calais-migrants-risk-cold-arrives>; Helen Griffiths (Human Rights Watch), Macrons Calais Visit Should Lead to Change for Migrants, January 15, 2018, <https://www.hrw.org/news/2018/01/15/macrons-calais-visit-should-lead-change-migrants>.
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[255] Human Rights Watch telephone interview with Nathalie Chomette, director, Departmental Directorate of Social Cohesion, Prefecture of Pas-de-Calais, December 3, 2020.

[256] Human Rights Watch remote interview with Maxence Pierre, director, Marauding and Shelter Service for Isolated Minors, Saint-Omer shelter, France Terre d'Asile, November 9, 2021.

[257] Human Rights Watch interview with Utopia 56 volunteer, Grande-Synthe, June 15, 2021.

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[272] Ibid., para. 94.

[273] UN Human Rights Council, Visit to France: Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-Discrimination in This Context, U.N. Doc. A/HRC/43/43/Add.2 (August 28, 2020), para. 46.

[274] Committee on Economic, Social and Cultural Rights, General Comment No. 7: The Right to Adequate Housing: Forced Evictions (1997), para. 3, in Committee on Economic, Social and Cultural Rights, Report on the Sixteenth and Seventeenth Sessions, Economic and Social Council Official Records, Supplement No. 2, U.N. Doc. E/1998/22 (1998), pp. 113-18.

[275] Ibid. The UN Special Rapporteur on the Right to Adequate Housing has further clarified that forced evictions result from the acts and/or omissions involving the coerced or involuntary displacement of individuals, groups and communities from homes and/or lands and common property resources that were occupied or depended upon, thus eliminating or limiting the ability of an individual, group or community to reside or work in a particular dwelling, residence or

location, without the provision of, and access to, appropriate forms of legal or other protection. UN Basic Principles and Guidelines on Development-Based Evictions and Displacement, para. 4, in UN Human Rights Council, Report of the Special Rapporteur on Adequate Housing, annex I, U.N. Doc. A/HRC/4/18 (February 5, 2007). Although these Basic Principles and Guidelines address evictions and displacement that are development-based, the section on the scope and nature of forced evictions is not limited to the development context.

[276] See UN Habitat and UN Office of the High Commissioner for Human Rights (OHCHR), *Forced Evictions*, Fact Sheet No. 25/Rev. 1 (New York and Geneva: United Nations, 2014), p. 3.

[277] International Covenant on Economic, Social and Cultural Rights, December 19, 1966, 993 U.N.T.S. 3, art. 11(1); Convention on the Rights of the Child, art. 27(1).

[278] Committee on Economic, Social and Cultural Rights, General Comment No. 4: The Right to Adequate Housing (1991), para. 6, reprinted in United Nations, Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.8 (May 8, 2006), pp. 19-24; Committee on Economic, Social and Cultural Rights, General Comment No. 20: Non-Discrimination in Economic, Social and Cultural Rights, U.N. Doc. E/C.12/GC/20 (July 2, 2009), paras. 30, 29, 34; UN General Assembly, Report of the Special Rapporteur on Adequate Housing: Migration and the Right to Housing, U.N. Doc. A/65/261 (August 9, 2010), paras. 11, 17.

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[280] Committee on Economic, Social and Cultural Rights, General Comment No. 4, para. 7.

[281] Committee on Economic, Social and Cultural Rights, General Comment No. 7, para. 14.

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[283] UN Commission on Human Rights, Report of the Special Rapporteur on Adequate Housing: Forced Evictions, U.N. Doc. E/CN.4/2004/48 (March 8, 2004), para. 61.

[284] Committee on Economic, Social and Cultural Rights, General Comment No. 7, para. 15.

[285] *Ibid.*, para. 16. See also Report of the Special Rapporteur on Adequate Housing: Forced Evictions, para. 16 (States should be strictly prohibited, in all cases, from intentionally making a person, family or community homeless following an eviction, whether forced or lawful.). Similarly, the European Committee of Social Rights has interpreted article 31(2) of the European Social Charter, under which states parties undertake to prevent and reduce homelessness with a view to its gradual elimination, to include a requirement that States Parties must make sure that evictions are justified and are carried out in conditions that respect the dignity of the persons concerned, and must make alternative accommodation available. *Defence for Children International (DCI) v. the Netherlands*, Merits, para. 63, Complaint No. 47/2008 (Eur. Comm. Soc. Rts. October 20, 2009).

[286] Committee on Economic, Social and Cultural Rights, General Comment No. 7, para. 16.

[287] Human Rights Council, Guidelines for the Implementation of the Right to Adequate Housing: Report of the Special Rapporteur on Adequate Housing, para. 35, U.N. Doc. A/HRC/43/43 (December 26, 2019).

[288] *Ibid.*, para. 38(a).

[289] Committee on Economic, Social and Cultural Rights, General Comment No. 7, para. 12.

[290] Basic Principles and Guidelines on Development-Based Evictions and Displacement, para. 38.

[291] *Ibid.*, para. 40.

[292] *Ibid.*, para. 41.

[293] *Ibid.*, para. 46.

[294] *Ibid.*, para. 47.

[295] *Ibid.*, para. 50.

[296] Leilani Farha, Special Rapporteur on the Right to Adequate Housing, COVID-19 Guidance Note: Prohibition of Evictions, April 28, 2020, p. 1, https://www.ohchr.org/Documents/Issues/Housing/SR_housing_COVID-19_guidance_evictions.pdf (accessed July 5, 2021).

[297] International Covenant on Economic, Social and Cultural Rights, art. 11(1); Convention on the Rights of the Child, art. 27(1). French law guarantees everybody the right to have access, under conditions economically acceptable to all, to clean water for drinking and hygiene. Code de l'environnement, art. L.210-1.

[298] Committee on Economic, Social and Cultural Rights, General Comment No. 12: The Right to Adequate Food, U.N. Doc. E/C.12/1999/5 (May 12, 1999); Committee on Economic, Social and Cultural Rights, General Comment No. 15: The Right to Water, U.N. Doc. E/C.12/2002/11 (January 20, 2003).

[299] Convention on the Rights of the Child, art. 27(3); Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), December 18, 1979, 1249 U.N.T.S. 13, arts. 12(2), 14(2)(h); Convention on the Rights of Persons with Disabilities, December 13, 2006, 2515 U.N.T.S. 3, arts. 28(1), (2) (a). France ratified CEDAW on December 14, 1983, and the Convention on the Rights of Persons with Disabilities on February 18, 2010.

[300] Committee on Economic, Social and Cultural Rights, General Comment No. 15, para. 1. See also Committee on Economic, Social and Cultural Rights, General Comment No. 12, para. 1.

[301] International Covenant on Economic, Social and Cultural Rights, art. 12(1); Convention on the Rights of the Child, art. 24(1) (including a requirement to combat disease and malnutrition through the provision of adequate nutritious foods and clean drinking-water); European Social Charter (Revised), May 3, 1996, E.T.S. No. 163, art. 11(1). See also Committee on Economic, Social and Cultural Rights, General Comment No. 14: The Right to the Highest Attainable Standard of Health, U.N. Doc. E/c.12/2000/4 (August 11, 2000).

[302] Convention on the Rights of the Child, art. 6(2).

[303] UN Committee on Migrant Workers and Committee on the Rights of the Child, Joint General Comment No. 4 (Committee on Migrant Workers) and No. 23 (Committee on the Rights of the Child) on State Obligations Regarding the Human Rights of Children in the Context of International Migration in Countries of Origin, Transit, Destination, and Return, U.N. Doc. CMW/C/GC/4-CRC/C/GC/23 (November 16, 2017), para. 13.

[304] Convention on the Rights of the Child, art. 3(2) (States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being); ICCPR, art. 24(1) (Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.); International Covenant on Economic, Social and Cultural Rights, art. 10(3) (Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions . . .); European Social Charter, arts. 7(1), 17(1); EU Charter of Fundamental Rights, art. 24 (Children shall have the right to such protection and care as is necessary for their well-being.). See also *FIDH v. France*, Merits, Collective Complaint No. 14/2003, para. 36 (noting that European Social Charter art. 17 protects in a general manner the right of children and young persons, including unaccompanied minors, to care and assistance).

[305] Convention on the Rights of the Child, art. 20(1).

[306] Convention on the Rights of the Child, art. 19(1). See also European Social Charter, art. 7(1).

[307] See Convention on the Rights of the Child, art. 3(1); EU Charter of Fundamental Rights, art. 24(2) (In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.).

[308] See, for example, Committee on the Rights of the Child, General Comment No. 14 on the Right of the Child to Have His or Her Best Interests Taken as Primary Consideration, U.N. Doc. CRC/C/GC/14 (May 29, 2013), paras. 5, 42; Committee on the Rights of the Child, General Comment No. 21 on Children in Street Situations, U.N. Doc. CRC/C/GC/21 (June 21, 2017), para. 28.

[309] Committee on the Rights of the Child, General Comment No. 21, para. 29.

[310] *Ibid.*, para. 44.

[311] *Ibid.*, para. 45.

[312] ICCPR, art. 17; Convention on the Rights of the Child, art. 16(1); European Convention on Human Rights, art. 8(1). In addition, the first protocol to the European Convention provides that everybody is entitled to the peaceful enjoyment of [their] possessions. Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, March 20, 1952, E.T.S. No. 9, art. 1, as amended by Protocol No. 11, May 11, 1994, E.T.S. No. 9, art. 2(4).

[313] Committee on Economic, Social and Cultural Rights, General Comment No. 4, para. 9.

Strategy of Enforced Misery Against Children, Adults

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