



**Written contribution from HUMAN RIGHTS OBSERVERS to the  
HUMAN RIGHTS COMMITTEE for the overview of France’s obligations  
(CCPR – 142<sup>nd</sup> session)**

**September 2024**

**Introduction**

Human Rights Observers (hereinafter HRO) was created in October 2017 as an inter-associative project, at the request of displaced people who noted that associative presence in informal living spaces had a dissuasive effect on police violence. In March 2023, HRO became an independent non-profit association under the 1901 French law.

Human Rights Observers is defined as an independent watchdog, which aims at documenting the State violence perpetrated against displaced people at the French-British border – more precisely in the Calais and Dunkirk areas – with the objective of denouncing and putting an end to it.

HRO's work is inspired by the *copwatching* method, which consists in being present as much as possible during police operations to observe those operations and document the way they are carried out, as well as to ensure a deterrent presence against police violence. HRO is especially present during the evictions of informal settlements inhabited by exiled persons at the border, and during acts of police violence occurring outside the evictions, notably at the train and bus stations in Calais and Dunkirk.<sup>1</sup>

Despite HRO’s attempts to document every act of State violence against exiled persons, the organization is sometimes unable to do so, thus the figures provided only represent a portion of the violence committed, with many incidents remaining hidden.

This contribution is structured around two issues: the treatment of aliens, including migrants, refugees and asylum seekers (arts. 7, 9, 12–13 and 24) and the freedom of assembly and association and excessive use of force (arts. 6–7, 19 and 21– 22).

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<sup>1</sup> HRO’s observations are accessible on its website: <https://humanrightsobservers.org/>, on X (Twitter): <https://x.com/HumanRightsObs>, on Instagram: <https://www.instagram.com/humanrightsobs/>, and on Facebook: <https://www.facebook.com/humanrightsobserversHRO>.

## **Treatment of aliens, including migrants, refugees and asylum seekers (arts. 7, 9, 12–13 and 24)**

Since November 2021 and the forced relocation of people on the move from the municipality of Grande-Synthe, the living sites are located in Dunkirk, Loon-Plage and Mardyck. In the Calais area, informal living sites are in Calais, Marck and Coquelles. The needs, in terms of food, water hygiene and sanitation, access to tents and healthcare, of exiled people living at the French-UK border are mostly met by non-profit organizations. Following the decision by the Administrative High Court (*Conseil d'Etat*),<sup>2</sup> food distributions by State mandated organizations have been implemented; however, this does not meet the needs of the exiled persons. In Dunkirk, no State-mandated organizations are present.<sup>3</sup> France is only active on the ground via the State-mandated organization in charge of proposing an emergency shelter (once a day, from Monday to Friday, in both Calais and Dunkirk areas) and via the law enforcement authorities during the evictions.

**HRO wishes for the Committee to recommend that the needs of the people on the move are considered by each competent Ministry (health, housing, etc) and not concentrated at the hands of the Ministry of the Interior, which has only a security-oriented policy.**

### ***Eviction operation***

The eviction operations can be of two kinds: the “daily evictions” (1), occurring every 36 to 48 hours only in Calais, and the large-scale evictions witnessing the total destruction of the informal settlement (2), occurring a few times per year, both in Calais and Dunkirk.

During an eviction operation, the same pattern is followed, regardless of their legal basis (3). Once the police arrive on the informal living site, people are forced to move from the land or, most of the time, only few meters away, and to see their personal belongings being taken by the cleaning company, which is mandated by the State and accompanying the police. As an example, between November 1, 2022 and October 31, 2023, 97% of recorded evictions report the destruction or seizure of belongings.<sup>4</sup> The large-scale evictions encompass only 3% of the recorded evictions but they have very serious consequences for people of the move (4).<sup>5</sup>

<sup>2</sup> Conseil d'Etat, *Décision 412125*, July 31, 2017.

<sup>3</sup> Since the 28-days hunger strike from one volunteer, one water access point has been installed. Info Migrants, « [Nord de la France : le bénévole en grève de la faim a été hospitalisé](#) », January 2, 2024.

<sup>4</sup> Observatoire des expulsions de lieux de vie informels, *Rapport annuel de l'Observatoire des expulsions collectives de lieux de vie informels, 1<sup>er</sup> Novembre 2022 - 31 Octobre 2023*, p.49.

<sup>5</sup> *Ibid.*

### *1) The “daily eviction operation” in Calais*

A “daily eviction operation” in Calais lasts between 2 and 6 hours and occurs every 36 to 48 hours. The police form a convoy at the police station and then evict the informal settlements one by one. Present at the scene are a police chief (*commissaire*) or deputy police chief (*commissaire-adjoint*) of the National Police (*Police nationale*), on average half a company of the French anti-riot police (*Compagnie Républicaine de Sécurité - CRS*), the French border police (*Police aux Frontières - PAF*), 2 to 3 interpreters sent by the prefecture, as well as the private cleaning company named APC, which is mandated by the prefecture through a public contract to collect what is officially referred to as “abandoned” belongings. At each living site, the National Police and CRS arrive (often heavily equipped and armed) and force the residents to leave the site by moving their tents and personal belongings a few meters away onto the public road. Sometimes, knowing that the police frequently evict them and also because HRO tries to warn them when an evictions operation is starting, people 'self-evict' themselves by moving their tents out of the land before the police even arrive at the living site in order to avoid seizures of their belongings or being arrested. In all cases, as soon as the police retreat to their vehicles, the residents immediately return to the same spot. We have documented several occasions where the police chief literally tells the residents to stay off the site for 5 minutes and that they can set up again afterward. Hence raising questions about the aim pursued by the authorities through these operations.

For the exiled people who are evicted every other days, those operations are seen as a form of harassment and inhumane treatment organized by the public and law enforcement authorities (cf Annex 1).

#### ***Testimonies of K and Hz who lived in Calais between 2022 and 2023:***

Inhabited since 2017, one of the living sites in Calais experienced 115 evictions based on flagrancy in 2023. K., who managed to stay for six in France suffered immediately upon arrival at the campsite.

"When I arrived in Calais, I met some friends who explained to me how to get a tent. The next morning, the police came into the jungle and told us to leave, and they took the tents. Some people had money in their tents, phones... I later learned that this was part of daily life."

He describes how, several times during these operations, he too had his personal belongings stolen by the law enforcement authorities, forcing him to rely on community solidarity for shelter, clothing, and food. This experience of harassment is echoed by Hz., who lived in this area for eight months from 2022 to 2023:

"The police come to the camp almost every day. I don't understand what they're doing here, what they want. The worst is when they come when it's raining. All our belongings (blankets, mattresses, clothes...) get wet because they throw them outside the tents and leave them on the ground. I don't understand. After that, everything is dirty and wet."

*Summary table of HRO's observations during the evictions in the Calais area<sup>6</sup>:*

<b>Year</b>	<b>2021</b>	<b>2022</b>	<b>2023<sup>7</sup></b>
<b>Number of “daily evictions” (compted by living site evicted)</b>	At least 1226 evictions	At least 1686 evictions, of 28 informal living sites	At least 662 evictions
<b>Number of people displaced during the eviction</b>	Unavailable data	At least 13 040	At least 14 467
<b>Number of non-accompanied minors seen (on average per month)</b>	123	53	57
<b>Tents and traps seized</b>	At least 5794	At least 3569	At least 1 367
<b>Blankets seized</b>	At least 2833	At least 867	At least 122

<sup>6</sup> Those numbers represent only the observation of HRO, hence they are not exhaustive.

<sup>7</sup> Due to significant structural changes, the association had to completely halt its activities from February 27 to April 9, 2023. Hence, the figures given for the year 2023 should not be regarded as exhaustive. For example, concerning the evictions, with an average of 75 evictions per month during the other months of the reporting period, this could represent around a hundred unreported evictions. More importantly, for various reasons, the number of living sites evicted during each police operation drastically decreased starting in January 2023. In 2022, HRO recorded an average of 140 evictions per month. For example, an average of four living sites were evicted during each operation in the second half of January, all of February, and since June 2023, compared to an average of eight living sites evicted in November and December 2022. This represents a 50% decrease in the total number of evictions several months. On several occasions, only one living site was evicted within 48 hours, a situation that had rarely occurred since the implementation of the so-called 'anti-fixation point' policy at the end of 2016.

<b>Matress seized</b>	Unavailable data	At least 31	At least 13
<b>Backpack full of personal belongings seized</b>	At least 640	At least 268	At least 6 backpacks and 23 full plastics bags
<b>Other information</b>	At least 70 electric objects and 101 bikes have been seized. Clothes were also seized 200 times.	Firewood was seized at least 39 times, along with at least 26 chairs, 31 mattresses, several phones, clothing, and even bicycles.	On at least 14 occasions, firewood was seized (especially in winter), along with at least 94 pallets. Clothing was seized on 6 occasions. Additionally, 37 bicycles were also seized. At least 13 makeshift shelters were completely destroyed.

## *2) Large-scale evictions with the destruction of the informal settlements in the Calais and Dunkirk areas*

In the Dunkirk area, the living sites (which are fewer in number compared to Calais) accommodate several hundred to nearly 2,000 people depending on the period. The eviction operations there are large-scale and last 6 to 10 hours. Indeed, only major evictions occur; to our knowledge no evictions have ever been carried out based on the criminal procedure in Dunkirk. In 2022, there were at least 60 large-scale evictions, some with a forced “emergency shelter” operation, a number that decreased to 39 in 2023. However, the evictions remain substantial in terms of the number of people displaced and the violence of these police operations. For example, on August 8, 2023, at least 489 people, including at least 15 children and 15 women, were evicted in an operation that lasted a minimum of 7 hours.

Evictions in the Dunkirk area are most often accompanied by so-called sheltering measures. However, these sheltering measures are unsuitable for the situations of the individuals involved and consist of forcing them to board buses that take them far from the border. It is then rare for people on the move to receive information about the destination of these buses, and law enforcement forces usually gather all the people living on the evicted informal living site towards the buses and force them to board. HRO also observed CRS and gendarmerie attempting to coerce people into boarding the buses. On several occasions, HRO has documented that the significant presence of the Border police just next to the buses also pressures people into boarding the buses for fear of being arrested if they refuse. For instance

in April 28, 2022, a CRS officer told an exiled person, “*Either you get on the bus, or you go to the police station.*”

Some individuals manage to escape by running to avoid boarding. HRO has observed cases of car chases or manhunts, such as on May 4, 2023, when law enforcement officers chased exiled people by car and on foot. These elements demonstrate the forced nature of the operation. Additionally, during certain evictions, security pat-down and bag search are automatically done on people before they board the buses.

This type of eviction is also carried out in Calais, though less regularly. In 2022, at least 15 large-scale evictions took place, and at least 7 in 2023. Similarly to the evictions in the Dunkirk area, the police usually force exiled people to board the buses, with little to no information about their destination or shelter conditions.

Whether in Calais or Dunkirk, during these large-scale evictions, the living sites are completely emptied by the mandated cleaning companies whose agents seize all the belongings present on the living site. Nothing is left to the people evicted: all tents and shelters are destroyed, covers, sleeping bags, clothes and all other belongings are taken and thrown into the trash.

***Number of large-scale evictions in Calais:***

<b>Year</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Number of large-scale evictions (counted by living site evicted)</b>	At least 15 operations.	At least 14 operations (8 of them took place during May and June, before the start of the summer tourism season)	At least 7 evictions. The same living area - one of the largest in Calais - was targeted 3 times.

***Summary table of HRO’s observations during evictions in the Dunkirk area:***

<b>Year</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Number of large-scale evictions (counted by living site evicted)</b>	At least 61 evictions, of 12 informal living sites	At least 60 evictions, of 6 informal living sites	At least 39 evictions
<b>Number of people</b>	Unavailable data	At least 5134	At least 4098

<b>displaced during the eviction</b>			
<b>Number of non-accompanied minors seen (average per month)</b>	55	45	100
<b>Tents and traps seized</b>	At least 4327	At least 1598	At least 644
<b>Blankets and mattress seized</b>	At least 918 (during every eviction, all blankets were systematically taken out of the tents and thrown into the mud, under the supervision of the bailiff and the police officers, and at certain occasions in front of the <i>sous-préfet</i> of Dunkirk)	At least 737	At least 108
<b>Backpack full of personal belongings seized</b>	Unavailable data	At least 22	Unavailable data
<b>Dumpsters<sup>8</sup> (tents, tarps, blankets, clothing, bicycles, phones,</b>	Unavailable data	At least 10 dumpsters of 30m3	At least 17 dumpsters of 30m3

<sup>8</sup> During evictions in the Dunkirk area, the belongings of exiled persons are collected by backhoe loaders and stored in a 30-cubic-meter dumpster. At the end of the eviction operation, the dumpster is removed, making it impossible for observers to accurately identify the seized belongings.

<b>power banks, strollers, etc.)</b>			
<b>Destroyed makeshift shelters</b>	At least 57	At least 11	Unavailable data

### 3) *The legal basis of these evictions*

These evictions are based on different legal grounds, with varying degrees of respect for the right to a fair trial and the defence rights. In principle, a court order must be issued and a notice to vacate the land must be served before people can be evicted by force.

At each eviction operation, the legal basis is asked by the HRO team present to document. The answers provided by the law enforcement authorities differ, but most of the time they do not answer at all. Thus, among the various legal frameworks that have been invoked during these operations, some simply do not provide a valid basis for evicting informal settlements, while others do not correspond to the known reality. For the period between September 1, 2022, and February 29, 2024, law enforcement authorities have provided the following answers:

- **Operation based on the emergency criminal investigation** (*flagrant délit*, art. 53 of the Code of Criminal Procedure) (410 observations of evictions) for the offense of unlawful occupation of another's land<sup>9</sup> (42 observations out of 410).
- **Operation based on a court decision** (13 observations), corresponding to all the large-scale evictions.
- **Operation based on a prefectural decision** (44 observations), where in all these cases, the various elements observed by HRO tend to show that it was the same type of eviction as the first one listed (criminal procedure). Consequently, the invocation of the prefecture's involvement in these operations raises concerns regarding the fundamental principles of the separation of powers and the independence of the judiciary.
- **Dismantling operation** (*opération de démantèlement*) (45 observations), even though this is not a legal term in French law that can qualify an eviction operation, as it is reserved for closed industrial or nuclear sites. It happens that when questioned about the legal basis for the eviction, police officers use the term 'dismantling' to deny that it involves the eviction of shelters. For example, on October 14, 2022, at 1:32 PM, “*This is not an eviction; we are conducting a dismantling operation*”.
- **Emergency sheltering operation** (17 observations), although this is not a legal framework that can alone justify the eviction of people from their homes. In 13 out of

<sup>9</sup> Article 322-4-1 of the French Criminal Code



17 cases, HRO teams present on site observed no provision of emergency shelter for individuals alongside the eviction (no buses, absence of the association mandated by the State for emergency sheltering, etc.).

Despite the answers provided by the law enforcement authority on site, it can be reasonably estimated that, **out of the 1,314 police operations observed during the same period, 1,252 evictions - over 95% - were carried out under the emergency criminal procedure of *flagrant délit*, without the intervention of a judge.** The chaotic legal framework of these evacuations deprives the evacuated individuals of the legal guarantees to which they could be entitled, of the understanding of the operation, and of the possibility to challenge it. **Indeed, the use of the criminal procedure restrains the exiled people from having access to prior notification of the eviction and completely restricts their access to justice, as the eviction operation is not backed by any court decision.** The evacuated individuals are no longer able to consider themselves as rights-bearing subjects, which they indeed are. **This violation of rights is all the more significant given that public authorities have obligations regarding the support of these individuals.**

The use of the criminal procedure also raises question about the application of the separation of power in France. During the “daily eviction operation”, supposedly of a criminal nature, HRO documents the presence of State-mandated (via the prefecture) translators and agents of a cleaning company known as APC (in Calais). The judicial authority - via the public prosecutor who oversees this criminal investigation - thus seems to conform to the executive's demands and lends its support and resources to disgraceful operations that fall outside its mandate.

**Moreover, the use of this procedure constitutes a clear abuse of the law, since eviction is not an act of investigation. The illegality of this basis, used since 2018 to evict people of the move from their shelters, was notably indicated by the Defender of Rights (*Défenseur des droits* - DDD) in its decision n°2018-014.** The decision states clearly that “*while the observation of the commission of offenses may lead to arrests, the criminal procedure cannot serve as a means of eviction*”. The misuse of the criminal procedure to achieve the administrative authority's goal of eliminating 'settlement points' (*lutte contre les points de fixation*) was also pointed out by HRO several times to the local authorities, including in a letter to the Attorney General of the Douai Court of Appeal, the hierarchical authority of the Public Prosecutor of Boulogne-sur-Mer, on April 17th, 2020. HRO therefore requested 'that these eviction operations be stopped.' However, no response was ever provided to this letter.

**HRO wishes for the Committee to urge France to stop conducting evictions through the use of the criminal procedure, and rather to apply the common law procedures and respect the legal guarantees of due process without any discrimination.**

#### *4) Material conditions of eviction*

**Eviction operations are organized by the authorities regardless of weather conditions and without prior social assessment.** For instance, in January 4, 2023, an eviction was carried out in the Dunkirk area even though a person had just died the day before at the border. A similar situation occurred on the 4<sup>th</sup> of September 2024, where a sheltering operation was carried out in Calais on the living site where the victims and survivors of the shipwreck that killed 12 people one day prior lived<sup>10</sup>.

Moreover, although large-scale evictions with the complete destruction of the informal settlement are generally decided by a court order (*ordonnance sur requête*), the people living at the sites are not notified and therefore have no means of defending themselves.<sup>11</sup> The bailiffs responsible for documenting the occupation of the land deliberately choose to declare the people living at these sites as unidentifiable by opting not to come to the sites with translators or by intentionally avoiding approaching the individuals. As a result, **no court summons is issued, and people are effectively excluded from accessing justice.**<sup>12</sup>

On May 24, 2023, the Urban Community of Dunkirk requested the eviction of its land reserved for travelers in Loon-Plage, this time through an urgent measure injunction as it is a public land (*référé mesures-utiles*). A notice of hearing was therefore posted at the entrance to the living area on May 25. The associations HRO and SALAM were able to connect four applicants with a lawyer, who was thus able to represent them at the hearing on May 31 at the Administrative Court of Lille. The right of exiled persons to access justice was then better respected than for the rest of the year. However, without the work of the associations in facilitating access to legal rights, the hearing would have taken place without the presence of the individuals targeted by the eviction, disregarding the principle of adversarial proceedings.

**HRO wishes for the Committee to urge France to make it mandatory for interpreters to be present with bailiffs appointed by landowners during installation inspections prior to court hearings, in order to respect defense rights, fair trial rules, and court summonses.**

As for the “daily eviction operation” in Calais, a private cleaning company is mandated to gather “abandoned” belongings, named Ramery. However, during the evictions with the destruction of the informal settlements, the living sites are completely emptied. The cleaning company agents then seize all the belongings present on the living site, and the tents and shelters are destroyed with the help of heavy plant machinery when the inhabitants are still inside or close by.

<sup>10</sup> [https://www.lemonde.fr/idees/article/2024/09/05/manche-sortir-de-la-spirale-mortifere-des-naufrages\\_6304760\\_3232.html](https://www.lemonde.fr/idees/article/2024/09/05/manche-sortir-de-la-spirale-mortifere-des-naufrages_6304760_3232.html)

<sup>11</sup> Human Rights Observers, [Rapport annuel 2021](#), 2022, pp. 12-13; Human Rights Observers, [Rapport annuel 2022](#), 2023, pp. 15-20.

<sup>12</sup> Human Rights Observers, [Rapport annuel 2022](#), 2023, pp. 15-20; [https://www.liberation.fr/societe/logement/grande-synthe-assigne-en-justice-par-des-migrants-pour-destruction-de-leurs-biens-20220510\\_6QU7MKY6AFEW5C4NGF4GGEDTHI/](https://www.liberation.fr/societe/logement/grande-synthe-assigne-en-justice-par-des-migrants-pour-destruction-de-leurs-biens-20220510_6QU7MKY6AFEW5C4NGF4GGEDTHI/)

**HRO wishes for the Committee to recommend France to make sure that the agents in charge of the evictions adhere to civil enforcement procedures without discrimination, notably that an inventory of goods left on-site is made by the bailiff, that the goods are stored for 2 months in an accessible location, and that an official report signed by the bailiff in charge of the eviction is given to each individual evicted person after all evictions.<sup>13</sup>**

**HRO wishes for the Committee to recommend France to ensure the governmental instruction from January 25, 2018 aiming at the diminution of illicit camps and slums is applied prior to any evictions to all informal settlements with no discrimination.**

**HRO wishes for the Committee to urge France to compel the agents responsible for evictions to respect the right to information of the evicted individuals. Specifically, this would involve ensuring that bailiffs and police officers inform individuals, in a language understood by them, of the court decision or eviction procedure, the evacuation instructions, where to retrieve belongings left on-site, and available options for appeal.**

### ***Acts of police violence during the evictions in both Calais and Dunkirk***

In the Calais area, as in the Dunkirk area, evictions are carried out with the assistance of a large number of heavily armed law enforcement officers. On May 4, 2023, during the eviction of three living areas in the Dunkirk region, we counted more than 200 law enforcement officers present, primarily CRS and mobile gendarmes, whose main missions involve crowd control and maintaining observers away. At least 45 law enforcement vans (National Police, CRS, mobile gendarmes), 10 motorcycles, 1 boat, several dumpsters, 3 backhoes, 1 excavator, and tractors were mobilized to carry out these operations. On November 30, 2023, also in the Dunkirk area, we documented the presence of several boats and a helicopter circling above the lands being evicted.

The agents carrying out the evictions are excessively numerous, creating an intimidating situation. Additionally, their lack of training in supporting vulnerable populations, combined with their overwhelming numbers, is further exacerbated by an arsenal of weapons that includes rubber bullet launchers (*Lanceur de balles de défense* - LBD), assault rifles, Cougar grenade launchers, and tear gas canisters. Each year, HRO observes or receives reports of numerous cases of police violence during evictions. Indeed, police practices are intimidating,

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<sup>13</sup> Articles R 432-2, R 433-1 et R 433-6 du Code des Procédures Civiles d'Exécution, voir [https://www.legifrance.gouv.fr/codes/article\\_lc/LEGIARTI000025939333/2024-07-10](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000025939333/2024-07-10) et [https://www.legifrance.gouv.fr/codes/article\\_lc/LEGIARTI000039375545](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000039375545)

often humiliating, and constitute an assault on the physical and psychological integrity of exiled people. Countless times, law enforcement officers have whistled and shouted at them in French without using interpreters. Every month, HRO has observed law enforcement authorities shaking tents to wake up the people inside and evict them from the land where they were settled. For example, on December 2, 2022, a CRS officer kicked a tent repeatedly while someone was inside. And many times, HRO has observed and documented the use of knives by the cleaning companies' agents to destroy the tents with no care for the people still inside and standing close to the tents<sup>14</sup>. **Humiliation, harassment, and disrespect are deeply ingrained in the behavior of law enforcement toward exiled people. This contributes to normalized violence and a culture of impunity, as the behavior of law enforcement, sanctioned by the State, remains unchanged and unchallenged by the authorities.**

HRO has documented instances of the use or threat of using tear gas against people being evicted. On January 2, 2022, CRS officers used tear gas against exiled people during an eviction and chased them to drive them away. Acts of humiliation and violence were also observed this day. On March 17, 2022, a CRS officer threw a blanket and the belongings of an exiled person into a fire pit, and on June 9, 2022, residents of a living area reported to HRO that a CRS officer threw socks into the coffee they were preparing in a saucepan when the police convoy arrived on the site to evict them.

Particularly violent events have also been observed and documented in the camps of Dunkirk and Loon-Plage. In 2022, at least 14 cases of physical or verbal violence or police intimidation against evicted exiled individuals were observed in the Dunkirk area. For example, on February 24, 2022, observers reported that an exiled person had been beaten with batons by a CRS officer and had to be taken to the emergency room. On December 7, 2022, two CRS officers urinated on a living area during the eviction. On February 23, 2023, HRO observed repeated refusals by law enforcement authorities to allow people to retrieve their personal belongings. Forced to leave the area, the individuals were pushed toward the canal and the departmental road which witnesses heavy traffic. Law enforcement officers then sprayed tear gas from their vehicles at people who were walking along the roadside.

On June 7, 2023, a judicial police operation was conducted at a living area as part of an investigation “for serious offenses, of a criminal or delinquent nature.” The BRI (*Brigade de Recherche et d'Intervention*) was present, heavily armed, and masked. Several people reported being violently awakened, handcuffed with very tight zip ties, and forced to kneel for about thirty minutes before being released. At least seven people were arrested, and a police dog was also present.

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<sup>14</sup> [https://www.liberation.fr/checknews/eric-dupond-moretti-et-gerald-darmanin-ont-ils-menti-a-propos-des-lacerations-de-tentes-des-migrants-20211129\\_3ODC7RZKJVHKZDDO7XEBCDWL5M/](https://www.liberation.fr/checknews/eric-dupond-moretti-et-gerald-darmanin-ont-ils-menti-a-propos-des-lacerations-de-tentes-des-migrants-20211129_3ODC7RZKJVHKZDDO7XEBCDWL5M/)

**HRO wishes for the Committee to urge France to add a training for the law enforcement authorities present during the eviction to interact with vulnerable publics, especially exiled people, children, families and non-accompanied minors; to limit the number of police officers deployed and the use of weapons.**

The presence of the Border Police during evictions also encourages arrests. During November 2022, HRO repeatedly observed massive checks and arrests based on appearance of people with a common origin, notably Indians, who were then detained in Administrative Detention Centers (*Centre de Rétention Administrative - CRA*). During a hearing by a National Assembly committee, Minister of the Interior Gérald Darmanin stated that “[large-scale evictions in Dunkirk] do not involve any identity checks.” However, the figures from HRO, based on direct observations, contradict this statement.

These mass arrests follow an explicit request from the French government, including the Minister of the Interior and the President of the French Republic, aiming to increase the number of expulsions from the French territory, with the goal of achieving a 100% expulsion rate for individuals who have received a deportation notice (*Obligation de Quitter le Territoire Français - OQTF*). In his instruction of November 17, 2022, Gérald Darmanin calls for a stricter application of OQTFs against ‘all foreigners in an irregular situation’ and urges the prefectures to ‘exercise a genuine control over residency’ to ‘make life impossible for foreigners’ subject to an OQTF.<sup>15</sup>

**HRO wishes for the Committee to urge France to stop conducting arrests for the motive of being in irregular situation during the operation of evictions of informal settlements for their unfair nature.**

*Acts of police violence committed against exiled persons documented during the evictions in the Calais area*

Years	2021	2022	2023
Arrests	At least 141	At least 221	At least 184
Cases of violence (both physical and verbal)	Unavailable data	At least 32	At least 85

<sup>15</sup> Le Monde, *Expulsions: Gérald Darmanin demande aux préfets d’appliquer plus fermement les OQTF*, November 17, 2022.

***Acts of police violence committed against exiled persons documented during the evictions in the Dunkirk area***

<b>Years</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Arrests</b>	At least 64	At least 177	At least 93
<b>Cases of violence (both physical and verbal)</b>	At least 57	At least 14	At least 6

***Acts of police violence against exiled persons outside the scope of the eviction operations***

HRO has also documented numerous cases of police violence outside the scope of evictions, particularly, but not only, in train stations and bus stops.

Summers 2023 and 2024 were marked by significant police interventions, notably observable at the train station of Calais-Ville. These events likely occurred at other train stations along the Calais and Dunkirk coastlines, but HRO could not document them. These interventions involved waves of massive checks and arrests of exiled individuals inside the station, right at the exits of the trains. On numerous occasions, police deliberately waited for the arrival of specific trains at Calais-Ville station, such as those coming from Paris, Lille, or Amiens. Law enforcement authorities then carried out systematic identity checks. During the initial checks, National Police officers exclusively targeted all racialized individuals descending from these trains. These racial profiling checks were completely illegal and discriminatory. Some of the checks documented by HRO aimed to sort exiled individuals by nationality before carrying out arrests. Once the presence of associations filming the events was noticed by the police, the ID checks were applied to all passengers. However, they remained abusive; transport tickets were barely examined, with the primary interest of the law enforcement authorities being the identity papers and nationality of the individuals being checked. These checks were often accompanied by frisking and searching of the targeted individuals' bags.

On June 9, 2023, various police units (Border Police, CRS, and the anti-criminality squad (*Brigade anti-criminalité* - BAC) waited for the arrival of a train from Amiens. Upon the train's arrival, a CRS officer carried out ID checks on all racialized individuals exiting the train, while a Border Police officer sorted people based on their nationality. Afghan nationals were eventually allowed to leave the station, but individuals of other nationalities (particularly Turkish) were taken to a platform in the station. They were then searched and arrested by Border Police officers who were waiting at a rear exit of the station. As a result, at least three Border Police and BAC vehicles left the station after carrying out ten discreet, racist, and targeted arrests.

Similar events occurred on April 23, 24, and 29, 2024, at the Calais Ville and Fontinettes stations.<sup>16</sup> It is now common for the police to proceed to ID checks of passengers arriving at the train station of Calais-Ville, whether they only target people seen as foreigners or not. This summer (2024) it occurred on July 5, 10, 24, 25, on August 2, 13 and on September 6, at 11a.m. and 6p.m.

Discriminatory police checks and controls are a common practice in French and have long been denounced and condemned without any change. On January 8, 2021, the HRO team witnessed and documented unfairly biased ID checks at the main entrance of the Auchan supermarket in Grande-Synthe by several CRS police officers. At least 10 people of the move were prevented from accessing the supermarket while all white persons could enter and leave freely without being checked or stopped. HRO had referred this case to the French *Défenseur des droits* as well as the IGPN. In its decision n°2024-019, issued on February 15, 2024, the *Défenseur des droits* has declared the discriminatory nature of these ID checks and asked for disciplinary measures against the officers as well as their superiors who ordered the police operation then covered the facts.<sup>17</sup>

In addition, HRO received many testimonies of police violence on the beaches, especially during attempts to cross the Channel. HRO received the testimony of A, who attempted to cross the Channel on December 15, 2023. During this attempt, A. was prevented from crossing by law enforcement. Two people were beaten, tear gas was used, officers threatened to slash the boats, and 20 people were arrested.<sup>18</sup>

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<sup>16</sup> HRO, *Communiqué de presse – Traque policière des personnes exilées dans les gares à Calais*, April 26, 2024. Available here: <https://humanrightsobservers.org/wp-content/uploads/2024/04/CP-Violences-policieres-23-avril-2024.pdf>

And a video:

[https://www.instagram.com/reel/C6Ok9NuCuja/?utm\\_source=ig\\_web\\_copy\\_link&igsh=MzRIODBiNWFIZA==](https://www.instagram.com/reel/C6Ok9NuCuja/?utm_source=ig_web_copy_link&igsh=MzRIODBiNWFIZA==)

<sup>17</sup> Vidéo and photos:

[https://www.instagram.com/p/C508XUzt16g/?utm\\_source=ig\\_web\\_copy\\_link&igsh=MzRIODBiNWFIZA==](https://www.instagram.com/p/C508XUzt16g/?utm_source=ig_web_copy_link&igsh=MzRIODBiNWFIZA==)

<sup>18</sup> Video: [https://www.instagram.com/reel/C4YQaLuNbe-/?utm\\_source=ig\\_web\\_copy\\_link&igsh=MzRIODBiNWFIZA==](https://www.instagram.com/reel/C4YQaLuNbe-/?utm_source=ig_web_copy_link&igsh=MzRIODBiNWFIZA==)

*Testimony of acts of police violence during an attempt to cross the Channel, December 15, 2023:*

On December 15, 2023, the HRO team collected the testimony of a person recounting the violence they endured while attempting to cross the Channel with more than 55 people, including two women and one child, on the beach in Calais at 9 a.m.

« We wanted to cross to the UK, but the police arrived and tried to reach us in the water. We were on the beach, in the water, and the officers wanted to come into the water. We told them they had no right to come and get us in the water. They beat two of my friends with their batons, and they used tear gas. When we started the engine, an officer said, 'if you start your boat and stay on it, we will come and slash this boat if you want to cross the Channel.'

We got out of the water because they were starting to beat us. So, we left the boat, we got out of the water. They had guns, at least five, and they started shooting at the boat. [One of the officers] said he wanted to arrest everyone and take them to the gendarmerie. They arrested 20 of my friends. Three of them were held at the station; one was released after a day, but there are two whom no one has heard from – we don't know where they are. We told them, 'if you behave like this, we will record.' When we were taking videos, they acted normally. But when they used their tear gas, when they beat people... we were running, we didn't have time to take videos! This is not respect for human rights. You know, we left our countries to benefit from respect for human rights, and they treat us as if we were animals.”

These actions by law enforcement prevented individuals from leaving France, thereby violating Article 13-2 of the Universal Declaration of Human Rights. The officers also used disproportionate force (in violation of Article R434-18 of the French Interior Security Code), destroyed property (in violation of Article 322-1 of the Penal Code), and conducted abusive arrests; 20 people were taken into police custody, and 2 were ultimately detained (in violation of Article 432-4 of the Penal Code). Unfortunately, this testimony is not isolated, as similar situations are experienced by nearly all exiled people passing through the French-UK border.

Such treatments only lead to worsened living conditions and increasingly risky attempts to cross the Channel. Exiled people at the Franco-British border are in a deadlock: being prevented from leaving France, they are also obstructed from settling there.

**HRO wishes for the Committee to remind France that it is urgent the State not only adhere to the laws it has created and to which it is a signatory, but also provide dignified reception for those seeking protection and open safe passage routes.**



## Freedom of assembly and association and excessive use of force (arts. 6–7, 19 and 21– 22)

### *Obstacles against Human Rights Defenders and Activists in Calais and in Dunkirk*

In its decision 2023-219, the French *Défenseur des droits* emphasized the essential nature of HRO's mission to observe the practices of law enforcement officers. The decision highlighted that, by documenting and reporting the challenges encountered during law enforcement operations, the association contributes to the *Défenseur des droits*' mission of monitoring compliance with ethical standards by law enforcement authorities, as outlined in Article R. 434-24 of the *Code de la sécurité intérieure*.<sup>19</sup> Despite this decision, the HRO faces numerous daily obstacles targeting its observers, such as excessively large security perimeters preventing observations, systematic identity checks, road checks, and fines specifically targeting its observers, and various acts of intimidation as well as physical and psychological violence.<sup>20</sup>

### *The setting up of excessively large security perimeters*

The eviction operations are unpredictable and remain entirely random (in a week, 2 to 5 eviction operations can occur at various living sites). Since no official information indicates when and where these operations will occur, HRO's observation mission primarily involves identifying police convoys heading to these informal living sites, in order to follow them from a distance. At each living site, which is being evicted, the objective of the volunteers is to access the various locations in order to document the course of the operation and any potential violations against the occupants and the handling of their personal belongings.

During those operations, law enforcement officers almost systematically prevent HRO's members from accessing the location of the operation, by subjecting them to perimeters. **Out of the 1,314 police operations conducted at living sites between September 1, 2022 and February 29, 2024 the teams were prevented from observing, either fully or partially, on 1,268 occasions, representing an overwhelming majority (96,5%).**

The setting up of perimeters can take two distinct forms:

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<sup>19</sup> *Décision du Défenseur des droits n°2023-219 relative à la verbalisation de bénévoles d'une association, pendant le deuxième confinement, qui se trouvaient hors de leur domicile pour assister à des opérations d'expulsion de campements*, December 5, 2023, accessible here :

[https://juridique.defenseurdesdroits.fr/doc\\_num.php?explnum\\_id=22017](https://juridique.defenseurdesdroits.fr/doc_num.php?explnum_id=22017)

<sup>20</sup> A complete report on the systemic police obstruction on HRO activities is due to be published with la Ligue des droits de l'homme in the next months. It will be uploaded on our website and largely shared with the media and public authorities.

- If HRO’s members arrive in the living site before the law enforcement officers, the members are either escorted further away or out of the living site. Out of 1,314 documented evictions between September 2022 and February 2024, this occurred at least 261 times.
- More frequently, a perimeter is set up in advance, even before HRO arrives, by law enforcement officers. During the same period, this occurred at least 1,007 times.

**The setting up of perimeters ensures that HRO is kept at a distance from the living site where the police or gendarmes are deployed, so that the visibility on the actions of law enforcement agencies is minimized as much as possible.** Thus, some information, such as law enforcement instructions, identity checks, interactions with displaced people, or arrests, remains particularly opaque. Other types of data, such as the number of people evicted or the number of personal belongings taken by the authorities during these operations, are rather complex. The HRO team members primarily rely on information collected around the perimeter of the informal living site.

It is observed that only the police chiefs or judicial officers of the National Police (*officier de la Police Nationale*) appear to be making decisions about these perimeters, including their extent, duration, and the individuals to whom they apply. Thus, when HRO members question the reason or legal basis of the perimeter, several scenarios have been observed. Either the law enforcement officers responsible for setting up the exclusion zone refuse to answer the questions, or they cite various reasons:

- For private land, it may be stated that the perimeter is established because HRO’s members do not have the property owner’s permission to be on the site, which is an inaccurate ground: firstly, in itself the police operation allows observers to be present on the land, and secondly, these are open fields with no sign or gate to indicate that they are private properties, and there is no criminal offense in French law preventing to circulate on open fields which are not considered as “home”; if any, the police is actually committing home violation by evicting the settlements without a court order.
- It may also be indicated to HRO members that the perimeter is established due to the conduct of the police operation or for security measures, the purposes of which may vary. Law enforcement officials indicate that this geographical exclusion zone is established to protect the officers, or sometimes the displaced people and occasionally even the members of HRO.
- It also occurs that some officers deflect responsibility by simply referring to having received instructions from their superiors, whether it be from the “police station” (*commissariat*), the “prefecture (*préfecture*)”, or the “local hierarchy”.
- In another scenario, law enforcement officers resort to arguments that may amount to abuse of authority, such as refusing to answer questions and insisting that observers simply comply with orders without question. This intimidation attitude creates a climate of mutual distrust, with HRO’s volunteers being forced to comply without clear reasons, under threat of being accused of contempt or rebellion.

**When perimeters are established, they are set up in a random manner, both in terms of the number of law enforcement officers deployed and the extent of the perimeter.** In most cases, between two and four officers are designated to maintain the perimeter, though there are instances where a disproportionate number of law enforcement officers are mobilized against the HRO team, which consists of only two people, with rare exceptions.<sup>21</sup>

Similarly, the extent of the perimeters is variable, sometimes even during the same operation. For example, on July 23, 2023, during the eviction of one of the living sites in Dunkirk, HRO members were initially restricted to one area. However, when the buses transporting displaced people to the emergency shelter centers arrived at 8:10 AM, the perimeter was expanded, making it impossible to observe the boarding process.

**The almost systematic nature of these perimeters, which appear to result from orders from the hierarchy, reveals their institutional character.** It is fairly easy to deduce that the purpose is to keep any observers at a distance to prevent them from documenting the operation, by pushing them as far away as possible to limit their visibility and ability to film the police operation under suitable conditions.

**This undermining of the observation mission by restricting the freedom of movement of observers, as well as their freedom to report, is questionable in light of international law.** These actions appear to be violating the *Guidelines on the Protection of Human Rights Defenders* adopted by the Organization for Security and Co-operation in Europe (OSCE).<sup>22</sup> Furthermore, these actions also violate the *United Nations Declaration on Human Rights Defenders*, which stipulates that human rights defenders have the right to hold, seek, obtain, receive, and retain information about all human rights and fundamental freedoms, including access to information on how these rights and freedoms are implemented.<sup>23</sup>

The National Consultative Commission on Human Rights (*Commission nationale consultative des droits de l'Homme – CNCDH*) has also reminded that “[i]n France, instances of judicial harassment have been observed, particularly against defenders of migrants' rights and those related to environmental issues.”<sup>24</sup>

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<sup>21</sup> For example, during the eviction of one of the living sites in Calais on June 20, 2023, at 4:23 PM, 18 CRS officers, some armed with assault rifles and LBDs, were deployed to the perimeter.

<sup>22</sup> According to the OSCE, “Human rights defenders must not face any restrictions to that right beyond what is permissible under relevant international human rights standards. The state should effectively ensure freedom of movement of human rights defenders across its territory, including to remote regions, as required to effectively pursue their human rights activities. [...] States should also facilitate access to relevant sites, [...] for the purpose of human rights monitoring and reporting.” The OSCE also stated that “States should respect, encourage and facilitate human rights activity. They should put in place practical measures aimed at creating safe and conducive environments that enable and empower human rights defenders to pursue their activities freely and without undue limitations, including work conducted individually and collectively with others, domestically and across borders.” OSCE, *Guidelines on the Protection of Human Rights Defenders*, June 10, 2014, paras. 41 and 79

<sup>23</sup> UN General Assembly, *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, A/RES/53/144, March 8, 1999.

<sup>24</sup> CNCDH, *Avis sur les défenseurs des droits de l'Homme*, A – 2023 – 5, 30 novembre 2023.

Similar situations also occur with journalists. In 2021, two journalists condemned these practices and brought the matter to the *Défendeur des droits*. The case was brought before the Administrative High Court (*Conseil d'Etat*) through a *référé-liberté*. In its ruling issued on February 3, 2021 (no. 448721), the Court upheld the use of “security perimeters” during camp evictions to keep third parties, including journalists, at a distance, in order to “*facilitate the physical execution of their mission by law enforcement, ensure respect for the dignity of those being evacuated, and prevent harm to third parties that such operations might cause.*” This decision was heavily criticized by numerous associations, journalists, and legal professionals, especially as it coincided with parliamentary debates on the so-called *Loi “sécurité globale”* and consequential citizen mobilizations, particularly against Article 24 of the bill-later struck down by the *Conseil constitutionnel*<sup>25</sup> which would have effectively made it impossible to film law enforcement officers.

**HRO wishes for the Committee to urge France to ensure the right to observe police operations, protect human rights defenders, and guarantee the freedom of movement for observers during police operations.**

### *The systemic obstruction of the documentation of eviction operations*

In most cases, the perimeters established prevent free movement within the area to locate the police chief or the bailiff in charge of the eviction, which is the first limitation imposed by the setup on the ability to obtain precise information about the nature of the operation.

Moreover, despite French Circular No. 2008-8433-D of December 23, 2008, which specifies that “*police officers cannot oppose the recording of their image when performing their duties*”, HRO teams regularly face intimidation attempts directly and explicitly aimed at dissuading them from filming police operations at informal living sites. To achieve this, various reasons may be cited by police or gendarmerie officers, such as an alleged prohibition on filming the police. Sometimes, this alleged prohibition is nuanced by some officers, who clarify that HRO teams are allowed to capture images, but only from a certain distance. More generally, law enforcement may simply order HRO to stop filming altogether, sometimes threatening to file a lawsuit against the volunteers.

On certain occasions, law enforcement invokes the right to privacy to dissuade HRO teams from taking images. These claims seem to reference the offense outlined in Article 226-1 of the Penal Code, which prohibits infringing on the privacy of others by any means. But this offense only concerns violations of personal privacy, specifically the core aspects of private life, and the recording of sound or images must be done without the person's knowledge. Yet, the law enforcement officers being filmed during evictions of informal settlements are acting in a purely professional capacity, thereby excluding any notion of personal privacy, and HRO teams record law enforcement officers in a visible manner.

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<sup>25</sup> Conseil Constitutionnel, *Décision n°2021-817 DC Loi pour une sécurité globale préservant les libertés*, May 20, 2021.

Finally, HRO members are sometimes subjected to relatively forceful, even aggressive, threats of legal action from the law enforcement officers being filmed.<sup>26</sup>

It is also necessary to mention that law enforcement officers who escort or block observers at the perimeters also employ various methods to physically obstruct data collection (even when HRO members are already at a significant distance from the evicted areas). A recurring practice among CRS officers forming the perimeters has been observed, whereby they deliberately position themselves directly in front of HRO members' phone cameras. Additionally, there have been instances where law enforcement officers (CRS and National Police members) have tried to prevent the documentation of evictions from informal living areas by placing their hands or a piece of paper directly in front of the phone cameras.

**HRO wishes for the Committee to recommend France to ensure that the documentation of the State and law enforcement actions is not hindered by the police and that wrongful behaviors from police officers are prosecuted and condemned.**

### ***Intimidation by the law enforcement authorities against HRO***

#### ***Recording of HRO volunteers by law enforcement officers with body cameras and mobile phones***

During eviction operations, it is common for HRO members to be filmed by law enforcement officers. **For instance, out of the 1,314 evictions documented by HRO between September 2022 and February 2024, HRO teams were filmed 106 times by law enforcement officers using their body cameras, averaging nearly 6 times per month.**

While the use of body cameras by law enforcement authorities is authorized, recording cannot take place without prior notification (Article L241-1 of the *Code de la sécurité intérieure*). In practice, law enforcement officers almost never inform people of these recordings, even when the circumstances clearly call for it. As a result, HRO members almost systematically remind the officers of their obligation to notify those being filmed. The reactions from law enforcement vary: some officers take it into account, while others deny the existence of this obligation, and some simply remain silent.

On a few occasions, the activation of the camera follows a hierarchical order. For example, on December 14, 2023, at 10:47 a.m., during the eviction of one of the informal settlements in Calais, a CRS agent started filming the HRO team without warning. When a team member pointed this out, the officer responded, *"I'm not filming you, I have the right to film,"* even though the observers were clearly the target of these recordings. When an HRO member challenged this, the CRS officer replied, *"Well, leave, and you won't be in the shot."* At that

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<sup>26</sup> For example, on February 27, 2024, at 11:05 a.m., during the eviction of one of the living areas in Calais, a CRS officer approached the HRO team, which had begun filming from the area where they were restricted, and threatened them: "But Madam, if I see my face on a social network or anything like that, I will file a complaint against you, you know that?" He then repeated twice, "I have a very good lawyer for that!"

point, the brigade commander instructed all the CRS officers present: “*Turn on your cameras.*”

Image recordings are not limited to those made by body cameras. Indeed, during the 1,314 evictions documented by HRO between September 2022 and February 2024, HRO teams were filmed at least 70 times by law enforcement officers using mobile phones, with the majority of these recordings carried out by CRS or mobile gendarmes, and more rarely by local officers from the National Police stations in Calais and Dunkirk. It is practically impossible for HRO members to know if they are using professional or personal mobile phones, but it is generally accepted that professional phones are limited to police chiefs and other high-ranked officers, thus excluding the vast majority of CRS agents.

These recordings via mobile phones by law enforcement officers almost always occur even though agents from the same unit are equipped with dedicated devices such as body cameras. At times, the use of these mobile phones happens while body cameras are already filming, indicating that the purpose is not to ensure the safety of police officers through image capture, but rather to multiply the sources of recording.

The HRO teams almost systematically invoke their right to privacy and express their refusal to be filmed or photographed with mobile phones, but their absence of consent is never respected by the law enforcement officers involved. Ethically, this is difficult to justify, especially since law enforcement officers are public authority figures equipped with weapons and protective gear. Moreover, many of these recordings are accompanied by vexatious and often sexist behaviors from the officers towards the HRO teams: laughter, comments, or mockery, creating an intimidating or humiliating situation.

**HRO wishes for the Committee to urge France to enforce the obligation for the law enforcement officers to wear their individual immatriculation number (RIO) in order to be identifiable.**

### *Systematic ID checks*

When HRO monitors evictions, the teams are frequently subjected to identity checks, traffic stops, or even fines. **To give an idea of the scale, out of the 1,314 informal living site evictions directly documented by HRO in Calais and Dunkirk between September 1, 2022, and February 29, 2024, the association members have undergone identity checks at least 105 times (71 times in Calais and 34 times in Dunkirk).** In 2023, these checks were almost systematic in Dunkirk: out of 23 documented evictions, 20 resulted in ID checks for HRO members.

In general, the officers conducting the checks refuse to provide their legal basis. The law theoretically permits several frameworks for police identity checks: border identity checks (Article 78-2, paragraphs 9 and 10 of the Code of Criminal Procedure), judicial identity checks (Article 78-2, paragraphs 1 to 6 of the Code of Criminal Procedure), identity checks

under requisition by the prosecutor for specific offenses (Article 78-2, paragraph 7 of the Code of Criminal Procedure), or 'administrative' identity checks aimed at preventing a breach of public order (Article 78-2, paragraph 8 of the Code of Criminal Procedure). **However, none of these legal bases appear to justify the systematic identity checks to which HRO members are subjected.**

The legality of several of these identity checks can also be questioned when considering various contextual factors, such as their procedures and content, the numerous instances of intimidation, threats, and violence observed during the checks, and their apparent purpose.

Firstly, the frequency of the identity checks can be concerning: the same HRO members may undergo multiple identity checks in the same day by law enforcement officers involved in the same operation. For example, on January 4, 2023, in the Dunkirk area, HRO members experienced five different ID checks between 8:33AM. and 1:03PM.

Moreover, these ID checks can be imposed on HRO members even when the officers conducting them indicate that they recognize the individuals from previous evictions, raising questions about the necessity and appropriateness of these checks.

Finally, the content of some ID checks imposed on HRO members seems to go beyond what is permitted by a standard identity check, as many questions are asked during these checks, whether about the association, their addresses, or even their phone numbers. Sometimes, an identity check can be used by law enforcement officers as a threat to coerce HRO members into leaving the perimeters set up to block them out.

Moreover, these ID checks are sometimes accompanied by racist comments and degrading humiliations. On November 19, 2023, at 9:36AM, during the eviction of a living area in Calais, a CRS officer conducted a particularly humiliating identity check. The officer asked an HRO volunteer if he had any drugs on him, then forced him to empty his pockets. The CRS officer pulled down the volunteer's pants halfway down his underwear and touched his entire torso under his clothing. The officer scanned the volunteer's ID card with a mobile terminal and loudly read out loud his criminal record in a highly humiliating manner, and demanding explanations. The CRS officer then asked several questions: his address, the nature of his work, and so on.

In addition to being indicative of usual policing practices aimed at creating an unsettling atmosphere for HRO members, it has also been observed that some ID checks are conducted with the clear intent of monopolizing the observers' attention, thereby preventing them from carrying out their monitoring duties.<sup>27</sup>

Moreover, during these ID checks, it is common for law enforcement officers to take physical notes of HRO members' personal information on notebooks or sheets of paper (name, surname, address, nationality, date of birth, etc.). When HRO members ask about the reason for and use of these identity records, responses are rare or, when provided, very vague. This

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<sup>27</sup> HRO, [Rapport annuel 2020](#), pp.17-18.

practice raises concerns about the use of personal data collected by law enforcement and highlights the level of intimidation and deterrence faced by HRO members.

### *Systematic car checks, and fines specifically targeting HRO's observers*

Like ID checks, car controls are extensively used by law enforcement officers against HRO members, in circumstances that also raise questions, particularly regarding legal compliance and the actual purpose being pursued. As a preliminary point, it should be noted that the HRO always uses the same vehicles over extended periods: with a maximum of three different cars from September 2022 to February 2023, and only two cars from December 2023 onwards. Given the frequency of the checks, it can be assumed that the authorities are aware of the association's vehicle license plates, especially since the cars are regularly filmed or photographed by law enforcement during police operations. **For instance, since the beginning of 2024, over 8 months only, HRO cars have been controlled by the police during HRO missions at least 11 times, and some of them were illegally turned into vehicle searches.**

During car checks, the identity of both the driver and the passenger are also checked, while the legal basis invoked by law enforcement remains that of a simple vehicle inspection (Article R233-1 of the *Code de la route*).

The various ID and traffic checks can also lead to fines. **Between November 2, 2020, and March 14, 2021, HRO teams, who continued their activities with people on the move during the Covid-19 pandemic, were fined 32 times for non-compliance with lockdown and curfew rules.**<sup>28</sup> The abusive targeting of HRO continued after the lockdown, as **the team was fined 11 times between September 2023 and April 2024 while documenting the evictions.**<sup>29</sup>

In France, contesting these fines involves a reversal of the burden of proof, to HRO's detriment, effectively reducing the possibility to challenge them.

**HRO wishes for the Committee to recommend France to remove the rule that police reports are deemed valid until proven otherwise in contravention cases, which establishes a reversal of the burden of proof, placing a disproportionate burden on the targeted individuals and opening the door to potential abuse.**

### *The increase of intimidation against British volunteers since the Brexit*

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<sup>28</sup> HRO, [Communiqué de presse – La justice donne raison à Human Rights Observers : ses membres pouvaient légalement se déplacer pour mener ses activités d'accès au droit pendant les confinements](#), June 22, 2022.

<sup>29</sup> HRO, [Communiqué de presse – Contraventions routières : outil de criminalisation des associations](#), May 22, 2024.



The intimidations faced by British volunteers have been more important following the Brexit. French authorities have used the restrictions on their freedom of movement within the European Union as a means of intimidation, especially since British citizens now have a more precarious right to stay in France and are subject to the host country's authorization. In 2023, the targeting of HRO observers of British nationality was effective by two ways: their surveillance and the detention for 23 hours and 30 minutes of two British volunteers while they were documenting an eviction operation.

**Concerning the surveillance**, a former British HRO observer “R.”, reported that, despite the proximity between the countries, his status as a “foreigner” in France (understood as someone who is not of French nationality) was often used against him by French authorities to dissuade him from his activist activities at the border. This same volunteer also realized the excessive amount of information held about him by the French police in their investigations into his activism. As a matter of fact, the same person was arrested in April 2022 in Calais by the French police following this extensive surveillance on his humanitarian activities (long after he left HRO) - when he learned that he was issued an OQTF as well as a ban on coming back to the French territory for one year (*interdiction administrative de territoire*). He was detained in two different Detention centers before being deported to the UK on May 10, 2022. Another British activist was also arrested, detained and deported in similar circumstances the following month, **announcing a clear stance from the French authorities to harden the control and surveillance on British volunteers at the French-UK border.**

Then, at the beginning of the year 2023, several personal details and aspects of R.’s private life were revealed in an English newspaper with far-right tendencies, including information about his place of residence and study, as well as details about his personal and family life. The article mentioned that it was written with access to intelligence from the French police.<sup>30</sup> (cf. Annex 2) The leak of information from French police files to the British press raises significant concerns, as does the content of this investigative file, which included seemingly excessive and unnecessary data for any police purpose.

So far, HRO volunteers have never had access to the police files in which they are likely listed (given the systematic ID checks of HRO members and their identification by the police). They are therefore deeply concerned about the amount of information held on them in such files.

On November 17, 2023, as part of the ongoing targeting of volunteers at the border in Calais, **two other British volunteers were placed in administrative detention (*retenue administrative*) at the border police station (PAF) to verify the legality of their stay in**

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<sup>30</sup> Daily Mail, *REVEALED: The public school-educated gap-year activists accused of 'frustrating' French border police attempting to stop illegal Channel crossings*, January 28, 2023 (updated on February 2, 2023). Right at the beginning of the article, it is stated: “French authorities have passed an intelligence dossier to the UK on the British charities operating in and around Calais.”

France while they were documenting the eviction of an informal settlement as part of HRO missions.<sup>31</sup>

**The two HRO members were then held for almost 24hours and interrogated by the Border Police without being informed about the progress of the situation despite their passports with appropriate stamps showing their legal right to stay in France were brought to the police station at 2PM by other HRO members.<sup>32</sup>**

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<sup>31</sup> [Human Rights Observers | □Deux bénévoles de Human Rights Observers en retenue administrative : non à la criminalisation des soutiens aux personnes exilées□... | Instagram](#)

<sup>32</sup> Around 12PM, HRO volunteers were subjected to an ID check conducted by the leader (CRS A) of the group. They presented their driver's license, believing it to be a valid form of identification in France. The volunteers testified that the CRS A had an intimidating and aggressive demeanor and that during the identity check *"about five other CRS officers surrounded all the HRO members. One of them was holding a tear gas canister in his hand ready to use. It felt like intentional intimidation tactics."* Fifteen minutes later, the CRS told them that they had to come to the police station in order to verify their identity. Without any prior aggressive behavior from the HRO members, they report experiencing intimidating behavior from the police upon their arrival at the police station, even though it was merely an ID check. The two British members ended up spending the night at the administrative detention center while there was no longer any reason to keep them in detention. During their detention, the two HRO members reported witnessing intimidation and verbal abuse by law enforcement officers towards exiled people also detained in the same facility.