

Written input on the progress, achievements and challenges related to the ways in which relevant United Nations offices, departments and specialized agencies give and can give due consideration to the Declaration on human rights defenders (A/RES/72/247)

Introduction

The following outlines Refugee Rights Europe’s submission to the twentieth anniversary and promotion of the Declaration on human rights defenders with specific regard to the situation in Northern France. Based on Refugee Rights Europe research on the human rights situation in Northern France, and reports from partners on the ground, significant challenges remain in ensuring that the Declaration on human rights defenders is upheld.

The situation for human rights defenders (Article 6(b), Article 6(c), Article 7)

Progress: We welcome the recent comments made by the Special Rapporteur on the situation of human rights defenders in relation to volunteers and members of NGOs providing humanitarian aid to those currently in Calais and the surrounding area, but we remain concerned at continued reports of intimidation of volunteers and NGOs working in the area.

Challenges: Comments made by President Macron in January 2018 insinuated that charities working in Northern France would be lying regarding reports of police violence perpetrated against refugees and displaced people in the area¹. Vincent Berton, the Deputy Prefect for Calais, also said that “these are allegations, individuals’ declarations, not based on fact.”² We are alarmed that such statements directly seek to undermine the important work conducted by organisations such as Human Rights Watch, Bar Human Rights Committee, Help Refugees and Refugee Rights Europe, aimed at documenting and highlighting the human rights violations facing refugees and displaced people in the area. By extension, such allegations undermine articles 6b, 6c and 7 of the Declaration.

Recommendations: It is of utmost importance that relevant United Nations bodies provides support to human rights defenders operating in this climate, by explicitly providing their support to the important efforts aimed at calling for the human rights of refugees to be upheld.

Human rights violations in Northern France (Article 9.5)

Progress: We welcome the announcement by UN human rights experts urging the French Government to do more to provide emergency shelter, drinking water and sanitation services for refugees and displaced people in Northern France³.

Challenges: According to our research findings, and those of preeminent organisations Human Rights Watch and Bar Human Rights Committee, police violence is widespread in the area. Indeed, Refugee Rights Europe’s research conducted in Calais in October 2017 documented several worrying reports of police violence occurring against displaced people in the area⁴. A worrying 91.8% of respondents

¹ <https://www.thetimes.co.uk/article/macron-french-charities-tell-migrants-lies-about-seeking-asylum-in-britain-vwh5tj30p>

² Human Rights Watch (2017) ‘Living Hell’ <https://www.hrw.org/report/2017/07/26/living-hell/police-abuses-against-child-and-adult-migrants-calais>

³ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22917&LangID=E>

⁴ http://refugeerights.org.uk/wp-content/uploads/2017/11/RRDP_TwelveMonthsOn.pdf

reported that they had experienced police violence, with 50.5% saying that the violence had taken the form of physical violence, while 23.1% described it as verbal abuse and 90.1% as tear gas. A number of accounts from refugees in the area suggest that police violence can often take disproportionate and life-threatening forms, including broken limbs, while others spoke of the sustained use of tear gas, often whilst they were sleeping. This is corroborated by several research reports from Human Rights Watch⁵ and the Bar Human Rights Committee⁶. Our research moreover demonstrates the extent to which other fundamental rights enshrined in the UN Declaration of Human Rights (UDHR) are being systematically violated on French soil, such as the right to living standards adequate for health and well-being (Article 25). Indeed, despite the landmark legal ruling in 2017 of the Conseil d'état reaffirming the state's obligation to install water points, toilets, showers and daily outreach for minors, our research suggests that more still needs to be done to ensure displaced people's access to food, water and other basic needs is secured.

Recommendations: We are concerned that the situation remains untenable for many refugees and displaced people currently residing in Northern France and urge further urgent action to be taken by UN bodies in order to address the grave human rights failings currently taking place. To this end, relevant UN bodies ought to provide support to civil society in calling on the state of France to conduct a prompt and impartial investigation or ensure that an inquiry takes place, under Article 9.5 of the Declaration, into the violations of human rights and fundamental freedoms which are reported to have occurred on its territory.

Conclusion

In accordance with Article 18.2. of the Declaration, we urge relevant UN bodies to support individuals, groups, institutions and non-governmental organizations to fulfil their important role and responsibility in safeguarding democracy, promoting human rights and fundamental freedoms amongst refugees and displaced people in France.

Ranging from aid and grassroots groups working tirelessly on the ground to provide more humane living standards in accordance with UDHR Article 25, to organisations such as Refugee Rights Europe documenting and raising awareness of human rights violations, civil society is in need of support from relevant UN bodies and actors in the current hostile climate.

We urge you to explicitly join us in strongly condemning any further intimidation of human rights defenders operating in Northern France and in urging the French State to address this situation and conduct a prompt and impartial investigation to ensure that the Declaration on human rights defenders is upheld.

⁵ Human Rights Watch (2017) 'Living Hell' <https://www.hrw.org/report/2017/07/26/living-hell/police-abuses-against-child-and-adult-migrants-calais>

⁶ <http://www.barhumanrights.org.uk/bhrc-publishes-report-on-police-violence-and-access-to-justice-in-calais-migrant-camps/>