



...WHAT NOW?

ARBITRARY DEPRIVATION OF LIBERTY & ILLEGAL PUSH BACKS AT THE FRENCH-ITALIAN BORDER

FOR FRENCH MEPs



VISIT

Menton Pont Saint Louis police station including the containers in which displaced individuals are held behind the station (and if possible Ventimiglia & select locations along the Alps crossing)

* French MEPs have the right to enter detention sites according to French law.¹ Alarming, the containers behind the police station or 'temporary detention centre', have never been legally established as a 'waiting zone'² a concept codified under French immigration and asylum law, through which a set of procedures and guarantees would be triggered to safeguard the rights of displaced people detained therein.³ It appears that the legal status of detention sites like this are kept indeterminate in order to evade such safeguards.

SEND A LETTER

outlining the following concerns/ recommendations to the below national level actors:

* this could also be a joint letter from an alliance of French/Italian and other MEPs.
* RRE can provide a draft with detailed content, for sign-off.

- **The French Ministry of the Interior**, via the **Directeur Général de la Police Nationale (DGPN)**, ought to send unequivocal instructions to the **Prefecture of Alpes-Maritimes** that:

Displaced people refused entry to France must not be held at the border for more than 4 hours after which time they must either:

- release the individual; or
- transfer them to the nearest established 'waiting zone', where, if an individualised assessment of a case has established the necessity to keep them in detention, authorities must communicate a duly motivated detention decision to the individual concerned, and provide access to legal representation as well as, where required, appropriate medical care.

- **The French Ministry of the Interior**, via the **The Prefecture of Alpes-Maritimes and the Police Aux Frontières** must urgently

ensure the provision of basic necessities to those detained at the border, including sufficient food and water, adequate temperatures, sitting and sleeping places including blankets, access to medical aid, as well as information and legal representation.

- **The French Ministry of Interior** should legally qualify as deprivation of liberty any measures taken through its border authorities, to prevent asylum seekers from leaving transit zones or other border facilities and access the rest of French territory.⁴
- **The Prefecture and the Police Aux Frontières** must ensure that there is separate provision for men and women, and adults and minors in places of detention at the border.
- **The French Ministry of the Interior** must ensure that NGOs, human rights organisations, medical staff and legal practitioners are granted access to places of detention (regardless of whether they are designated as 'waiting zones') in order to safeguard the rights of individuals detained there.

REQUEST A MEETING

with national actors above, as a follow up to the letters.

SEND A LETTER

in parallel, to **Prime Minister Édouard Philippe** outlining the situation at the French-Italian border and urgent measures for redress outlined above.

REQUEST A MEETING

in parallel, with **Prime Minister Édouard Philippe** as follow up to the letter.

¹ See Code de Procédure Pénale, Art. 719
² See Art. L.221-1 of the Code de l'Entrée et du Séjour des Étrangers et du Droit d'Asile (CESEDA) or 'Code of the Entry and Stay of Foreigners and Asylum Law'.
³ ECRE, 2018: <http://www.asylumineurope.org/sites/default/files/franceborders.pdf>
⁴ As per ECRE's recommendation <http://www.asylumineurope.org/sites/default/files/shadow-reports/boundariesliberty.pdf>

FOR ITALIAN MEPs



VISIT

the French-Italian border zone (including Ventimiglia / Menton, and if possible the area of Bardonecchia as well as other locations along the Alps crossing).

VISIT

the Red Cross camp in Ventimiglia and speak to local actors (the mayor of Ventimiglia, the 'Prefettura', and local civil society organisations).

SEND A LETTER

outlining the following concerns / recommendations to the below national level actors:

* this could also be a joint letter from an alliance of French/ Italian MEPs.

* RRE can provide a draft with detailed content, for sign-off.

- **The Italian Ministry of Interior** must urgently improve living conditions at the border in Ventimiglia, including:
 - a. basic shelter, adequate food & sanitation facilities, access to healthcare.
 - b. psycho-social staff, trafficking specialists and interpreters.
 - c. specific provision for women & girls.
- **The Ventimiglia municipality** must open an accommodation centre for children in Ventimiglia town irrespective of immigration status. This should have robust safeguarding systems, supported by civil society organisations, social workers, interpreters, therapists, medics and child safeguarding specialists.
- **Italian border authorities** must ensure the provision of information on asylum law and procedures in languages

accessible to displaced people. French and Italian authorities must cease any obstruction of NGOs and CSOs in this border area.

- **The Italian government** must immediately instruct Italian police to cease using unnecessary force when apprehending individuals at the border, focusing on the right of all individuals to seek asylum. Border authorities ought to be provided with training on international human rights obligations, safeguarding and protection for vulnerable displaced people, identification of victims of trafficking, and racial profiling.
- **The Italian Ministry of the Interior** ought to urgently improve reception centres, including for children, across Italy, ensuring access to healthcare, psychosocial support and education. Measures should be taken to reduce the period asylum seeking individuals wait for decisions on their claim.

REQUEST A MEETING

with actors above, as a follow up to the letters.

SEND A LETTER

in parallel, to **Prime Minister Giuseppe Conte**, outlining the situation in Ventimiglia and the surrounding area, as well as urgent measures for redress outlined above.

REQUEST A MEETING

in parallel, with **Prime Minister Giuseppe Conte** as follow up to the letter.

FOR ALL MEPs / EP COMMITTEES



ADDRESS

EC Vice President Schinas at an appropriate forum in the Parliament, outlining the situation at the French-Italian Border and the requested measures (below) to be taken by the Commission.

ADDRESS

Commissioner Johansson at an appropriate forum in the Parliament, outlining the situation at the French-Italian border and the requested measures (below) to be taken by the Commission.

SEND A LETTER

to the **Commission's asylum unit** with request for a follow up meeting, outlining the rights violations at the French-Italian border, and requesting the following concrete measures:

- **The Commission** ought to fulfill its mandate in monitoring and bringing to account Member States such as France, for engaging in unlawful and violent summary border pushbacks.
- **The Commission** ought to fulfill its mandate in monitoring and bringing to account violent and illegal actions taken by French and Italian border authorities against refugees and displaced individuals at this border zone, where they violate EU Asylum Directives and fundamental rights.
- **The Commission** ought to monitor and investigate the arbitrary deprivation of liberty, inhumane detention conditions and lack of access to rights, occurring at the French-Italian border to assess whether such measures are in breach of European Asylum Directives, and in violation of fundamental rights.
- **The Commission** ought to monitor and assess French practices at the border to ensure that the rights and best interests of the child are being upheld (in line with Rec. 33 & Art. 25 Directive 2013/32/EU), in particular that age assessments are in line with international standards, ensuring that children are granted the benefit of the doubt and afforded protection during age assessments and appeals.
- **The Commission** ought to urge the Italian government to ensure that its reception conditions and safeguards for minors are in line with Directive 2013/32/EU as a minimum, while complying with national and international standards.

SEND A LETTER

to the **Council of the EU Justice and Home Affairs Ministers** describing the situation and human rights violations at the French-Italian border, and requesting an immediate end to arbitrary deprivation of liberty as well as illegal summary pushbacks (including of unaccompanied minors), as outlined above.

INITIATE

a civil society hearing/ field mission for the **LIBE Committee** (possibly addressing wider border pushbacks/ arbitrary deprivation of liberty of displaced individuals across the EU).

SEND A LETTER

to the **EU Fundamental Rights Agency**, urging a delegation to conduct a field visit to the French-Italian border zone to monitor the practices, including push-backs, arbitrary arrests as well as arbitrary deprivation of liberty, carried out by French and Italian border officials.

SEND A LETTER

to the office of the **Council of Europe Commissioner for Human Rights**, urging a delegation to conduct a field visit to the French-Italian border zone to monitor the practices, including pushbacks, arbitrary arrests and arbitrary deprivation of liberty, carried out by French and Italian border officials.

SEND A LETTER

to the **Council of Europe Special Representative on Migration and Refugees** urging him (or a delegation from his office) to conduct a field visit to the French-Italian border zone to monitor the practices, including pushbacks, arbitrary arrests and arbitrary deprivation of liberty, carried out by French and Italian border officials.

* Any of the above can be joint letters from an alliance of MEPs.

FOR NGOs / CIVIL SOCIETY



We suggest the following actions for NGOs and civil society. Refugee Rights Europe would be delighted to provide template letters and materials wherever deemed useful, and would also welcome partner organisations to send joint letters with RRE in case of interest.

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ATTEND

related Committee hearings and civil society consultations in the European Parliament and highlight the detrimental impact of border pushbacks / arbitrary deprivation of liberty of displaced individuals across the EU.

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FOR FURTHER INFORMATION AND SUPPORT, PLEASE CONTACT REFUGEE RIGHTS EUROPE:

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