



REFUGEE RIGHTS  
EUROPE

# CHILDREN STUCK IN LIMBO

EXAMINING THE VULNERABILITY OF  
UNACCOMPANIED MINORS IN NORTHERN FRANCE



# ACKNOWLEDGEMENTS

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To the refugees in Northern France who took the time to share their stories with me. Thank you for trusting me with stories about your journey and your time in France. I hope this report will shine a light on the inhumane and degrading treatment suffered by displaced persons across Europe at the hands of European Leaders. Your bravery, endurance and hope are an inspiration. We were continually welcomed with open arms by each community, we were invited to share meals and tea, we were told stories about your home countries, your cultures and traditions. We were treated as brothers and sisters. What we could offer in return was very little. My words will never change the injustice you have faced, but I hope they will encourage more people to use their voices to fight for those who have been silenced. To my wonderful family, Kristen Cossart and Grainne Marron thank you for always pushing me to be my best and for showering me with love and support. To my dissertation supervisor Meike for guiding me along the way. To Marta for providing me with endless support, helping me edit and publish this report. I am extremely grateful to you for providing me with this opportunity. To my Calais volunteer family, I can't express how grateful I am for all the support you gave me over the last ten months. Thank you for always showing me endless amounts of love and for always sharing a cup of Barry's tea with me. Love to you all.

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*Refugee Rights Europe relays the voices of displaced people in Europe, reporting what respondents tell us, our partner organisation and affiliated researchers. Meanwhile, we have not been able to verify claims through official sources.*

### HOME BY WARSAN SHIRE

I want to go home, but home is the mouth of shark  
Home is the barrel of the gun  
And no one would leave home  
Unless home chased you to the shore  
Unless home tells you to  
Leave what you could not behind,  
Even if it was human

Photo credit: Andreas Beissel



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# METHODOLOGY AND LIMITATIONS

**THE MATERIAL IN THIS REPORT IS A COMBINATION OF FIELD AND DESK-BASED RESEARCH. FOR THE FIELD-BASED RESEARCH, THE AUTHOR TRAVELLED TO CALAIS FOR 10 MONTHS DURING WHICH TIME SHE WORKED WITH THE REFUGEE INFO BUS AS A RESEARCHER AND A VOLUNTEER.**

No direct interviews with displaced persons were conducted; rather the examples within the report are events which the author witnessed first-hand or was told about.

Three interviews were conducted with volunteers from different organisations: Elisabeth Panetta, a trauma social worker who worked with Refugee Youth Service; Jenni Whitaker, who was the coordinator of Human Rights Observers; and Caia Fallowfield, one of the founders of Project Play.



Photo credit: Andreas Beissel

# INTRODUCTION

**FOR MANY YEARS, A BOTTLENECK SCENARIO HAS BEEN UNFOLDING IN NORTHERN FRANCE, CHARACTERISED BY PRECARITY, ROUGH-SLEEPING, DANGEROUS AND UNAUTHORISED BORDER-CROSSINGS, AND WIDESPREAD REPORTS OF POLICE VIOLENCE.<sup>1</sup> THE USE OF TEAR GAS AND INTIMIDATION TACTICS, AS WELL AS WHAT MAY APPEAR TO AMOUNT TO SLEEP DEPRIVATION, IS CONTINUOUSLY REPORTED BY AID GROUPS OPERATING IN NORTHERN FRANCE.**

The UK's so-called 'juxtaposed border arrangements' with France and Belgium leave prospective asylum seekers, including the most vulnerable, without a mechanism to file their asylum claim in the UK.<sup>2</sup>

Legal means are therefore only accessible to a very small minority who fit specific criteria. For minors there are two legal routes available: Family reunification or via Section 67 of the Immigration Act 2016, or the so-called 'Dubs amendment'. Yet these can be immensely complex processes to navigate and waiting times are lengthy, as further explained later on in this report.

**PRECEDING THE CLOSURE OF THE CALAIS CAMP IN 2016, THE UK GOVERNMENT PLEDGED £36 MILLION TO CLEAR THE CAMP AND BOLSTER SECURITY PROVISIONS AT THE BORDER.<sup>3</sup>**

This has led to an increased investment in border technologies, such as motion detection and infra-red technology. New high-security fencing, CCTV,

and lighting has also been installed at the Coquelles Terminal and both the Calais and Dunkirk ports.<sup>4</sup> The deployment of security officers and detection dogs has increased alongside the creation of a joint command and control centre and an Organised Immigration Crime Taskforce. This process of securitisation continued throughout 2018 and 2019, as exemplified by the increased barbed and razor wires, walls and fencing surrounding petrol stations near the ferry ports.<sup>5</sup>

As tightened border security has made crossing the channel more difficult, this inevitably results in increased reliance by prospective asylum seekers upon smugglers and traffickers.<sup>6</sup> If the same push factors remain in France – police brutality, insecure living conditions and interminably long asylum processing times – increased securitisation may not deter individuals from embarking on the journey to the UK. Rather, it may in fact increase the risks faced by these individuals, pushing them into ever more desperate measures as the situation continues to deteriorate in Northern France.



Photo credit: Human Rights Observers

<sup>1</sup> Human Rights Watch (26 July 2017) 'Like Living in Hell' Police Abuses against Child and Adult Migrants in Calais.

<sup>2</sup> Crawley, H. (2010) Chance or choice? Understanding why asylum seekers come to the UK. Refugee Council

<sup>3</sup> ibid.

<sup>4</sup> ibid.

<sup>5</sup> Home Affairs Committee (22<sup>nd</sup> January 2019) 'Oral Evidence: English Channel migrant crossings.'

<sup>6</sup> Home Affairs Committee (2018).



The investment in border security has been accompanied by an increasingly securitised rhetoric which designates displaced people as threats. Within Home Office documents, heightened investment in border security is outlined to 'keep communities in the UK safe' and the policies are justified as necessary to prevent both criminal activity and 'people looking to enter the UK illegally.'<sup>7</sup> This rhetoric therefore increases the public perception that displaced people can be directly equated with criminality. The designation of refugees as 'threats,' can then be used to legitimise even greater securitisation, which has direct consequences for displaced communities.

**IN THIS CONTEXT OF INCREASED 'SECURITISATION' AT THE BRITISH BORDER, THE FUNDAMENTAL RIGHTS OF UNACCOMPANIED CHILDREN ARE VIOLATED ON A DAILY BASIS IN NORTHERN FRANCE.**

Safeguarding and protection systems appear to be entirely excluded from the current deterrence-based approach, despite national and international obligations to uphold the rights of the child. The following report provides an in-depth on the ground update of the ongoing situation for children in Northern France, many of whom hope to reach the UK, but who keep finding themselves trapped between the sealed British border and the heavy-handed approach of the French authorities.

The report details the vast array of safeguarding failures taking place on French soil in contravention of national and international law, shining a light on the wholly inadequate and unsafe living conditions, which force many children to 'take matters into their own hands' and risk the dangerous journey to the UK; the continued cycle of evictions which does nothing to resolve the precarious and tense situation occurring in the area; and the tragic deaths

at the border and continued reports of police violence occurring against children. It ends with a number of concrete policy recommendations for the French and UK authorities, including urgently calling on the UK Government, as part of its recently announced future resettlement scheme<sup>8</sup>, to agree to a fully funded, long term resettlement plans for displaced children in Europe. A different situation for unaccompanied minors in Northern France can and must be possible, and now is the time for French and UK Governments to act.



Photo credit: Human Rights Observers

<sup>7</sup> Home Office News Team (2017).

<sup>8</sup> <https://www.gov.uk/government/news/new-global-resettlement-scheme-for-the-most-vulnerable-refugees-announced>



# SAFEGUARDING FAILURES OCCURRING ON THE GROUND



Photo credit: Human Rights Observers

**IN NORTHERN FRANCE, THERE ARE LARGE NUMBERS OF UNACCOMPANIED MINORS LIVING THEIR LIVES IN A STATE OF 'LEGAL LIMBO', IN CONSTANT FEAR OF BEING HARASSED AND APPREHENDED BY THE POLICE AND FEELING THAT THEY HAVE NO RECOURSE TO SAFETY AT THE HANDS OF THOSE WHO SHOULD BE PROTECTING THEM.**

Unaccompanied minors in Calais and Dunkirk are currently, as of August 2019, living in informal camps which lack the most basic forms of infrastructure. Tents, blankets and sleeping bags are provided by aid organisations, which provides only minimal protection, especially during the harsh winter months. Elizabeth Panetta, a trauma social worker with Refugee Youth Service, explained that the harsh realities

of living in the inadequate camps was coupled with a constant feeling of needing to be vigilant:

*"What we are really seeing is complex trauma disorder, being under attack, being threatened by both adults in the camp and the French state".<sup>9</sup>*

The lack of safeguarding for unaccompanied minors is clearly evidenced by the inadequate handling of transfer requests from France to the UK by the Home Office during the closure of the Calais 'Jungle' camp in 2016. In a civil society led court case, the UK Court of Appeal found that the Home Office had failed to provide adequate information to unaccompanied minors whose transfer requests had been refused.<sup>10</sup> In particular, the Home Office did not provide these children with sufficient reasons for their refusal, thus limiting their ability to successfully appeal the decision.

**ACCORDING TO HELP REFUGEES, ONE HUNDRED AND TWENTY-NINE CHILDREN WERE REPORTED TO HAVE GONE MISSING DURING THE CLEARANCE OF THE CALAIS CAMP.<sup>11</sup>**

The safeguarding failures facing unaccompanied minors in Northern France is hence undoubtable, and is outlined in further detail in the following thematic sections.



Photo credit: Adrian Abbott

<sup>9</sup> Interview with Elizabeth Panetta on 14/05/2019

<sup>10</sup> <https://www.theguardian.com/uk-news/2018/jul/31/home-office-misled-court-about-treatment-of-child-refugees-from-calais-judges-find>

<sup>11</sup> <https://www.independent.co.uk/news/world/europe/calais-jungle-unaccompanied-children-refugee-camp-demolition-minors-a6965216.html>



## DANGEROUS AND TRAUMATISING LIVING ARRANGEMENTS

### UNACCOMPANIED MINORS IN NORTHERN FRANCE ARE LIVING IN INFORMAL CAMPS, ON THE MARGINS OF SOCIETY. THESE CAMPS LACK ANY FORM OF INFRASTRUCTURE, WITH THOSE IN CALAIS BEING SUBJECTED TO FORCED BI-DAILY EVICTIONS.

There is a striking lack of adequate safeguarding procedures and mechanisms put in place by the French authorities, who could be perceived as simultaneously playing the role of both 'destructors' and 'protectors'. A lack of safe,

legal routes and a breakdown in trust makes the young children in the area extremely vulnerable to exploitation by smugglers and traffickers. During research conducted by Refugee Rights Europe in October 2017, a 15-year-old boy from Afghanistan told researchers:

*"I don't want to stay [in France] even if they kill me".*

The same boy explained that he had left Afghanistan three years ago, at the age of 12. His brother is currently in the UK and he is trying to join him there. He once paid a solicitor and an interpreter but he claims they didn't help him. One of the friends he met in Europe tried to apply for family reunification under the Dublin regulation but had no success, so he has now lost faith in the legal route. He explained that he had no money left to pay a smuggler, so he attempted to jump on UK-bound lorries every night.<sup>12</sup>

In October 2017, Refugee Youth Service (RYS) reported that one year on from the demolition of the Calais 'Jungle', the situation facing unaccompanied minors in Northern France remained increasingly unstable and dangerous. Amanda Regan, the former co-ordinator of Refugee Youth Service in Northern France, stated that

*"children are facing poor sanitation conditions; food insecurity; poor access to health care, legal advice and information along with exposure to sexual exploitation and abuse, and human trafficking and being subject to police violence on a daily basis".<sup>13</sup>*

An update on the ground by RYS in April 2018 reported similar conditions to those found six months previously. However, there had been one significant change - an increase in state intervention in the form of forced evictions<sup>14</sup>.



Photo credit: Andreas Beissel

<sup>12</sup> Refugee Rights Europe (2017) Twelve Months on: filling information gaps relating to refugees and displaced people in Northern France a year on from the demolition of the Calais camp.

<sup>13</sup> Amanda Regan (24<sup>th</sup> October 2017) On this day: Unaccompanied children in Calais



AS OF AUGUST 2019, UNACCOMPANIED MINORS ARE STILL LIVING OUTSIDE IN MAKESHIFT CAMPS, WITH POOR ACCESS TO SANITATION AND EXPOSURE TO SIGNIFICANT RISKS TO MENTAL AND PHYSICAL HEALTH. ELIZABETH PANETTA, A SOCIAL WORKER WITH REFUGEE YOUTH SERVICE IN NORTHERN FRANCE, REPORTED WITNESSING A NUMBER OF HARMFUL COPING MECHANISMS BY MINORS LIVING IN THE CAMPS INCLUDING BURNING, CUTTING, SUBSTANCE ABUSE, RISKY SEXUAL BEHAVIOUR AND SUICIDAL TENDENCIES.<sup>15</sup>

In the aforementioned report published by Refugee Rights Europe in October 2017, of the 233 respondents, 84.3% reported that they had been woken up by police whilst sleeping and forced to leave their sleeping spot. 90.7% said that the police did not tell them where they could go.<sup>16</sup>

On the 23<sup>rd</sup> of March 2019, the author was a witness to police harassment at one of the camps in Calais in which predominantly Eritrean nationals reside. A group of CRS officers had put out a fire and were demanding that those living at the camp by the side of a busy highway pack up and move on. When the officer was asked by a fellow volunteer about where they could go instead, the officer repeated several times that they were 'illegal', they had no place in France and that they must leave. One officer said for them to move 100m down the street.<sup>17</sup>

The community had already been permanently evicted from two previous living spaces, one known as 'Little forest', which was fenced off on the 27<sup>th</sup> of September 2018, whilst their second living space under a bridge was fenced off on the 21<sup>st</sup> January 2019.<sup>18</sup>

**THIS APPROACH OF HARASSMENT AND INTIMIDATION BY OFFICERS WITHOUT PROVIDING VIABLE ALTERNATIVES IS A CLEAR EXAMPLE OF A LACK OF SUSTAINABLE SOLUTIONS OFFERED BY THE FRENCH STATE FOR DISPLACED PERSONS LIVING ON THE STREET AND IN CONTINUOUS LEGAL LIMBO.**

This is an all too familiar occurrence for those living on the margins of society. In Grande-Synthe, a large-scale eviction took place in September 2018, with reports of persons being placed on buses for hours without access to food or water, only to be dropped back near to their former site. The old living space had however been cordoned off, all tents and sleeping bags had been removed. Thus, families with young children were forced to spend a night out in a park in Grande-Synthe, with little shelter from the pouring rain.<sup>19</sup>



Photo credit: Adrian Abbott

<sup>14</sup>. Refugee Youth Service April 2018 Newsletter

<sup>15</sup>. Interview with Elizabeth Panetta on 14/05/2019

<sup>16</sup>. Refugee Rights Europe (2017) Twelve Months On: Filling information gaps relating to refugees and displaced people in Northern France a year on from the demolition of the Calais camp.

<sup>17</sup>. Witness testimony, 23<sup>rd</sup> March 2019

<sup>18</sup>. Human Rights Observers Project (2019) Forced Evictions in Calais and Grande-Synthe

<sup>19</sup>. *ibid.*



## INADEQUATE ACCESS TO SAFEGUARDING AND LACK OF LEGAL ROUTES

### ALTERNATIVE LIVING ARRANGEMENTS FOR UNACCOMPANIED MINORS IN CALAIS AND DUNKIRK EXIST ONLY IN THE FORM OF THE “CENTRE D’ACCUEIL ET D’ORIENTATION POUR MINEURS ISOLÉS ÉTRANGERS (CAOMIE)”, A RECEPTION AND ORIENTATION CENTRE FOR UNACCOMPANIED MINORS IN ST OMER NEAR CALAIS.

At this accommodation centre, unaccompanied minors in France who have family in the UK should technically be processed under the Dublin Regulation, whilst

cases under the so-called ‘Dubs amendment’ were dealt with whilst the scheme was still open to new cases in Northern France. It is also a place where minors who want to claim asylum in France can have their cases processed.<sup>20</sup>

However, minors who have stayed there report a bleak experience. Elizabeth Panetta, the aforementioned social worker with RYS stated that many minors return from St Omer back to the informal camps – as the centre is extremely isolated, they don’t have access to education there and thus are under-stimulated, and the long waiting times for their cases to be progressed encourage them to take their chances with smugglers instead.

**FURTHERMORE, SHE EXPLAINED THAT MINORS WHO WERE 15-17 YEARS OLD REPORTED BEING TREATED POORLY BY TRANSLATION STAFF, ASKED QUESTIONS SUCH AS ‘WHY WOULD YOU LIE TO ME ABOUT YOUR AGE, WHY WOULD YOU LIE TO ME ABOUT YOUR JOURNEY’<sup>21</sup>.**

This ‘culture of disbelief’ is extremely discouraging for minors who are trying to start new lives, and leads to mistrust amongst them and translators. She stated that she was unsure about the ratio of social workers to minors in the facilities and that there was no available information on whether they were ‘trauma informed’ or ‘culturally conscious’, two crucial skills in order to provide adequate support to minors living in these facilities<sup>22</sup>.

Elizabeth said that in her experience the long waiting times for transfer to the UK was discouraging for others arriving at the centre who were “seeing kids who have been there for six months who have family in the UK, still waiting for their process to go through, the other kids think ‘what’s the point? Why would you go into this system and wait when you can try to get to the UK quicker?’”<sup>23</sup> These comments are echoed in Refugee Rights Europe’s report from April 2017, where minors reported that nothing was done by



Photo credit: Andreas Beissel

<sup>20</sup>. Interview with Elizabeth Panetta on 14/05/2019

<sup>21</sup>. Interview with Elizabeth Panetta on 14/05/2019

<sup>22</sup>. Ibid.

<sup>23</sup>. Ibid.





Photo credit: Andreas Beissel

the French authorities in St Omer to progress their cases, so they decided to leave and take matters into their own hands. One child explained:

*"They didn't do anything for us, they didn't tell us anything. I spent four months [in the accommodation centre] and I didn't see any hope."*<sup>24</sup>

Indeed, the Dubs scheme in particular has been beset by a number of problems, including delays and insufficient funding for Local Authorities to care for Dubs children<sup>25</sup>. Spaces on the scheme are also extremely limited, only 480 spaces were made available, despite initial figures being 3,000 when the scheme was discussed in Parliament.<sup>26</sup> When giving oral evidence to the Home Affairs Committee in January 2019 regarding English Channel crossings, a representative for the organisation Help Refugees highlighted that there are currently 30 children in the reception and orientation centre in St Omer who have passed the Dubs criteria for transfer. Yet all these children are still waiting to be relocated to the UK.<sup>27</sup> One minor, who was eligible and had passed all the criteria for family reunification, had been waiting in the centre for over a year. In the centre, there is no access to education or psychosocial support and squalid conditions have been reported<sup>28</sup>.

Long waiting times can in itself push minors into situations with an increased likelihood of exploitation. Help Refugees reported that one child, who having seen friends wait over seven months within the child protection system, had decided that he had a better chance of getting to the UK by

lorry. Therefore, at the age of 12, he was living amongst adults in a makeshift tent and extremely vulnerable to exploitation.<sup>29</sup>



Photo credit: Adrian Abbott

<sup>24</sup> Refugee Rights Europe (2017) Six Months on: filling information gaps relating to children and young adults in Northern France following the demolition of the Calais camp

<sup>25</sup> <https://www.independent.co.uk/news/uk/home-news/child-refugees-asylum-seekers-minors-local-authority-council-lip-service-home-office-a8789051.html>

<sup>26</sup> <https://www.theguardian.com/world/2017/oct/23/children-needing-asylum-in-uk-not-being-helped-by-dubs-scheme>

<sup>27</sup> Home Affairs Committee (2019) 'Oral Evidence: English Channel migrant crossings HC 1900'. 22<sup>nd</sup> January (online)

<sup>28</sup> Interview with Elizabeth Panetta on 14/05/19

<sup>29</sup> Home Affairs Committee (2019) 'Oral Evidence: English Channel migrant crossings HC 1900'. 22<sup>nd</sup> January (online)



## CONTINUED FORCED EVICTIONS

**THOSE LIVING IN CALAIS TYPICALLY FACE FORCED EVICTIONS EVERY TWO DAYS, WHILST IN GRANDE-SYNTHE THE EVICTIONS TAKE PLACE TWO TO THREE TIMES PER WEEK. ACCORDING TO A REPORT RELEASED IN JUNE 2019 BY THE HUMAN RIGHTS OBSERVERS, THERE HAD BEEN 803 FORCED EVICTIONS IN THE PREVIOUS 10 MONTHS.<sup>30</sup>**

In August 2018, the local authorities of the sous-prefecture released an official statement which confirmed that displaced persons would be allowed to keep their belongings, however this would entail them pulling their tents across the perimeter line and also being present during the eviction. Typically, when evictions commence, a 'Perimeter' is set up by the authorities present, usually just over ten meters outside of the living spaces. Displaced persons are forced to drag their belongings behind the perimeter line as the eviction takes place, only to drag them back to their living spaces once the eviction has finished. Prior to this statement by the sous-



Photo credit: Andreas Beissel

prefecture, the Human Rights Observers team witnessed a surge in evictions, happening every 48 hours at each living space. French border police have become a common presence at evictions, where they often conduct identity checks and arrests. Minors have been arrested during evictions, even though by law they should not be arrested, and instead should be offered state protection<sup>31</sup>.

**NEEDLESS TO SAY, SUCH REPEATED FORCED EVICTIONS COUPLED WITH A LACK OF PROTECTION PROCEDURES AND VIABLE ALTERNATIVES LEAD TO GRAVE CHILD SAFEGUARDING FAILURES AND RIGHTS VIOLATIONS.**

In 2019, a landmark case was won against the French State in the European Court of Human Rights, known as 'Khan vs France'. Khan was an Afghan minor who was living in the Calais 'Jungle' camp, and was the subject of extreme neglect on behalf of the French state during and prior to the camps dismantlement. The Court ruled that France had failed to uphold its obligations to protect the child<sup>32</sup>. Despite this victory, unaccompanied minors in Northern France are facing the same lack of safeguarding and protection that Khan faced. In March 2019, a permanent eviction took place at the largest living space in Calais, known amongst aid groups and displaced people as 'RDV'. Prior to the eviction, the author spoke to RYS who stated that there had been no French state child



Photo credit: Andreas Beissel

<sup>30</sup>. Human Rights Observers Project (2019) Forced Evictions in Calais and Grande-Synthe

<sup>31</sup>. Ibid.

<sup>32</sup>. ECtHR- Khan vs France (no 12267/16) 28<sup>th</sup> February 2019





Photo credit: Human Rights Observers

protection services onsite to offer guidance or make provisions for unaccompanied children<sup>33</sup>. As a result, minors had ended up on buses with adults and were taken to adult accommodation centres.

A member of the Human Rights Observers team told the author that on May 14<sup>th</sup> 2019, four vulnerable unaccompanied minors, aged 10, 14, 16 and 17 years old were living at one of the camps in Calais. She described the morning the police came and teargassed one of their tents, slashing the other one with a knife. The 16-year-old was arrested and the other three were left in the camp, their only form of shelter destroyed, with no alternative offered. Further, the same informant discussed the negligence on behalf of the police officers towards these vulnerable children when they destroyed their living space, commenting that: "It is clear that there is so much negligence to minors by the police who come and destroy their belongings every morning. That [constitutes], at the very base-level, police violence and negligence by the state"<sup>34</sup>. It is evident that the simultaneous destroying of living spaces whilst offering no alternative form of shelter is an undeniable failure to protect these unaccompanied children. Further examples of police violence taking place during evictions is reported by the Human

Rights Observers team in their detailed report entitled 'Police Violence in Calais', which documents abuses of power by law enforcement officials from November 2017 to November 2018. The following excerpt from the report illustrates the critical nature of the situation in the area:

*"In one of the four tents at this location, the occupants did not exit the tent initially. The clearance teams, dressed entirely in white suits, used a knife to cut the tents while there were individuals still sleeping inside. This clearly posed a threat to the sleeping individuals, but also rendered the tents unusable. They then confiscated the four destroyed tents, before the PAF officers arrested two of the interviewee's friends." Description of a testimony taken from a 15-year-old minor from Afghanistan, Route de Saint Omer, 3<sup>rd</sup> January 2018.<sup>35</sup>*

**IN ADDITION, ANOTHER REPORT BY THE HUMAN RIGHTS OBSERVERS FOUND THAT ON THE 24<sup>TH</sup> APRIL AND 10<sup>TH</sup> MAY 2019 THE JERRY CANS USED TO PROVIDE WATER TO COMMUNITIES IN GRANDE-SYNTHÉ AREA WERE SLASHED DURING AN EVICTION<sup>36</sup>.**

This is deeply alarming – all individuals are entitled to safe and clean drinking water under international human rights law.<sup>37</sup> Another informant, Caia, who is the founder of Project Play, reported the inhumane living conditions facing families in Grande-Synthe living in a temporary accommodation known as the 'gym'. Caia described the living spaces as 'metal pens', with poor access to showering facilities and no hot water.<sup>38</sup> A survey conducted by La Cimade, DROP solidarité, RYS and Médecins du Monde in March 2019 on conditions inside the gym found that 72% of respondents did not have access to a shower whilst a further 87% did not have access to toilet facilities.<sup>39</sup> During one trip to the 'gym', Caia came across a heavily pregnant woman living outside with her two-year-old child.<sup>40</sup>

<sup>33</sup>. Refugee Youth Service

<sup>34</sup>. Interview with Jenni Whitaker on 19/05/2019

<sup>35</sup>. Human Rights Observers (2018) Police Violence in Calais; Abusive and illegal practices by Law enforcement officers

<sup>36</sup>. Human Rights Observers Project (2019) Forced Evictions in Calais and Grande-Synthe

<sup>37</sup>. <https://www.unwater.org/water-facts/human-rights/>

<sup>38</sup>. Interview with Caia Fallowfield on 19/05/2019

<sup>39</sup>. Human Rights Observers Project (2019) Forced Evictions in Calais and Grande-Synthe

<sup>40</sup>. Interview with Caia Fallowfield on 19/05/2019



## ALARMING EXPERIENCES OF CHILDHOOD TRAUMA

### FOR YOUNG CHILDREN THERE IS INADEQUATE SAFE SPACES FOR CHILDREN TO ENGAGE IN PLAY.

Caia, the aforementioned founder of Project Play, has seen extremely worrying cases of imaginative play, which highlights the trauma these young children have experienced

on their journey to Europe and in France. In one particular example, children performed a story of three women who were attempting to get to the UK. During the play the three women met with a smuggler in a park, where they were put on a lorry. They were subsequently found by a police officer, and a border control officer who had a dog. The play ended with the women running away from the dog. Caia described the difficulty listening to how proud the children were of the parts they played, especially the boy who gleamed with joy when announcing he'd played the police dog. It

is clear that for these children their imaginative play is reflective of the environment they are in and a symptom of the trauma they have already experienced at such a young age. Caia reflected on her time working with Refugee Community Kitchen, where young children would take the gloves and conduct pat downs on each other. In another example, Caia describes two young boys from the same family, who only draw pictures of boats and lorries.<sup>41</sup>



Photo credit: Andreas Beissel

<sup>41</sup> Interview with Caia Fallowfield on 19/05/2019







## POLICE VIOLENCE, HARASSMENT AND INTIMIDATION

**AS ALREADY HIGHLIGHTED IN PREVIOUS SECTIONS IN THIS REPORT, UNACCOMPANIED MINORS LIVING IN CALAIS AND DUNKIRK FACE DAILY POLICE HARASSMENT, INTIMIDATION AND SOMETIMES VIOLENCE. ACCORDING TO FIRST-HAND REPORTS FROM THE GROUND, POLICE VIOLENCE COMMONLY OCCURS DURING FORCED EVICTIONS, WITH REPORTS OF TEAR GAS AND BELONGINGS BEING DESTROYED. REFUGEE RIGHTS EUROPE (2017)<sup>42</sup>, HUMAN RIGHTS WATCH (2017)<sup>43</sup>, HUMAN RIGHTS OBSERVERS (2019)<sup>44</sup>, REFUGEE INFO BUS (2018)<sup>45</sup> AND MANY MORE ORGANISATIONS HAVE RELEASED REPORTS DOCUMENTING THE HIGH LEVELS OF POLICE VIOLENCE FACING DISPLACED PERSONS IN NORTHERN FRANCE.**

During the author's time in Calais, an individual from the Kurdish community had been found in the back of a truck by the police. He was on crutches, yet the officers sprayed him, causing burns to his lower face and neck. At the end of October 2018, the author spoke with a group of Kurdish males, including a 15-year old minor, who had experienced violence and harassment by the police during the previous night. They were visibly shaken up by the incident, during which the minor's shoes had been confiscated as he was also hit with a baton, and sprayed with a chemical agent. One of the men in the group commented on how the minor was "only a baby"<sup>46</sup>.

In a report by Refugee Rights Europe from April 2017, an Eritrean teenage boy explained how he used to have a paper that proved that he was under 18 but the police ripped it and detained him for more than 12 hours without letting him go to the bathroom. After that, he was allegedly beaten by the

police, before being released with an injured knee.

**75.3% OF CHILDREN HAD BEEN ARRESTED OR DETAINED IN THE AREA. THE TEARING OF PAPERS HAD BEEN REPORTED MULTIPLE TIMES TO VOLUNTEERS<sup>47</sup>.**

At the end of October 2018, the author spoke with a group of Kurdish males in Puythouck, Grande-Synthe who had experienced police harassment. As requested by the police, one of the men had handed over his papers to the police, who had subsequently ripped his papers up in front of him.<sup>48</sup> Displaced



Photo credit: Adrian Abbott

<sup>42</sup> Refugee Rights Europe (2017) Twelve Months on; filling information gaps relating to refugees and displaced people in Northern France a year on from the demolition of the Calais camp.

<sup>43</sup> Human Rights Watch ( 26 July 2017) 'Like Living in Hell' Police Abuses against Child and Adult Migrants in Calais.

<sup>44</sup> Human Rights Observers Project (2019) Forced Evictions in Calais and Grande-Synthe

<sup>45</sup> Human Rights Observers (2018) Police Violence in Calais; Abusive and illegal practices by Law enforcement officers

<sup>46</sup> Testimony 25.10.18

<sup>47</sup> Refugee Rights Europe (2017) Six Months on; filling information gaps relating to children and young adults in Northern France following the demolition of the Calais camp

<sup>48</sup> Testimony 26.10.18



persons without papers are reportedly often targets of unjustified arrests and detaining, thus ripping up someone's papers could put them at risk of being arrested. During mass evictions in Grande-Synthe, displaced persons reported being told they were going to hotels but instead were brought by bus to detention centres. On certain occasions, numbers were written on the back of their necks, or bracelets were placed on their hands with names and numbers written on them<sup>49</sup>. At the end of October 2018, the author spoke with an individual who had been detained in this manner, who recounted:

*"Yes, a number just like an animal you know, just like animal. All of the countries all over the world, they put this just on the animal's hand, why they put this?"<sup>50</sup>*

Chemical agents, such as tear gas and pepper spray, are a common method used by police forces towards displaced communities. One community living in Calais reported daily spraying, often when they were walking, often by a police van on the main road. In Grande-Synthe, food, fires and belongings were continually tear gassed during the early hours of the morning.

**THE REPORTED TEAR GASSING OF FOOD IS PARTICULARLY ALARMING AS THERE IS CURRENTLY NO STATE PROVISION OF FOOD IN GRANDE-SYNTHE, MEANING THAT MANY INDIVIDUALS ARE LEFT WITH LITTLE TO NOTHING TO EAT.**

Jenni Whitaker, the co-ordinator of Human Rights Observers, described an incident that took place in May in a camp in Grande-Synthe. It was the beginning of iftar, the breaking of the fast during Ramadan, when police entered the camp and released a large amount of tear gas.<sup>51</sup> During a previous distribution in the carpark in Puythouck in Grande-Synthe, whilst aid organisations were distributing food and clothing, the CRS entered the car park in multiple vans and began tear gassing. They also entered the small carpark, where it was known that women and children's activities took place.

**AID WORKERS ON THE GROUND AT THE TIME REPORTED SEEING DISTRESSED MOTHERS RUNNING TOWARDS THEIR CHILDREN, WHILST OTHER SMALL CHILDREN FROZE WITH A HAZE OF TEAR GAS SURROUNDING THEM.<sup>52</sup>**

Police violence appears to have a direct impact on the health of displaced persons in Northern France. In a Refugee Rights Europe research report from October 2017, 52% of the 233 respondents reported having experienced health problems in France. 55.9% of them believed that their health concern was a result of the unhealthy living environment, while 36.4% said it had been brought on by tear gas or other forms of police violence. One 16-year-old boy from Afghanistan explained that the police had broken his leg which also led to sustained back problems. The sustained use of tear gas and pepper spray undoubtedly risks contributing to additional health problems for displaced people in the area. Several respondents demonstrated skin conditions, including rashes, burns and peeling<sup>53</sup>.



Photo credit: Human Rights Observers

<sup>49</sup>. Human Rights Observers Project (2019) Forced Evictions in Calais and Grande-Synthe

<sup>50</sup>. Testimony 28.10.18

<sup>51</sup>. Interview with Jenni Whitaker on 19.05.19

<sup>52</sup>. Interview with Caia Fallowfield on 19.05.19

<sup>53</sup>. Refugee Rights Europe (2017) Twelve Months on; filling information gaps relating to refugees and displaced people in Northern France a year on from the demolition of the Calais camp.



## VIOLENCE BY CIVILIANS

**CHILDREN IN THE AREA ARE MOREOVER AT CONSTANT RISK OF VIOLENCE BY OTHER ACTORS, INCLUDING CIVILIANS. IN A STUDY CARRIED OUT BY REFUGEE RIGHTS EUROPE IN OCTOBER 2017, 41.4% OF MINORS REPORTED THAT THEY HAD EXPERIENCED CITIZEN VIOLENCE, WHICH INCLUDED BOTH VERBAL AND PHYSICAL ABUSE.**

A 17-year-old Eritrean said he had been abducted by a gang of what he called “racists”, who had taken him in a van and driven for about an hour, then beat him up and left him there. A 12-year-old Afghan boy added,

*“they don’t react to us like we are human beings. People come on motorcycles to where we are sleeping and shout bad things”.*

93.6% reported experiencing some form of police violence. Shockingly, 86.36% of minors had been tear gassed, 59.09% had experienced physical abuse and 25% had been verbally abused<sup>54</sup>.

**THERE ARE MOREOVER FURTHER UNCONFIRMED REPORTS OF SEXUAL EXPLOITATION AND HARASSMENT OCCURRING AGAINST MINORS IN NORTHERN FRANCE, BY CIVILIANS, OFFICIALS AND DISPLACED INDIVIDUALS ALIKE.<sup>55</sup> ALARMINGLY, UNKNOWN CARS HAVE BEEN KNOWN TO PULL UP TO AREAS IN WHICH MINORS ARE SLEEPING, OFFERING ITEMS IN RETURN FOR SEXUAL FAVOURS. IT IS CLEAR THAT WITHOUT ADEQUATE AND SAFE SHELTER, CARE AND SUPPORT THESE VULNERABLE CHILDREN ARE AT AN INCREASED RISK OF SEXUAL EXPLOITATION.**

The lack of information available to unaccompanied children in the area means that many do not have access to information about their rights, and are therefore unable to challenge acts of violence or harassment perpetrated against them. The author witnessed a reluctance to come forward with information about violence or harassment, for fear of further repercussions.



Photo credit: Andreas Beissel

## DEATHS AMONG MINORS AT THE BORDER

In addition to the range of safeguarding failures and rights violations outlined throughout this report, there is also the tragic reality of deaths of children occurring at the French and Belgian borders every year. The following reports of deaths of unaccompanied minors have been recorded, but are unlikely to constitute an exhaustive list due to the likelihood of deaths within this context going unreported:<sup>56</sup>

- **28<sup>TH</sup> MARCH 2018:** A 16-year old Eritrean boy succumbed to his injuries, five days after being hit on the highway near the Calais port.
- **21 DECEMBER 2017:** Abdullah, a 15-year old from Afghanistan, was killed after being hit by a car on the highway.
- **22 JULY 2017:** Omar – a 17-year old boy from Sudan – was crushed by a bus to which he was attached, in Brussels.
- **16 SEPTEMBER 2016:** A 14-year old boy was killed in a hit and run incident on the highway.
- **16<sup>TH</sup> OCTOBER 2015:** A 16-year old from Afghanistan was killed by a train in the Eurotunnel.
- **30<sup>TH</sup> JANUARY 2014:** A 17-year old boy from Iran was killed by a lorry whilst trying to cross the UK border.

54. Refugee Rights Europe (2017) Twelve Months on; filling information gaps relating to refugees and displaced people in Northern France a year on from the demolition of the Calais camp.

55. Refugee Rights Europe relays the voices of displaced people in Europe, reporting what respondents tell us, our partner organisations and affiliated researchers. Meanwhile, we have not been able to verify these claims through official sources.

56. Calais Migrant Solidarity (2019) ‘Deaths at the Calais border’.



# PROSPECTS FOR CHANGE: UPHOLDING INTERNATIONAL HUMAN RIGHTS OBLIGATIONS IN RELATION TO CHILDREN IN NORTHERN FRANCE

## THIS REPORT HAS OUTLINED AN ALARMING ARRAY OF CHILD SAFEGUARDING FAILURES AND RIGHTS VIOLATIONS FACING UNACCOMPANIED MINORS IN THE FRANCO-BRITISH BORDER ZONE IN NORTHERN FRANCE.

The first-hand accounts from the ground in Calais and Dunkirk, outlined in this report, highlight a case of extreme neglect and failure to uphold a duty of care towards unaccompanied

minors circulating in the area. Due to the repeated evictions, demolitions and harassment performed by official state actors, mainly the CRS police deployed to the area, there appears to have been a complete break-down of trust between minors and authorities, preventing most minors from accessing help through the child protection system. The outcomes of this can be disastrous, as the majority of applications for legal entry and family reunification procedures are all carried out by child protection services<sup>57</sup>. The same police violence, harassment and intimidation contribute to a further degradation of minors' physical and mental well-being; many of whom have already gone through potentially traumatising experiences throughout their journeys and in their countries of origin.

This is coupled with entirely unsuitable living conditions, whilst living in such close proximity to unknown adult males poses further risks, including the risk of exploitation and trafficking.

This detrimental situation for minors has been unfolding in Northern France for decades, and it is now high time for meaningful and sustainable change to take place. The following recommendations outline constructive measures which the French and British state actors ought to take, in order to rectify the grave child safeguarding failures and rights violations unfolding on the ground:



Photo credit: Andreas Beissel

57. L'Auberge des migrants (2018) Report of forced evictions in Calais; Confiscations and Destructions of Displaced people shelter



## THE UK GOVERNMENT

### EXPAND SAFE AND LEGAL ROUTES:

- In the immediate term, the Home Office must allocate the remaining places under the Dubs amendment for unaccompanied minors by October 2019.
- The Home Office moreover ought to allocate funding from existing or new agreements to provide further support, in the form of specialist Home Office caseworkers, to the French asylum office in Northern France to ensure the identification of and speedy transfer of displaced children under existing or new family reunification processes.
- The UK government ought to urgently commit to resettle children in Europe as part of any new or existing resettlement agreements.<sup>58</sup>

### FUNDING FOR HUMANITARIAN PURPOSES:

- The UK government ought to ringfence a proportion of existing funding for border security for humanitarian purposes, in particular towards new safeguarding and protection mechanisms for unaccompanied minors in Northern France, including the provision of adequate shelter, with the presence of social workers and specialist support staff.





## THE FRENCH GOVERNMENT

### ENDING POLICE VIOLENCE:

- The General Director of the National Police (DGPN) must ensure that the objective of providing 25 days' training for CRS per year is met,<sup>59</sup> ensures that such training is regularly reviewed, and includes international human rights obligations, including safeguarding and protection mechanisms for vulnerable displaced people, including children and women at risk of trafficking and complex trauma awareness; the use of force by officers in line with national legislation with an emphasis on adopting a non-violent approach; and discouraging the practice of racial profiling and a review of non-discriminatory practice.

### PROVISION OF SAFE ACCOMMODATION AND SAFEGUARDING:

- The French Ministry of the Interior, through the local Prefecture, ought to provide adequate accommodation to unaccompanied minors in Northern France, regardless of immigration status, with adequate social workers, translators and specialist support staff<sup>60</sup>.
- Accommodation must be provided to unaccompanied minors whilst age assessments are ongoing, as well as during the appeal process.
- Safeguarding and protection mechanisms must be put in place for unaccompanied minors in Northern France, including the provision of adequate shelter, with the presence of social workers and specialist support staff.

### PROVISION OF ADEQUATE HEALTH CARE:

- The French government, through the Ministry of Health, must allocate additional funding to hospital and healthcare services in areas in Northern France in order to ensure access to physical and mental healthcare is available to all, regardless of immigration status.

### NON-OBSTRUCTION OF AID:

- Non-governmental aid groups operating on the ground must be authorised to operate freely to deliver their services, undisrupted by police interventions and intimidation tactics.

59. [https://www.lesechos.fr/09/02/2017/LesEchos/22380-017-ECH\\_securite---le-couteux-suremploi-des-crs.htm](https://www.lesechos.fr/09/02/2017/LesEchos/22380-017-ECH_securite---le-couteux-suremploi-des-crs.htm)

60. In order to ensure full compliance with the principle of the best interests of the child and of family unity and ensure that no children or families are left in destitution regardless of immigration status, in accordance with the Charter of Fundamental Rights of the European Union, the 1989 United Nations Convention on the Rights of the Child, the European Convention for the Protection of Human Rights and Fundamental Freedoms, and as reaffirmed in article nine of the 2013/22/EU Directive.



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## INTERVIEWS AND TESTIMONIES

- Interview with Caia Fallowfield on 19/05/2019
- Interview with Elizabeth Panetta on 14/05/2019
- Interview with Jenni Whitaker on 19/05/2019
- Witness testimony on 23/03/2019









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