

**SUBMISSION TO THE HUMAN RIGHTS COMMITTEE**

**WRITTEN INPUT FOR THE  
142ND SESSION OF THE HUMAN  
RIGHTS COMMITTEE**

**NO NAME KITCHEN**

**11/09/2024**



**FRANCE**

# **I. SUBMITTING ORGANISATION**

No Name Kitchen (NNK) is an independent organisation working to document and monitor border violence by police and state officials. Founded in 2017, NNK works closely with communities affected to document and report human rights violations, including pushbacks, collective expulsions, systemic neglect, and administrative and judicial misconduct.

# **II. EXECUTIVE SUMMARY**

The following report presents written information for the consideration of the Human Rights Committee during the examination of the State Party Report for France.

Evidence collected during border violence monitoring between April and August 2024 demonstrates persistent breaches of these legal protections enshrined in the International Covenant on Civil and Political Rights (ICCPR). Key violations perpetuated by France include arbitrary arrest and detention of people on the move in a manifestly disproportionate and discriminatory manner infringing Art. 9(1) ICCPR. Some individuals were being arrested despite moving lawfully, thus documented, within the state territory amounting to a violation of Art. 12 and 13 ICCPR.

The evidence collected also implies that French law enforcement failed to inform asylum seekers about their rights to challenge their detention and return. During expulsions, many people reported receiving inadequate communication about their rights and procedures, and in some cases these expulsions were accompanied by prejudiced readmission documents, which lacked proper information or included pre-marked responses. These practices are contrary to Articles 9(2) and 2(3) ICCPR.

Additionally, during this reporting period there is significant evidence collected of inhumane detention conditions, with some individuals being deprived of food, water, the possibility to go to the bathroom and being held in an overcrowded room. This is an infringement of Art. 10 ICCPR and due to the underlying principle of human dignity therefore also amounts to a violation of Art. 7 ICCPR (the prohibition of ill-treatment) and Art. 16 (the right to recognition as a person before the law).

The evidence also suggests that the conduct by the French law enforcement is intentional and not isolated - resulting in an administrative practice also contrary to the state's obligation to implement and adhere to the ICCPR, without discrimination, Art. 2(1), 2(2) and 26 ICCPR.

This report calls upon the Human Rights Committee to acknowledge these violations, ensure accountability, and provide adequate safeguards for people on the move. It requests specific answers from the French government regarding measures to prevent arbitrary detentions, guarantee fair legal processes, and improve conditions for detainees.

### **III. INTRODUCTION AND METHODOLOGY**

NNK began monitoring pushbacks, collective expulsions, and violations of the principle of non-refoulement in 2021, on the French-Italian border around Ventimiglia.

In Ventimiglia, NNK monitors border violence and violations of human rights law through continuous periods of border monitoring and ongoing monitoring several times a week. Between the hours of Wednesday 17th April, at 16:00, and Friday 19th April at 13:00 (45 hours in total), NNK engaged in a continuous border monitoring organised by CAFI/Anafé, together with 17 other civil society organisations. The observations from this monitoring have been synthesized with observations from NNK's ongoing border monitoring throughout July and August. During this ongoing reporting, teams of NNK field reporters note what they witness during these shifts, and also make reports of the testimonies which are told by people who have been returned by French authorities from France to Italy.

This report identifies the reported violations of the ICCPR which are repeated and prolonged, for the attention of the Human Rights Council and for the Council's consideration during the examination of the State Party Report for France.

### **IV. ARBITRARY ARREST AND DETENTION IN VIOLATION OF ART. 9 AND 2(3) ICCPR**

#### **A. EVIDENCE OF ARBITRARY ARREST AND DETENTION**

During the period of joint continuous observation (17th April to 19th 2024), and throughout July and August, NNK has documented cases revealing arbitrary arrests and detention of people on the move by French law enforcement at the French-Italian border resulting in a manifestly disproportionate and discriminatory practice contrary to Art. 9(1) ICCPR.

During this period, based on testimonies of 31 people returned to Italy, each individual was detained at the French-Italian border around Ventimiglia for a varying period at the PAF post and then returned to Italy. For example:

- On 17th April, a person taken to the PAF at 16:45 was returned to Italy at 17:30 p.m., 45 minutes after his arrival;
- Two people arrested on 18th April at 22:59 at Menton Garavan station were returned to Italy the next day at 10:20, after 11 hours of detention at the post;
- On 18th April, three people taken to the PAF at 12:23 were returned to Italy at 15:49, after more than 3 hours of detention at the post.

The manifestly disproportionate and discriminatory practice becomes even more evident in the two instances NNK documented during the July and August reporting period in which people with valid documentation were detained, on grounds seemingly amounting to racial profiling.

- On Tuesday 30th July, NNK encountered a man with Italian citizenship who lives in Bologna, returning to Italy from a vacation in Spain. Whilst his train was in Nice, he was removed from the train and detained at night by the PAF, despite having a valid Italian ID-card. He reported that the PAF's grounds for this detention were that his documents seemed 'suspicious' as the ID-card was in paper format.
- On Tuesday 30th July, NNK encountered a man who had an Italian residence permit (although he did not have it with him) and had been arrested in the train to Menton, France. He had spent the night in the French police station with 4 or 5 other people in the same room, and **was not given any food** – only tap water.
- On Saturday 3rd August, NNK encountered a woman who lives in France and had dual citizenship (French and Senegalese) and had been rejected from re-entering France after visiting family in Milan, because she left her ID-card at home. She was detained overnight.
- On Saturday 3rd August, NNK encountered a man from Tunisia who had a renewal certificate for his Italian residence permit, but the French police had informed him it was not a valid document to travel with and therefore he was detained overnight.

These cases demonstrate that people on the move are being arbitrarily arrested and detained by the PAF on the French-Italian border, as particularly shown by the cases of individuals detained despite possessing valid documentation, a clear violation of Art. 9(1) ICCPR. As a direct consequence of returning foreign citizens that are lawfully within the territory of a state constitutes a violation of Art. 12 ICCPR and, without a proper mechanism to challenge this decision a violation, of Art. 13 ICCPR.

## **B. EVIDENCE OF INADEQUATE COMMUNICATION REGARDING PROCEDURES AND RIGHTS**

During the last 6 months, through both continuous border shift monitoring periods and regular monitoring, NNK has collected testimonies which consistently identify **inadequate information communicated to asylum seekers about the procedures taken against them, and a lack of notification to them about their rights, a violation of Art. 9(2) ICCPR**. In some cases, these expulsions are accompanied by **prejudiced readmission documents** which undermine the right to an effective remedy, a violation of Art. 2(3) ICCPR.

During the April period of continuous monitoring, 31 people were returned from the *Police Aux Frontières* (PAF) post at Menton Pont Saint-Louis, France to Italy following the readmission procedure. The associations were able to meet with the people that had been returned to Italy, and collect their testimony:

- Wednesday 17th April from 16:00 (start of observations): three people were returned to Italy by French law enforcement (the last two at 18:34);
- Thursday, 18th April: 17 people were returned to Italy by French law enforcement (between 10:18 and 19:16) and one person was returned to Italy without being returned by law enforcement, at 20:20;
- Friday, 19th April until 13:00 (end of observations): 10 people were returned to Italy by French law enforcement (from 9:54).

The individuals concerned showed the documents received from the PAF: all were readmission orders following the Franco-Italian agreement of Chambéry. All the people met with reported the lack of information about the procedure taken against them and the lack of notification of their rights. NNK has corroborated this with further testimonies collected throughout July and August 2024:

- On Saturday 13th July, NNK encountered a group of 7 people walking towards Ventimiglia on the Italian side of the border. They informed NNK that some of them had been arrested the previous night, and had spent the night in the police station in France, whilst the others had been arrested that morning. **None of the people had a copy of the *Procès-Verbal* (Minutes) of their arrest**, and they only had copies of the French *Formulaire d'Observation* (Readmission Order).
- On Thursday 18th July, NNK encountered a group of 3 people, including one woman who was pregnant. After being held in the PAF post at Menton Pont Saint-Louis, they had been readmitted to Italy. **They had attempted to tell the PAF that they wanted to seek asylum in France, but informed NNK that the police “did not listen” and did not let them register their application.**
- On Tuesday 13th August, NNK encountered a man who had been detained the previous night in the PAF post at Menton Pont Saint-Louis. He informed NNK that the PAF only spoke to him in French, and he did not understand them. He informed NNK that they then provided him with an Arabic translator, but he was only permitted to provide personal information (such as his date of birth) to the translator and **was not permitted to ask about the reasons he was detained or about the readmission order he was being asked to sign.** He informed NNK that he told the PAF that the personal information on the form he was asked to sign were incorrect, namely his name and surname, but that they did not change it after being told. He informed NNK that he was not interviewed, and **was asked to not make any comments about his readmission to Italy.** He noted that the police did not tell him that he could call a lawyer, and that they took his fingerprints and did not give him the form. The form he was given to sign already had the option ‘I have no observations’ pre-ticked by a computer. He informed NNK that he was confused during the whole process.
- On Thursday 22nd August, NNK encountered 8 groups of people (in total, 10 men and 4 women) returned from the PAF post at Menton Pont Saint-Louis. One respondent, travelling alone, informed NNK that he had been detained for over 4 hours in the PAF post, during which he **did not receive any access to food.** He described that inside the PAF post **he was detained inside a single cell with 20 other men.** He explained that the police did not explain the documents he was receiving, nor his rights, nor the grounds for detention.

These violations are further highlighted by the PAF’s usage of prejudiced readmission documents: Throughout the border monitoring procedure, NNK has received concerning testimonies of documents which have been altered, falsified, or prejudiced with ‘printed-on’ marks (Figure 1), meaning that individuals’ cases are falsified and the documentation provided is frequently illegitimate.

- On Saturday 3rd August, NNK encountered a man who had tried to apply for asylum in France, but had been given a *Formulaire d'Observation* and returned to Italy by French Law enforcement. He informed NNK that **the police had signed the form on his behalf**, and showed the form (Figure 2) where no options were ticked regarding his personal information such as pronouns.

- There was no PAF signature, only a stamp. He informed NNK he had spent the night in detention before being returned to Italy.
- On Saturday 3rd August, NNK encountered a man in weak physical state (struggling to walk) who had spent the previous night in detention at the PAF post at Menton Pont Saint-Louis. His *Readmission Order* was signed by the PAF, but **was missing his name, surname, and country of origin** (Figure 3).
  - On Tuesday 20th August, NNK encountered a person who was returned to Italy by French authorities from the PAF post at Menton Pont Saint-Louis. He showed NNK the documents he had received: A French *Formulaire d'Observation* (Readmission Order) and an Italian *Invito a presentarsi in questura* (Invitation to Regularise). On page 3 of the *Formulaire d'Observation*, the option stating that the respondent had 'no observations' regarding his expulsion was **already printed onto the form at the time he received it**. He was additionally not given the opportunity to make observations.

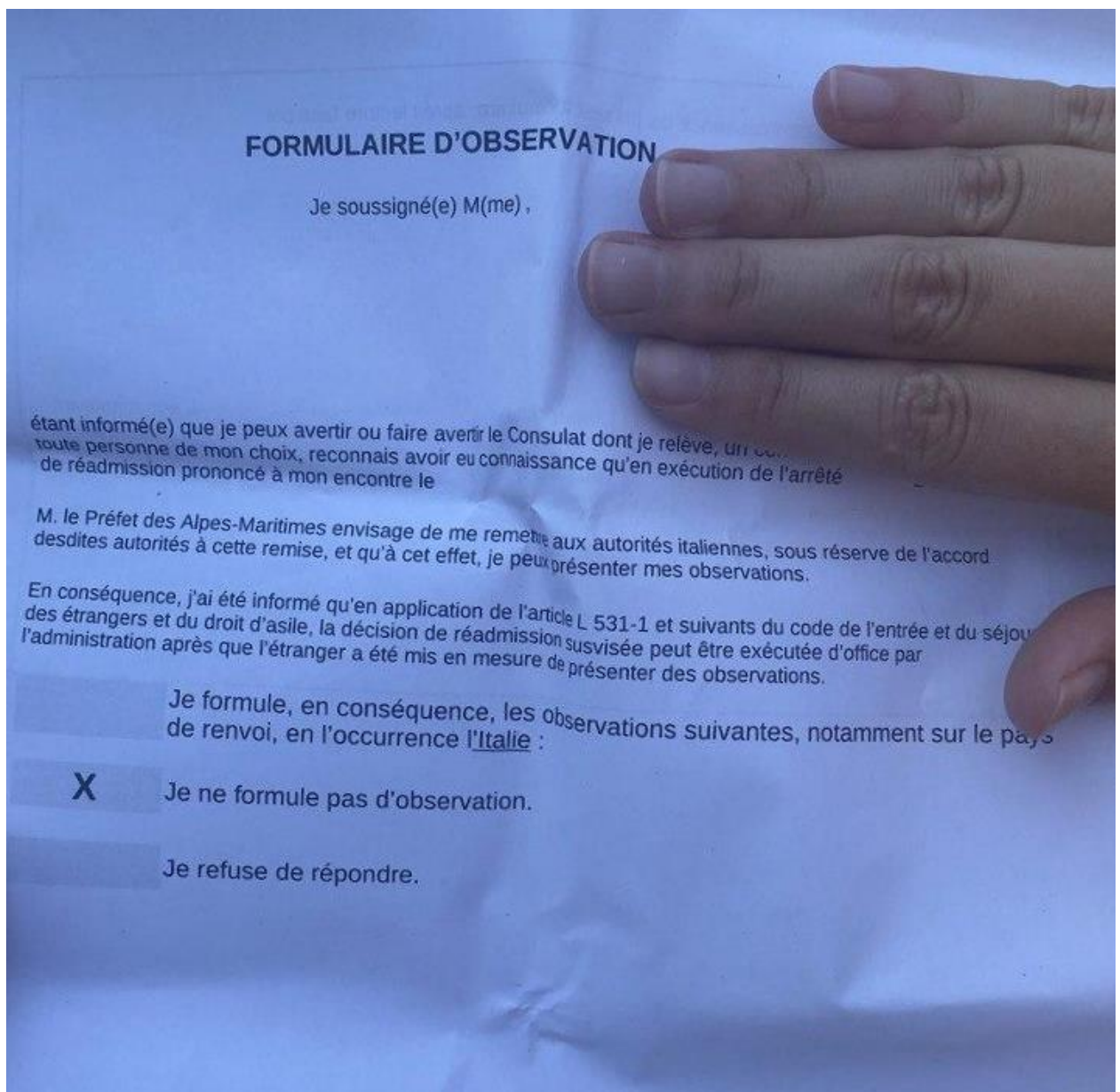


Figure 1: Documents given to NNK which show the practise of 'printing' the respondent's answer in advance

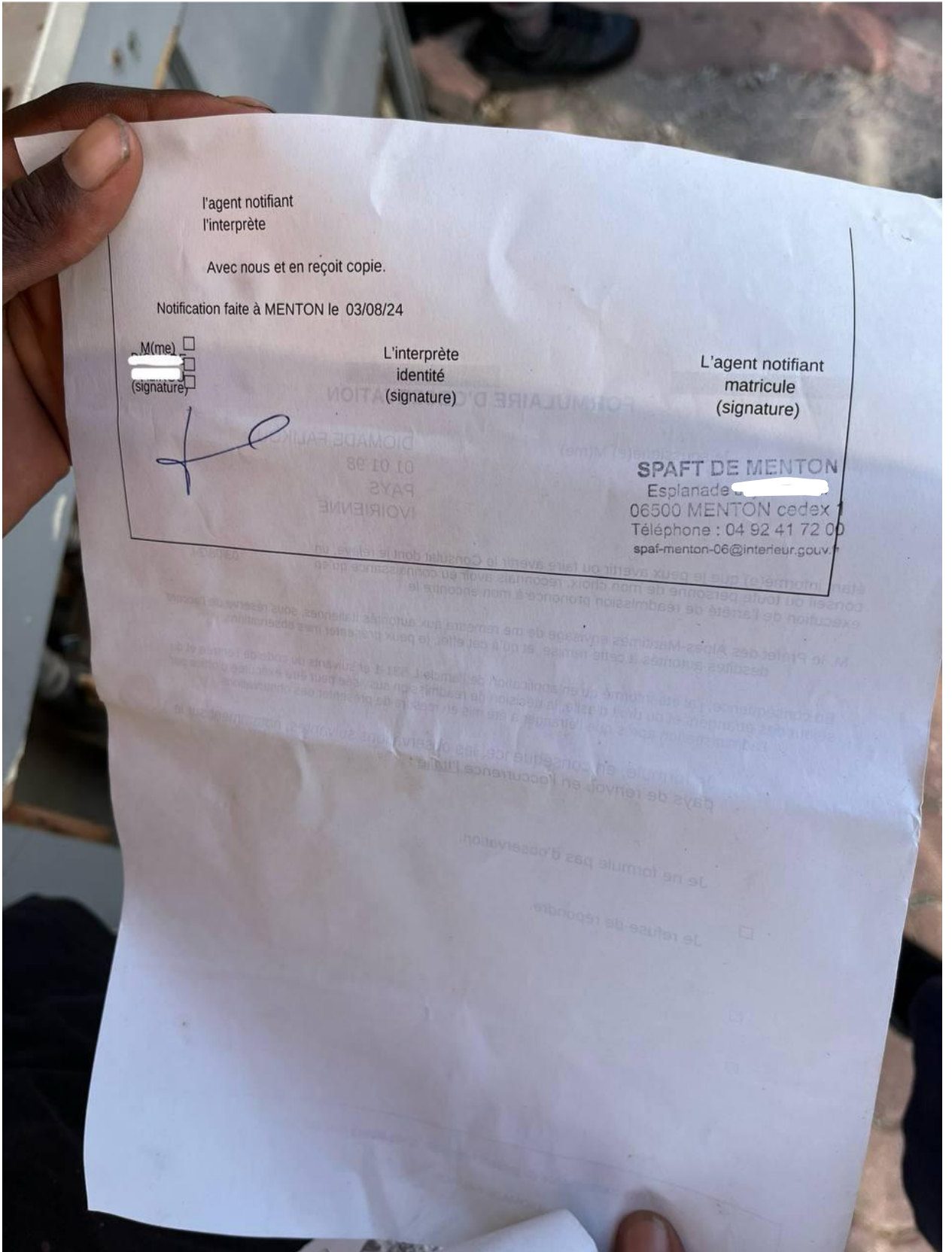


Figure 2: The Formulaire d'Observation given to the man NNK met on Saturday 3rd August, where he claims the police have signed the document on his behalf. No options are ticked, and there is no PAF signature, only a stamp

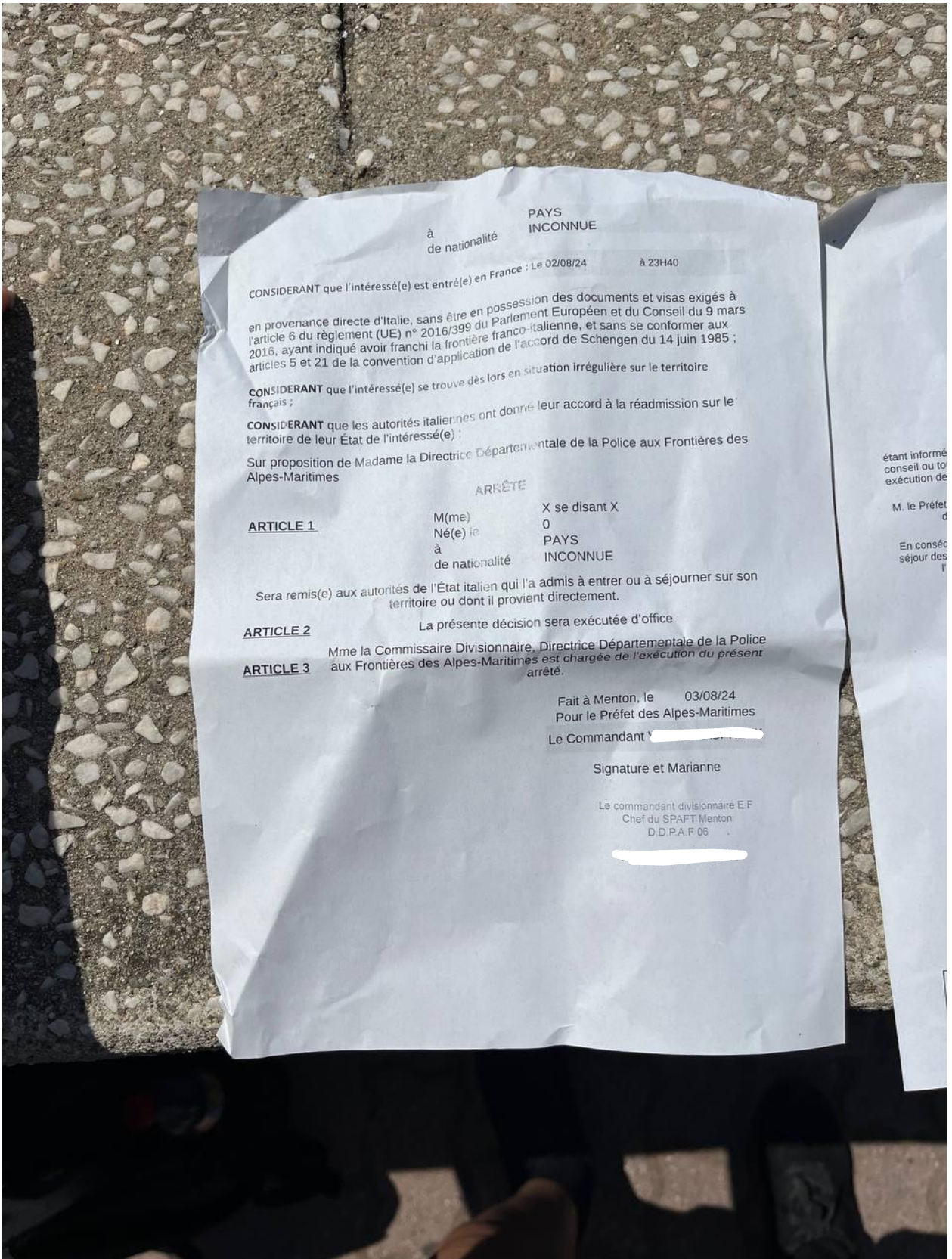


Figure 3: The Readmission Order given to a man NNK met on Saturday 3rd August, where his name, surname, and country of origin are missing

Since the *Conseil d'État* decision on 2nd February 2024, the PAF states that they use the “verification d’identité” regime during the day (for which people can be detained a



maximum of 4 hours<sup>1</sup>) and the “retenue pour verification du droit au séjour” regime during the night (for which people can be detained a maximum of 24 hours<sup>2</sup>). Despite these maximums, the reports collected by NNK reveal varying time periods which do not align with these guarantees, and the lack of accompanying minutes provided to individuals means there is little oversight regarding under which regime they are placed (thus for how long they may be detained) and whether the public prosecutor has been informed.

The evidence collected suggests that the 32 individuals returned to Italy by French authorities during the continuous period of border monitoring in April 2024 were not informed of their rights, nor the legal grounds for their detention, nor the procedures applied against them, and were denied the opportunity to be assisted by a translator. The testimonies collected by NNK in July and August 2024 suggest that this was not an isolated incident: The failure to inform the individuals of their rights and the procedures applied against them renders the documented expulsions unlawful. Without adequate communication, people expelled from France to Italy are neither able to understand the basis for their expulsion, nor contest it, leading to their removal in a way which is contrary to Article 9(2) ICCPR. This discriminatory practice also infringes the state’s obligation enshrined in Art. 2(3) ICCPR, which constitutes that any person whose rights or freedoms set out in the ICCPR are violated shall have an effective remedy, including when the violation is committed by persons acting in an official capacity.

Furthermore, these testimonies provide compelling evidence of document falsification in order to intentionally circumvent the safeguards set out in Art. 2(3) and 9(2) ICCPR, such as pre-printed ticks in the ‘no-observations’ and the lack of opportunity to make genuine observation, and the potential falsification of respondents’ signatures. In the above testimonies, it undermines the respondents’ capacity to present a defence and therefore contest the expulsion. The prejudicing of documents with pre-printed ticks and other misconduct (such as the potential falsification of signatures) strips individuals of their right to a genuine review of their expulsion and denies the opportunity to defend themselves. The practise effectively presumes that the respondent has no objections or defences to offer.

## **V. INHUMANE DETENTION CONDITIONS IN VIOLATION OF ART. 10 ICCPR IN CONNECTION WITH ART. 7 AND 16 ICCPR**

While in detention at the PAF post, the detainees were not provided with basic necessities, such as food, water, the opportunity to use the toilet, or the opportunity to contest their detention or its condition. This is a clear violation of Art. 10 ICCPR,

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<sup>1</sup> Service-public.fr, 28 August 2024, available at <https://www.service-public.fr/particuliers/vosdroits/F31136#:~:text=La%20retenue%20pour%20v%C3%A9rification%20du%20droit%20au%20s%C3%A9jour%20est%20une,contr%C3%B4le%20de%20titre%20de%20s%C3%A9jour>

<sup>2</sup> Service-public.fr, 28 August 2024, available at <https://www.service-public.fr/particuliers/vosdroits/F31136#:~:text=La%20retenue%20pour%20v%C3%A9rification%20du%20droit%20au%20s%C3%A9jour%20est%20une,contr%C3%B4le%20de%20titre%20de%20s%C3%A9jour>

which also has to be adhered to when non-nationals are detained as part of an expulsion procedure.

Throughout July and August 2024, NNK has further monitored the detention conditions in the PAF post:

- On Monday 29th July, NNK encountered a man who had been detained overnight before being returned to Italy by French authorities from the PAF post at Menton Pont Saint-Louis. He described that **he had been forced to wait half an hour to use the bathroom.**
- On Saturday 3rd August, NNK encountered 2 men who had spent the previous night in detention at the PAF post at Menton Pont Saint-Louis. They informed NNK that they **were not given any food or water** during the night of detention. They informed NNK that there was **over 10 people in the same cell.**
- On Tuesday 6th August, NNK encountered a man who had just been returned to Italy by French authorities after spending the night at the PAF post at Menton Pont Saint-Louis. He informed NNK that his **phone was confiscated, he had no access to food or water, and only access to the toilet after the entire night.**
- On Saturday 17th August, NNK encountered 5 groups of people (in total, 14 men) who were returned to Italy by French authorities from the PAF post at Menton Pont Saint-Louis. One of these groups, comprised of 3 men, was detained at the PAF post for **over 4 hours** before being returned.
- On Tuesday 13th August, NNK encountered a man who had been detained the previous night in the PAF post at Menton Pont Saint-Louis. He said he had slept in one cell, below the ground level of the building, with 4 other people. He informed NNK that it was **very hot, without air conditioning, and was not possible to open the windows.**
- On Tuesday 20th August, NNK encountered 4 groups of people (in total, 5 men) returned from the PAF post at Menton Pont Saint-Louis. Two of these men, both travelling alone, were (independently) detained in France. One respondent informed NNK that he **did not receive sufficient food and water during detention**, and was therefore left hungry and thirsty. A second respondent informed NNK that he was detained outside of the PAF post inside prefabricated buildings.
- On Thursday 22nd August, NNK encountered 8 groups of people (in total, 10 men and 4 women) returned from the PAF post at Menton Pont Saint-Louis by French law enforcement. One respondent, travelling alone, informed NNK that he had been detained for over 4 hours in the PAF post, during which he **did not receive any access to food.** He described that inside the PAF post **he was detained inside a single cell with 20 other men.** He explained that the police did not explain the documents that they gave to him, nor his rights, nor the grounds for detention.
- On Saturday 24th August, NNK encountered 5 groups of people (in total, 10 men) returned from the PAF post at Menton Pont Saint-Louis by French law enforcement. One group of 5 men described being detained for over 4 hours inside prefabricated buildings outside the PAF post. He reports he **did not receive any access to food, nor blankets to keep warm.**
- On Saturday 3rd August, NNK encountered a man who, due to physical weakness, had to be carried by two people after being readmitted to Italy via the Italian Police Station. NNK observed that the man could hardly walk and frequently fell to the floor. He was unable to speak and could not make eye contact. The Italian soldier then asked the NNK reporter if she could “give

assistance to the man”. Another soldier informed NNK that they would only call an ambulance for the man “if it gets worse”. The man was left lying on the ground for over 40 minutes until an ambulance called by NNK arrived. The ambulance driver informed NNK that the PAF “never call the ambulance” and that “they always treat people like this”.

The prefabricated buildings mentioned in these testimonies (see Figure 4) are of particular concern: these conditions were previously investigated by the *Conseil d'État* in 2021 who stipulated in their investigation that the prefabricated buildings are not equipped with any bedding, even basic bedding, and that there is a ‘situation of great discomfort’ which is ‘likely to undermine the dignity’ of those detained<sup>3</sup>. Despite various litigations against the practice of detaining people in these prefabricated buildings because of the inhumane and unlawful conditions (cf. a litigation by Anafé in 2021<sup>4</sup>), this practice appears to be continuing.

In addition to this, these testimonies demonstrate that the time detained varied greatly, ranging from 45 minutes to over 11 hours. The detention conditions – no access to basic necessities, such as food, water, toilet, and in an overcrowded room – are in violation of Art. 10 ICCPR. In addition, these conditions infringe the underlying principle of human dignity and therefore also amount to a violation of Art. 7 ICCPR (the prohibition of ill-treatment) and Art. 16 (the right to recognition as a person before the law).



Figure 4: Photo by Nice-Matin<sup>5</sup> showing the prefabricated buildings outside the PAF post at Menton Pont Saint-Louis.

<sup>3</sup> InfoMigrations, 2021, available at <https://www.infomigrants.net/fr/post/31802/paf-de-menton--le-conseil-detat-valide-les-prefabriques-abritant-des-migrants-a-la-frontiere-francoitalienne>

<sup>4</sup> Anafé, 2021, [http://www.anafe.org/IMG/pdf/lpl\\_-\\_note\\_d\\_analyse\\_-\\_vf.pdf](http://www.anafe.org/IMG/pdf/lpl_-_note_d_analyse_-_vf.pdf)

<sup>5</sup> Nice-Matin, 2023, available at <https://www.nicematin.com/immigration/apres-l-installation-des-prefabriques-a-la-frontiere-on-fait-le-point-sur-l-accueil-des-migrants-a-menton-877240>

## VI. CONCLUSION AND REQUEST FOR RESPONSE

The cases documented at the French-Italian border reveal discriminatory practices and violations of the ICCPR by French authorities – particularly violations of Articles 9 and 2(3) ICCPR as well as Articles 10, 7 and 16 ICCPR. The arbitrary detention and arrest of people on the move, the lack of adequate communication and mechanisms regarding legal procedures and detention, and the inhumane detention conditions imply a systematic failure to uphold the fundamental rights and safeguards enshrined in the ICCPR.

The testimonies by people on the move of the PAF's conduct indicate a pattern of intentional neglect and abuse which contravenes both national and international legal obligations. French law enforcement and hence the French state have the obligation to fully implement the ICCPR in its national law and act accordingly (Art. 2(2) ICCPR) without discrimination and treating people on the move as persons recognized by law (Art. 2(1), 26 ICCPR). The current situation is undermining the principles of justice and putting the lives and well-being of people involved at serious risk.

Considering the evidence of violations of civil and political rights, NNK requests the government of France to respond to the following questions:

- a. What mechanisms are in place for individuals to report violations of fundamental rights by the PAF, and how does the government ensure accountability for these violations?
- b. What mechanisms are in place to ensure that expulsions are legitimate and that correct paperwork is provided to those expelled at the French-Italian border?
- c. What actions will the government take to ensure the eradication of arbitrary detention on the French-Italian border?
- d. How does the government ensure that individuals detained or expelled at the French-Italian border are adequately informed of their rights and the possible legal processes, and how does the government reconcile this with the evidence of inadequate communication?
- e. What steps will be taken to ensure that detainees at the border have access to all basic necessities such as food and water, given the evidence that a significant number of detainees currently do not have access to this?