Special Rapporteur of Human rights - calls for inputs : externalization of migration and the impact on the human rights of migrants

I - Key French actors in respect of small boat crossings

A - Law enforcement

The key law enforcement bodies active in Northern France in respect of migrants are the Gendarmerie Nationale ("the Gendarmerie"), and the Police Nationale. The Gendarmerie are part of the French armed forces, while the Police are a civilian agency.

The Police are also joined by two of their sub-directorates: the Direction nationale de la Police aux frontiers ("PAF") (whose remit is the policing of the border), and the Compagnie republicaines de securite ("CRS") (whose remit is public order and riot control).

B - CROSS Gris-Nez

In France, the responsibility for conducting search and rescue ("SAR") operations where persons are in distress at sea, falls to the relevant Maritime Prefecture.

In the English Channel, this is the Maritime Prefecture for the Channel and the North Sea ("the Maritime Prefecture for the Channel"). CROSS Gris-Nez (the Regional Centre for Surveillance, Observation and Rescue at Gris-Nez) are the relevant operational centre which, on behalf of the Maritime Prefecture for the Channel, coordinates SAR operations in the English Channel. If a boat dials an emergency number in France, an operator connect them to CROSS Gris-Nez, who are then responsible for assessing the situation and deploying rescue assets. CROSS Gris-Nez also have legal authority over all vessels on the French side of the English Channel, and are able to require them to provide information,
to alter their course, or to provide assistance to boats in distress where necessary.

C - SNSM

The Societe Nationale de Sauvetage en Mer ("SNSM") are a volunteer lifeboat service who operate across France, and are comparable to the Royal National Lifeboat Institution in the UK. In Northern France the SNSM are stationed in Dunkirk, Calais, Bolougne-sur-Mer, and Berck. In previous years, SNSM at both Calais and Dunkirk were regularly called upon by CROSS Gris-Nez to intervene in situations of migrants in distress at sea. Since summer 2022, however, the SNSM Dunkirk have only been called upon a few times to assist the SAR efforts of the French authorities.

From my informal conversations with persons within SNSM Dunkirk, I understand that they see this as a reaction by the State to their public criticisms of the State's capacity to respond adequately to distress calls. SNSM's other teams – including those in Calais and Berck – continue to be called upon by CROSS Gris-Nez from time to time.

II - The State's response to failed crossing attempts

Attempts to cross the Channel may be unsuccessful if people are unable to board small boats on the beaches, for instance because of the intervention of the Police or the Gendarmerie. Attempts may also be unsuccessful if people are rescued in French waters and then returned to France, for instance because of a defective boat, or people falling overboard.
In Utopia 56's assessment, the State's response to people who have been returned to port, or who have failed to board vessels at all, is, in general, completely inadequate.

Law enforcement bodies are tasked to halt migrants' departure from the shores, and their training and resources equip them only with violent methods designed to respond to riots and crowd control to fulfil their mandate. They are not provided with the training or resources which are called for in the highly specific context of the Northern French coast, and in particular in dealing with vulnerable migrants in circumstances of physical and mental distress.

It is our firm view that the State's treatment of migrants who have failed in their crossing attempts, is a stark example of the hostility of the French state to migrants on its soil and of the way France and UK deal the externalisation of the border. In my view, this treatment serves only to re-traumatise vulnerable migrants, many of whom will already have experienced extreme State hostility in France. This in turn exacerbates their desperation to reach the UK as soon as possible, and will inevitably increase the level of risk which they are willing to take to achieve their goal.

France uses every mean to discourage people for staying in the area of Calais and Dunkirk :
daily camps eviction, destructions of personnel belongings, interception boats already at sea, cutting boats already at sea, tear gaz on the beach, chasing, jail for people who conduct the boat during a mortal incident, tackling traffic of smugglers.

III - Policing along the coast

Following the 24th November 2021 Shipwreck, the governments of France and the UK sought to finalise a new agreement to address migration from the UK to France.

On 14 November 2022, the UK Home Secretary and France's Minister of Interior signed a Joint Statement which laid out the three overarching objectives of the cooperation. These were:

- "…making the small boats route unviable by deploying…resources specifically dedicated to surveillance, detection, and interception of attempts to cross the border illegally";
- "dismantling organised crime…through…collection and use of intelligence from disembarked or intercepted migrants";
- "preventing and deterring illegal crossing attempts…".

The aim of the bilateral efforts of France and the UK is therefore to undermine efforts by smugglers to organise crossings, and intercept crossings before they take place. The joint strategy to achieve these outcomes included increasing the number of French officers to patrol the beaches by 40% in the five months following the agreement, and increasing efforts to target the transport of goods used to facilitate crossings.

In March of 2023 in particular, the UK agreed to provide £476 million pounds of funding to France over the three years, with the aim of "[increasing] the interception rate and drastically [reducing] the number of crossings year on year."

Utopia 56 is concerned that none of these strategies tackle the factors that maintain the demand for border crossings from France to the UK, and therefore do not pay sufficient attention to saving lives once boats are at sea.

Since the renewed cooperation between the UK and France, Utopia 56 has observed a significant increase in policing efforts on the Northern French coast with the aim of intercepting smugglers transporting small boats to the coast, and migrants seeking to board small boats to the UK, as well as on gathering intelligence from migrants who have made failed crossing attempts in an effort to identify smuggling gangs.

On the beaches, our volunteers have observed Police and Gendarmerie traveling on foot or in buggies, chasing down migrants attempting to board small boats on the beaches.

Police and Gendarmerie are often armed with knives and other small weapons which are used against small boats to destroy or otherwise render them unviable, despite the risk to migrants of falling into the water or otherwise being harmed.

Further inland, the Police and Gendarmerie often patrol roads into Calais and Dunkirk, with the aim of apprehending vehicles which they suspect may be being used to transport small boats into the region and to the coast.

Utopia 56 has noted that this increased policing has been accompanied by an increase in violent interventions by the National Police and Gendarmerie in their efforts to prevent migrants from departing the shore. Utopia 56 are aware of numerous instances of physical violence meted out by the National Police and the Gendarmerie against migrants on the beaches, including instances of people being kicked, stomped, and beaten with batons.

Since summer of 2023 in particular, we have observed frequent and indiscriminate use of tear gas by the Gendarmerie and the National Police against migrants on the beaches. In all of these cases of which we are aware, no prior warning was given by law enforcement, and tear gas canisters were deployed directly towards relatively small groups of migrants. There is no evidence that the authorities systematically issue sufficient warnings to migrants before deploying tear gas, or take other steps to ensure that harm caused to migrants from tear gas is minimised. We are aware that law enforcement have deployed tear gas canisters against vulnerable groups including children, pregnant women, and the elderly and disabled, despite the associated risks being well-established. Utopia 56 took testimony from a disabled migrant who, along with a group of around 60 people (who included families with children) were tear gassed by gendarmes on the beach of Grand-Fort Phillippe.

We are also aware of a number of incidents where the use of tear gas canisters has resulted in small boats catching fire, with migrants (including women and children) in the immediate vicinity. As recently as 20 September 2024, Utopia 56 volunteers observed National Police officers firing tear gas grenades towards a group of migrants attempting to board a boat on the beach. The canisters from the grenades set the boat on fire. I exhibit photographs from this incident as well as two prior incidents where boats caught fire as a result of tear gas canisters being deployed by law enforcement.

Another notable example of violence on the beaches was when, on 22 September 2024, a fishing boat which we understand (from my conversations with the migrants on the small boat) was acting on instructions of the National Police 50 when it deliberately collided with a small boat onto which 25 people (including a woman and eight children) had just boarded. All of the passengers on that boat fell into the water. No rescue was initiated, but all the migrants were able to wade to

shore, where they called Utopia 56 for assistance. When we met with them on the beach, they were wet and covered in mud. We provided them with clean clothes, and took their testimony as to what had happened to them.

In 2023, Utopia submitted 14 complaints to the Defenseur des Droits (an independent human rights watchdog), and made six reports to the Inspectorate General de la Police Nationale (the internal affairs department for the National Police) ("IGPN") in respect of violent tactics employed by the Gendarmerie and the National Police in Northern France.

In 2024, Utopia 56 have made 28 reports to the Defenseur des Droits, a number of which were also made to the IGPN.

In 2025 (as in 10th june 2025), Utopia 56 have made 11 reports to the Défenseur des Droits, a number of which were also made to the IGPN.

The risks to the lives of migrants as a result of these policing tactics was acknowledged by the French Minister of the Interior on 3 October 2024, who posted to X (formerly known as Twitter) as follows: *"Mme Cooper a salue l'engagement heroique des forces de l'ordre pour empecher les traverses vers le Royaume Uni. Nous avons aussie partage le constat que cette efficacite avaient des consequences nefastes avec une augmentation des deces et des violences entre migrants et envers les forces de l'ordre. [Ms Cooper [the UK Home Secretary] praised the heroic commitment of law enforcement to preventing crossings to the United Kingdom. We also shared the observation that this effectiveness has had harmful consequences, with an increase in deaths and violence between migrants and against law enforcement]."*

In Utopia 56's observation, the rare instances of violence committed by migrants against law enforcement are almost exclusively instances of self-defence (in the lay sense) in response to violent attempts by law enforcement to destroy small boats, or to intercept migrants as they board small boats. These instances are not statistically significant, nor should they be taken as deliberate: in other words, they do not indicate any pattern of violence against law enforcement by migrants.

In Utopia 56's assessment, there are four key consequences of the increased policing and violence on the part of law enforcement against migrants on the French coast.

First, despite the increased activity of the French authorities on the beaches, efforts to intercept migrants before they cross the Channel and to disrupt the supply chains on which the smuggling trade relies, have not been successful. Whilst law enforcement have succeeded in destroying some boats before they are launched, this has not meaningfully affected the demand for Channel crossings, nor has it prevented smugglers from organising journeys. On the contrary, the effect has been to reduce the number of boats available for the same number of people to cross the Channel. This has led to a sharp increase in the number of passengers per small boat. The link between these enforcement activities and the overcrowding of small boats was acknowledged by a UK Border Force officer, who told the Telegraph that "...[t]here are more dinghies being intercepted which is causing shortages. This means the loads are getting bigger."

Utopia 56 has conducted an analysis of the UK Home Office's statistics in respect of small boat arrivals, which accords with the information we have gathered from our work on the ground suggesting that the overcrowding of boats is getting worse. In January 2023, there was an average of 41 passengers per small boat arriving in England. By September of 2023, this figure had risen to 56. We are aware of a number of instances in 2024 where this figure is still higher. For example, on 23 April 2024, five people (including a 7 year-old girl) died during a Channel crossing with 112 people on board. On the same day, the National Police made a post on X (formerly known as

Twitter), which read in part as follows: *"Cette nuit a #Wimereux, les #policiers ont mis en echec 2 livraisons de materiel nautique (2 bateaux, 2 bidons de carburant, 2 moteurs et des giletes de sauvetage. Il a ete remise au commissariat. Notre objectif: #SauverDesVies [Last night in Wimereux, Police thwarted two deliveries of nturical equipment (2 boats, 2 fuel cans, 2 engines, and life jackets. The items were stored at the police station. Our goal: #SavingLives]."*

This suggests that a number of the 112 people aboard the vessel were likely meant to have been in the two boats, which were destroyed by the Police. Similarly, on 29 June 2024, a small boat arrived in England with 77 people on board; and on 19 July 2024, a man died on a small boat, and rescue teams attending the site rescued 86 people. The increasing overcrowding of small boats has been accompanied by the emergence of a phenomenon whereby people die of causes relating to overcrowding. For example, on 17 July 2024, a woman died of suffocation on an overcrowded boat, following which a rescue operation was initiated by CROSS Gris-Nez and MRCC Dover.

Similarly, on 5 October 2024, four migrants (including a 2 year-old boy) died in an attempted Channel crossing, with authorities suggesting that the victims were likely "trampled to death".

Second, departures are increasingly rushed, frantic, and chaotic, as people make desperate attempts to avoid law enforcement or evade violence meted out against them by law enforcement officers. This significantly increases the risk to migrants as evidenced by the deaths of migrants whilst trying to board small boats on the beaches.

For example, on 26 September 2023, a 24 year-old Eritrean woman was found dead on the beach in Bleriot: she had been trampled to death as people rushed to board a boat in chaotic circumstances. Similarly, on 8 October 2023, the body of a young Eritrean male who was likely a minor was found on the beach of Berck following a chaotic departure from the coast marked by aggressive tactics on the part of law enforcement. On 15 December 2023, one person died on the beach in Sangatte during a chaotic departure. Another we also met with three survivors of that shipwreck in the encampments the next day. It was their eyewitness testimony that the woman who lost her life was trampled when migrants rushed to be rescued.

Consequence of law enforcement interventions during boat launches, is that families are sometimes separated. Parents will sometimes be arrested by law enforcement, leaving their children on the beaches or on boats. A stark example of this may be found in a case where two children, aged five and nine respectively, were separated from their parents on the beach, arriving unaccompanied in the UK to be placed into care.

Similarly, Utopia 56 are in contact with the mother of an 8 year-old girl, whose daughter was able to board a boat across the Channel, leaving her mother and brother on the beach. No solution has as yet been offered to reunite the girl with her mother, who continues to attempt to cross to the UK.

Third, boats are often damaged or underinflated when they launch from the coast, causing them to sink shortly after launch, close to the shoreline. Utopia 56 have been told by migrants who have unsuccessfully attempted journeys across the Channel, that their boats were launched without having been properly inflated, or even that boats which had been punctured by law enforcement in an attempt to keep them from departing had in fact launched into the sea. The result is that boats will sink shortly after launch, and close to the shoreline.

For example, on 22 November 2023, three people died when their small boat sank less than a kilometre off the coast of Equihen. Similarly, on 15 December 2023, one person drowned and two people remain missing following a shipwreck off the coast of Grand Fort Philippe.

Fourth, since the beginning of the year, Utopia 56's volunteers have observed a phenomenon whereby groups of migrants will hide in the dunes behind the beaches at night, and attempt to crowd into small boats once their passengers have boarded. These migrants will not have paid the smugglers, and therefore will not have been intended by those organising the journeys in question to be on the small boats. The migrants involved in these attempts usually belong to groups who are historically impoverished (largely Sudanese migrants), and are unlikely to be able to afford the cost of a small boat crossing. This means also tha to make the journey for free, either people push into already organised departures, make chaos. Or some of them will "volunteer" to steer the boat, bein the "captain" we said. Then for the one who does that role, the journey is free or very cheap because de risk is massive : in case of a mortal incident, the steerer is made responsible of the death and of trafficking under French or british law. That is how we sea very young, poor, and vulnerable people, male, being under arrest and in jail for homicide.

Fifth, smugglers are adapting to increased policing on parts of the coast by launching boats further away from the beaches where the Gendarmerie patrol, so as to avoid interception on the beaches. These adaptations and the risks they create are summarised below.

We have observed an emerging trend of departures taking place from areas on the coastline which are less frequently patrolled by the Gendarmerie. For example, in the summer of 2023, at least eight rescue operations took place south of Le Touquet, approximately 65km from the English coast.

On 16 September 2023, Utopia 56 received a distress call from a boat in the Bay of Somme, approximately 95km from its destination on the English coast.

For completeness, we note that the shortest distance between Northern France and Dover is approximately 30km. Departures from the Bay of Somme or Le Touquet, however, will serve to double or even triple the distance which a small boat must cover to reach Dover. Departures from other parts of the coastline will also increase the area to be covered by search and rescue teams, and the distance to be travelled by rescue assets.

Similarly, we are also aware of small boats being launched in the canals in Dunkirk and Calais, and then travelling upstream to the sea, often picking up small numbers of migrants at various points along the way. This creates the risk that people are in distress in areas far away from where rescue assets are concentrated and deployed, and in a shallow, narrow strip of water where the larger assets used by CROSS Gris-Nez are unable to enter.

In March of 2024, for example, Utopia 56 were contacted by friends of a young Syrian man, who had fallen into the Gravelines canal whilst attempting to board a small boat and simultaneously evade law enforcement. Despite numerous calls to CROSS Gris-Nez, the National Police, and to firefighters, an adequate response was not initiated, and was in any event (according to eyewitness testimony) called off in barely an hour, once law enforcement believed that everyone had made it out of the water. The young man's body was incidentally recovered nearly two weeks later.

The above phenomenon of boats being launched in the canals is part of a wider phenomenon known as 'taxi boats', which Utopia 56 are beginning to regularly observe in the course of our morning shifts. These boats will start their journey in more remote and less policed areas near the French coast, and make their way to the beaches, picking up passengers who are waiting at pre-arranged stops on the way. Some groups of migrants will wait to board the taxi boat in the water just off the beach. The aim of taxi-boats is to reduce the number of opportunities that law enforcement will have to intercept the boat and prevent people from boarding, as the boat will already be at sea once it is identified. However, migrants are often left standing almost

shoulder-deep in freezing cold water for several minutes. The risks associated with this pattern are starkly illustrated by the death in January of 2024 of at least five migrants off the coast of Wimereux. These migrants found themselves in difficulty at sea whilst attempting to navigate the relatively shallow waters near the coastline to reach and board a small boat already at sea.

IV - Returns to port

Utopia 56's work with migrants who have made failed attempts that after being rescued and returned to port, they are generally disembarked by the PAF, who will conduct a headcount, and detain any individuals they see fit.

Migrants are then left at the port of disembarkation – usually Calais, Boulogne-sur-Mer, or Dunkirk. Firefighters are often present on the scene, but will usually not provide medical care unless a person is identified as suffering from severe hypothermia.

Over the last four years (at least), we have observed a critical lack of training and preparedness amongst various actors involved in the process of returning people to port, including rescue teams, Police, and local authorities. They will often not be equipped with dry clothes or sufficient survival blankets for large groups of people, meaning that migrants may be left soaking wet and freezing for an unacceptably long time. On occasion, Utopia 56 has had to telephone emergency services to provide medical care to a person who, after several hours of wearing wet clothes in extreme weather, have developed hypothermia hours after their rescue. In our experience, the authorities do not have a clear policy not adequate training on how to respond to people in distress, and are unaware of where to direct people once they have been returned to port. Utopia 56 are therefore often called upon by authorities to assist.

The Pas-de-Calais Prefecture has a policy in place in respect of failed crossing attempts, the stated aim of which is to ensure that "shipwreck survivors who do not require medical attention, but are wet, in shock, and on the verge, on hypothermia, are warmed, given dry clothes, and for the most vulnerable (families, unaccompanied minors, and the most vulnerable individuals), are provided with shelter".

In principle, the organisation Civil Protection is sub-contracted by the State to discharge this duty under the protocol. In practice, however, Civil Protection do not always attend the scene, even when they are requested to do so. Even where they are called to the scene, our experience is that they do not properly discharge their duties. When Utopia 56 volunteers arrive on the scene hours after a return to port (following contact by the authorities or by migrants themselves), we often find people still in the same wet clothes in which they were rescued, and with no shelter available to them.

A stark example of these practices is the incident which occurred on 17 November 2023, where two people were killed after being hit by a truck in Calais. The victims of this incident were walking along a highway in the middle of the night together with a group of about ten others.The group had been rescued at sea by the French authorities a few hours earlier, and had been left at the Calais port. The group resorted to walking along the emergency lane of the motorway in an attempt to reach the nearest camp to seek some form of shelter, when
according to media reports, a heavy goods vehicle hit the group. In addition to the
two fatalities, several others were seriously injured.

V - Failed attempts on beaches

Failed crossing attempts on the beaches will most commonly occur when law enforcement intervene to prevent the launch of small boats from the coast. In these cases, I am not aware of any system by which migrants are provided with medical attention or given clean, dry clothes. The best case scenario is that the authorities will contact Utopia 56, and ask us to assist the migrants.

For example, on the night of 7 February 2023, following a violent intervention by law enforcement on the beach, we were informed by a passing National Police patrol of a group of people in distress. When Utopia 56 volunteers arrived on scene, they learned that seven people had been taken to hospital with severe injuries, while ten others remained in distress. The group were in shock, freezing cold, and their clothes were stiff with frozen mud from the beach. They reported having been subjected to violence by law enforcement, including through the use of tear gas and batons. We were addressed by one migrant who told us he was 15 years old, and in need of shelter. Our volunteers explained this to a nearby National Police law enforcement officer, who responded "what do you want us to do about it?" The law enforcement officers and firefighters on the scene left shortly after Utopia 56's arrival.

Another example of the failure of the authorities to assist migrants who have been stranded on the beaches following a failed attempt is the events of the night of 14 December 2022. Utopia 56 volunteers were on the beach in Dunkirk in the course of their night shift, and had a chance encounter with a group of National Police officers. The officers informed our volunteers of a group of people stranded near La Digue du Break near Dunkirk. The temperatures that night were below freezing. On an audio recording made by Utopia 56 volunteers present from that encounter, a policeman can be heard saying: "There's the beginning of hypothermia, but well ...one of the kids is in underwear over there, we told them
to call Utopia... We didn't know what to do... at the very least they need to be
given hot drinks... They are very, very far away, and I think they need your help... The firefighters have left, no care provided."

When our volunteers arrived on the scene, the people were soaking wet, and one child was stripped down to their underwear. Our volunteers were told by the migrants that the group had attempted to board a small boat earlier that night, during which time one of the children had fallen into the water. They had managed to retrieve the child and tow the boat back to shore, but had received no response to their distress calls to the authorities. From what our volunteers were told by the National Police personnel as well as by the migrants, we understood that the National Police encountered the group in the course of a routine beach patrol, but had declined to provide any assistance. It does not appear that the National Police had any firm intention to ensure that the migrants received assistance, whether by the State or by Utopia 56. As explained above, our volunteers were only informed of the group's distress in the course of an incidental encounter.

Similarly, on 30 September 2024, Utopia 56 received a distress call from a group of approximately 100 migrants who were stranded on the beach following a failed crossing attempt. When I arrived on the scene and spoke with National Police officers in the vicinity, they declined to make efforts to source accommodation for a family with a baby, and to otherwise assist our humanitarian efforts.

Finally, a more recent incident occured on the 7th of novembre 2024 : a small boat already at sea had its engine broken. Then the boat have been brought back to the verge by the waves and stream. There, on the verge made of rocks, policemen waited for the small boat to be closer to cut the enfllatable boat with a knife. Passengers fell into water, all of them managed to climb on the rocks except for a women who had been found consciousness under the cut boat.

The policemen did not react. The woman has been brought back to the rocks on the shoulder of two men. When they yelled at the police to call an ambulance they were already far. A men did a cardiac massage but the women did not come back. Almost an hour later, an helicopter finally came to drop the women from the rockes to the beach, then she has been brought to hospital by an ambulance.

She stayed more that 10 days in coma. After she woke up she did not recall all her capacity (memory, language, vision). Doctors said it was because of a long lack of oxygene due to the sinking.

We have put a complaint for this matter - still waiting for a result from the prosecutor.

In june 2025, UK and France are about to conclude an agreement to allow interception at sea, 300 meters away from the coast, going in violation of international right.

We stand at the disposal of the Special Rapporteur for further elements.