

Urgent communication to the following UN Special Rapporteurs:

Mr. Philip Alston, UN SR on extreme poverty and human rights

Ms. Hilal Elver, UN SR on the right to food

Mrs. Leilani Farha, UN SR on adequate housing

Mr. Michel Forst, UN SR on the situation of human rights defenders

Mr. Felipe González Morales, UN SR on the human rights of migrants

Mr. Léo Heller, UN SR on the human rights to safe drinking water and sanitation

Mr. Dainius Puras, UN SR on the right to health

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This Submission is made jointly by the following 92 independent, not-for-profit, non-governmental organizations operating in France:

ACAT - ACCMV - Accueil Réfugiés BRUZ - Accueil-Asile - Action contre la Faim France - Action Droits des Musulmans (ADM) - ADHEOS Centre LGBT - ADRA Dunkerque - ADSF Agir pour la Santé des Femmes - Ah Bienvenue Clandestins ! - Aide Migrants Solidarité (AMiS) - AIDES - Alliance des Avocats pour les Droits de l'Homme - Alternatives pour des projets urbains ici et à l'international - Amnesty International France - Architectes Sans Frontières - ARDHIS - Association Allamma - Association des familles victimes du saturnisme - Association des Travailleurs Maghrébins de France (ATMF) - Association soutien aux exilés 44 - ATD Quart Monde - Autour d'eux Léo et Téa - Bethlehem - Care4Calais - CCFD-Terre Solidaire - Centre Primo Levi - Cercle de Silence Hazebrouck - Chemins Pluriels - Collectif Audonien Solidarité Migrants - Collectif Cambrésis pour l'Aide aux Migrants - Collectif Migration59 - Collective Aid - Comede Comité pour la santé des exilé.e.s - Committee for Refugee Relief - Droit Au Logement (DAL) - Dom'Asile - Droits d'urgence - ECNOU - ELENA France - Elkartasuna Larrun Solidarité Autour de la Rhune - Emmaüs Dunkerque - Emmaüs France - Equinoxe Centre LGBTI+ Nancy - ESPACE - Etats Généraux des Migrations - FASTI - FIDH - GAT Réfugiés Migrants FI35 - Gisti (Groupe d'information et de soutien des immigré.e.s) - Groupe ATTAC Rennes - Help Refugees - Itinérance Cherbourg - JRS France - Kolone - L'assiette migrante - L'Auberge des Migrants - L'Autre Cantine Nantes - La Chorba - La Cimade - Le CRIDEV - Ligue des Droits de l'Homme - Médecins du Monde - Médecins sans Frontières - Migrations, Minorités Sexuelles et de Genre - MRAP Fédération de Paris - MRAP Littoral - P'tits Déjà Solidaires - Paris d'Exil - Planning Familial du Pas de Calais - Planning Familial Ille-et-Vilaine - Refugee Info Bus - Refugee Rights Europe - Refugee Women's Centre - Refugee Youth Service (RYS) - Refuges Solidaires - Roya citoyenne - Salam Nord/Pas-de-Calais - SAVE - Secours catholique Caritas France - Snep-Fsu 35 - Solidarité migrants Wilson - Solidarités International - Solidarités Saint Bernard - Terre d'errance Steenvoorde - Thot, Transmettre un Horizon à Tous - Toit du monde - Tous Migrants - Un Toit c'est Un Droit - Utopia 56 - Voix des Migrants - WATIZAT

1. Context

This urgent communication concerns the treatment of persons without access to adequate housing during the COVID-19 pandemic in France. It is a follow up, to some extent, to communications submitted to some of the above-mentioned UN Special Rapporteurs on April 11, 2019, July 12 and February 26, 2018 and October 2, 2017. This is also a follow up to the visits to France of UNSRs on housing and water, respectively on March 2019 and January 2018.

This urgent communication does not preclude the fact that **all** of the persons whose fundamental rights are not respected today in France are in a situation even more unbearable due to this crisis (including, but not limited to people living in prison and other places of detention, in poor neighborhoods and suburbs, and in substandard housing...).

2. Urgent and specific complaints

The present communication addresses the situation of persons living, during the COVID-19 outbreak in France, on streets, and in parks, squats, hotels, informal settlements, and tents situated in the woods and under highways.

In France, the overall estimate of people without access to adequate housing is estimated to be 3.953.000, with 143.000 homeless, 91.000 in shelters and 19.000 in slums and large squats, a majority of these being from the Roma community (Annex 2).

Associations have witnessed, **as of March 28, 2020**, that the below estimated number of people living in the following cities/departments of France are suffering from **unequal access to health services, water and sanitation, food and are left without adequate housing, being therefore particularly at risk because of the COVID-19 pandemic** (Annex 3). Such cities include, but are not limited to, the following:

- Bordeaux: 2.000 people;
- Calais and Grande-Synthe (Annexes 4, 5, 10): up to 1.500 people including 160 unaccompanied minors in Calais and up to 600 people including 35 families and 80 to 100 unaccompanied minors in Grande-Synthe. On March 31st, 2020, six key NGOs have alerted the government on the extremely vulnerable situation of the affected community and the absolute urgency of the situation in Calais and Grande-Synthe (Annex 9);
- Grenoble;
- Lille: a minimum of 250 to 300 people in-town only;
- Lyon;
- Nantes: a minimum of 2.000 people including 1.700 to 1.900 people in Roma settlements and 300 persons in other places (for a total of 40 informal settlements);
- Marseille: 1.000 people;
- Montpellier: 271 people including 131 children;
- Paris (Annexes 5 and 13): 3.552 homeless officially counted in February 2020 and 5.357 people estimated to live informal settlements in the greater Paris area in July 2018¹, but associations estimate the total number of persons not having access to adequate housing to be significantly higher in Paris and the greater area (around 25.000);
- Saint Étienne: 200 families in squats and hotels;
- Toulouse: up to 1.870 people (with 1.100 living in squats and 400 in Roma settlements);
- and the following departments: Essonne (500 people), Hauts-de-Seine (60 families), Seine-et-Marne (400 people), Seine-St-Denis (900 people in informal settlements), Val-de-Marne (415 people) and Val d'Oise (450 people);
- Overseas France: in Guyane and Mayotte, the lack of access to water is critical. In Kaweni (Mayotte), 18.000 people live in slums, with very restricted access to water.

¹ Etat des lieux des bidonvilles en France métropolitaine au 1er juillet 2018, Délégation interministérielle à l'hébergement et à l'accès au logement.

Across France, associations witnessed that the affected group of people have seen their fundamental rights compromised more than ever, and in particular their rights to health, safe drinking water, sanitation, food, and adequate housing. Many people, notably in Calais and Grande-Synthe (but not only) are migrants and all of them live in extreme poverty. Associations have witnessed the following:

- Access to both **healthcare and public health information on the COVID-19 pandemic** is inexistent or insufficient:
 - Most measures adopted by the government – self-isolation, increased hygiene, staying at home, strict social distancing – are **not an option** for the affected group of people.
 - Relevant measures do not comply with health recommendations. In Paris, camps at Aubervilliers have been evacuated on March 24, 2020: not only these 730 people were transported in packed buses (not disinfected between each round of transportation), but were relocated to six gymnasiums where they are held together in open spaces.
 - People without adequate housing face **multiple barriers in accessing healthcare**. Health authorities do not systematically inform and/or take in charge people presenting coronavirus symptoms. Associations were, for instance, the first to edit and translate information brochures on the COVID-19 pandemic.

- Access to **water and sanitation** is inexistent or insufficient:
 - Access to safe drinking water and appropriate sanitation facilities is sporadic, while **handwashing** is the very first measure to take to prevent the spread of the COVID-19.
 - Most of the cities offer either no or extremely limited access to water. Between 80% to 90% of people do not have access to water in cities such as Calais (1 water point only), Grande-Synthe, Paris, Marseille, Montpellier, Lyon, Champs-sur-Marne, Toulouse,
 - Measures promised by the government are not sufficient, such as in Hellemmes (Lille's greater area) where 1 water point is planned for 3 settlements of 60 people (and where 2 persons are currently hospitalized under respiratory assistance for COVID-19).

- **Food** distributions are compromised:
 - Associations have been forced to slow down or suspend food distributions.
 - The result is dramatic as, in some places like Calais and Grande-Synthe where people are hungry or in the Val-de-Marne where 70% of people cannot rely on food supplies.

- Access to **adequate housing** is, more than ever, needed as a way to prevent the COVID-19 pandemic within these populations and for the public good. However, it is not provided:
 - The past weeks have shown that, in some cities, some persons have been **sanctioned for being outside** without a derogatory trip certificate (allowing outings limited within a 1-kilometer perimeter around a house and for 1 hour maximum). This is the case in Toulouse, Nantes and Mery-sur-Oise.
 - In Calais, forced evictions are pursued to this day (April 8), despite the call from a police union for a moratorium (Annex 7). On April 3, 6 and 7, about 80 to 100 people were sheltered each day. In Grande-Synthe, at least 7 families were sheltered on April 6 and 7.
 - In Paris, persons not evacuated from camps in Aubervilliers (approx. 200 persons) continue to be exposed to police interventions (eg: destruction of tents on April 5 and forced evictions without any proposed sheltering alternative on April 7, 2020).
 - Measures adopted by public authorities are either **insufficient** or **not in compliance with hygiene and safety recommendations**. The government adopted measures consisting in making available centers to house affected people without complications as well as hotel bedrooms, but needs are higher than the response provided (Annex 8).

- Access to protection and care for **children** is insufficient:
 - Out of the 19.000 people living in slums and squats in France, and across 413 sites (except recent migrants camps), 30% to 40% of the population is composed of children.

- In Calais and Grande-Synthe, living conditions have worsened for more than 200 unaccompanied children, with, in addition to the above, limited access to targeted public services and heightened exposure to violence, exploitation and abuse (Annex 11).
- In addition, **migrants seeking to file for asylum in France** are unable to do so. Indeed, asylum desks of *préfectures* (PADA) closed throughout France, preventing people to file for asylum and therefore being legally allowed to stay in France and accessing basic services such as housing, healthcare and subsidies, in violation of the Geneva Convention of 1951 (Annex 14).
- Finally, **the situation of human rights defenders, and other organizations that support vulnerable people**, has been greatly compromised by the Government's response to COVID-19 pandemic. Public authorities need to, not only allow them to carry on with their operations (which is not case in Calais and Grande-Synthe, notably, as shown in Annex 15), but also to ensure their safety by allowing them to have the right equipment to protect themselves, including masks and gloves.

3. Conclusion and actions requested

People without access to adequate housing consist of an especially vulnerable group in the context of the COVID-19 pandemic as they are a medically high-risk population disproportionately affected by poor health and disability and they are also at a high risk of transmission. Therefore, protecting this category of people is key in managing the nation-wide public health crisis.

An inter-ministerial instruction of March 27, 2020 (Annex 6) proposes general guidelines on access to water, food and shelter for this category of people, regardless of their administrative status. However, such guidelines are not implemented in places where the *préfecture* is reluctant (eg. Calais and Grande-Synthe) and their implementation needs to be reinforced in other places. In addition, such guidelines do not target explicitly slums and squats.

We request that the Special Rapporteurs immediately consider the alleged violations of human rights outlined in this document and send urgent communications to the French Government, calling on it to:

- **immediately achieve the full realization** of the rights to health, water, safe drinking water, sanitation, adequate housing and food to all people in such needs in France with a specific attention to children's rights;
- **immediately take the specific measures** necessary to ensure that vulnerable people at risk because of the COVID-19 pandemic have equal access to health, safe drinking and sanitation adequate housing and food;
- **immediately suspend any decision** on dismantling camps/shelters, through a moratorium on all evictions and any other type of punitive enforcement measures.

We request that France implements the recommendations of the Special Rapporteur on adequate housing issued in her report on France (A/HRC/43/43/Add.2). France must urgently ensure that:

- requests for emergency accommodation through the 115 hotline are answered immediately;
- emergency shelters are accessible to anyone identified as homeless;
- basic services are accessible in all informal settlements in compliance with international law.

We request that people without access to adequate housing are not left out by the public policy responses to the COVID-19 pandemic and call on France to adopt and implement the specific measures:

- **In order to prevent the propagation of COVID-19**, France must ensure that everyone has equal access to testing, and proper access to water and sanitation and health services for people without adequate housing;
- **When access to safe accommodation is provided to people**, France must take extra measures to reduce the risk of transmission, including both hygiene measures and measures to ensure physical distancing and to allow self-isolation inside the accommodation.

- People living on streets, and in parks, squats, hotels, informal settlements, and tents situated in the woods and under highways must also be protected from **punitive enforcement measures** in relation with the enforcement of derogatory trip certificate.
- Public authorities must support **staff and volunteers of associations working on the ground** by providing them with medical masks and gloves, as well as electronic thermometers, and relying on their expertise and privileged means of communication with vulnerable persons.

We request that the Special Rapporteurs consider advocating for France to finance widely, through subsidies, hotels and short-term rentals that will agree to open their doors to the affected population (in line with France's announcement to allocate 45 billion Euros in support of the private sector). This will benefit both the affected population, the general public and will support the economy.

We request that the Special Rapporteurs issue a public statement condemning the French Government's actions.

Given the immediate risk due to the COVID-19, for both the affected group and the rest of the population, we request that the Special Rapporteurs act urgently and issue a communication and public statement as soon as possible.

Finally, we respectfully request that the requested actions take into account the mid- and long-term perspective, notably the fact that sheltering is not an option in the mid-term, and that France is reminded of its obligations regarding the respect of human rights and the implementation of the recommendations of all UN human rights bodies.

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The present communication includes the following Annexes that provide an exhaustive update on the situation of persons living in emergency shelters, homelessness, and informal settlements across France during the coronavirus outbreak:²

- **Annex 1:** April 11, 2019 Urgent Communication to UNSR Housing;
- **Annex 2:** L'état du mal-logement en France 2020, Fondation Abbé Pierre;
- **Annex 3:** March 28, 2020 Update by Collectif RomEurope for Marseille, Toulouse, Bordeaux, Montpellier, Grenoble, Saint Etienne, Nantes, Lyon, Champs-sur-Marne, Essone, Antony, Saine-St-Denis, Val-de-Marne, Val d'Oise;
- **Annex 4:** April 8, 2020 Update from associations in Calais and Grande-Synthe ;
- **Annex 5:** March 28, 2020 Update from Utopia 56 for Calais, Grande-Synthe, Lille, Nantes, Paris, Rennes and Toulouse;
- **Annex 6:** Interministerial Instruction of March 27, 2020 « *sur la prise en charge et le soutien des populations précaires face à l'épidémie de COVID-19* »;
- **Annex 7:** Calais Police Communiqué of March 28, 2020 ;
- **Annex 8:** Measures adopted by the government on March 21, 2020;
- **Annex 9:** Letter of March 31, 2020 signed by Amnesty International, La Cimade, Médecins sans Frontières, Médecins du Monde, Caritas and Emmaüs;
- **Annex 10:** Reports of Human Rights Observers of March 2020 in Calais and Grande-Synthe;
- **Annex 11:** Communication to Défenseur des Droits of March 27, 2020 for Calais and Grande-Synthe ;
- **Annex 12:** *Dos and don'ts for authorities when responding when responding to the covid-19 pandemic*, Amnesty International;
- **Annex 13:** April 4, 2020 Update from Solidarité Migrants Wilson on water access in Paris;
- **Annex 14:** Suspension of asylum requests, Le Monde, March 24, 2020;
- **Annex 15:** April 6, 2020 Update from Utopia 56 on police fines.

² Annexes can be uploaded here : <https://drive.google.com/open?id=1fyJO5iVhk9VVqS7apizEtOKPdSZIrdCU>