

# "WE KNOW WHO YOU ARE"

Hostile Migration  
Politics and the  
Criminalisation of  
Solidarity Actors in  
France and Morocco



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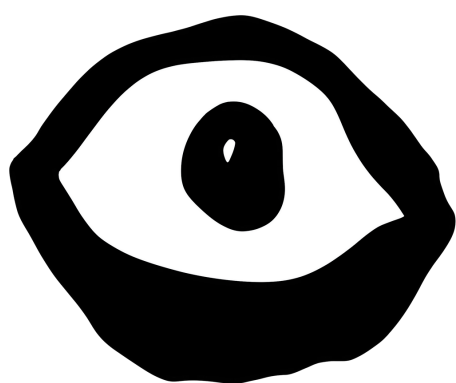
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For more information on the project, visit: [www.sebastienbachelet.com/crimes-of-solidarity](http://www.sebastienbachelet.com/crimes-of-solidarity)

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# Executive summary

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Those who act in support of migrant people often come under fire from state authorities, who in many countries are constantly working to extend the scope and strength of their migration control and deterrence strategies. While several spectacular trials against people performing acts of solidarity towards migrant people have made the headlines in recent years, this report focuses on insidious practices of everyday criminalisation (e.g. intimidation, surveillance, harassment etc.) that solidarity actors face, and on how this impacts them in terms of their wellbeing and capacity to pursue their acts of solidarity and resistance to degrading and violent border regimes.

The report draws on observations and interviews carried out in northern France and Morocco in summer of 2022, as well as on the authors' longterm research experiences at these sites. In both contexts, the basic rights of migrant people are constantly undermined by state authorities, who routinely submit them to neglect and violence. This report identifies and analyses the numerous ways in which the Moroccan and French authorities also target human rights defenders and associations working to defend and protect the rights of migrant people in these countries.

Solidarity actors working on contentious issues (such as migration) operate in repressive political circumstances in both France and Morocco. Although both countries promote discourses of hospitality and humanitarianism, and have laws in place to protect the right to protest, the space for civil society action is in practice constantly being squeezed. The ground reality undermines protective frameworks and the beneficent self-image these states seek to project. Informal migration is highly criminalised by the French and Moroccan governments despite safeguarding measures such as those enshrined in the 1951 Geneva Convention Relating to the Status of Refugees. As such, people who support those who migrate are also portrayed as suspicious and increasingly treated as criminals.

First, the criminalisation of solidarity actors in Morocco and France plays out through the targeting of the associations and solidarity initiatives to which they often belong. This is achieved through the implementation of spatial and physical obstacles to solidarity, through administrative and financial attacks on associations, as well as through the delivery of abusive checks and fines designed to intimidate associations to cease certain activities.

Second, solidarity actors experience intimidation at an individual level, which is highly influenced by intersecting social markers such as race and gender. This intimidation plays out in many ways, ranging from financial attacks on individuals through the delivery of fines to attacks on their job security and employment, and threats to their administrative status in the country. Individual intimidation also plays out through direct violence and abuses of police power. It includes strategies of both physical and digital surveillance, through mobile phone tapping and social media tracking.

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This report also documents the striking observation that attempts to intimidate solidarity actors often target them in their private and family lives, impacting not just them but also their families and friends. Our findings suggest that this form of intimidation more commonly targets women solidarity actors than men. Finally, solidarity actors increasingly experience legal criminalisation on grounds that either distort their acts of solidarity (eg. accusations of smuggling), or on grounds seemingly unrelated to their activism but which will damage their reputation (eg. alcohol consumption or adultery in Morocco).

Crucially, the report discusses how these forms of criminalisation impact solidarity actors emotionally, politically and in terms of their action. In both France and Morocco, solidarity actors are limited by uncertainty regarding legal frameworks and the limits of the action they can take. These factors, as well as an ambient fear of (lawful or lawless) criminalisation by police forces or the state, often cause solidarity actors to self-censor their action and its scope. Solidarity actors tend to be hyperalert due to constant fear and anticipation, which leads to great exhaustion. Experiencing state intimidation of this nature leads to damaged trust in the state. This mistrust filters into solidarity actors' emotional relationship to the state, prompting a renewed determination to resist the repression of solidarity action, and the intensification of state hostility towards migrant people.

Solidarity actors in both France and Morocco work to counter the criminalisation practices with which they are targeted. In France, they increasingly document the intimidation they experience and set legal processes in motion to challenge it. They call upon human rights monitoring actors and activate accountability mechanisms. In Morocco, some initiatives also try to draw on legal tools to hold state authorities accountable, but instigating change on legal grounds is more difficult due to the undemocratic and partial nature of the judicial system. In both countries, solidarity actors also work to forge strategic alliances between individuals and initiatives in an effort to instigate collective action, preserve mutual support and morale. In Morocco this is nonetheless challenging because the authorities mobilise their awareness of ties between associations to further pressure them.

In northern France, solidarity initiatives seek to ensure that their members are aware of their rights in relation to the authorities, and of how to challenge attempts to intimidate or criminalise them. While this is also the case in Morocco, ambiguous legal frameworks and their arbitrary enforcement mean that this is less effective. At both sites, attempts are made to preserve the welfare of solidarity actors to prevent them from burnout and other welfare-related health issues.

The findings described in this report call for urgent action from local and national governments for the preservation of democracy, the basic rights to protest, privacy and to engage in solidarity. It concludes with a series of recommendations to human rights defenders and associations as well as to states. The takeup of these recommendations would strengthen best practice among solidarity initiatives, reinforce the protection of solidarity actors and migrant people, ensure that the legal safeguarding of solidarity actors is enforced and foreground the protection of human rights defenders in transnational agreements on migration and borders.

"I think of it as insidious harassment,  
unclear harassment. It's not official,  
not clear-cut. It's... opaque. Everything  
is unclear, everything feels deceitful -  
illegal even. And the problem is that it  
can become really nasty."

**Citizen host,  
Calais July 2022**

"The authorities rarely take a head-on  
approach because it doesn't look good  
in the press. Arresting people  
arbitrarily, putting you in prison,  
making you disappear [...] They prefer  
to do things in a roundabout way [...]  
It's very opaque."

**Cultural practitioner,  
Casablanca May 2022**

# I. Introduction

In countries where violent bordering regimes seek to deter and stop people who migrate, state authorities often criminalise individuals and organisations that provide support and assistance to migrant people. This has particularly been the case since the mid-2010s “migration crisis,” which saw a rise in solidarity initiatives providing essentials such as food, water, shelter, information, clothing and first aid. Alongside primary assistance, solidarity actors have shown a growing commitment to bearing witness to human rights abuses and mobilising to mount advocacy and legal campaigns. These demands for accountability and political change have grown as state criminalisation of migration has become more brutal and explicit. Others have prioritised initiatives that strive to create horizontal relationships between citizens and people migrating informally, who are so often submitted to violent and racialised power dynamics. However, any act of support to migrant people is inevitably politicised, and the issue of the criminalisation of solidarity has become a growing concern. While attention to citizen solidarity has tended to focus on European countries, the phenomenon is also visible in countries south of the Mediterranean, such as Morocco.

Some spectacular trials have made the headlines in recent years: the trials of members of NGO search and rescue op-

erations in the Mediterranean (Pia Klemp and Carola Racke), and of people engaging in acts of solidarity in places like Greece (Sarah Mardini and Seán Binder), the UK (the Stansted 15), Belgium (the “Trial of the Citizen Hosts” [Procès des Hébergeurs]), and at the Morocco-Spain (Helena Maleno) and Italy-France borders (Cédric Herrou, the Briançon 7). The focus of this report is on the ground level and insidious practices of everyday criminalisation that solidarity

cultural and socio-economic contexts. Yet similarities in the criminalising practices performed by state authorities are striking. They provide insight into how the repression and intimidation of solidarity actors has become a widespread dimension of hostile migration politics: a diverse set of policies and practices by state and non-state actors that coalesce to stop, deter, and manage the mobility of (racialised) people deemed undesirable.

● **We use the term “solidarity actors” to encapsulate a variety of individuals whose solidarity is motivated by diverse political and moral convictions, or by personal experience.**

actors face in northern France and Morocco, and on how these impact them as individuals and organisations. Forms of criminalisation range widely, from the explicit and physical to the intimate and psychological; from the formal to the informal, the banal to the spectacular. We examine the human effects of intimidation, harassment, repression, and other forms of criminalisation that target acts of solidarity as dangerous, deviant, and subversive. These two sites are products of differing historical, political,

We use the term “solidarity actors” to encapsulate a variety of individuals whose solidarity is motivated by diverse political and moral convictions, or by personal experience. These include (non-state) humanitarians, activists, historical and grassroots associations, people acting in the name of human rights, out of religious conviction and more. The term refers both to people considered “legitimate citizens” and to illegalised migrant people, who engage in activism or in supporting other migrant people individually, through associa-

tions or other initiatives.<sup>1</sup>

While France became a signatory of the Schengen agreement in 1995, the UK opted out of this agreement that effectively abolished borders between European countries. A side effect of this was that the northern French coast became the UK border not just with France, but with the rest of Europe. Furthermore, “juxtaposed border controls” first established in the early 1990s mean that British border control effectively takes place on northern French soil. As a result, the French authorities are largely responsible for policing the UK border, a cooperation which the UK government invests in heavily, in terms of manpower, infrastructure, and technology. Over the past thirty years, the French authorities have deployed a range of strategies to try and “manage” the numbers of migrant people seeking informal passage to the UK from France at its northern coast.<sup>2</sup> These have ranged from allowing the Red Cross to run a reception centre at Sangatte between 1999 and 2003, to pushing migrant people living in squats or wooded areas in the city to a single piece of land on its industrial fringes where makeshift encampment would be tolerated, to the current situation, ongoing since

2017, in which the authorities rely on routine eviction operations to prevent more consolidated makeshift camps from taking shape. Police, along with the local authorities, work to constantly unsettle migrant people seeking to survive in the borderlands by evicting them every 48 hours in Calais, and several times per month along the coast in Grande-Synthe. This brutal deterrence strategy targets migrant people’s sense of wellbeing through constant policing that disrupts their access to shelter at the border.<sup>3</sup> Beyond migrant people themselves however, activists and other citizens who act in solidarity with people on the move stuck at the border face great pressure and scrutiny. While this is most blatant in Calais, as this report shall discuss, the issue of criminalisation has also become apparent in various ways at other sites both in the region (Grande-Synthe) and further along the coast (eg. Ouistreham in Normandy), where migrant people also live in makeshift and precarious conditions and receive support from these groups. Others have done important work in documenting the issue of the criminalisation of solidarity which this report builds upon, namely Amnesty International<sup>4,5</sup> and the Human Rights Observers,<sup>6</sup>

a grassroots initiative active in Calais and Grande-Synthe that predominantly documents eviction operations and police violence against migrant people, but also instances of violence and intimidation against solidarity actors.

Morocco became actively involved in migration control in the early 2000s, when the government developed an explicit border control strategy and approved a new migration law (02-03) criminalising irregular entry to Morocco as well as transit migration through the country. This positioned Morocco as a strategic and willing, if ambivalent, partner in European migration management, and in the decade that followed, migrant people faced (with some quieter periods) widespread racist violence at the hands of Moroccan police, with many suffering forced removal to desert areas at or over the border with Algeria. These practices were widely documented and criticised by NGO and human rights bodies in the early 2010s, damaging the country’s image amongst other African states as well as internationally. However, maintaining positive diplomatic relations with other African nations is crucial for Morocco, both when it comes to finding support regarding the Western Sahara territorial dispute,

1 The report does not however touch on the serious issue of the criminalisation of people considered to have piloted boats during sea crossings. For more information on this, see Taylor & Captain Support UK (2023). Evidence from courtwatching: documenting the criminalisation of people seeking asylum in the UK. Available at: <https://blogs.law.ox.ac.uk/border-criminologies-blog/blog-post/2023/06/evidence-courtwatching-documenting-criminalisation>

2 Bonneville, P. (2021). Investigation Report on 30 Years of Creating the Deterrence Policy. The French state and the management of the presence of exiles on the Franco-British border: harassment, eviction and dispersal. Plateforme des Soutiens aux Migrant.e.s (PSM). Available at: <https://www.jcwi.org.uk/Handlers/Download.ashx?DMF=2508a089-0e41-4398-8688-ef7e37f2b010>

3 Bonneville, P. (2021). Investigation Report on 30 Years of Creating the Deterrence Policy. The French state and the management of the presence of exiles on the Franco-British border: harassment, eviction and dispersal. Plateforme des Soutiens aux Migrant.e.s (PSM). Available at: <https://www.jcwi.org.uk/Handlers/Download.ashx?DMF=2508a089-0e41-4398-8688-ef7e37f2b010>

4 Amnesty International. (2019). France: Targeting solidarity: Criminalization and harassment of people defending refugee and migrant rights in northern France. Available at: <https://www.amnesty.org/en/documents/eur21/0356/2019/en/>

5 Amnesty International. (2020). Punishing compassion: Solidarity on trial in Fortress Europe. Available at: <https://www.amnesty.org/en/documents/eur01/1828/2020/en/>

6 Human Rights Observers (2021). Observations of Evictions of Informal Living Sites Calais & Grande-Synthe: Annual Report 2021. Available at: [https://humanrightsobservers.org/wp-content/uploads/2022/07/Annual-Report-2021.pdf#new\\_tab](https://humanrightsobservers.org/wp-content/uploads/2022/07/Annual-Report-2021.pdf#new_tab)

and because of economic and business interests in sub-Saharan African countries. Eager to present the country as “liberal” and rights-respecting, the Moroccan state changed tack in 2013, introducing a new migration policy and regularisation campaigns. Crucially, this new approach prompted the legalisation of migrant associations and pro-migrant civil society organisations. However, any migrant person who did not want or manage to regularise their status in Morocco faced further delegitimisation, and instances of violence again rose. After a period of relatively productive communication with the authorities, human rights associations again began to experience tension and scrutiny. As one employee for a human rights association described: “Before 2013 we weren’t considered particularly confrontational, but as offering recommendations [to the authorities]. We didn’t want to be seen as confrontational, but the context just became so violent.” By 2018, following increased boat passage attempts to Spain via the Western Mediterranean route, the authorities regressed to crackdowns against migrant people, who faced countless violent and destructive raids on their encampments in the forests at the borders with the Spanish enclaves of Ceuta and Melilla. There was also a sharp increase in raids on migrant people’s homes in the cities, and their arrest on the streets. Arrests would often be followed by forced removal to Moroccan towns far from the country’s strategic northern and south western borders.

Migrant people also experienced police crackdowns in makeshift camps in Rabat, Fez, Agadir, Tiznit and Casablanca. Accounts of human rights abuses have been widespread, but those who speak out and denounce them, or who show

● **Morocco**  
● **became actively**  
● **involved in**  
● **migration**  
● **control in the**  
● **early 2000s,**  
● **when the**  
● **government**  
● **developed an**  
● **explicit border**  
● **control strategy**  
● **and approved a**  
● **new migration**  
● **law (02-03)**  
● **criminalising**  
● **irregular entry**  
● **to Morocco as**  
● **well as transit**  
● **migration**  
● **through the**  
● **country.**

solidarity with migrant people, have repeatedly come under fire.

Looking at the cases of Morocco and France in parallel sheds light on the broader, transnational context in which the “war on migration” plays out. It pro-

vides insights into the transnational implementation of hostile strategies whose logics mirror one another. Curbing migration has become a political obsession, a lucrative industry, and contentious moral issue spawning vilifying public debate on both sides of the Mediterranean. As one of our research participants described, migration has become the subject of a “gentlemen’s agreement” between certain African countries and Europe, evoking how the interests of multiple actors involved in efforts to curb migration are served while migrant people find themselves trapped in increasingly long and convoluted, often deadly migration routes.<sup>7</sup> Without minimising the effects of reinforced “border protection” on migrant people themselves, this report emphasises the importance of also scrutinising how the range of tools deployed by state authorities extends to the criminalisation of those who challenge callous and ruthless bordering practices.

Each section of this report is devoted to a different aspect of criminalisation, drawing on the lived experiences of the solidarity actors we met, and on historical knowledge gathered by associations and collectives active at our field sites. After detailing the ways in which state authorities in northern France and Morocco work to hinder the activities and very existence of certain types of solidarity initiatives at both sites, we scrutinise the forms of harassment and intimidation experienced by solidarity actors at an individual level. After discussing the effects of crim-

7 At least 52,760 documented refugee deaths that occurred between 1993 and 2023 can be attributed to the ‘Fatal Policies of Fortress Europe’, along with tens of thousands more undocumented deaths (UNITED for Intercultural Action 2023).

inalisation on these individuals, the penultimate section of the report reflects on some of the collective modes of resistance to criminalisation that solidarity actors have put in place over the years while seeking to navigate this hostile environment. The report concludes with a reflection on these findings and their consequences for civil society action in both countries, before making several recommendations for policy and practice demanding that these marked restrictions on basic civil rights be rolled back.

It is important here to note that while this report focuses on forms of solidarity enacted by citizens and activists (including migrant people residing in France and Morocco) in support of migrant people, other forms of solidarity and other solidarity actors of course exist – namely people on the move who engage in everyday acts of solidarity among themselves. .

## 1. The research process

The findings related in this report are based on research carried out by the authors in northern France and Morocco in summer 2022, as well as on the expertise of our research partners at both sites.<sup>8</sup> The authors' longstanding research experiences in Morocco (since 2011) and France (since 2016) also inform the analysis of solidarity actors' experiences at these sites.

Research in Morocco involved 35 individual interviews with solidarity actors from 20 organisations (17 women/18 men; 7 Europeans, mostly French, 12 Western-Central Africans, 16 North-Africans mostly Moroccan) located in Rabat, Casablanca, and Nador but active in various parts of the country. Two focus groups were also held in Rabat with solidarity actors based across the country (e.g. Rabat, Tangier, Nador, Laayoune etc.). The research (2 months) focused on Rabat and Casablanca, where numerous solidarity actors are present. Field observations in the border town of Nador were also conducted, but the conditions (i.e. heightened police scrutiny, intimidation of the researcher) proved challenging in the aftermath of the June 2022 tragedy.<sup>9</sup> In northern France, research involved two months of observations and interviews at the northern border, primarily in Calais where police intimidation is most intensive, but also in Grande-Synthe, Boulogne-sur-Mer (Pas-de-Calais) and further along the coast in Ouistreham (Normandy), where migrant people also subsist in makeshift encampments. Interviews were carried out with 26 solidarity actors (17 women/9 men; 9 locals, 9 from elsewhere in France, 5 British and 3 from elsewhere in Europe or the US) affiliated with 18 different associations or acting independently as solidarity actors (e.g. independent activists and citizen hosts). A focus group was held in Calais with solidarity actors from these various

locations. Crucially, this report draws and builds on a rich and growing body of scholarship on migration and solidarity, as well as on reports by activists and NGOs. These are listed at the end of this report under the heading "Sources and further reading," alongside a selection of additional sources.

The research in France draws on field observations focused predominantly on the northern border at Calais, where the criminalisation of solidarity actors is most concentrated and visible, but also included shorter periods of fieldwork in Grande-Synthe and Ouistreham.

Our interviews focused on solidarity actors understood broadly, including people engaging in humanitarian aid as well as members of grassroots groups, collectives and activists. Some solidarity actors do not belong to a specific organisation or group, but engage in independent acts of solidarity. Participants were of a wide range of nationalities and ages. For consistency of argument we have chosen to group the acts of support these various people engage in as "acts of solidarity." Yet, it is important to note that the perspectives of these participants themselves on what constitutes "solidarity," and whether or not the term fittingly qualifies the acts they engage in and their motivations, varied greatly. Detailed analysis of what constitutes solidarity towards migrant people at both sites goes beyond

8 The preparation, data collection, and analysis for this report were informed by close discussions with partners in France and Morocco. Due to ethical concerns and to avoid potential repercussions on these partners (especially in Morocco), we collectively agreed not to name them in this report.

9 AMDH [Association Marocaine des Droits de l'Homme] Nador. (2022). The tragedy of the Barrio Chino border crossing: a despicable crime committed by Spanish and Moroccan European migration policies. Available at: <http://amdh.org.ma/img/upload/contents/fichiers/532/d36ba0efb926c-6cfb0705be188d7916c.pdf>

**Following the 2015 terrorist attacks, the French state imposed a state of emergency expanding the lawful scope for the use of force. It then repeatedly extended the state of emergency for close to two years, regardless of state awareness that these measures, in many ways, contravene the European Convention on Human Rights.**

the scope of this report, however the focus on the repressive tools deployed by the authorities against such acts makes an important contribution to these wider debates. Most of the interviews were carried out by the researchers in French as well as some in English. The interviews carried out in French have been translated by the authors.

Due to the contentious nature of the issues discussed in this report, we have anonymised all of our respondents as well as the groups or associations they are affiliated with. It is important here to note that our respondents at each site were faced with rather different political contexts, as a result of which they had differing abilities and scope to speak to us openly about their experiences. This impacts how information

is presented here: greater freedom of expression and lesser fear of incrimination for speaking out in France means that our account of criminalisation at the northern French border is in places more detailed than for the Moroccan case, where we have omitted more identifying details to protect our sources.

Research for this report was made possible thanks to a grant from the UK Economic and Social Research Council (ES/T016485/1) for “Acts/Crimes of Solidarity: An ethnographic study of illegalisation and criminalisation amongst pro-migration activists and other citizens”. We are grateful to those who took part in this study as well as to colleagues and practitioners, especially in France and Morocco, who offered support and guidance. Because we are not able to name some of

these individuals for fear of reprisals, we have chosen not to name any.

## 2. Crackdowns on dissent and solidarity in France

While the right of civil protest is constitutionally enshrined in France, recent years have seen several new restrictions on this right. Following the 2015 terrorist attacks, the French state imposed a state of emergency expanding the lawful scope for the use of force. It then repeatedly extended the state of emergency for close to two years, regardless of state awareness that these measures, in many ways, contravene the European Convention on Human Rights.<sup>10</sup> When it was brought to an end, several of the exceptional powers implemented under the state of exception were instead written into common French law.<sup>11,12,13</sup>

The years following the 2019 gilets jaunes protests led to increased state attempts at repressing social contestation in France, namely through new legislative measures which have received criticism from human rights bodies.<sup>14</sup> In 2019, a law<sup>15</sup> was passed to reinforce and guarantee the authorities’ ability to “maintain public order” during protests, posing a serious threat to freedom of assem-

10 Fassin, D. (2016). Short cuts. *London Review of Books*, 38(5), 23.

11 Lendaro, A. (2018). Désobéir en faveur des migrants : Répertoires d'action à la frontière franco-italienne. *Journal des anthropologues*, 152(153), 171-192. <https://doi.org/10.4000/jda.6915>

12 Hayem, J. (2018). Des violences de l'État de droit en France : Analyser pour faire face. *Journal des anthropologues*, 154(155), 9-13. <https://doi.org/10.4000/jda.7019>

13 Loi n° 2017-1510 du 30 octobre 2017 renforçant la sécurité intérieure et la lutte contre le terrorisme

14 Human Rights Watch. (2022). “They’ll Get You No Matter What”: Morocco’s Playbook to Crush Dissent. <https://www.hrw.org/report/2022/07/28/theyll-get-you-no-matter-what/moroccos-playbook-crush-dissent>

15 Law n° 2019-290, 10th of april 2019 aiming at maintaining public order during protests

bly.<sup>16</sup> While some of the most extreme clauses of the bill were blocked in the process of passing the law, it demonstrates a trend towards reinforcing state power in the face of social discontent. Furthermore, in 2022 a security and surveillance law was drafted, enabling police to broaden their surveillance capacity.<sup>17</sup> The latter law initially proposed to prevent citizens from being able to film police action (an accountability tool much-used by solidarity actors in Calais). Although this law did not go through, it emphasises a trend towards reducing civil powers in favour of the power of the state. This must be read within a wider political context marked by social tensions, police violence, and crackdowns on dissent which have shaped the fraught relationship between the French authorities and some citizens since well before the gilets jaunes protests or the 2023 demonstrations against a controversial pension reform. Uprisings across many French cities at the time of completing this report (June 2023) should be read in the light of a long history of racist police violence targeting Black people and people of North African origin in working-class neighbourhoods.<sup>18</sup> Activists and scholars have argued that police violence, far from being accidental, is rationally produced and regulated by the state in an ef-

fort to “protect an unequal social order”.<sup>19, 20, 21</sup>

Looking at the issue of migration more specifically, for many years the scope of solidarity work in France was threatened by article L. 622-1 of the 1938 Code de l’entrée et du séjour des étrangers et du droit d’asile (CESEDA).<sup>22</sup> This law was originally intended for the prosecution of people abusing migrant people living in France in administratively precarious situations (through extortionate housing costs, labour exploitation and so on), as well as for the prosecution of people smugglers and traffickers.<sup>23</sup> In practice however, this text has often been used to intimidate those acting in solidarity with migrant people living in administratively vulnerable situations, who coined the expression “délit de solidarité” (“crime of solidarity”) to denounce the distortion of this legal framework for use against them (ibid). Indeed, the existence of this law and the way it has been used to threaten solidarity actors created atmospheres of caution and fear among them. One Calais resident who has hosted migrant people for almost a decade described:

“Back in 2017 and the years before, there was very little talk about hosting migrant people. It was before the whole Cédric

Herrou trial,<sup>24</sup> the délit de solidarité, and, well, we were living here secretly really. I didn’t talk about it to any other organisations, they didn’t know about us. I knew that other people were sheltering [migrant] people in the city, and we knew

● **“the French Constitutional Court ruled that “the principle of fraternity confers the freedom to help others, for humanitarian purposes, and regardless of the legality of their stay on national territory.”**

each other to see, but we would never even speak to each other when we saw each other in the street. [...] It took me a while – well, seven years – to open up to other people and get more help running the house.”

A retired woman who has been invested with a Catholic organisation in Calais for several

16 Amnesty International. (2019). Droit de manifester : pourquoi certaines lois françaises sont-elles contraires au droit international ? Available at: <https://www.amnesty.fr/focus/droit-de-manifester-pourquoi-certaines-lois-francaises-sont-contraires-au-droit-international>

17 Loi n° 2021-646 du 25 mai 2021 pour une sécurité globale préservant les libertés.

18 Diallo, R. (2023). France has ignored racist police violence for decades. This uprising is the price of that denial. The Guardian. Available at: <https://www.theguardian.com/commentisfree/2023/jun/30/france-racist-police-violence-riots-nahel>

19 Rigouste, M. (2021). La domination policière. [Édition augmentée]. Paris: La fabrique éditions. p.7

20 See also Rocher, P. (2020). Gazer, mutiler, soumettre : Politique de l’arme non létale. Paris: La fabrique éditions.

21 See also Codaccioni, V. (2019). Répression : l’Etat face aux contestations politiques. Paris: Textuel.

22 Article L.622-1 of the 1938 Code de l’entrée et du séjour des étrangers et du droit d’asile (CESEDA). Available at: [https://www.legifrance.gouv.fr/codes/article\\_lc/LEGIARTI000006335286](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000006335286)

23 Collectif des Délinquants Solidaires. (2019). Délit de Solidarité: le Guide. Available at: [http://www.delinquantssolidaires.org/wp-content/uploads/2019/07/guide\\_A5\\_de%CC%81linquants\\_solidaires\\_web.pdf](http://www.delinquantssolidaires.org/wp-content/uploads/2019/07/guide_A5_de%CC%81linquants_solidaires_web.pdf)

24 Fédération Internationale pour les Droits Humains [FIDH]. (2021). France : Cédric Herrou, enfin la relaxe définitive ! Available at: <https://www.fidh.org/fr/themes/defenseurs-des-droits-humains/france-cedric-herrou-enfin-la-relaxe-definitive>

years described how two men she hosted for some time in Calais noticed the poor state of her front fence. They offered to paint it for her as a thank you for her hospitality. She refused, out of fear that a neighbour might notice and accuse her of exploiting her guests under this law. While the law has been rewritten several times since 1938, it was not until 2018 that pressure from civil society groups led to a significant turning point: the French Constitutional Court ruled that “the principle of fraternity confers the freedom to help others, for humanitarian purposes, and regardless of the legality of their stay on national territory.” This victory reaffirmed the legality of citizens engaging in acts of solidarity towards migrant people. However, as this report emphasises, the impact of this legal change is limited. Solidarity actors still face criminalisation in many other forms.

Since the demolition of the Calais “Jungle” camp in 2016 (much like in the period preceding its emergence), the main goal of the state has been to prevent migrant people from camping out in the border zone, and to undermine the presence of those who counter state efforts to render the border hostile through their acts of solidarity and political resistance.<sup>25</sup> In northern France (as in Morocco), the authorities attempt to reduce the legitimacy of rights-focused initiatives in favour of state-selected (and thus docile, complacent or less critical) humanitarian structures. Reflecting on President

Macron’s announcement in 2018 that the state would distribute food to migrant people in Calais, a human rights defender who had been working in northern France for several years said:

“It’s a political decision. [...] The idea is that if the state distributes, there’s no reason for the associations that distribute to exist. Calais is the only place in France where the state distributes food. The state never distributes food anywhere and never will – except in Calais.”

Indeed the state, mainly in the shape of the Ministry of the Interior, is highly involved in all affairs relating to migration, especially at the northern French border. It is notably a key actor contributing to creating a repressive climate and criminalising solidarity actors. On these issues, the ministry has been known to short-circuit the numerous layers of government which characterise French governance. This is further visible in the repeated visits made by various Ministers of the Interior to the border city, and in the mayor and préfecture [administrative authorities]’s affirmation of having a close and privileged relationship with this ministry.

When it comes to organising explicit events contesting the hostile politics of the northern French border, solidarity actors often face administrative obstacles. As one woman involved in the organisation of such events in Calais explained:

“If you’re planning a demonstra-

tion, you have to declare it to the local administrative authorities [sous-préfecture]. So we told them what route we were planning, what equipment we would have... It’s not a request for permission, it’s a declaration. But they can ask you for a meeting to talk about how the event will go, to tell you that the police will accompany the demonstration, and so on. But every time they make the most of these meetings – this has happened every single time – to find excuses to say, ‘well you can’t go past the theatre because there will be a performance on that evening, and you can’t go past the station because there are works there at the moment and security-wise it’s not possible’... You see what I mean. So we end up going down small streets where no one sees us.”

This example reflects how even the parameters of the legal right to protest might be squeezed in insidious ways by the local authorities to try and quash the reach and impact of demonstrations.

### **3. A squeezed space for civil society action in Morocco**

In theory, Morocco has constitutional provisions in place which affirm its commitment to respecting the human rights of its citizens and of migrant people as enshrined in the 2011 Moroccan constitution.<sup>26</sup> This is further emphasised by the country’s commitment to international treaties and conven-

25 Tyerman, T. (2021). *Everyday border struggles: Segregation and solidarity in the UK and Calais*. Routledge.

26 Conseil national des droits de l’homme [CNDH]. (2011). *Les droits de l’homme dans la nouvelle constitution*. Available at: <https://www.cndh.org.ma/fr/bulletin-d-information/les-droits-de-l-homme-dans-la-nouvelle-constitution>

- **“When I say that I work for an**
- **association for migrants, people say ‘oh,**
- **I have three old blankets at home, do you**
- **want to give them?’ But when I explain**
- **that it’s a legal association, some are**
- **surprised and don’t say anything. [...]**
- **It’s a touchier subject. It’s easier to**
- **give out food than to say that we’re**
- **interested in human rights abuses..., it’s**
- **more political.”**

tions including the 1951 Geneva Convention and the 1984 Organisation of African Unity, one of the aims of which is to ensure and protect human rights.<sup>27</sup> The ground-level reality however looks rather different. In Morocco, the issue of migration is just one of many contentious sociopolitical issues in a broader, historical landscape of repression targeting civil society action.<sup>28, 29</sup> Freedom of expression is heavily compromised in the country, which has unfairly used the courts many times to convict critical media outlets, journalists, social media commentators and activists who have made revelations about the state or cast it in an unfavourable light.<sup>30</sup> It is a context in which press freedom and human rights activism broadly speaking are under threat, as revealed in the brutal repression of Rif region Hirak protesters in 2017, or in the crackdown on investigative journalists defending protests and exposing state corruption, such as Omar Radi, who was sentenced to six

years in prison on questionable charges of espionage, indecent assault and rape. This illustrates the threatening conditions in which human rights defenders operate. A respondent described:

“In countries like Morocco you don’t really feel any democratic change. It’s hard. Especially when you see associations and people like journalists being attacked, or people who post things on social media, people in the Rif... The churn of the [Ministry of the] Interior is activated: if you speak out you are summoned [to the police station], if you speak again, you’re arrested and prosecuted. Either you shut up, you do what the Interior asks you to do, or you go to the police station. There’s always some room for negotiation at first, but if you’re hard-headed, if you don’t agree, then you’ll end up on a blacklist and then you’ll see. Sadly, that’s the reality of things in Morocco. On TV it looks beautiful, but in reality, in practice, if you speak out, then it’s over.”

When it comes to migration, the Moroccan government plays what one respondent described as “a double game”. On the one hand, it promotes the integration of migrant people in the country, and on the other engages in fierce repression. Reports of violence against migrant people undermine the image that the state has sought to create for itself since the 1990s as a reformist, human rights-respecting country. Morocco went through a period of high investment in migration initiatives in the mid-2010s, but only certain types of initiatives, creating the illusion of a healthy and democratic associative landscape. Respondents emphasised that while charity is a widespread and acceptable form of solidarity in Morocco, activism and advocacy are much less so, although this varies between urban and rural areas and across regions (eg. borderlands):

“When I say that I work for an association for migrants, people say ‘oh, I have three old blankets at home, do you want to give them?’ But when I explain that it’s a legal association, some are surprised and don’t say anything. [...] It’s a touchier subject. It’s easier to give out food than to say that we’re interested in [human rights abuses and] arrests, that we’re looking for lawyers and so on – it’s more political. We don’t even always talk about it with our families. [...] Honestly, it’s complicated.”

Indeed in Morocco, only few as-

27 Khrouz, N. (2019). *L'étranger au Maroc: droit et pratiques*. Editions L'Harmattan.

28 Mohsen-Finan, K. (2007). *Mémoire et réconciliation nationale au Maroc*. *Politique étrangère*, (2), 327-338. <https://doi.org/10.3917/pe.072.0327>

29 Rhani, Z. (2021). *L'inarchivable violence: Témoignages des femmes victimes des 'Années de plomb'*. *Hespéris-Tamuda*, 56(1), 105-132.

30 Human Rights Watch. (2022). *"They'll Get You No Matter What": Morocco's Playbook to Crush Dissent*. <https://www.hrw.org/report/2022/07/28/theyll-get-you-no-matter-what/moroccos-playbook-crush-dissent>

sociations explicitly state that they are involved in defending human rights directly (including associations set up by migrant people). Most prefer to specifically target humanitarian issues such as access to health care for undocumented people, or are incentivised to do so through state funding opportunities. As in France, the humanitarian terrain is much easier to operate in; associations adopt a “soft” approach which earns them better communication channels with the authorities – but hinders their impact and independence. As a human rights defender we spoke to in Morocco put it: “We talk about access to healthcare because the migrant person is *meskin* [a “poor thing”], we aren’t going to let them die. But if you start to mention rights, then things blow up. This approach of saying *meskin*, of showing we’re in a charity dynamic, helps.” As a foundation employee blatantly explained: “a lot of what we do here is for Morocco’s image, not for reality, for people’s lives.” As a result, many solidarity actors settle for this approach. This leads to a particular type of humanitarian landscape. As an outspoken human rights defender explained:

“There is a big lack of associations in Morocco. Not project associations that are just trying to act as subcontractors of EU directives in exchange for money – we have hundreds of those. What we don’t have is organisations doing local work – when you get EU money you have to shut up, and it limits the themes you can work on. There’s a lot of money, and some associations

do “bogus” activities.”

Other people we spoke to did not fully agree with this statement, emphasising that Moroccan organisations which seek out funds but carry out more “obedient” types of activities are usually in receipt of funds not from the European Union, but from city councils, ministries, or the National Human Development Initiative (INDH). Few organisations can directly enter a partnership with the European Union and receive funds for their migration-related projects. They are usually required to first collaborate with international or European organisations. One Morocco-based European practitioner stressed that there are a multitude of robust local initiatives in Morocco, but their work is not sufficiently recognised, or is hampered by administrative issues, as discussed in this report (see section II.2.). In this context, there’s very limited room for opposition or dissent on the issue of migration (among others), and in order to manage state pressure and protect their safety and wellbeing, these groups find themselves having to carefully “play a balancing act” of on the one hand “being hard-hitting to capture public attention, but without sowing disorder, not to come off as trouble-makers”. A comment made by another human rights defender conveys just how restricted the scope for explicit protest on the topic of violence against migrant people feels. He described wanting to go to the places “where [the police] arrest migrants, just stand there with a banner to complain

and ask them why they do all of this. Then I thought maybe it’s a bit too extreme – I’ve seen how they deal with protesters... they ruffle them.”

In Morocco (as in France), the Ministry of the Interior is very much involved in issues relating to migration. The Ministry of the Interior (much like the rest of government) is also closely linked to the royal palace and largely dominated by it.<sup>31</sup> One respondent described:

“Things are very centralised. In the Moroccan context, our interlocutor is very far away. The Interior [Ministry] retains regal prerogatives on migration issues. They made us think that the Ministry of Migration was our interlocutor, but in fact it’s been stripped away – the Interior has subtly taken over.”

A cabinet reshuffle in October 2019 reduced the government from 39 to 24 ministries and saw the delegated Ministry of Foreign Affairs responsible for “Moroccans residing abroad and migration affairs” become a delegated ministry responsible for “African cooperation and Moroccans living abroad.” All mention of inward migration disappears, the focus being on Moroccan nationals who have emigrated from the country. This reflects a shift away from aspirations to integrate migrant people and improve their living conditions. One respondent explained that “the minister of migration issues used to be present and participate systematically [...] but since the reshuffle we don’t really know who we should contact, because there’s no minister of

31 Maghraoui, D. (2020). On the relevance or irrelevance of political parties in Morocco. *The Journal of North African Studies*, 25(6), 939-959. <https://doi.org/10.1080/13629387.2019.1644920>

migration issues anymore. We tried many times to contact the Ministry of the Interior and the Ministry of African affairs, but unsurprisingly, we never heard back." While they were sorry for the loss of interlocutors, several respondents tempered the significance of the short-lived consolidation of other ministries' role in addressing migration (e.g. Foreign Affairs). They stressed that this was merely an "illusion" and that it was only

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● **B ready, to be**  
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● **if necessary. I**  
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● **last moment**  
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● **event from**  
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● **That was**  
● **stressful.**  
● **There's always**  
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● **it might not**  
● **go though, we**  
● **have to feel our**  
● **way through it."**

ever the Ministry of Interior that was really in charge.

Associations reported often struggling to organise migration-related events which could be shut down at the very last moment. One employee for a human rights association explained: "Whenever we organise an event, we never know if it's actually going to happen or not." Another person similarly described:

"I was told to be prepared and to have a plan B ready, to be ready to move the event online if necessary. I was told that the police could arrive at the very last moment to prevent the event from happening. That was stressful. There's always this risk that it might not go though, we have to feel our way through it. I still don't 100% - or not even 50% - understand the ins and outs of it."

Once again, uncertainty is used as a deterrence mechanism - why invest time and money into organising events that might be shut down at the last moment? The above quotation however emphasises that, within this hostile climate, solidarity actors have learned to "expect the unexpected" - in this case preparing to shift the event online if necessary, which would allow them to circumvent this censoring by the state. Migration and human rights are particularly targeted topics in this respect. As one respondent explained: if the event "is related to environmental issues, because it's a trendy topic and gives off a good image of Morocco, we know the state will want to collaborate to give off a green image. But less so when it comes to migration. And even less when it comes to human rights and democracy."



## II. The criminalisation of associations and solidarity initiatives

### 1. Spatial and physical obstacles to solidarity

Solidarity actors supporting migrant people in both Morocco and northern France face many obstacles and attacks on their ability to perform everyday acts of solidarity. This is particularly visible in Calais, where these groups face operational obstacles in the shape of food distribution bans on certain streets [arrêtés], the placement of rocks to prevent them from accessing certain sites, attempts to shut down day centres, safehouses and kitchens, the deployment of health and safety inspection authorities, and so on. Since the demoli-

undermine the presence of associations and other citizens who try to attenuate the hostile border environment curated by the authorities through acts of solidarity. Migrant people's encampments are routinely evicted, which worsens their already difficult and uncertain living conditions. This creates logistical uncertainty and an environment of constant urgency and change. As one long term solidarity actor in Calais expressed:

"It's always about finding new distribution points. We're constantly having to because it ties in with evictions, doesn't it? So you'll find a distribution point, you'll be servicing that commu-

A long term solidarity actor interpreted this dynamic insightfully:

"It makes sense that there are humanitarian associations [in northern France] because... what the British and French states are willing to do has turned a very political situation into a humanitarian crisis. And they've done that on purpose. What that does is it makes life really shit [for migrant people] but it also deradicalizes groups [solidarity actors], because you can't be thinking about anarchism when people don't have a place to eat and sleep. I mean, I actually think you can, but it's much more difficult to. And when everything is in crisis all the time, it's difficult to organise politically, it's difficult to have priorities outside of the situation."

As a result, solidarity actors remain preoccupied with everyday challenges and issues. This restricts the time and energy available to them for political organising and action. There is an explicit link between the level of political outspokenness of a solidarity initiative and its criminalisation: organisations willing to take a less outspoken stance are only moderately affected by state-implemented obstacles and criminalisation, while those which are outspoken and combative are highly targeted by the state. The founder of a food distribution organisation emphasised that

• **"What that does is it makes life really shit [for migrant people] but it also deradicalizes groups [solidarity actors], because you can't be thinking about anarchism when people don't have a place to eat and sleep. I mean, I actually think you can, but it's much more difficult to."**

tion of the Calais "Jungle" camp in 2016, the goal of the French authorities has been to prevent migrant people from camping out in the border zone, and to

nity, and then they'll get evicted and it will all get closed off. So, it's all about finding new places to serve that haven't got a ban [an arrêté] on them basically."

this has been internalised by certain actors: “some people come and want to be very political, and it’s like, you can’t come to Calais and think it’s a political movement. It’s not. It’s a humanitarian response.” In her opinion, activism does not have its place in this border zone, and avoiding direct political confrontation is the only way to have a long-lasting presence in this context: “the organisation is one thing and our personal beliefs are another – and we have to always do what’s best for the organisation so that people get fed, you know?”

In Morocco, limitations are also placed on the provision of material aid, namely a ban on distributing anything in the forest areas surrounding the Spanish enclaves of Ceuta and Melilla. At both sites, large policing efforts are made to cut migrant people off from the essentials needed for survival in the border forest, and thus from solidarity actors. In Tetouan, an association also reported being prevented from travelling into the forest camps to distribute food, non-food items and administer first aid since 2017. Informants in Nador reported the story of a member of a human rights association who supported migrants living in forest camps by providing plugs for them to charge their phones and with access to water for showering and washing their clothes in exchange for a few dirhams to cover costs. They reported that, in 2019, he was charged with facilitating irregular migration and condemned to two years in prison. Another respondent described:

“There has been a development in terms of the obstacles facing people who provide assistance to people in the forests. There’s been a big shift: big difficulties for distributing tarpaulins and blankets, for facilitating access to medical care. It’s become very complicated there.”

She described how an acquaintance of hers, who used to arrange for the distribution of food and other goods to the forests, told her that once they were stopped by the authorities and:

“They were told they needed to stop their bullshit, that they cannot use that road anymore. They had to agree to stop going into the forests to be able to continue their activity in the town of Nador.”

The crackdown on solidarity in this area was made particularly clear in the aftermath of the 2022 June Tragedy, during which at least 23 people died and 77 were declared missing after a group of migrant people attempted to cross the border from Morocco into Melilla by storming a border post, where they were trapped and faced disproportionate (and in many cases lethal) tear gas-sing and violence by Moroccan and Spanish security and police forces.<sup>32</sup> Following this tragedy, the Moroccan authorities attempted to block all food access for migrant people living in the forest camps by threatening locals not to give or sell them anything.

## 2. Administrative and financial attacks on associations

In Morocco, associations operate under the constant threat that their administrative situation might be compromised. A “récépissé” [certificate] is required for an association to officially operate. However, if

● **“If you don’t have the legal *récépissé*, you’re on standby. There’s a sword of Damocles above your head. You exist, but you don’t. If you don’t have a *récépissé*, you’re random, you’re at the authorities’ mercy, in a grey zone.”**

the authorities block or fail to process the issuing or renewal of a *récépissé*, it compromises the status and ability for associations to operate, as well as compromising their access to a bank account, for example. Some associations known to

32 Sapoch, J. et al. (2022). Reconstructing the Melilla Massacre: Visual evidence, testimony, ground reporting reveal Spain and Morocco lies. Lighthouse Reports. Available at: <https://www.lighthousereports.com/investigation/reconstructing-the-melilla-massacre/>

work on contentious human rights issues simply have not been able to get a certificate to operate. Moroccan law (article 5 of the 1-58-376 law on association)<sup>33</sup> states that a provisional *récépissé* must be provided to an association on the day that they put in their request. After that, they are due to receive the official *récépissé* within 60 days. Barring being notified that their application has been rejected, the association may then start operating. However, it has become increasingly common for associations to not be given the provisional *récépissé* when they first put in their application, which means they cannot prove that the 60 days are up, even though associations are entitled to continue with the activities within their remit beyond this timeframe. An international NGO employee explained:

"If you don't have the legal *récépissé*, you're on standby. There's a sword of Damocles above your head. You exist, but you don't. If you don't have a *récépissé*, you're random, you're at the authorities' mercy, in a grey zone.[...] If you don't have a legal status, you can't collect financing for activities or to support migrants whose life is difficult. [...] The law says anyone should be able to get a temporary *récépissé*, but they never give it to you... all the associations face this hurdle."

Because of this, as one respondent explained:

"Now some associations submit their [*récépissé* request] papers via a bailiff, so they can have a sort of 'legal witness',

but then you become an enemy of the administration because you defy them..."

The person in charge of administrative issues for a different human rights association described how, at the time of the interview, they had been waiting sixteen months for the renewal of their *récépissé*, but every time he would follow up about it, the authorities would fail to provide the paperwork: "they give you silly excuses instead of giving you the real reason." This system gives the authorities leeway to pressure associations to operate in certain ways and not others. Smaller associations that are most susceptible to this tend to feel they have little chance of being able to fight their way back through legal recourse if the authorities are determined to push them into an "irregular" situation. Furthermore, associations are required by law and in accordance with their own statutes to regularly (e.g. every few years) renew their board and obtain a new *récépissé*. However, in practice this means that each time an association needs to renew its board, a new opportunity for the authorities to target them with administrative hurdles is created.

Rules and regulations pertaining to associations in Morocco differ depending on the profile of the association. For instance, international associations need to obtain an *accord de siège* [headquarters agreement] for their existence to be legally approved in the country. In relation to this criterion, respondents have pointed out

that the status of associations set up by migrants in Morocco has been blurry and precarious. Migrant associations recognised following the shift in migration politics in 2013 have not been asked for an *accord de siège*, but they don't neatly match the specifications of Moroccan associations either. As the coordinator of a Moroccan association put it, their situation "is shaky, it could blow up at any moment." Just like some Moroccan associations, a few migrant associations have never received the *récépissé* certificate, clearly because of their dissenting political activities.

In the most extreme cases, associations may even be shut down by the authorities. Many people we spoke to mentioned the case of a cultural association (Racines). This Moroccan association hosted critical political debates and was found guilty in December 2018 of organising a debate online featuring interventions which the authorities deemed "contemptful" towards Moroccan institutions. This condemnation, upheld after an appeal in 2019, elicited indignation among national and international organisations, which denounced this blatant stifling of freedom of expression in Morocco. Several people we spoke to for this study explained that this episode fostered not just indignation but also fear among civil society actors:

"It was very violent on them, a very frontal attack. We'd never seen anything like it. [...] We couldn't speak out for them or

33 Adala [Portail Juridique du Ministère de la Justice]. (1958). Dahir n°1-58-376 du 3 jomada 1378 (15 novembre 1958) réglementant le droit d'association. Available at: <https://adala.justice.gov.ma/reference/html/Fr/44724.htm>

it would have made things even worse. It's in these kinds of cases that I tell myself that everything can flip at any moment."

The authorities have also been known to use finances as a means of controlling associations whose political message they seek to stifle. Since 2013, as part of the National Immigration and Asylum Strategy (SNIA), Morocco has tried to invest in certain associations offering support to migrant people, including migrant-run associations. However, as one association worker explained:

"If you receive that money, you can't do what you want anymore. It's not about what you want to do, it's about what the authorities want. If you write a report and they don't like it, they're going to tell you to change it."

Moreover, as one respondent put it: "some associations haven't received any funding for years. [The authorities] try to close the tap on certain initiatives."

NGOs operating in Morocco can also receive funds and apply for international support, under the condition that they declare the funds they receive within 30 days of them arriving in their bank account. In this sense, there is no official mechanism that prevents Moroccan associations from receiving foreign money (such mechanisms exist in Algeria or Egypt for example). However, the authorities have proven able to find ways of subverting these funds nonetheless. Activists in Morocco described that *coopérations étrangères* (a term referring to foreign embassies and political

parties funding activities and organisations) are requested by the authorities to provide a list of associations they fund in Morocco. One human rights association employee described being "put on a list" which led to them being blocked from receiving funding from these *coopérations étrangères*. Although staff at these institutions have sought to reassure their Moroccan partners that such lists are requested for information only, not for the list to be validated by the Moroccan authorities, suspicion prevails. Some embassies and *coopérations étrangères* have clearly told Moroccan associations that they cannot fund anything "polemical" because of their already precarious positions in the country. They are pressured not to fund certain associations as part of wider diplomatic discussions, a form of soft power exercised by the Moroccan authorities with a dubious legal basis. Some allegedly comply: "It's the Moroccan system, it's insidious". Activists also stressed how wider diplomatic issues between Morocco and other countries on sensitive issues could create friction, adding that sometimes it is better not to mention the support of an embassy or other kind of funder on an activity in order to protect them. An employee for an organisation that defends human rights in Rabat described:

"Financially, some associations are held back by *coopérations étrangères*. They don't do any groundbreaking advocacy on rights issues, nothing controversial. The authorities aren't worried about these actors because they are shut into an ever

more restricted field of action."

The administrative and financial barriers faced by solidarity actors can coalesce at the vital level of banking, threatening the livelihoods and survival of associations and individuals. As the director of a Moroccan association put it, hurdles in banking matters can take a "pharaonic place" amongst the range of tools deployed to apply pressure to and intimidate some associations. Another solidarity actor stressed that measures to fight money laundering and enforce financial audits can be deployed against associations, through burdensome and time-consuming requests, and under the threat of accounts being closed by the banks:

"Of course, they can block or delay the money, making your bank turn your life into a nightmare. And they can also build a case and say you're receiving dirty money from suspicious organisations or countries, they can accuse you of money laundering or of using money from terrorist sources, etcetera."

The aforementioned director of a Moroccan association stressed that such pressures certainly did not stem from the banks themselves, which were probably just striving to protect themselves, but were no doubt prompted by the authorities and connected to other points of pressure (e.g. need for an association's board to be renewed to obtain a *récepissé* certificate and be able to continue using their bank accounts). This further demonstrates the complexity of financial and administrative hurdles that hinder

the activities of associations and activists.

In France, and particularly under President Emmanuel Macron and Minister of the Interior Gérald Darmanin, political attempts to disband outspoken associations working on controversial issues have risen (e.g. collective movement Les Soulèvements de la Terre engaging in climate and environmental activism). In 2017 a Front National [far-right] party representative filed an appeal to the district court of Nice demanding the dissolution of Roya Citoyenne, an association offering support to migrant people stuck at the Italy-France border around Ventimiglia.<sup>34</sup> In 2023, the vice-president of the Île de France region called for the disbanding of association Utopia 56, which acts in support of migrant people across France, describing it as an association working in illegality and “allowing for the persistence of lawless zones”.<sup>35</sup> Even the historical Ligue des Droits de l’Homme has faced attacks from the state for its outspoken criticism of the government’s repressive policies and practices.<sup>36</sup> These examples emphasise the expansion of state practices and legal measures designed to repress contestatory and disruptive civil society initiatives, and the political appetite to do so.

### 3. Intimidation of associations through abusive checks and fines



In northern France, associations experience constant pressure from police forces through disproportionate identity and vehicle checks. A solidarity actor based in Boulogne-sur-Mer and regularly taking part in coastal marauding activities supporting migrant people returning from failed passage attempts described: ‘the other morning the gendarmes stopped and checked us at Slack, then about a kilometre along the road, the police stopped and checked us’. These constant checks and the fines that they sometimes lead to are most often delivered while associations are providing assistance to people on the move. Their abusive and target-

ed nature is clear. As one solidarity actor explained:

“We notice that we receive a lot of fines that are different - it’s not just fines related to driving,

it’s also fines linked to the prefectural distribution bans that have been placed on certain streets, fines linked to COVID, and many other types of fines. Fines linked to parking, fines linked to the state of vehicles... But there are just too many types of fine. What is interesting to ask ourselves every time we receive a fine is whether we would have received that same fine were we anywhere other than Calais. [...] When there have been 19 fines over a three month period, something’s not right.”

This account highlights that although these fines (usually) have a reasonable legal justification, they are delivered with disproportionate frequency be-

<sup>34</sup> Chapelle, S. (2017). Un élu FN demande la dissolution d’une association d’aide aux migrants. Available at: <https://basta.media/Un-elu-FN-demande-la-dissolution-d-une-association-d-aide-aux-migrants>

<sup>35</sup> Nasrou, O. (2023). Le vice-président LR de la Région Ile-de-France, Othman Nasrou, demande dans “Morandini Live” la dissolution de l’association d’aide aux migrants Utopia 56: “Elle n’est plus dans un travail humanitaire. Elle permet de maintenir des zones de non-droit.” JeanMarcMorandini.com. Available at: <https://www.jeanmarcmorandini.com/article-535044-le-vice-president-lr-de-la-region-ile-de-france-othman-nasrou-demande-dans-morandini-live-la-dissolution-de-l-association-d-aide-aux-migrants-utopia-56-elle-n-est-plus-dans-un-travail-humanitaire-elle-permet-de-maintenir-des-zones-de-non>

<sup>36</sup> Stetler, H. (2023). Emmanuel Macron’s government is gagging its critics. Jacobin. Available at: <https://jacobin.com/2023/05/emmanuel-macron-gerald-darmanin-civil-liberties-advocacy-group-lah>

cause they are actively sought out by the authorities on a near-daily basis. In some cases, the absurd stated motives for the fines shed light on their abusive and punitive nature. For example, associations reported motives for fines including “driving without tyres”, driving with “protruding ends” and “absence of windscreen wiper liquid.”

The French authorities also regularly mobilise sanitation and safety laws to try and shut down solidarity initiatives. For example, In 2017, a food-distribution organisation based in Calais was forced to rebuild its kitchen to meet sanitation standards:

“The préfecture sent the food health and safety inspectors to try and close down our kitchen. I think that was their intention, but we managed to do the works they required. And they still come and check up on us now, around once a month they come and check. When they come, they take a sample and they leave. And it’s quite funny because they often turn up in the morning and we’re like, ‘mmmh we haven’t cooked anything yet! You have to come in the afternoon.’ And they’re like, ‘whatever’ and just take a little sample from the fridge or something. But we’ve never failed the inspection.”

Safehouses, which offer a hospitable refuge from the zero-camp tolerance policy of the state, have also come under pressure from the authorities. Safehouses registered as as-

sociations have been threatened by inspection committees seeking to check whether these houses meet the fire safety criteria for “facilities open to the public [ERPs]”.<sup>37</sup> The authorities look for security grounds to shut shelters down, despite having no regard for the safety and wellbeing of migrant people who are otherwise relegated to living in filthy outdoor encampments. This happened to a former parish building that was used as a shelter for migrant people during winter of 2020-2021.<sup>38</sup> As one of the people who ran the shelter described:

“It was shut down based on the incredibly hypocritical argument that this building is unsafe for people to sleep in - whereas around that same time, a man

In 2022, another safehouse came under threat of closure for failing to comply with ERP measures. Despite having done its best to maximise the safety of the premises, the house simply cannot comply with the ERP measures for infrastructural reasons (the requirement of having a wide staircase, fire doors...). In the case of private home-owners who open up their house to people on the move however, it is much more difficult for the authorities to send in an inspection committee. However, the owner of one such house described that attempts are still made to find reasons to do so:

“Earlier this week our skip was removed - when we asked the workers why they were remov-

● **“We notice that we receive a lot of fines that are different - it’s not just fines related to driving, it’s also fines linked to the prefectural distribution bans that have been placed on certain streets, fines linked to COVID, and many other types of fines.”**

died in his tent after making a small fire in a tin can to keep warm.<sup>39</sup> So saying that sleeping here is a risk for a bunch of twenty year olds sleeping on the ground floor of the building is complete nonsense!”

ing it, they said ‘on the orders of the town hall.’ It’s strategic, because if we don’t have a skip we’ll have issues getting rid of our rubbish, and if that happens they’ll have grounds to try and send in the sanitation in-

37 Ministère chargé de l’urbanisme. (2022). Règles de sécurité d’un établissement recevant du public (ERP). Available at: <https://entreprendre.service-public.fr/vosdroits/F31684>

38 Delepierre, A. (2021). Calais : la Maison du doyenné, qui héberge des migrants, fermée sur ordre de la mairie. La Voix du Nord. Available at: <https://www.lavoixdunord.fr/949812/article/2021-03-03/calais-la-maison-du-doyenne-qui-heberge-des-migrants-fermee-sur-ordre-de-la>

39 AFP / EM. (2019). Calais : après la mort d’un migrant, la polémique enfle sur les conditions d’accueil, en pleine fête du Dragon. France 3 Hauts-de-France. Available at: <https://france3-regions.francetvinfo.fr/hauts-de-france/calais-apres-mort-migrant-polemique-enfle-conditions-accueil-pleine-fete-du-dragon-1744215.html>

spectors, who have been trying to come into the house for two years now.”

The same respondent also reported police officers looking in through a window of her house without her knowledge or permission to illegally take pictures or a video of the inside.

In Ouistreham (Normandy), a member of an activist collective described how members of the collective were forced into a situation by the police in which they received fines for breaking COVID-19 regulations banning gatherings of more than ten people:

“We received two fines for being part of a gathering of more than ten people, but we were only closely gathered together because we were encircled by the police – they kettled us and we couldn’t move. So we had to get closer to each other, there was no other option.”

This emphasises a malicious and opportunistic approach to policing solidarity actors during the pandemic. In this case, supported by a lawyer, the collective were successful in having the charges overturned by the courts by proving that they had only failed to keep a distance from one another because of police action. These examples emphasise how solidarity initiatives are often attacked in opaque and malicious ways: safety and health grounds are drawn upon to conceal a state agenda of preventing people from carrying out acts of solidarity, while also punishing their behaviour through the delivery of fines.

In Morocco, interviewees discussed abusive checks and financial pressures mostly in terms of auditing and banking

● **These**  
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● **fines.**

(see section II.2 above). However, there were also related instances where the authorities threatened to abuse their power. For instance, a migrant person working for a humanitarian organisation described how he and the Moroccan driver working for the same organisation

were stopped by local authorities in the borderlands with one of the Spanish enclaves. The authorities had forbidden them from distributing food and other essentials to migrant people living in forest camps and so the driver had his driving licence revoked for two weeks. On another occasion, in the same forest and after yet another warning from the local authorities: “*The moqadem*<sup>40</sup> caught us in the forest and said ‘I have already told us not to come here. You, I am going to take your residency permit. You [to the Moroccan driver], I am going to seize your driver’s licence.’ I protested that he could only do this for a serious matter. He told me ‘Shkoun nta [who are you?]?’ Then we laughed together. He told us not to come back into the forest. But the same day I went back there”.

40 Moqadem refers to a low level administrative official who is in direct contact with the population.

# III. The intimidation of individual solidarity actors

*As well as criminalising associations and imposing obstacles to their work, the authorities intimidate individual solidarity actors in a variety of ways.*

## 1. Compromising financial stability

The French and Moroccan authorities both intimidate solidarity actors by putting pressure on them financially. In France, this mainly plays out through the disproportionate targeting of individuals with police-delivered fines. While these fines are often covered by the associations some solidarity actors are affiliated with, this is not always the case (and not all solidarity actors are linked to an association). Fines can multiply and quickly become a burden. They are an everyday topic of discussion and concern for solidarity actors, who are hyperaware that fines might be delivered at any moment. One person described how he once started to defend a migrant person being intimidated by riot police officers [CRS], so they turned against him instead, and began to search his car looking for any reason to fine him:

“They made me get out all of my car papers but didn’t find anything [wrong], so they decided to fine me for having a towing ball on the back of my car. When I challenged them on that, they said ‘OK well... I see you wear glasses – do you have an extra set in the car? No? Then we’ll fine you for that instead.’ It just goes to show that fines are just their way of getting back at us.”

Another local who hosts migrant people described: “for the past three weeks they’ve been driving down my street every morning before ten thirty to check if my dog has done its business on the pavement. If he has – or if they can find any other reason – they fine me.” As explained earlier in relation to fines targeting associations (see section II.3.), the excessive deployment of fines by police officers represents a form of “contraventional power” [pouvoir contraventionnel], an abusive way of enforcing order by penalising people in the street.<sup>41</sup> This practice of disproportionate fining can be particularly damaging, as

was made evident during the COVID-19 pandemic, when exceptional legislation implemented by the French state was strategically deployed to sanction solidarity actors supporting migrant people in the border city. Despite meeting the lockdown exception criteria of being actors providing essential support to migrant people, solidarity actors were not deemed to meet the criteria by the regional préfecture. Over the course of the three COVID-19 lockdowns (spanning 2020 and 2021) members of two of the most outspoken associations (Human Rights Observers and Utopia 56) were issued at least 130 fines for breaching lockdown.<sup>42,43</sup> This amounted to over 20,000 euros in fines:

“So there was a big problem during the lockdown, when the eviction of living sites in Calais continued, but because of the lockdown rules we couldn’t normally go out unless we had a professional statement stating that we could. The problem was that even when volunteers showed the police these

41 Dallièrre, A. (2019). La justice dans la rue. Du pouvoir contraventionnel des policiers. [Master’s thesis, Political Science, Université de Versailles Saint-Quentin-en-Yvelines].

42 Human Rights Observers, Utopia 56, L’Auberge des Migrants. (2022). Face à la criminalisation de la solidarité à Calais, lancement du #SolidaritéEntravée. [Communiqué de presse]. Available at: <https://humanrightsobservers.org/wp-content/uploads/2022/06/Face-a-la-criminalisation-de-la-solidarite-a-Calais-lancement-du-Hashtag-SolidariteeEntravee.pdf>

43 HRO and Utopia 56 have sought to challenge these fines with mixed success.

professional statements, they would get fined anyway, because the police didn't consider what they were doing a legitimate professional activity."

While associations are constantly working to strengthen their ability to protect solidarity actors and collectively resist, for example by covering and challenging the fines they are routinely delivered, some associations don't have the means to do so, meaning that the latter have to pay, compromising their ability to "afford" carrying out acts of solidarity.

Some people we spoke to also found that their jobs and employment prospects were compromised as a result of their solidarity action. One research participant, who works as an artist and activist defending the rights of migrant people in her home town of Calais, was offered a job at a cultural institution in the city. However, this institution received substantial funds from the municipality. Our research participant was shocked when, shortly after she was offered the job: "the town hall refused to approve my hire. They blocked me - they blocked the position. They said, "no, you can't hire her" [...] It's not legal, but I don't have any physical proof. I know they only did it because I'm an activist, but of course they would never admit to that." Another woman who hosted migrant people and volunteers in her home while working freelance at one of the city's language schools (where a local official sits on the board) faced similar discrimination. She was summoned to the town hall out of the blue one day and told by the local official (who worked on security-related issues) that

her teaching services were no longer needed. She described: "it was a real slap in the face [...] and that conversation never should have happened at the town hall, it should have happened at the school. I think it was intentional." The effects of this discrimination were considerable, compromising her family's financial security as well as her solidarity work:

"I asked myself, how am I going to keep this house running, how I am going to keep welcoming volunteers? I don't have a job anymore, I need to earn a living, I need to feed my children [...] and there was nothing I could do - as a freelancer they can hire and fire me as they please, and I didn't have any proof that I was let go because of my activism and humanitarian work."

Being involved in solidarity work and activism at the border could even have repercussions on employment for people who are not local to this area. As one research participant explained:

"Someone who came to volunteer for an association here in northern France - and who previously worked for [a large multinational corporation in the civil aeronautics sector] - wasn't taken back at her job because she had said publicly on social media that she volunteers for that association."

As mentioned previously (section II.2.), in Morocco, structures supporting migrant people often face the threat of closure (with little chance of successfully challenging decisions in court), or experience pressures placed on their banks to freeze their accounts and stifle their activities on spuri-

ous motives. Solidarity actors employed by associations emphasised how such "indirect attacks" not only threaten the associations they work for but also their own personal finances. As one person recalled:

"As an employee, you need to think about your future. If we are shut down for three or four months, it's a catastrophe. We have family commitments, a mortgage... [...] We went through a difficult period and I was planning for my wedding at that time - weddings are so expensive in Morocco - and about to embark on a new phase of life. It was really worrying for me."

For solidarity actors volunteering or acting as trustees within associations in the authorities' firing line, there could even be repercussions on their employment in sectors beyond their advocacy work. After one organisation was targeted by state actors for its public criticism of Morocco's hostile migration politics, individuals associated with the organisation (e.g. its board members) were forced to take a step back from it. One solidarity actor was left "shaken" after his company told him to resign from his position in the organisation's committee or lose his job. Others mentioned how, because of suspected pressure from state authorities on their employers, their requests for promotion or job transfers were refused:

"The people nearest the fire are the people working in the field. And those who work in Arabic. I've seen how they do it with [association name removed]. Those who have jobs in the public sector can't take holi-

days when they want, nor get the bonuses they deserve.”

In these conditions, some associations mentioned having difficulties recruiting people: “it used to be considered sexy to work for this kind of association, but now it’s a real hassle to find people.” This is exacerbated by active campaigns by state authorities and media to tarnish the image of certain solidarity actors and activists (as explored in section III.7).

## 2. Threatened administrative statuses

Our research revealed that authorities in Morocco and France also resort to targeting the administrative statuses of solidarity actors. This form of intimidation highlights how the criminalisation of solidarity is intersectional, affecting solidarity actors differentially according to markers such as race, gender, nationality, and administrative status. Solidarity actors are not equal in the eyes of the authorities, with each “profile” experiencing somewhat different modes of intimidation. As one human rights advocate in Morocco put it:

“The ways activists are attacked [by the authorities] are racialized in certain ways. [...] White people face expulsion through long procedures which are difficult to appeal. [...] They’re accused of posing a threat to public order – which happens a lot to activists and journalists. Black activists are considered irregular and de-

ported. And Moroccans are accused of compromising domestic security – a very heavy accusation which can go far.”

She stressed that “Black activists are targeted as Black individuals, with the authorities deploying the same methods [as for migrants considered irregular and racialized as Black]: forced displacements [les déplacements forcés]”. They are forcibly brought back to Morocco’s borders [reconduite à la frontière], often in breach of existing administrative procedures. In contrast, those considered as white and European by the authorities are deported [expulsion], or invited to tem-

Black and because of the work, but sometimes because of one or the other, it’s not clear.” An activist from West Africa explained that activists from a migrant background often suspect that administrative difficulties relating to obtaining and renewing residency cards are compounded by their activism. He stressed that while in the past Morocco might have put someone like him in prison, now:

“Morocco is cunning. [...] If they catch someone like me, then it degrades Morocco’s image. [...] Instead, they create the conditions to put you in a weak position, one from which you won’t

- **Morocco is cunning. [...] If they**
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- **won’t be able to speak out.**
- 

porarily leave the territory to help rectify their administrative status – but then prevented from entering back into Morocco, often with no clear decision issued nor avenues for appealing.

The issue of individual administrative targeting is primarily an issue for (racialized) foreigners. An NGO worker from a central African country living in Morocco explained that he could never be sure what exactly motivated the authorities to trouble him: “because I am

be able to speak out. For example, if you don’t have the [residency] card then you know that your strength is limited.”

This is a key reason for state deployment of insidious rather than explicit forms of harassment: indirect targeting makes it harder for solidarity actors to challenge discrimination against them and tarnish a country’s image as a state of rights. Another activist from a migration background also described the use of administrative obstacles as an insidious

act of state violence:

"If you stay here it is tough. There is huge psychological violence against activists. It is not shown. It is difficult to explain to people, they do not understand, it is hard to challenge. It is the perfect ammunition - they make you paperless, you cannot work. You cannot do anything else. You don't realise - and then twenty years have passed but you have no future."

"I put in my application to renew my residency card [a few weeks before this interview]. I don't even have a *récépissé*. They tell me that my application is being processed. It's all very stressful. They put you in an uncertain situation to hold you back, so you rethink your activist commitments. [...] The authorities have everyone's file and they're waiting for you, they know that if you're an activist they need to block you when you come to renew your status."

Similar dynamics exist on the northern French coast, where volunteers from a migration background spoke of feeling particularly insecure about carrying out solidarity work, fearing the risks involved. Several association coordinators expressed that working in certain roles might be risky for volunteers from a migration background. An association coordinator in Grande-Synthe explained:

"A volunteer came recently - he was either on a visa or had been granted asylum in France - and we really had to reflect, with him, on whether or not it was a good idea for him to be going on night shifts or on [camp] expulsion shifts, to limit the

risk of him being ID-checked by the police. Because, well, even if he's allowed to be here... You know how it is, some people arbitrarily end up at the detention centre or in custody, and we didn't want him to go through that and he himself didn't want to go through that... So he stayed but he only did day shifts... You never know really."

An association coordinator in Calais similarly described:

"People who don't have papers, or who are in the process of asking for papers, often don't want to take part in activities where they might be fined because they're afraid it might lead to an ID-check which could compromise their asylum or naturalisation application. Their solidarity is definitely hindered by their administrative status."

Despite having valuable skills for engaging in solidarity (e.g. languages), volunteers in precarious administrative situations (e.g. without papers) tend to self-restrict their activities, preferring to help out at a day centre or donations warehouse rather than going out into the encampments. These fears are not unfounded: the racialised policing approach deployed against migrant people in the city means that solidarity actors with a migration background are prone to being treated in much the same deplorable way (put in detention, chased etc.). As the same research participant explained:

"I've had to go to the Coquelles detention centre a few times to try and find volunteers who were placed in detention after being picked up [by border police] while walking down the

street after leaving the day centre. It's hard, it's a really harsh example of how solidarity is obstructed. At one point last winter, three volunteers from our team were in detention, picked up in the city centre as they walked home from volunteering."

This echoes the words of an activist from a migrant background in Morocco who described:

"We live in fear from one day to the next. There's no difference between the activist and the migrant who lives in the forest. We are treated the same way. When a migrant arrives from the forest to the town, he might be arrested by the *mouqataa* [local authorities]. And you, you've been living in town for years, but you're late renewing your residency card and you're arrested too. They put you in the same car as the person who's just come from the forest. You're in the bus together and both displaced. Even though you have papers, it doesn't make any difference."

At both sites, administrative intimidation is not limited to solidarity actors from a non-European migrant background. Although white Europeans occupy a highly privileged status relative to Black migrant people in Morocco, they also experience forms of administrative intimidation or criminalisation. A European woman working for a human rights initiative for example spoke of having trouble renewing her residency card. When she went to do so, she was asked for her "political affiliation" and whether she was involved with any associations. When she gave the name of

an initiative she was involved with, the clerk wrote it on her application in capital letters. "He wanted me to know that he knew," she explained.

Several white or European activists, journalists and researchers have been removed from Morocco and/or banned from returning on the grounds that they carried out unauthorised investigations, or that they represented a public threat. The processes through which foreigners of this type are expelled from Morocco often are not formally justified. As a human rights defender we spoke to explained, state authorities draw from a selection of administrative sanctions to criminalise dissenters. For example Esteban Velázquez, a Spanish Jesuit priest and activist who worked to support migrant people living in forest encampments near Nador and spoke out publicly against the authorities, was refused re-entry to Morocco after travelling to and returning from the Spanish enclave in 2016.<sup>44</sup> He was simply told that his residency card had been revoked.

In Calais, a striking example of how white solidarity actors are targeted through administrative issues is the case of two British activists expelled from the country shortly after being involved in opening up two squats in Calais in 2022.<sup>45</sup> They were not explicitly sent away for squatting, but on ba-

nal administrative grounds. One of them described how he was arrested late one night and placed in detention: "they just said that my residence permit had been withdrawn because of an administrative problem, so they were giving me an OQTF [obligation to leave French territory] - it was so confusing". Although he had received permission to reside in France, the authorities found a way to put him in administrative breach of his permit, claiming to have sent letters to his house to which he was meant to react - but which he never received. This justified his detention, pending his removal from France, in a rural asylum seekers' centre, baffling the centre's employees and emphasising how insidious harassment works to collapse the experiences of "disobedient" citizens and illegalised migrant people. The underlying political motivation for his removal was further emphasised during his trial. However, the fact that administrative (rather than criminal) charges were used to expel him from France reduce the likelihood of him becoming a widely-acknowledged spectacle or symbol of state repression: opacity surrounding the true motive muddies the narrative of the persecuted solidarity actor and undermines it.

### 3. Intimidation through direct violence

Some research participants in northern France reported disconcerting instances of police violence against them. While these are not everyday occurrences, they do happen and are particularly jarring for those who experience them, as conveyed in the following accounts:

"Once, a police officer threatened two volunteers with his weapon. It was really violent. [...] It was on the beach, they had gone to help some people. There were two volunteers, one who was white - the one who was driving - the other one, in the passenger seat, was racialised[racisée]. We reported it to the IGPN<sup>46</sup> because the officer pointed [the weapon] at them at eye-level, until they got out their identity papers and saw they had French passports. But they didn't listen to what they had to say. [...] It's very violent and worrying. When it comes to the use of weapons, it really needs to be proportionate to the risks faced, and in this case it was clear that the volunteers didn't pose a threat to the police."

"I was in the van one night in 2020 and had just parked it in the hospital car park. I was going to give wood for the fire

44 Peregil, F. (2016) Un sacerdote demasiado mediático para Marruecos. El País. Available at: [https://elpais.com/elpais/2016/01/26/opinion/1453834546\\_296946.html](https://elpais.com/elpais/2016/01/26/opinion/1453834546_296946.html)

45 While many squats have previously existed in Calais, they have always been met with resistance from the authorities, which is committed to a hard no-squat-tolerance policy in the border city (especially since migrant people were kicked out of squats in the city and made to live on the site of what then became the Calais 'Jungle' in 2015). While small-scale squatting operations led by migrant people have occurred over the years since, activist-led squat openings had not happened for several years. The authorities were thus eager to show that they would not tolerate the return of these types of solidarity initiatives, and violently and spectacularly shut down the larger of the two squats.

46 The IGPN is the general inspection body of the national police in France. It is an internal oversight body often criticised for its lack of independence (see France 24. (2020). 'A lack of public trust': France mulls reform of country's police watchdog. Available at: <https://www.france24.com/en/france/20201207-a-lack-of-public-trust-france-mulls-reform-of-country-s-police-watchdog>).

and blankets. I had nothing else in the van. A van of CRS [riot police] arrived, blocked the entrance to the car park I was in, and came out with *guns*.<sup>47</sup> It was me and my friend in the car. I was like, 'Excuse me, calm down.' [...] All of them, six of

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- **suffer physical**
- **violence at**
- **their hands.**

them, were like this [holds up her hands like she's holding a gun]. I had just parked and turned off the car when they arrived. They said to my friend inside to just keep their hands up and not move, and to me they said to go out and open the back. I had like five CRS around me with their weapons up. I was like, 'Woah, can we calm down here?' and there was a man shouting at me like, 'Open the door, open the van!' I opened the van, there was nothing inside. Just wood and blankets. 'You cannot stay here!' I was like, 'Alright, you could tell me

that in a different way...' 'You need to go, go go!' 'Well if you remove your van I will go,' I said, 'You're blocking the exit.' And then... not even a document check that time, they just told us to go."

Along with these rather spectacular acts of authority were more "routine" police practices such as pat-downs. These physically invasive controls were reported to, on occasion, be carried out in a particularly intimidating way. For example, we heard the case of a woman being touched inappropriately or "felt up" by the CRS officer who patted her down. Although she brushed it off in the moment, she struggled with the violence of the moment for a long time afterwards, eventually seeking out therapy to process the event. She regretted not putting in an official complaint at the time.

In Morocco, several solidarity actors racially profiled as sub-Saharan by the auxiliary police described that they suffer physical violence at their hands. This seems to be due to the violence deployed against people perceived to be migrants generally in the country, rather than being linked to their activism per se. An activist from a migrant background explained: "If you're a migrant and an activist, the authorities show you no respect." This emphasises the racialised nature of migration policing in Morocco, and that all Black people

are assumed to be "irregular" migrants seeking passage to Europe, with little to no consideration of their individual circumstances.

While we did not hear many accounts of physical violence from Moroccan solidarity actors working on migration issues, violence permeates the authorities' political response to dissent. Continuous physical coercion used against dissidents in other domains, and the memory of state practices of enforced disappearance during the Years of Lead,<sup>48</sup> create a general sense of fear that this could happen, even if it is not currently widespread among solidarity actors working on migration issues. As a 2018 Amnesty International UK report about torture in Morocco states: "Anyone can be tortured – protesters, political or student activists, as well as people suspected of terrorism offences or ordinary crimes."<sup>49</sup> Local human rights groups are increasingly restricted in Morocco, and "the relationship between the organization [Amnesty International] and the Moroccan authorities deteriorated markedly after the launch of Amnesty International's Stop Torture Campaign in 2014"<sup>50</sup> which detailed Morocco's continued use of torture".<sup>51</sup> Indeed in 2015, two Amnesty International experts (one of whom is a Refugee and Migrant Rights researcher) were kicked out of Morocco despite having of-

47 The interviewee was unsure of the exact nature of the weapon and whether these were firearms or rubber bullet guns for example. Either way, the use of force here is disproportionate, and the violence of the moment striking.

48 Slyomovics, S. (2016). The Moroccan Equity and Reconciliation Commission: The promises of a human rights archive. *The Arab Studies Journal*, 24(1), 10–41. <https://www.jstor.org/stable/44746844>

49 Amnesty International UK. (2018). Morocco: Getting away with torture. Available at: <https://www.amnesty.org.uk/morocco-getting-away-torture>

50 Amnesty International. (2014). STOP TORTURE Country profile: Morocco/Western Sahara. Index Number: MDE 29/004/2014. Available at: <https://www.amnesty.org/en/documents/mde29/004/2014/en/>

51 Amnesty International. (2015). Amnesty International staff members expelled from Morocco. Available at: <https://www.amnesty.org/en/latest/news/2015/06/amnesty-international-staff-members-expelled-from-morocco/>



ficial permission to carry out investigations in the country. The researchers' passports were confiscated and they faced questioning by the police before being put on separate flights to London and Paris.

While state violence against European solidarity actors in Morocco is less common, one striking example is the fierce intimidation campaign against Spanish activist Helena Maleno Garzón during the 2000s and 2010s. A Tangier resident, Maleno Garzón founded the human rights collective Caminando Fronteras, and was very active in documenting and exposing human rights violations carried out by the Moroccan authorities against migrant people in Morocco. As a result of her work, she experienced regular harassment and intimidation by the authorities. She was also the victim of a violent physical attack in 2014. In 2017, she received an anonymous

photograph of a loaded gun, with a note telling her to "keep quiet" as she was "making the authorities uncomfortable".<sup>52</sup> In 2017, seemingly in reaction to her support of migrant people attempting the sea crossing to Spain by offering a helpline connecting them with the Spanish Maritime Rescue force, she was prosecuted for human trafficking and facilitating smuggling – first in Spain, then in Morocco. Both cases were overturned. In 2021, she was deported from Morocco to Spain, separating her from her underage daughter for several weeks.

This is a disturbing illustration of state violence that actively instils a fear of physical violence in solidarity actors, if not exposing them to physical injury.

## 4. Power abuse & distorted narratives

In the northern French context, it is not altogether uncommon for solidarity actors to experience being called to the police station or even held in custody. Solidarity actors often experienced the motives for their arrests being exaggerated in order to justify them. As the coordinator of an association detained in spring of 2020 described:

"[I was] prosecuted for singing while held in custody at the Dunkirk police station jail [...] we were arrested while observing an eviction in Grande-Synthe, during which we filmed a cop who was tear gassing people at close range. I was so furious to have been arrested that I sang to soothe myself, alone in my stone cell that resonated

52 López-Sala A. & Barbero I. (2021). Solidarity under siege: The crimmigration of activism(s) and protest against border control in Spain. *European Journal of Criminology*, 18(5), p.687.

like a cathedral. I disputed the fine they gave me for noise nuisance, which is the only charge the police managed to hold against me after keeping me in custody.”

The extent to which the truth is at times distorted to justify the arrest or detention of solidarity actors further emerges in the following account of a volunteer charged with contempt and obstruction (outrage et rébellion) of a police officer in January 2022. In a public Facebook post, she described how she had commented to a group of CRS officers seizing a migrant person’s tent in the rain that what they were doing was immoral and the product of racist laws. She then told another police officer, who was in the process of confiscating a man’s tent, that it was illegal for him to do so as the man was present and eager to recover his personal belongings. The CRS officers however respond with violence. The volunteer writes:

“[... They] hold their shields up in front of them and push me violently to make me leave. I then ask them to stop, which is when a CRS officer grabs me at chest level. As a reflex, I try to get out of his hold by trying to remove his hands. One of the CRS then cries out: ‘she punched me!’ A quarter of a second later, several CRS jump on me to arrest me.

The arrest is completely disproportionate. After the violence of the arrest, I end up on the ground, one of the

CRS holding me down with his knee, squashing me with all his weight. A second officer puts the handcuffs on me. One of the officers pulls me up, looks at me and then trips me up to make me fall. They lift me up before making me fall again, into a puddle this time.

While I wait to be brought to the police station, they let me know that I’ve been arrested for violence against a representative of public authority. Another CRS officer then arrives and specifies that I also insulted him for being ‘racist.’ I’m then arrested for contempt and violence.

When we get to the police station, change of story, an officer tells me that in the end ‘let’s forget the violence’ and I’m placed under arrest for outrage and rebellion. I’m told what the

made-up story to justify my unfounded arrest.”<sup>53</sup>

In May the same year, the volunteer went to trial, and the state prosecutor requested she be sentenced to six months of suspended prison time and 500 euros in damages for the CRS officer she supposedly insulted and tried to hit. This emphasises the political nature of this case and how the state seeks to deter militant and associative aid. The volunteer was found guilty and given a suspended fine of 500 euros, made to pay 563 euros in legal fees and 80 euros in moral damage to be paid immediately. This incident also conveys how the police may distort the truth. This echoes the case of Tom Ciotkowski, who in 2018 was charged with contempt and assault based on the false testimonies of two police officers. In reality (and as later proven in vid-

• **In the northern French context, it is not altogether uncommon for solidarity actors to experience being called to the police station or even held in custody.**

charges against me are: supposedly I grabbed the shield of a CRS officer and moved it to the right, then tried to punch him but he managed to avoid it. After having tried to hit him, I supposedly insulted him for being ‘a 1940s police officer, nazi, fascist’ which led to my being arrested at which point I supposedly rebelled. A completely

eo footage), he was the one who had fallen victim to police violence, when he was pushed into a busy road by the police and only narrowly missed by a passing lorry (see also section V.1.).<sup>54</sup>

53 Auberge des Migrants. (2022). [public Facebook post 11.07.22]. Translated by authors of the report. Available at: <https://www.facebook.com/AubergeMigrants/photos/a.10152514841565339/10159641200645339/>

54 Amnesty International. (2019). France: Sentencing of police officer who assaulted Calais volunteer sends powerful message against impunity. Available at: <https://www.amnesty.org/en/latest/news/2021/09/police-officer-sentenced-for-false-charges-brought-against-calais-volunteer/>

## 5. Physical surveillance

Informants stressed that the police carry out frequent identity checks on them and other volunteers with the goal of intimidating them. While these ID checks themselves are legal, they disproportionately target solidarity actors. In 2021 alone, members of the Human Rights Observers team (who systematically observe the numerous police camp eviction operations taking place at the border) reported having their identities checked 281 times (148 times in Grande Synthe and 133 times in Calais).<sup>55</sup> While in France it is legal for the police to check people's identities within 10 kilometres of a border without further justification, these high numbers of identity checks emphasise that this law is distorted to intimidate solidarity actors and make them feel surveilled in their everyday activities.

Furthermore, as a woman working with the Human Rights Observers for a long period explained, there have been many cases of police officers "filming us with their personal phones, which is a real problem because we don't know what they then do with that footage". These officers tend to do this out of frustration at the Human Rights Observers (among others) bearing witness to and documenting the encampment eviction operations. In

2021, Human Rights Observers reported being filmed or photographed by police forces at least 166 times.<sup>56</sup> This is particularly shocking considering that while it is legal for citizens to film police officers in action, it is not legal for on-duty police officers to film citizens with their personal phones. Solidarity actors also reported regularly having their identity documents photographed by the police, a practice which is only legal if the police are using the NÉO mobile application to automatically carry out ID checks,<sup>57</sup> which it is difficult for solidarity actors to determine, and so nonetheless intimidating. Revelations regarding illicit state practices regarding protesters committed to other issues emphasise the legitimate nature of such concerns. For example, in May 2023, it was revealed that the authorities in Lille had been illegally creating files [fichiers sauvages] about individual protesters who had been arrested in the context of protests against state pension reforms. The creation of these files was a serious breach of basic freedoms, going against people's right to a private life, their freedom of expression and freedom of protest.<sup>58</sup> Such illicit state practices reflect a desire to keep a close eye on dissenting citizens, and solidarity actors in northern France (and beyond) feel and fear that such illegal filing practices might also be used against them.

Other solidarity actors reported cases in which they were made

to feel physically surveilled by the authorities:

"The intelligence services stopped by my house to strike up a conversation with me. Just to chat. That was in... 2017. They just wanted to gather some information, they probably saw my name somewhere and wanted to know who I am. We spoke at the window because I didn't want to let them in the house.

● **"The intelligence services stopped by my house to strike up a conversation with me. Just to chat... They just wanted to gather some information, they probably saw my name somewhere and wanted to know who I am.**

[...] They had been to visit the Auberge des Migrants as well, they'd done a little tour to tell us all, 'Hello! We know you're here!'"

"Over the course of a month and half, twice when I was just

55 Human Rights Observers. (2021). Observations of evictions of informal living sites: Calais & Grande-Synthe. Annual report 2021. Available at: <https://humanrightsobservers.org/wp-content/uploads/2022/06/Rapport-annuel-2021-VF.pdf>

56 Ibid.

57 Morin C. (2022). NÉO 2, une manœuvre stratégique, technologique et logistique d'ampleur. Available at: <https://www.gendarmerie.interieur.gouv.fr/gendinfo/actualites/2022/neo-2-une-manoeuvre-strategique-technologique-et-logistique-d-ampleur>

58 Deléan, M. (2023). L'affaire des fichiers sauvages de manifestants gardés à vue rebondit. Médiapart. Available at: <https://www.mediapart.fr/journal/france/100523/l-affaire-des-fichiers-sauvages-de-manifestants-gardes-vue-rebondit>

getting home from work, plainclothes police were outside my house - waiting for me. It was clear that they were waiting for me. They get out of the car when I arrive, and once I disappear into my house they leave. I consider it intimidation - and indeed it works."

A long term volunteer in Calais, recounted a long list of instances where she was followed or stopped by the police in the border city. One afternoon, a police car followed her across town before stopping her to question her about the reasons for her presence in the encampments and to check her car. When she protested, they told her: "We know who you are - now open the back [of the car]."

In Morocco, being watched and followed by plainclothes police is common, and jokes about shopkeepers and concierges being part of long-established and dense networks of police informants are widespread. One woman described that being followed by plainclothes police is ironically "very visible, and sometimes a real burden." Another human rights defender described being constantly aware of such surveillance and unsettled by this: "I knew it was possible that I might be followed one day, that the police know where I work - and probably also where I live." Another activist from a West African country described that, over time, you internalise the possibility that you are constantly being observed in public and private spaces: "I'm used to this. Everywhere you go there is someone sitting down next to you to listen to what you say. Maybe I even have a microphone hidden in my room. I don't know."

## 6. Mobile and digital surveillance

Mobile and digital surveillance were recurring concerns at both sites. In Calais, an association coordinator explained how:

"I was a bit afraid of my phone being tapped for a while last year, because my phone was doing really strange things. Like calling on its own. I could hear strange noises in my phone

woman explained that when she started working with a human rights group "[my boss] explained that people have been followed, their phones have been tapped... It scared me to think of being on their radar." Indeed, almost all of those we spoke to described either knowing or fearing that their phone was or had been tapped. One respondent described: "It can make you so paranoid. I remember once we needed to discuss something and we said, 'OK everyone into the kitchen now - let's put our phones in the



as well, and heard that someone else had had their phone tapped..."

Another respondent at the northern French border said "Hello!" into her mobile when we discussed this issue, evoking her constant sense that someone just might be listening in.

This sense of being watched and potentially listened to was even more intense and common in Morocco. For example, one

microwave." Another pinpointed the omnipresence of this feeling and its effects: "Maybe the authorities think it's in their interest to spread rumours that people's phones are being tapped, to create this strange atmosphere. Ever since I was a child, my parents have told me that the walls have ears."

Along with the general sense of being surveilled, respondents reported clear and direct inci-

dents of digital observation. For example, the coordinator of an association set up by migrant people explained:

“From 2014 to 2018 Morocco was stable. Despite the arrests and dispersals [of migrant people], there was no pressure on leaders. Now, for a simple post, they’ll call you up and tell you you have to delete it. When I put out statements, they call me directly to tell me they saw it and that I need to delete it. We try to speak to them, to explain that what we’re claiming is true, that we have proof. [...] If there’s an arrest, a rights violation, we make sure we have proof before posting about it. They call us because our page is followed by international migration associations, and we’re reflecting a bad image of Morocco. [...] It’s the police who call us, the *wilaya*.<sup>59</sup> We are listed at the wilaya and that list is shared with the intelligence services and the police. They call you and say ‘sir, do you have proof? If not, we advise you to delete the posts.’ They watch me all day long.”

Such practices emphasise the desire of the state to be perceived as rights-respecting while squeezing rights advocates in its shadows. The sense of potentially being listened to via digital means was especially rife after the 2021 Pegasus scandal revealed that the mobile phones of several Moroccan journalists and activists had illegally been surveilled.<sup>60</sup> Solidarity actors thought that such practices had intensified

and were deployed to a wider range of activists. Hence, they experienced the threat of repression as something increasingly tangible and intimate:

“We used to talk about political arrests as something distant, but now it’s [happening to] our friends, to people close to us. It’s very intense.”

“Since Pegasus, [our association has] lost a lot of members. We received threats. [...] Students who want to come and join us in defending rights are afraid. It reduces people’s goodwill and reduces our ability to mobilise.”

One organisation that engaged in advocacy work that was publicly critical of government action experienced a cyberattack as apparent backlash for their outspokenness. IT professionals assessed that the attack was clearly carried out by someone who knew what they were doing: multiple computers were targeted, viruses installed and certain folders on the computers locked.

Solidarity actors in northern France have also faced digital surveillance, with at least two people receiving letters from the regional *préfecture* in 2018 quoting posts they had published on Twitter – which denounced and illustrated police harassment of migrant people – and threatening them with defamation cases. Loan Torondel was found guilty of defamation for posting a photograph of two police officers standing

over a migrant person and suggesting, in the caption, that they were about to take his blanket from him despite the low temperatures. He was found guilty of defamation, received a suspended fine of 1,500 euros, and was made to pay court fees and damages to the two police officers featured in the photograph.<sup>61</sup>

## 7. Transgressions into private and family life

Several solidarity actors we spoke to – especially women – described that they face forms of intimidation that impact them emotionally and in their family lives. For example, a mother described that soon after getting involved with associations supporting migrant people, she became highly aware of how intimately the police target solidarity actors:

“I told my children that if one day Mum is taken away by the police, they must remember that she hasn’t done anything wrong, she was just doing humanitarian work. How do you explain to your children that it’s the police who do illegal things? [...] My daughter had nightmares about it for a while.”

Another woman, whose neighbours were regularly questioned about her and the migrant people she hosts described:

“At least once or twice a month

59 The term “wilaya” refers to an administrative division in Morocco.

60 Le Monde avec l’AFP. (2023) Pegasus : des militants marocains se joignent aux poursuites engagées aux Etats Unis contre le logiciel espion. Le Monde. Available at: [https://www.lemonde.fr/afrrique/article/2023/03/01/pegasus-des-militants-marocains-se-joignent-aux-poursuites-engagees-aux-etats-unis-contre-le-logiciel-espion\\_6163786\\_3212.html](https://www.lemonde.fr/afrrique/article/2023/03/01/pegasus-des-militants-marocains-se-joignent-aux-poursuites-engagees-aux-etats-unis-contre-le-logiciel-espion_6163786_3212.html)

61 Human Rights Watch. (2019). France: Aid Worker’s Defamation Conviction Upheld. Available at: <https://www.hrw.org/news/2019/06/25/france-aid-workers-defamation-conviction-upheld>

since November last year, the police have been knocking on all of my neighbours' doors. They ask them loads of questions about how many people are coming into my house, whether there are a lot of men, what nationality they are, if any cars park outside the house, and if so whether they can take down the number plates and report back to them..."

She was even threatened with the removal of her young son after (she suspects) a neighbour, perhaps prompted by these police visits, reported her to child protection services on the grounds that she was not providing him with a safe home. She and her son were subsequently subjected to four months of frequent observations and interviews, which created considerable stress and discomfort even though the investigation led to the case being dismissed. Several women who hosted migrant people also reported being targeted with humiliating and sexualised abuse, for example the painful experience of being described as a "migrant slut". This reflects how hostility towards women solidarity actors can be particularly vicious, an observation that is reinforced in the following interview extracts from two respondents:

"They [the police] checked my documents, checked the car, checked everything. It was all fine, so they decided to take it out on the guy who was with me. He has documents from Paris, asylum claim documents. [...] But then they started to talk about calling la PAF [the border police]. [...] They said: 'Why is he in Calais? These papers are from Paris.' So I told them: 'He

came to visit me, what's wrong with that? Is that a problem?' But they still wanted to call, so I came out with: 'He's my boyfriend!' - I didn't know what else to say. I was like, 'this is my boyfriend, can't he come to visit me?' And the officer was like, 'Do you love him?' I was like, 'Excuse me?... Yeah of course, he's

● **"I once received a call from the**  
● **Ministry of the Interior. They were**  
● **nice but I freaked out. I don't think**  
● **my phone was tapped, but I must**  
● **have spoken to someone whose**  
● **phone was..."**

my boyfriend' and he looked at me like, disgusted, disgusted, like - a white woman with a Black man... So racist!"

"I went in [to an office] alone with a young police officer and he closed the door and called the taxi [to bring unaccompanied minors to a shelter for the night] and had me list their names. He realised quickly that I was not a native French speaker and said some things to me like [...] 'I imagine that a woman like yourself gets a lot of comments from them [migrant men].' I was just thinking, like, 'why am I not recording this?' I left feeling quite scared and uncomfortable. I realised I was shaking the whole time. Being in a situation like that was pretty intense."

While men in Morocco tend to face professional threats as insidious punishment for their activism, attacks on women more often target their family or intimate life. Gender inequal-

ities remain deeply entrenched in Morocco, and social norms profoundly gendered. Women who engage in activism in the country are often considered deviant, giving rise to greater police and social scrutiny of their acts and attempts to govern their behaviour. As one woman human rights defender

explained:

"There are some pressures that are difficult to talk about, and that others don't appreciate or aren't aware of. For women it often plays out through their families, they are submitted to pressures that are under-acknowledged. [...] It can create havoc with the neighbours as well, when they notice that someone is being surveilled by the moqadem. They see plainclothes police in front of your door. Your family sees insults on your Facebook profile. You hesitate whether to even have a public profile because there's more pressure. It puts questions in people's minds. You face fears and pressures. People make comments, say you're defending women's issues because you yourself are unmarried and in favour of extramarital sex, that you chose that path. It's hard to express yourself. People don't understand this pressure."

This strategy of moral policing, both directly and through women's social networks, maintains a gendered and heteronormative social order. Another female member of a human rights association described how she was followed "big time," after which her male partner received a phone call from "people from the Ministry of the Interior" who told him: "your wife needs to calm down." As someone who always took great care to keep her activism relatively separate from her family life in order to protect it, she was particularly disconcerted and enraged by this unexpected attempt to attack her in her private life: "They dragged him into this even though it's got nothing to do with him. He started asking me what was going on and saying things like: 'be careful, we have a child, you know the situation we're in here in Morocco.'" An employee for a foundation in Morocco similarly recalled:

"I once received a call from the Ministry of the Interior. They were nice but I freaked out. I don't think my phone was tapped, but I must have spoken to someone whose phone was, because they told me: 'you live here, this is what your father does, your mother is there, your brother there, your sister there'... [...] They have access to everything. They find things out through your building's caretaker [le gardien] who knows what you do, when you leave the building, who comes to visit, where you go. Nothing is anonymous. They have access to your personal life."

These striking interventions into the personal are intimate and fearsome, illustrating how



the intimidation that women experience can deeply impact not just their work, but also their lives and those of their loved ones. It is concerning to note that some other women also reported disturbing, intimate attacks to us during our research but preferred for these not to appear in the report, even anonymously.

## 8. Reputational damage & moral questioning

Several people we spoke to expressed awareness of the fragile boundary between their public and private lives. They feared that aspects of their private life might be used against them, to tarnish their image and undermine their activism. "Our lives are not beyond reproach,"

one research participant stated. She also questioned how information about her personal life collected by the police might be used against her:

"In the beginning I was afraid. I would ask myself if I was at any risk. I live with my boyfriend but we're not married... Are they going to come and create problems for us? You always hear stories like that in Morocco."

A research participant working for a human rights organisation observed that the authorities' close interest in one's personal affairs can take on serious proportions. This has been observed in the increasing use of legal tools by the state to undermine and limit their critics' action: "common law is being used more and more to diminish associative actors' capac-



ity for action [...] they look for something based on common law to shut down associations and prosecute people." Another research participant similarly described how the authorities collect "intelligence" on people working on something potentially controversial:

"I've always heard that if you're working on something controversial, they [the Moroccan authorities] are already building a case about you, trying to find a failing, a vice - maybe alcohol or adultery - to be able to use it to trip you up someday. They won't publicly say it's got to do with your advocacy when they do - it's like what happened to Omar Radi (see section 1.3)."

This refers to the serious juridical issues inflicted on human rights defenders: "they accuse people of things that distort

their [solidarity] action: they accuse people of trafficking. Some human rights defenders are accused of trafficking. They find reasons - if they look for reasons they will find them." This resonates with the case of Spanish activist Helena Maleno,<sup>62</sup> which several research participants also mentioned: "With Helena, it was really trashy stuff. They were using penal and common law to talk about stuff like human trafficking and child trafficking."

In northern France too, solidarity actors face reputational slander, which is particularly difficult for those who live locally. As one local activist described:

"I've had quite a few articles written about me, a lot of them racist. Ripostes laïques is a far-right online media platform,

and I've had three or four articles written about me on there. Really disgusting things. About my personal life, about my art, about my activism. And it's very well documented stuff, someone who's clearly keeping an eye on me. It's anonymous - it's a bit frightening you know? [...] I hesitated about putting in a complaint about the last one, but I didn't do it. I'm waiting to see if it happens again one day... I know I just worry that if you publicise these things they only get bigger, you know?"

The awareness that engaging in acts of solidarity is a particularly polarising issue that could compromise one's reputation operates as a deterrent for some. As an association coordinator explained:

"Most of our volunteers are Calaisian, and these constant at-

62 International Federation for Human Rights. (2019) Morocco: Criminal case against Helena Maleno dropped. [Press release]. Available at: <https://www.fidh.org/en/issues/human-rights-defenders/morocco-criminal-case-against-helena-maleno-dropped>

tacks on solidarity – the town hall’s discourse that associations play into the hands of smugglers, the criminalising discourses the authorities constantly hold... they undermine and criminalise solidarity in a way that has a very concrete impact on volunteers. We have volunteers who, for example, don’t tell those around them that they’re volunteering, or who found it very difficult to start volunteering because they live in an environment that is quite hostile to it. It impacts them intimately. It really touches a person’s intimacy I think, all of these attacks on solidarity. [...] Sometimes even the volunteers themselves, after a while, start to question... or to doubt whether what they are doing is actually good. [...] Vol-

zines and media outlets. Over the course of this research, we came across two cases of governmental “leaks” to media outlets, providing them with (often partly incorrect) information to slander associations and individual solidarity actors and publicly expose them.<sup>63</sup> The first article was published in far-right magazine Valeurs Actuelles in 2022, following a leak from the “territorial intelligence services” regarding the association Utopia 56 and some of its members.<sup>64</sup> It reports untrue facts about events involving association members, makes false claims about its funding sources, and suggests that Utopia 56 has “ambiguous” relationships with smugglers, among other claims. Utopia 56 reacted by suing the publica-

second article, published by the right-wing Daily Mail in February 2023 (and taken down from the website shortly afterwards), publically names and exposes the identities of several young solidarity actors while portraying them in a criminal light, presenting their acts of solidarity as illegitimate and unruly. It also seeks to damage their reputations by exposing their “class” status, investigating and exposing their families’ wealth. The article states that the publication was prompted by the fact that the “French authorities have passed an intelligence dossier to the UK on the British charities operating in and around Calais” (Daily Mail article), emphasising the influence of the state in getting such articles published. A solidarity actor involved in setting up a citizen solidarity collective in Boulogne-sur-Mer described how criminalising narratives about associations, such as those peddled in tabloids, were easily reappropriated and perpetuated by local authorities in their area. She described how, in a meeting with the mayor about supporting migrant people in the area, he stated: ‘we want to avoid leftist extremism here in Boulogne at all costs, I don’t want to see a Utopia-style movement here.’

Several research participants reported that the police sought to undermine them by accusing them of being responsible for people drowning while making the Channel crossing. Such punitive emotional attacks on volunteers are particularly intimate and painful in a context where

● **“I’ve always heard that if you’re working on something controversial, they [the Moroccan authorities] are already building a case about you, trying to find a failing, a vice – maybe alcohol or adultery – to be able to use it to trip you up someday. They won’t publicly say it’s got to do with your advocacy when they do – it’s like what happened to Omar Radi”**

unteers here who are local are really very, very brave.”

Reputational slander is also published in national maga-

tion on defamation charges, while also demonstrating that a number of the facts stated in the article are untrue. The

63 Bachelet, S. & Hagan, M. (2023). The Criminalisation of Migrant Solidarity Actors in the British Tabloid Press. Available at: <https://blogs.law.ox.ac.uk/border-criminologies-blog/blog-post/2023/05/criminalisation-migrant-solidarity-actors-british>

64 Bucco, A. (2021)[Info VA] L’association pro-migrants Utopia 56 dans le radar des services de renseignement. Available at: <https://www.valeursactuelles.com/societe/info-va-lassociation-pro-migrants-utopia-56-dans-le-radar-des-services-de-renseignement>



solidarity actors are emotionally worn down by the great risks migrant people take to cross the border, and put effort into informing them of how to stay as safe as possible at sea.<sup>65</sup> A participant who had been working in and around the encampments in Grande-Synthe described that this had a profound effect on her personally:

"Something that really struck me is that several times when police officers spoke to me it was to say: 'you are killing these people, by doing prevention work [distributing safety at sea leaflets] you are encouraging them to cross by boat.' It's an extremely violent thing to be told and it has happened several times. [...] It's very difficult and there's a lot of emotion bound up in it. It echoes things that are sometimes said in the media and by politicians, but it's

even more violent when you're face to face with a police officer."

We heard similar reports in Calais:

"A police officer pushed me one time when we were dropping water off in Coquelles. Then they ID checked us and I stopped what I was doing because I didn't want to escalate anything. When they ID checked us - it was shortly after the 27 people drowned [while attempting to cross the Channel] - the officer said something like 'the next time people drown it's because you're encouraging them'."

Such accusations and blaming is painful. Several research participants in France mentioned doubting the morality of their own action as a result of their interactions with the au-

thorities:

"In the beginning, of course I felt guilty, I told myself that I must have done something wrong, clearly I'm doing something wrong. But in fact... no, I am doing something good. But over time you do question yourself a lot, you ask yourself, should I really be doing this? Should I continue? Is what I'm doing really useful? And you're fried - emotionally and psychologically... I told myself that I have to stop because they're destroying me."

However, in most cases this only strengthened research participants' conviction in the morality of their acts. A long term volunteer we spoke to in summer 2022 described her thought process while being held in Calais prison for twenty hours before being released without charges, leading to a profound sense of racially-motivated injustice as well as to a sense of impunity:

"You are there and you feel like you are a criminal. During the interrogation I said to them: 'Why am I here? I was defending people from somebody who was attacking them. I was defending innocent people' [...] They really made me feel like I was in the wrong. But then... you stop and think, and realise that... I know I did the right thing [...] I knew I was on the right side, but they make you feel like a criminal, you feel dirty. The way they looked at me... there were two [police officers] looking at me like shit."

65 Alarm Phone. [Website]. Safety at Sea Information for Travellers. The Channel (France - UK). Available at: <https://alarmphone.org/en/safety-at-sea/channel/>

# IV. The effects of criminalisation

## 1. Unclear risks and self-censorship

Many people who get involved in solidarity action are citizens with little or no prior experience of confrontation with the police and authorities, or with little awareness of the legality of their acts, the sentences they risk, or on what legal ground to challenge the authorities. This is something which the authorities can use to their advantage, threatening people with crimes such as contempt [outrage] and defamation for talking back. A long term British activist at the border explained:

"I don't know enough about the legal stuff to know where I can challenge, and this whole thing of outrage and where that line is... I have that in the back of my mind, and it just means that I'm more subdued and I don't challenge [the police] enough."

A woman working on advocacy and legal training in northern France explained that, when emotionally riled up during encounters with the authorities, it can be difficult for solidarity actors to make decisions about the risks they are taking with a clear head: "Some volunteers are very young and respond very instinctively [in the face of police intimidation and violence]." Furthermore, in the

face of injustice and impunity, solidarity actors may take excessive risks. The same person went on to give an example of how:

"At one point during the lockdown, there was a situation where I was telling a person I was worried because you can get one fine for breaking lockdown, a second one, then a third - but as of the fourth you risk a bigger fine and prison time. Some people were up to their third fine and I was telling them, you know, as of the fourth fine you're really risking a lot... don't forget how this can impact your lives. The risks you're taking here are personal risks. Because they're just caught up in the Calais delirium, and I was thinking, when you leave here and go back to Paris, you're going to be disgusted with [how this has impacted] your lives."

Even experienced respondents mentioned that they often lack knowledge and awareness of the extent of the authorities' power, and how far they are willing to go to target individuals. As one long term solidarity actor explained:

"How much they know is a big secret - or how much they care. It's a big blind spot. And this is always a big unknown, I think... How strong are they? I really have no idea."

However, she went on, the more such instances occur, the more

palpable the sense of risk:

"Then two people were kicked out of the country, and that scares me more, because, well, they are targeting people, there are targeted arrests and they do care about who you are individually. [...] Like when [name removed] was arrested [...] there was nothing random about it - they wanted to get him, so they went and got him."

The experience of criminalisation is characterised by the simultaneous awareness that one may face a punitive response to one's acts of solidarity, a sense of uncertainty regarding the type of action authorities will seek to punish, who will be targeted, what the punitive reaction from the state will be, when it might take place - and for how long. A legal coordinator in Calais described how practices like distributing safety-at-sea flyers or life jackets fall into a legal grey area. Solidarity actors often feel the need to limit their own action out of caution. This resonates with the sense of legal opacity felt among solidarity actors in Morocco. As a human rights defender explained:

"I think that it is the law which is the big problem. Laws are very opaque, which is intentional. In Morocco [...] laws regulating sensitive domains tend to be written in such a way that they

might be interpreted in multiple ways [...] It's an ambiguous legal context, which means that the state can put you in danger if they want to."

This is exacerbated by the temporal dynamics of insidious harassment – uncertainty over when one might be criminalised. A respondent supporting migrant people in Ouistreham described this constant anticipation as "a sword of Damocles." A respondent in Morocco used a similar metaphor: "You have no idea how far it can go. That's always in the back of your mind – it's a sword above your head and it could fall at any moment." This conveys how a constant, lingering threat seeps into the everyday lives of solidarity actors: a reaction from the authorities is constantly anticipated, its temporal pattern is unpredictable. This pressure prompts caution. As an association worker in Morocco described: "you aren't being prevented from working, but you know you're not in a comfortable position so you don't push the limits too far." When people sense they are possibly being watched, they are "nudged" into behaving in less risky ways. With no clear "rule book" to work around, risk is constantly imagined and guessed at. Self-imposed restrictions may be excessive, but solidarity actors of course have no way of knowing. As an association worker in Morocco identified, the pressures they face cause them to self-censor: "you aren't being prevented from working, but you

know yourself that you're not in a comfortable position, so you don't push the limits." Another outspoken human rights defender complained of how prominent self-censorship is amongst individuals and organisations:

"One big issue is self-censorship. Some associations aren't afraid of anything, but if you have some room for manoeuvre and you can do something, then why aren't you doing it?"

This ambiguity and uncertainty when it comes to risk is experienced both at the level of associations and at an individual level, and these patterns of self-censorship are difficult to dismantle once established. As one human rights defender expressed: "perhaps what organisations need is some fresh blood. [Some of us] may have become too cautious."

Opaque and insidious forms of criminalisation and harassment undermine solidarity work by feeding unease and self-doubt in those who deliver it. As a result, solidarity actors often set boundaries for themselves individually as well as for the associations they are a part of, limiting their action out of caution. For example, when asked about her emotional response to policing and risk when planning a squat opening,<sup>66</sup> an activist working in northern France described:

"Well, it's a strong sense of unease, and you get more scared as you go on and hear more stories and think, wow, they actu-

ally can do things, and it's not just the vague idea of authority that I had before but something very concrete [...] You should only do these things if you have a good understanding of what risks you're taking, and at that time my understanding wasn't very big, you know? [...] I was like, this is very unclear, it's opaque. So I might end up doing things and have no idea how to defend myself, how to evaluate

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the risk of the different actions that I'm taking part in. [With that in mind, I might] decide that I'm going to sit this one out or do things that are not so engaging, less risky acts."

66 Squatting for example is a practice that, until recently, was relatively well protected by law in France. However in June 2023, the French parliament passed a law further reinforcing the punitive measures prescribed by existing anti-squat legislation, making it easier to evict squatters and reinforcing the criminalisation of the practice in France. (Sénat. (2023). Proposition de loi visant à protéger les logements contre l'occupation illicite. Available at: <https://www.senat.fr/travaux-parlementaires/textes-legislatifs/la-loi-en-clair/proposition-de-loi-visant-a-proteger-les-logements-contre-l'occupation-illicite.html>)



## 2. Exhaustion, fear and anticipation

A generalised sense of risk in contexts of criminalisation gives rise to emotions of fear and anticipation as well as to exhaustion among solidarity actors. A respondent working for a human rights association in Morocco described feeling at risk in her work, but without being quite sure of what she was at risk of exactly:

"It's hard to really put my finger on what it's like, it really isn't easy... It's stressful to approach

[migrant] people in the street because you know that the police are everywhere. You're stressed but you don't really know why. I don't really know what's at stake, except that they can stop me and check my ID card. Do we risk going to prison? I don't think so... but what [do we risk] then?"

She explained that this stems in part from an awareness that the obstacles or pressures they face from local authorities often come from "higher up," from an authority that remains somewhat abstract. After publicly documenting and

challenging violence against migrant people by Moroccan police forces, a human rights association found themselves under such intense pressure that they feared they might have to close down. They felt very isolated from other organisations working with migrant people at that time, and obliged to "take 1,000 steps back."

Those we spoke to expressed a strong awareness of the authorities playing mind games with them. As one activist described: the Moroccan authorities are "very smart, they are stronger [at targeting us] mentally than physically. They do psychological oppression 300 percent. It works." Another respondent described what it's like to live in these circumstances:

"It's frightening, the context is frightening. It's a word we didn't want to use before. We live in constant stress, you never know if you're going to continue, you don't know how far it can go. You don't know if tomorrow the authorities are going to harass you. There's a lot of uncertainty, for example in terms of finding someone among the authorities who will talk to you. [...] There's a lot of exhaustion; people say they've been doing the same thing for twenty years."

Similarly in Calais, the solidarity actors we met spoke of the exhaustion of fighting a never ending battle for the basic human rights of migrant people in Calais, as well as for their right to engage in acts of solidarity. The following quotations capture this well:

"There's a general sense of ex-

haustion. All of these obstacles – the fact that we don't know for sure if we'll manage to keep our premises, seeing how distribution points keep changing because of the rocks that [the local authorities] have placed, the fact of having to take precautions as to who in the team does what shift with potential obstacles in mind, the fact of seeing in the newspaper that we're being accused of playing into the hands of smugglers... After a while of course it gets to me... of course... It requires an insane amount of energy! Basically we're constantly fighting just to keep doing the basic things we do. [...] Simply put, they're exhausting us. They want to break us by wearing us down. [...] Of course it impacts me, even in my personal life. It's a consequence of all that they do, not only to block us, but to block migrant people."

"I've been thinking about these [violent] incidents so much this week... like... dealing with the police, dealing with insurance, dealing with repairs and paying and... It makes you realise that this has a lot of consequences, you know? It's not just the violent act itself and what it means, which is obvious, but all of the other things that you have to do afterwards to repair what has happened – it takes a lot of energy and a lot of time."

"[He] has been deported, [he] has been deported, [she] burned out and had to leave. I mean like, everyone had to leave because they were burned out. [This one] as well... In the end it's just me and [this other person]. And I understand these people, they were here and fighting for this cause [...] and then you burn out and it's time to leave."

Others described a sense of isolation and/or a strong sense of mistrust of others. One activist for example, whose case we discussed earlier, described how her sense of trust was compromised after the town hall blocked her from taking up a job she had been offered: "I only realised much, much later that it really really affected me, that I... You know when you have this feeling of being targeted, of being discriminated against in a sense? You start to really be on your guard around people."

In Morocco, participants also spoke of exhaustion. One activist described: "I'm recovering little by little. [...] People kept telling me I should leave [activism]. I was developing a form of depression. There was so much pressure." Many respondents evoked having experienced their activism as emotionally and/or psychologically unsustainable at some point or other. Another activist described how

the more the authorities frustrate you:

"I don't invest all my energy in Morocco. It's a waste. They are good at destroying your life as an activist. Don't invest yourself entirely in Morocco. Being an activist is an investment. You need a way out, you need to have several options. Here nothing is guaranteed."

These accounts convey how criminalisation and harassment seek to exhaust solidarity actors into retreating. Activists in Morocco expressed awareness of the unsustainability of activism in these contexts. As one person explained: "Radical organisations are needed for change, but you cannot do this long term. For three years, maybe four, but then new people need to come. It's the only way not to get trapped – it's a big trap." He went on to explain that activism in contexts where the authorities inflict psychological oppression re-

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he had come to see activism in Morocco as a "wasted investment," whereby the more energy you put into your activism,

quires constant creativity and innovation: "If you keep going on the same path then they get you. You need to go different



ways so that they also get tired – or you break them before they break you.” This fear of “breaking” is exacerbated by the fact that individuals or associations experiencing criminalisation in Morocco often face isolation as a result, with allies and supporters refraining from (outspokenly) supporting them. Indeed, respondents lamented how becoming the target of repression might prompt other associations and individuals to distance themselves rather than rally around them, to avoid falling into the firing line because of their assumed or actual connection. Fear of finding oneself or one’s association isolated only serves to reinforce the strength of the authorities’ criminalisation.

At both sites, moments of collective fatigue were emotionally challenging and provoked

a sense of hopelessness, especially in Morocco where there are few paths for legal recourse. A human rights defender described:

“I don’t think anything will change here in Morocco. We go out into the field and get the information, but still [migrant] people [...] face inhuman treatment. I don’t see any direct impact from what we do. [...] It affects me mentally.”

Solidarity actors felt dejected at seeing little impact from their work, and were also concerned about inadvertently posing further risk to migrant people through their action. While it is one thing for solidarity actors to take risks for themselves or for an association to take risks, this does not end with them. As one respondent described:

“The response to [one of our publications about migration] was further backlash against those people. [...] It made us ask ourselves if it was really worth it. We were very excited about it at first, but it didn’t resolve anything.”

This fear of exacerbating the precarity and violence experienced by migrant people in itself operates as a deterrent, contributing to the self-censorship and mental fatigue that solidarity actors experience. As one human rights defender described:

“The issue of how risk-taking among activists and associations impacts the [migrant] people concerned is also important. It contributes to activists’ self-censorship and to their mental fatigue because something that used to work might now have grown count-

er-productive, or even exacerbated people's difficult situation."

The sense of uncertainty and unease surrounding the conditions and consequences of one's actions is compounded by the difficulty of predicting their repercussions.

### **3. Damaged trust in the state and renewed determination to resist**

In both northern France and Morocco, solidarity actors expressed a strong sense of mistrust in the state. They shared that after witnessing or experiencing state violence, one could no longer "unsee" or "unfeel" it. Criminalisation bolsters solidarity actors' awareness of unequal distributions of privileges within a political community, and prompts a rupture in one's relationship to the state. The solidarity actors we met had initially become involved in supporting migrant people for a wide range of reasons, and from more or less politicised stances. However, after committing to solidarity action for some time, many spoke of harbouring an overwhelming sense of having uncovered a "truth" about the workings of the state and its escalating repression, which must be resisted at all costs. This is emphasised in the following account:

"Now [since working in Calais], whenever I'm confronted with the police, I'm always in a con-

frontational or defensive mindset. I realise it in my body language because I hate them, you know? [...] I think it's a realisation of the truth. It's like, previously you're blind because you have the privilege to not think that the police are against you, and then you start to see what they do to people who have less privilege than you - and also to you in some cases. You get hardened to it and you realise that the system is terrible [...] This is how you get inside the struggle, and you can't get out anymore because you've seen too much."

Similarly, another respondent stressed:

"I still have a very physical reaction to authority - even though I've been through a lot of ID-checks and thought I would get used to it. I always leave feeling quite frustrated that I still can't not physically react to that demonstration of power."

This profound feeling of mistrust towards state authority shows why experiencing state intimidation at the border reinforces many solidarity actors' determination to resist, denounce and fight back against it. Many take these confronting experiences as an imperative to engage in further action rather than as a deterrent:

"Before going to Calais, I was fine to just fuck about and study, take it easy, not really do anything. And then this seemed really important. I have friends who were anarchists before they went to Calais and who came for political reasons, but I just stumbled across it."

Another respondent working for a long-standing organisa-

tion in Calais explained: "our position is a radical one because we are faced with a radical political strategy to which we can only respond through human rights activism."

In Morocco too, despite a strong sense of the risk involved in being active on these issues, solidarity actors expressed determination and commitment to pursue their acts of solidarity:

"In the beginning I was afraid, but not anymore. I tell myself that what will happen will happen. I was afraid I would be arrested and deported, but I'm not afraid anymore, I consider it's something that can happen in my work at any time. I can't stop because of the risks - if I want to be an activist I have to resist. I have more experience now. When you're an activist, it's your daily life. You can't be afraid, or you can't be an activist'."

The same person described how the shrinking room for manoeuvre and increasing risks for activists bolster the commitment of some of the people involved while frightening others away: "Everything to do with activism has been broken. We used to be able to mobilise, to go out and shout, to protest. But since 2018 we just can't. Only we radicals are left."

# V. Resistance to criminalisation

## 1. Accountability & legal recourse

The most commonly mentioned way of resisting criminalisation mentioned by solidarity actors at both sites was legal action. In France, legal processes are increasingly set in motion to hold the state accountable for the terrible living conditions experienced by migrant people at the northern border, as well as regarding more specific instances of violence against migrant people or solidarity actors (eg. IGA-IGPN-IGGN report 2017).<sup>67</sup> Recently, solidarity actors built a case against the French state regarding its placement of bans on food distributions in certain streets of the city. This practice began during COVID-19 and was justified as a safety measure, but continued long after pandemic-related restrictions had ceased. Solidarity actors won the case arguing that these bans go against the national principle of fraternity. Some respondents described this need to resort to legal action as frustrating. As one respondent explained:

"I don't have faith in the legal

system in the sense that it's already such a huge failure that we have to fight to give food and water to people in the street. Honestly it bothers me that we do it. So we dress it up a bit by saying that we are defending the principle of 'fraternity' - I can make that argument to journalists no problem - but intimately, I'm ashamed to have to defend the fact of giving water and food to people who sleep outside and are constantly evicted... the bar is so low."

Despite the absurdity of having to pursue legal action in order to ensure basic rights, she went on to acknowledge the value and importance of legal action:

"On the other hand, when it comes to using the law as a tool, it's valuable because it leaves a trace. A positive legal decision is good because it will calm the authorities down for a while and it changes the system structurally. Clearly it's a tool that we need to valorise, to invest in as much as we can. Then again we aren't legal experts either."

In October 2022, Calais associations won a case against the state regarding the distribution bans.<sup>68</sup> This was a significant victory that bolstered motiva-

tion to set legal cases in motion. Over time, as certain legal cases in defence of migrant rights and the right to show solidarity to migrant people have been successful, the desire to document, denounce, and bring an end to the intimidation of solidarity actors through the courts has also been growing at this border. As members of the Human Rights Observers described:

"We've started to really work on violence against volunteers, and to keep an up-to-date Excel spreadsheet documenting each of the moments of intimidation experienced by volunteers in all of the associations in Calais. We have a Whatsapp group devoted to instances of police intimidation, and so gather the information from this group, put it into Excel sheets, and with the help of that data make referrals to the Ombudsman, the Ligue des Droits de l'Homme, the CNIL [national commission on computing and freedom] and the IGPN [general inspection of the national police]. We set it up quite recently, because before there was no system to systematically document volunteer intimidation, and so even though we knew it was happening a lot, it was only

67 In 2017, several associations and migrant people at the northern French border lodged several complaints regarding disproportionate police violence against them to the French police disciplinary body (IGPN), and provided testimonies of their experiences to the French Ombudsman and Human Rights Watch, both of whom published scathing analyses of the situation that same year. This prompted the French minister of the Interior to commission an evaluation of the various police forces' action in Calais and around Dunkirk. While reluctant in its criticisms, the report condemns some of the reported policing malpractices and lists a number of recommendations to redress police behaviour at the border.

68 Chema, S. (2022). Migrants à Calais: annulation des arrêtés de 2020 interdisant les distributions alimentaires. La Voix du Nord. Available at: <https://www.lavoixdunord.fr/1243038/article/2022-10-18/migrants-calais-annulation-des-arretes-de-2020-interdisant-les-distributions>  
Several more court cases in favour of migrants' basic rights have been won. Examples include the court ruling to keep a Calais squat hosting migrant people and activists open in November 2022, and the winning of a dispute over the provision of a water point to migrant people living outdoors in Ouistreham in June 2023.

reported sporadically, whereas there are loads of cases. That's why we've decided to focus on this. But it's... intense work!"

"We need to do real work on archiving and collecting data. Over the past three months - March, April and May - we gathered and sorted video according to three categories: abusive security perimeters, identity checks and the fact of police filming us with their personal phones."

This approach of systematically documenting instances of police intimidation is valuable because it paints a much more precise picture of their frequency and diversity, thereby allowing for a better understanding of the broad and everyday nature of the issue. Otherwise such events would only be widely known in the most serious instances involving violence, arrest and/or a trial. Even so, without systematic documentation, awareness of this kind of political intimidation would be limited to solidarity actors, with little coverage in the media and amongst the broader public.

Instilling the reflex of documenting encounters with police officers and rights abuses in solidarity actors can play the vital role of providing evidence of abuses of power against migrant people and solidarity actors. This is especially important as their accounts of events are so often stifled by those of the police. Documenting police abuses of power has proven particularly valuable in the past, for example in the aforementioned case of human rights

defender Tom Ciotkowski, who was only cleared of charges of contempt and assault against a police officer when a video taken by another volunteer came to light. The video documents how a police officer had been the one to violently push him into a busy road - where he was narrowly missed by a passing lorry. The narratives provided by the three police officers present during the incident were contradicted by the video. They were all charged with falsifying evidence.<sup>69</sup> The officer who pushed Ciotkowski

● **"Here in Morocco, there's impunity. There are abuses of power. The judicial system is not independent. A migrant person has no chance of winning against the Moroccan state**

was also charged with assault. Without the video evidence however, it is unlikely he would have been able to clear his name.

Although in Morocco solidarity actors also spoke often of the potential for the law to instigate genuine change, they stressed it was rather a hopeless cause because of the undemocratic and partial nature of the judicial system in the country. Many of the solidarity actors we spoke

to expressed that they had little faith in the system because it does not do enough to protect them. As one NGO employee put it:

"Here [in Morocco], there's impunity. [...] There are abuses of power. The judicial system is not independent. [...] A migrant person has no chance of winning against the Moroccan state [...] In France things aren't perfect, but at least there are some guarantees, some transparency, some laws."

Nonetheless, some initiatives do still try to engage with the legal system in order to hold the state accountable and raise awareness of legal rights:

"We offer support to [migrant] people, but we also offer training with lawyers, debates with the ministry, we try to mix things up, to open up new pathways to protect ourselves and to defend the cause in a specific context of repression."

In this sense, solidarity actors seek to activate the law and raise awareness of it while acknowledging its limitations. By activating these mechanisms and advocating in favour of an independent judicial system, the hope is that it might, in time, improve and function better.

## 2. Strategic alliances

Solidarity actors we spoke to in northern France often evoked the vital importance of mutual support at both the individual and the associational level for

69 Amnesty International. (2019). France: Sentencing of police officer who assaulted Calais volunteer sends powerful message against impunity. Available at: <https://www.amnesty.org/en/latest/news/2021/09/police-officer-sentenced-for-false-charges-brought-against-calais-volunteer/>

their operational and strategic resistance. As a solidarity actor working for an association in Calais described:

“Since I started working here – and I started during COVID when the meetings with all of the associations were online – I’ve always found that there’s a lot of solidarity among associations, really. We see each other every week which is incredible, and we’re dedicated, we’re diligent in going to meetings every week, which shows how much we invest in other associations, in the collective [...] It’s important to realise that some associations are under constant pressure, and that freeing up two hours one afternoon every week – or sometimes four hours because we have another meeting on top of that – is huge! So I think there’s always been strong ties of solidarity between the associations, be it from a material perspective [loans of equipment, vehicles etcetera] or on advocacy issues ... for everything.”

Many people also spoke of the importance of creating alliances and opportunities for exchange between local and international solidarity actors and other local residents. They were convinced that better relationships and collaborations between these groups might be achieved through the identification of common interests and grievances.<sup>70</sup> As one solidarity actor put it:

“I really get the impression that

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• **cohesion that we lost a long**  
• **time ago. I think that since then,**  
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• **which also made us more**  
• **conscious of the importance of**  
• **acting with Calaisians**  
•

raising awareness is actually what they [the authorities] are most afraid of, the fact that we go and speak to Calaisians. [When they prevented us from holding an official event] we found an alternative solution, which was to get a stand at the jumble sale this year [2022]. We had some games, the reports [about the living conditions of migrant people at the border], the Journal des Jungles...<sup>71</sup> so we got to speak to Calaisiens a bit anyway.”

In October and November of 2021, three solidarity actors carried out a 38-day hunger strike in Calais, in protest against the inhuman treatment of migrant people at the border by the state. The hunger strike took place in the Saint-Pierre church on the Place Crèvecoeur in the city centre. During this time, the church was open for visitors and became a gathering place for solidarity actors. This was valuable in connecting local solidarity actors with solidarity actors living in the

city temporarily, who tend to be from other parts of France or abroad. While most of the hunger strikers’ demands were not met,<sup>72</sup> many people spoke of this period as a time of relationship and alliance-building between these different groups of solidarity actors. As one respondent explained:

“The hunger strike created a cohesion that we lost a long time ago. I think that since then, there’s a much better relationship between us and the Calaisians, which also made us more conscious of the importance of acting with Calaisians, and that it’s the constant turnover of volunteers [from elsewhere] that can be a bit of a setback.”

“[Strong ties of solidarity between associations have] grown even stronger since the hunger strike and we’ve had stronger bonds with local Calaisians and with activists [...] And then there’s the fact that Calais is so small, that there are basically just a few bars [that

70 Some people we spoke to mentioned that this is inspired by American community activist and political theorist Saul Alinsky’s work (e.g. *Rules for Radicals: A Pragmatic Primer for Realistic Radicals* [1971]) on community organising, and on the importance of understanding shared interests, how to approach confrontation and when to seek compromise in order to achieve social change.

71 A pamphlet edited by the Plateforme des Soutiens aux Migrants.e.s [PSM] that is written, illustrated and created by migrant people and those who support them. Available at: <https://www.psmigrants.org/site/la-psm-en-actions/le-journal-des-jungles/>

72 Brahim, N. (2021). *Grévistes de la faim à Calais : « On a l’impression d’être baladés »*. Médiapart. Available at: <https://www.mediapart.fr/journal/france/041121/grevistes-de-la-faim-calais-l-impression-d-etre-balades>



hunger strike and we've had stronger bonds with local Calaisians and with activists [...] And then there's the fact that Calais is so small, that there are basically just a few bars [that solidarity actors tend to hang out in]... It favours exchange."

From the hunger strike came a reinforcement of collective activism, with solidarity actors participating in collective initiatives and action groups [groupes d'action] as individuals rather than as association members or representatives. The idea has been to engage in symbolic acts that might visibilise the situation in Calais and raise awareness. In November 2021, locals and activists came together to form a human chain and successfully block the po-

lice from carrying out an eviction operation, and in October 2022 a soup distribution [soupe populaire]<sup>73</sup> was organised on a central square in Calais to celebrate the aforementioned court ruling against the local authorities banning food distributions on certain streets of the city.<sup>74</sup> Such initiatives take place locally and in greater view of local people. These events are certainly nothing new and have been performed by solidarity actors at this border for several decades. However, the hunger strike galvanised motivation and energy among solidarity actors to think creatively about and organise such events.<sup>75</sup>

In Morocco, it is unfortunately more difficult for different initiatives to form alliances

of this nature, to engage in open, critical discussion and awareness-raising campaigns let alone legal ones. One respondent explained that this is in part because the authorities mobilise their awareness of the ties that exist between associations to further pressure them. For example, she explained, when a migrant association goes to renew their *récépissé* at the wilaya or an individual foreign activist goes to renew their residence permit, it is common for them to be questioned by officials or police officers regarding whether or not they are linked (even loosely) to certain outspoken and highly critical human rights associations operating in the country. This can have a serious and negative impact on the ties

73 Chemaa, S. (2022). À Calais-Nord, une distribution alimentaire symbolique pour les associations d'aide aux migrants. *La Voix du Nord*.

<https://www.lavoixdunord.fr/1245962/article/2022-10-25/calais-nord-une-distribution-alimentaire-symbolique-pour-les-associations-d-aide>

74 Chemaa, S. (2022). Migrants à Calais: annulation des arrêtés de 2020 interdisant les distributions alimentaires. *La Voix du Nord*. Available at: <https://www.lavoixdunord.fr/1243038/article/2022-10-18/migrants-calais-annulation-des-arretes-de-2020-interdisant-les-distributions>

75 In May 2021 for example, solidarity actors launched an awareness-raising campaign (billboards across the city and a magazine spoofing the local magazine distributed by the Mairie) seeking to raise awareness among locals and show that "that which unites us is stronger than that which divides us". See: François, un aidant de la Voix Commune (2021). J'aime Calais, moi non plus. [Blog post]. *Le Club de Médiapart*. Available at: <https://blogs.mediapart.fr/amnesty-international/blog/240621/j-aime-calais-moi-non-plus>

“Those who could be civil society leaders and really weigh in on reforms are disliked by the authorities. [...] They’re the ones who can do things, who are progressive, who take a rights-based approach. But there aren’t a lot of resources and there are ego clashes [...] We need more active networks, to reinforce each other’s ability to act, to come up with common advocacy.”

In discrete and non-confrontational ways, communication and mutual support between solidarity actors remains a highly valuable and everyday tool for resistance. As one human rights advocate emphasised: “Humanitarian organisations usually work most closely with the most precarious people and can share information. They share information to feed activists’ work. This complementarity is vital.” An employee for a human rights association explained that some established international organisations, which work on sensitive issues such as human rights in Morocco, may encounter friction or experience certain obstacles. They often struggle to obtain an official status in the country, a situation which they mitigate or circumvent either by setting up new local associations or working in collaboration with existing local actors and associations which do not have a controversial profile and are already socially embedded: “they rely on a network [...] organisations with a foreign status often act via Moroccan actors.” Furthermore, associations and NGOs often seek to support each other by rallying together as a network, enabling associations mostly focused

on humanitarian action to feed into more advocacy processes through sharing information informally – even though their status does not allow them to do advocacy work.

● **“Those who could be civil society leaders and really weigh in on reforms are disliked by the authorities. [...] They’re the ones who can do things, who are progressive, who take a rights-based approach. But there aren’t a lot of resources and there are ego clashes [...] We need more active networks, to reinforce each other’s ability to act...”**

For migrant-led associations, respondents mentioned that it could be strategic to make sure that they have Moroccan members. Some felt this would

help with paperwork and administrative issues, although, as addressed above, this is not technically a requirement. As the founder of a migrants’ association explained:

“We involved Moroccans. I don’t want any blockages. If I am [officially named as] the president then there might be many blockages. So my name is there, you know, but on the paperwork it is not me. I am visible and I am invisible.”

Such arrangements show a willingness of both Moroccan and migrant association actors to work together to ensure that migrant-led associations do manage to operate.

Some respondents also mentioned a desire to cooperate with the authorities and state institutions, to create ties with them in order to reinforce democratic mechanisms and bolster human rights in the country:

“To unblock [the situation] we need transparent, critical and brave debate, and to define responsibilities. The responsibilities of the state, but [we] also [need to engage in] self-criticism. We’re not very conscious of it, but there are some things that can bring us together. Like freedom of expression. There are issues on which we can work together. It’s a democratic exercise, we need to accept mistakes and offer respect. But it’s not in Moroccan political culture. [...] To resist this we need education on human rights, but in Morocco, teaching on human rights mostly comes from former detainees and political parties – it’s very politicised.”

rights, but in Morocco, teaching on human rights mostly comes from former detainees and political parties – it's very politicised."

"We bother the authorities. They don't see the positive sides of our work. We don't just document human rights violations, we offer training courses on human rights, we support Moroccans. What we do isn't only about migrants. We're doing work that's in the general interest."

In the latter respondent's perspective, bolstering migrant rights is also in the interest of Moroccans who might see their own rights improved through this process.

International alliances are also vital for local solidarity actors. In Morocco, some foreign human rights initiatives operate under the radar, supporting human rights activists targeted with legal action. However, the employees and activists associated with these initiatives keep a low profile, both to protect themselves and to ensure that their presence in the country and activities are sustainable. The problem, however, is that because of this low profile, they are not always well-known by human rights defenders and activists, not all of whom are in direct contact with them. Other networks providing knowledge and information exchange are also very valuable at both sites, for example MIGREUROP<sup>76</sup> and Loujna-Toukaranké.<sup>77</sup>

### 3. Protecting solidarity actors

#### *a. Knowing one's rights*

It is not uncommon for solidarity actors to fail to prioritise denouncing their own criminalisation. People who invest time and energy in supporting migrant people who experience relentless violence are prone to feeling illegitimate in discussing the criminalisation that they themselves face, as relatively privileged citizens whose suffering they perceive as being of lesser importance and magnitude. However, this is in fact vital for the long term wellbeing of solidarity actors, as well as because they benefit from a more secure citizen status than the migrant people they support, enabling them to more easily draw attention to human rights breaches and activate accountability mechanisms which maintain pressure on the authorities. To these ends, it is important that solidarity actors are aware of their rights, of the accountability mechanisms that exist, and that they see the value of denouncing any injustices or intimidations to which they are subjected. As one person involved in trying to improve this explained:

"People don't always exactly know their rights here. The context means that anything can happen at any time, or that

the police allow themselves to do certain things – or just do their work – but we are not necessarily well prepared for it. [...] Some volunteers come to Calais and don't know the context. Often they either haven't had many interactions with the police before, or don't know much about the police and what a police officer is allowed to do. What are the limits? For example here, we're within 10 kilometres of a border so the police are allowed to ID-check us – but not everyone knows that in France. [...] We offer training on rights and how to challenge a fine, how to organise a coordinated follow-up on challenging fines and how to elaborate more of a collective strategy on this."

The emergence of a number of hand guides in France geared at solidarity actors emphasises a growing awareness of the importance of knowing one's rights and highlights the relevance and urgency of this issue. These guides range from explaining legislation around acts of solidarity to detailing the duties and rights of the police in border contexts,<sup>78</sup> explaining one's rights in relation to the authorities,<sup>79</sup> and offering advice on how to deal with trauma following violent police interactions.

In Morocco too, there have been some initiatives to raise awareness about rights in the context of migration,<sup>80</sup> for instance with regard to (migrant)

76 MIGREUROP. [Website]. Available at: [https://migreurop.org/?lang\\_nav=en](https://migreurop.org/?lang_nav=en)

77 Loujna-Toukaranké (Collectif pour la défense des droits des personnes migrantes au Maghreb et en Afrique de l'Ouest). [Website]. Available at: <http://loujna-toukaranke.org/>

78 Tous Migrants. (2020). Au nom de la loi: À l'attention des forces de l'ordre. [Handbook]. Available at: <http://www.roya-citoyenne.fr/wp-content/uploads/2022/04/LIVRET22-20P-A6.pdf>

79 Collectif des Délinquants Solidaires. (2019). Délit de solidarité: le guide. Available at: [http://www.delinquantssolidaires.org/wp-content/uploads/2019/07/guide\\_A5\\_de%CC%81linquants\\_solidaires\\_web.pdf](http://www.delinquantssolidaires.org/wp-content/uploads/2019/07/guide_A5_de%CC%81linquants_solidaires_web.pdf)

80 GADEM [Groupe Antiraciste de Défense et d'accompagnement des Étrangers et Migrants]. [Website]. Le cadre relatif au statut des étrangers au Maroc. Un guide juridique pratique actualisé et participatif. Available at: <https://gadem-guide-juridique.info/sommaire/>

artists.<sup>81</sup> However, merely knowing one's rights is insufficient in the broader context of an ambiguous legal framework and its arbitrary enforcement. As one human rights defender explained:

"As long as there's impunity, we cannot speak of the rule of law. For that we would need the pillar of a strong and independent justice system. Then we would be able to talk about the rule of law and democracy, even if abuses and violations will still happen."

Nonetheless, many of the solidarity actors we spoke to in Morocco shared the conviction that they might be better protected as a group if they were more aware of their rights:

"To change the situation we need some sort of structure, a legal desk to inform activists of their rights, to orient them and accompany them in cases of legal conflict. People need to be reassured that there is a structure there to defend them. [...] A lot of migrants are interested in activism, today there are a lot of people involved. We see that they [the authorities] can take our [activists'] residency cards away and displace us. We need to inform activists of their rights, of what they can do and what they can't do, so they can defend themselves, so they can have a fair trial."

## **b. Solidarity actor welfare**

The importance of protecting the wellbeing of solidarity actors is increasingly taken into account and vocalised in

northern France, where paid positions have been created for employees (often shared between several associations) working on supporting solidarity actors' emotional welfare. People in these roles are tasked with following up on individual cases where solidarity actors have faced difficult experiences or emotions, contributing to ensuring their wellbeing and the sustainability of their presence at the border. Some associations also offer paid-for sessions with external, local therapists for their members negatively impacted by working at the border, and the Refugee Resilience Collective has, since 2016, offered Anglophone emotional support for volunteers free of charge in the shape of group discussion sessions and individual therapy.<sup>82</sup> Welfare initiatives also exist in less explicit forms, through the establishment of spaces and times devoted to activities such as documentary screenings and the regular meetings of a militant choir.

In Morocco, perspectives on solidarity actor welfare and collective support differed. As one person explained:

"I see that in Morocco, on the contrary to other places, there isn't any individual or collective support. We aren't even always aware of the weight that we carry. Sometimes there's a collective depression and it's hard to break free from it. You're afraid, and in our community we don't have the freedom of expression to discuss these pressures. It's been fifteen years and every

year there's more pressure, it increases, and I'm losing my ability to resist. The fatigue is increasing."

Another human rights defender however experienced this differently:

"Support within our association is important, even if when one person falls into depression it affects everyone. The positive and the negative always impact everyone. [The association] is like a second family. Even if I go and work elsewhere, it's like a second family. It's a very good professional and personal experience. It's very important in the activist world that we listen to one another, that every person's work is valued. We know the risks, the effort that's put in, the sacrifices that are made, even life and freedom. We don't know how far things can go."

This suggests that while strong ties of solidarity can exist within groups and associations, it is more difficult for these ties of support to stretch beyond that close bubble for fear of negative repercussions on associations.

81 MARAM. Guide de l'artiste au Maroc. Available at: <https://www.docdroid.net/auCALEu/guide-de-lartiste-au-maroc-web-pdf>

82 See the following study of the "therapeutic activism" of the Refugee Resilience Collective: Hughes, G., Burck, C., & Roncin, L. (2020). Therapeutic activism: Supporting emotional resilience of volunteers working in a refugee camp. *Psychotherapy and Politics International*, 18(1), e1517. <https://doi.org/10.1002/ppi.1517>

# VI. Conclusions et recommandations

## 1. Concluding observations

This report has shed light on the ways that states such as Morocco and France resort to forms of criminalisation and insidious harassment against solidarity actors as they seek to pressure or frighten them into ceasing their activities. Through such criminalisation, states seek to restrict, condition, or simply prevent solidarity actors from providing certain forms of assistance and support to migrant people residing on or circulating through their territory. Insidious forms of harassment coexist with more explicit forms of criminalisation (e.g. through the courts) on a continuum of measures which are more or less morally tenable, and not always legally sanctioned, seeping into the everyday lives of solidarity actors and those close to them. The findings of this report reveal that states such as Morocco and France invest considerable resources - money, human resources and time - in seeking to inflict a sense of constant surveillance and discomfort on solidarity actors. Many of the people we spoke to suspected that indirect and opaque forms of state violence represent a way to protect the appearance and reputation of these states as rights-respecting, while in fact they pursue a dedicated campaign of trying to harass

migrant people and those who support them into submission.

These forms of criminalisation are notably gendered and racialised. They target solidarity actors in different ways depending on a multitude of social markers, with geographical differences depending on local contexts (e.g. borderlands). However, the effects of insidious harassment on solidarity actors across France and Morocco are similar. They are multiple, affecting solidarity actors financially, administratively, emotionally, psychologically, physically and sometimes legally. Beyond just impacting acts of solidarity, they work to target solidarity actors on moral and practical levels, with repercussions on their work, family and social lives. This constitutes a protracted and everyday pressure that often disrupts solidarity actors' sense of safety within the nation state and trust of its authorities. However, achieving an overview and in-depth understanding of these modes of policing and how they play out may contribute to reducing these effects.

This report has also shed light on how in contexts where repression is constantly squeezed and solidarity actors face damaging state practices, their commitment to rectifying social injustices and wrongs is also galvanised. It becomes difficult for them to "unsee" unjustified restrictions on basic civil

action, and so they are unlikely to disengage from solidarity action. In northern France, this is highly visible in the strong and diverse associative fabric that has been woven, along with continued initiatives seeking to establish and maintain alliances between local residents, activists and associations and to intervene on issues collectively. This collective action mani-

• **The findings of this report reveal that states such as Morocco and France invest considerable resources - money, human resources and time - in seeking to inflict a sense of constant surveillance and discomfort on solidarity actors.**

ests as advocacy, mounting legal cases, setting up initiatives designed to ensure the safety and wellbeing of solidarity actors. By contrast, in Morocco

where the scope of action is more limited, the potential for creating alliances is much more restricted. Nonetheless, this report emphasises the determination of many human rights defenders and activists to pursue their action, work together and support one another when possible. Beyond the analysis presented here, the project behind this report has sought to contribute to nurturing dialogues and reflections on such fraught issues amongst solidarity actors in France and Morocco.

Based on the findings and analysis presented in this report, we propose the following recommendations for solidarity actors, associations and NGOs, for the Moroccan and French states, and for third states (e.g. Spain, the United Kingdom) and supranational bodies (eg. the European Union...):

## 2. Recommendations for solidarity actors, associations and NGOs<sup>83</sup>

- Systematically document all instances of intimidation experienced by associations and solidarity actors (while taking great care to protect anonymity) to ensure that there is a detailed record of these occurrences;
- Continue to challenge state injustices (towards migrant people and solidarity actors) on legal grounds, rigorously

documenting each procedure and its outcome for use in future cases;

- In France, engage in advocacy work where possible and communicate cases of intimidation to national and international human rights organisations and the national ombudsman who might be in a stronger position to intervene than individuals or associations. Report any police malpractices to the IGPN;
- In Morocco, engage in advocacy where possible and communicate cases to international human rights organisations well-positioned to advocate in favour of individuals and associations from abroad. While a National Human Rights Council exists in Morocco, its independence and capacity to intervene may be limited. Examples of international actors to report to (some of which have a presence in Morocco) include EuroMed Rights, Amnesty International, Human Rights Watch, Frontline Defenders, the United Nations Office of the High Commissioner for Human Rights and UN Special Rapporteur on extrajudicial, summary or arbitrary executions;
- Counter state disinformation regarding activists and human rights defenders, and engage in raising the general public's awareness of their crucial role on migration issues and rights-related is-

sues more broadly;

- Alliance-building and communication between groups committed to the same goals is vital and strategic for developing and sharing tactics both to respond to harassment and ensure safeguarding;
- This report might be used by associations and activist groups to help raise awareness of the multitude of forms of intimidation to look out for. It can serve as a basis to inform solidarity actors about their rights, the risks they might face and practical ways to address them;
- Nurture initiatives offering activists and human rights defenders emotional/psychological support (formal or informal) to prevent exhaustion and burnout;
- As well as engaging in conversations and alliances locally and nationally, seek out and maintain relationships with groups experiencing similar struggles in other countries, with the goal of offering each other mutual support while learning from each other's challenges and resistance strategies;
- When taking action, always assess the potential unintended implications of one's work on the migrant people it seeks to support, considering possible negative risks and working to mitigate them.

<sup>83</sup> The recommendations listed in what follows emerge from our own research and observations while also drawing on recommendations made in other reports on similar issues, namely Amnesty International's 2019 report titled "France: Targeting solidarity: Criminalization and harassment of people defending refugee and migrant rights in northern France" and Human Rights Watch's 2022 report "They'll Get You No Matter What" Morocco's Playbook to Crush Dissent (see full bibliographical references and links in section VII).

### 3. Recommendations for states

- Genuinely respect and protect national and international commitments to the respect of human rights, making this a priority over efforts to cultivate an international reputation as a rights-respecting state;
- Work to protect and reinforce existing legislation protecting human rights (including the rights to resist and protest) which are actively being eroded;
- Consider how the human, material, and financial resources deployed to criminalise, intimidate and harass migrant people and solidarity actors could be reoriented to support a genuine and fair politics of hospitality rooted in the respect of human rights;
- Adopt laws that support human rights defenders, following recommendations stated in the United Nations Declaration on human rights defenders;
- Set up robust mechanisms and flexible funding opportunities to support organisations and individuals facing administrative or other difficulties because of their work and which might prevent them from meeting certain criteria;
- Ensure that legislative provisions designed to protect the

human rights of both migrant people and solidarity actors are rigorously applied by authorities at local and national levels;

- Cease attacks on solidarity actors' reputations and refrain from using criminalising language (e.g. public discourses, media appearances) that seeks to stigmatise them and undermine legitimate and legal acts carried out in the name of human rights;
- Always investigate attacks against human rights defenders and hold those responsible for enacting, sponsoring, or ordering such attacks accountable.
- Respect solidarity actors' right to a private and family life and cease unjustifiably surveilling them, both directly and indirectly, physically and online.

#### Morocco

- Put an end to policing and administrative strategies designed to intimidate human rights defenders and activists, and from criminalising these groups and individuals on distorted grounds that seek to pressure them to cease their activity;
- Respect existing safeguards to the right of as-

sociation and civil protest as outlined in the Moroccan Dahir no1-58-376 promulgated on the 15th of November 1958, then modified and expanded through laws no1-73-293 of the 10th of April 1973, law no75.00 of the 23rd of July 2002 and no07-09 of the 19th of February 2009;<sup>84</sup>

- Cease arbitrary arrests and expulsions of migrant people and solidarity actors;
- Legally enshrine the right to engage in acts of solidarity and elaborate clear laws that detail the legal parameters of solidarity action.

#### France

- Strengthen existing state accountability mechanisms intended to ensure the right to protest;
- Reinforce human rights legislation designed to protect the core republican principles of freedom, fraternity and equality;
- Cease attempts to create and push forward laws that compromise and restrict the parameters of civil society action;
- Protect and strengthen the implementation of the principle of fraternity which is enshrined as a constitutional Republican value;
- Foster genuine spaces for dialogue with associations and individual activists.<sup>85</sup>

<sup>84</sup> Adala. (2020). Le cadre légal relatif à la liberté d'association et de réunion au Maroc. Février 2020. ISBN: 978-9954-9539-9-0. Available at: [https://erim.ngo/wp-content/uploads/2020/12/Rapport-Liberte-d-expression-e-t-d-association-au-Maroc\\_Fr-2.pdf](https://erim.ngo/wp-content/uploads/2020/12/Rapport-Liberte-d-expression-e-t-d-association-au-Maroc_Fr-2.pdf)

<sup>85</sup> The Pas-de-Calais préfecture currently holds regular meetings with associations working to support migrant people in the area, but many associations do not attend because they experience the meetings as a masquerade for moments of dialogue between these actors, where in practice the authorities dictate their own agenda. Moreover, these are not open meetings - only select associations may attend. Genuine dialogue might be restored by

## ***Recommendations to third states (e.g. Spain, the United Kingdom) and supranational bodies (eg. the European Union...)***

- Third countries such as The United Kingdom and Spain should genuinely take into account international human rights standards (regarding migration, dissent, protest etc.) when entering into negotiations and forming partnerships with France and/or Morocco over the management of borders and migration;
- The European Union should genuinely take into account international human rights standards (migrants, dissent, protest etc.) when entering into negotiations and forming partnerships with both member states and countries at its external borders;
- All states and relevant supranational bodies should establish or activate accountability mechanisms when states are found to breach the rights of human rights defenders and activists;
- All should set up mechanisms and funding opportunities to support organisations and individuals facing administrative or other difficulties because of their

work;

- States and supranational entities should amplify and relay concerns from Moroccan and French civil society in international forums and during bilateral/multilateral discussions over migration and borders.



**"Migrants' rights can't be protected if rights generally aren't protected, it's impossible."**

**Cultural practitioner, Casablanca May 2022**

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