



THE FRANCO-ITALIAN BORDER

RIGHTS VIOLATIONS. A SAFE REGION?

CAMINS DE REFUGI PROJECT

Comissió Catalana d'Ajuda al Refugiat
and SOS Racisme Catalunya

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1. Introduction: Why the French-Italian Border?

Given the lack of legal and safe routes, thousands of people are gambling with their lives using alternative routes. As indicated by the IOM¹, the route that was most frequently used to reach Europe during 2017 was that of the sea, with 171,635 people registered, which represents 92% of total figures. The Central Mediterranean route, which goes from the southern coasts of the Mediterranean to Italy, was used by the majority of migrants (119,369), and was followed by that of the Eastern Mediterranean through Greece (35,052) and that of the Western Mediterranean through Spain (22,414).

For one year to the next, in two of the three cases (the Central and Eastern Mediterranean) the figures dropped. This however is not because the number of people in need of protection has been smaller, it has in fact increased, yet many have been trapped in countries of origin and transit. This is the result of the EU-Turkey agreement (in the case of Greece), of the action plan to reduce irregular entry through Italy, which was announced by the European Commission in July 2017², of the bilateral agreements between Italy and countries of transit, such as Libya, and the restrictive measures regarding maritime rescues, which were announced and implemented by the Italian Minister of the Interior, Matteo Salvini.

On the other hand, although Europe's external borders have been under a certain focus of attention in recent years by the international media, the issue of the dividing lines that separates the states themselves from the European Union has been set aside.

Despite forming part of the Schengen Area since 1995³, on 11 June 2015, France unilaterally restored its border controls, among others, those it shared with Italy⁴. From then on, the small town of Ventimiglia, on the Italian side of the border, became one of the border points with the highest levels of conflict in the area of Human Rights within the European Union (EU). The numerous people arriving from countries in the Middle East, the Maghreb, Eritrea, Nigeria and Somalia were added to those people from the country themselves who could not get across the border. As they were unable to cross the border, these migrants constructed improvised settlements that were dismantled by the police on several occasions, and which were soon to become part of the landscape on the outskirts of the town. Meanwhile, between September 2016 and August 2017, up to 15 people died in accidents while trying to cross into France⁵.

In recent times, the increased number of arrests and returns on the French side of the border in Menton has forced refugees to seek alternative and more dangerous routes to the north, especially in the more mountainous regions of the Alps. The town council of Briançon estimates that approximately three thousand people passed through the area

1 IOM (2017). Migration flows to Europe: http://migration.iom.int/docs/2017_Overview_Arrivals_to_Europe.pdf

2 European Commission (2017). Central Mediterranean Route: Commission proposes Action Plan to support Italy, reduce pressure and increase solidarity: http://europa.eu/rapid/press-release_IP-17-1882_en.htm

3 Gobierno de España. Ministerio del Interior (2018). Acuerdo de Schengen: <http://www.interior.gob.es/ca/web/servicios-al-ciudadano/extranjeria/acuerdo-de-schengen>

4 La Repubblica (2015). Francia blocca la frontiera con l'Italia. Ue: "Nessun dietrofront su quote": http://www.repubblica.it/esteri/2015/06/12/news/francia_blocca_frontiere_ue_avanti_con_redistribuzione_-116732997/

5 Open Migration (2017). I morti di confine a Ventimiglia: <http://openmigration.org/analisi/i-morti-di-confini-a-ventimiglia/>

between July 2017 and May 2018 (59% of them were children). Unfortunately, the number of news items regarding missing or dead people⁶ on a journey that is sometimes in vain has also increased. Asylum applicants whose fingerprints are routinely taken and registered in Italy are unaware that they can be automatically returned to that country for their request to be considered, in accordance with the Dublin III Convention. One example of the danger of this route is the case of Blessing Matthew, a Nigerian girl who died in May 2018 after trying to escape from the police⁷.



The E80 Motorway, linking Italy to France. Photo: Fotomovimiento

In this context, both those actions undertaken in support of refugees⁸ and those that reject them⁹ have been quick to arise. This has led to the emergence of a new and dangerous political debate that has resulted in the increased polarisation of public opinion, which has lent force to those parties that are clearly positioned in favour of more restrictive policies and the use of new or more traditional forms of criminalising public support.

6 La Stampa Torino (2018). Migrante trovato morto nei boschi tra Monginevro e Briançon: <http://www.lastampa.it/2018/05/19/cronaca/migrante-trovato-morto-nei-boschi-tra-monginevro-e-briancon-JPruGhIQHIu8slt3zzIZgI/pagina.html>

7 Sud Ouest (2018). Une Nigériane de 20 ans serait morte en traversant la frontière française: <https://www.sudouest.fr/2018/05/22/une-migrante-de-20-ans-se-tue-en-traversant-la-frontiere-francaise-5077431-10407.php>

8 Local Team. (2016). DIRETTA LIVE: Ventimiglia, manifestazione No Borders. Recuperat de <https://www.youtube.com/watch?reload=9&v=rKjH2vx28ZQ>

9 BFM (2018). Reportage RMC: face à la démonstration de force de Génération identitaire à Briançon, l'inquiétude des habitants: <https://rmc.bfmtv.com/mediaplayer/video/reportage-rmc-face-a-la-demonstration-de-force-de-generation-identitaire-a-briancon-l-inquietude-des-habitants-1064023.html>

2. What does the Observation Mission consist of?

In May 2018 a team of human-rights observers from the Catalan Commission for Refugee Aid (the CCAR), SOS Racisme and FotoMovimiento visited the French municipal areas of Menton and Briançon, and the Italian areas of Ventimiglia, Claviere, Oulx and Bardonecchia. The aim of their mission was to directly observe, in situ, the management of migratory controls and the situation with respect to international protection at land-based entry points on the French-Italian border.

Apart from direct observation of what happens at border crossings, interviews were made with people who were actually making the journey, as well as with different organisations that work in the field, in both France and Italy (Association pour la Démocratie à Nice et dans les Alpes -Maritimes, the Eufemia-info and legal point-, Popolo in Arte, Caritas Ventimiglia, Intersos, Terre des Hommes, Roya Citoyenne, Gisti, Cimade, Refuge Solidaire Briançon, Chez Jesus - Rifugio Autogestito and Rainbow4Africa), the Bardonecchia Town Council and the investigator Gabriele Proglia.

This material was supplemented with previously-made reports in order to further assess the French-Italian border and denounce any human rights violations that occur within European territory.

3. Contextualisation: Socio-demographic Data

a) Italy

The Italian Republic is a state in the form of a parliamentary republic, with territory on the European continent and islands of the coast of North Africa (Lampedusa, Lampione and Pantelleria). In Europe, it borders on France, Switzerland, Austria and Slovenia, while hosting two independent States within its territory (San Marino and the Vatican City). With 60.6 million inhabitants¹⁰, the country ranks 28th on the Human Development Index¹¹.

With respect to data on the **arrival of applicants seeking international protection**, in 2017 Italy was the main gateway to Europe in terms of sea transport. According to the CEAR Annual Report¹², 119,310 arrivals were recorded on Italian shores. This figure accounts for 70% of all arrivals on European coasts, ahead of both Greece (17%) and Spain (13%). Furthermore, the 128,850 requests for asylum lodged in Italian territory represent an increase when compared to the previous year, when 122,960¹³ were registered. The total number of favourable responses came to approximately 45 thousand between 2016 and 2017.

In terms of **refugee reception conditions**, the reception system is structured into different phases: asylum seekers can be transferred between centres, either from first-aid

10 World Bank (2018). Population, Italy: <https://data.worldbank.org/indicator/SP.POP.TOTL>

11 UNDP (2018). Human development Reports, Italy: <http://hdr.undp.org/en/countries/profiles/ITA>

12 Comisión Española de Ayuda al Refugiado (2018). Informe 2018: Las personas refugiadas en España y Europa: <https://www.cear.es/wp-content/uploads/2018/06/Informe-CEAR-2018.pdf>

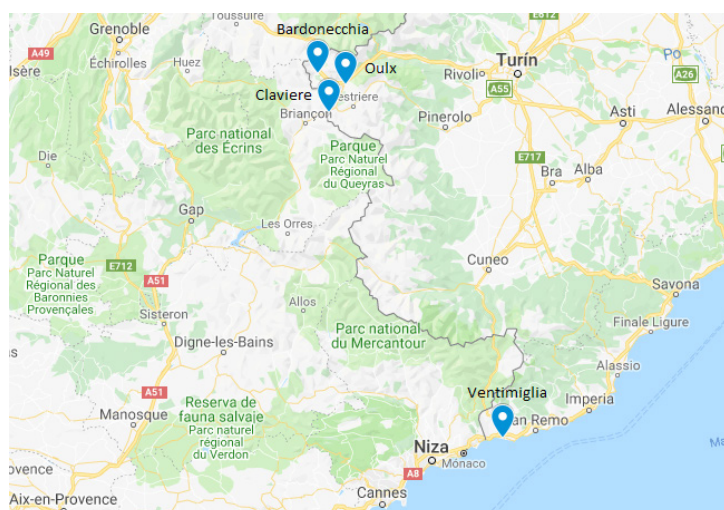
13 The European Parliament (2018). Infographics: Asylum Requests in the EU: http://www.europarl.europa.eu/external/html/welcomeeurope/default_es.htm

centres or from accommodation (Hotspots or CPSAs – centres of first assistance and reception (as well as centres of assistance for asylum-seekers, which are government centres – CARA) or temporary centres (CAS) and, finally, to secondary assistance and reception centres (SPRAR). However, due to a lack of available places, they may stay in the government centres or CAS¹⁴.

On the other hand, there are private housing networks outside of the national reception system, such as the church. Following the Pope's call on 6 September 2015¹⁵, certain Italian churches began to shelter refugees. By way of example, among others, the initiative "Rifugiata a casa mia"¹⁶ has been promoted by the charity organisation Càritas.

With respect to those who try to cross the border with France, most are concentrated in the Ventimiglia area, in the province of Imperia. As the NGOs interviewed reported, the average journey time from when a migrant reaches the Italian coast and crosses the peninsula to this municipal area is about two weeks. However, despite the fact that there are areas where the police unofficially "tolerate" the stay of refugees, there are numerous cases of arbitrary identifications based on ethnic profiles and many are forced return to the south of Italy by bus, mainly to Tarento or Crotone. Besides this, asylum seekers may be transferred to other temporary centres (CAS) in order to balance the presence of migrants and refugees in the area. According to the same sources, these transfers are decided by the corresponding Prefecture and there is no appeals process available to try and overturn these decisions.

Given the growing difficulties encountered in getting to France from Ventimiglia, many migrants are forced to choose alternative and more dangerous routes. Until a few months ago, they boarded trains, took cars, or went on foot to the north, mainly to Bardonecchia. However, the dangers on this route have forced refugees to find a new route, one which begins at Oulx. A brief description of the municipal areas is given below:



Google. (s.f). Mapa del costat italià de la frontera franco-italiana

14 Aida (2018). Country Report. Italy: <http://www.asylumineurope.org/reports/country/italy>

15 Il Fatto Quotidiano (2015). Profughi, l'appello di Papa Francesco: "Ogni parrocchia accolga una famiglia": <https://www.ilfattoquotidiano.it/2015/09/06/migranti-lappello-di-papa-francesco-ogni-parrocchia-accolga-una-famiglia/2012360/>

16 Caritas Italiana (2015). Al via progetto "Rifugiato a casa mia": http://www.caritasitaliana.it/pls/caritasitaliana/v3_s2ew_consultazione.mostra_pagina?id_pagina=6146rope/default_es.htm

Ventimiglia

Located in the region of Liguria, this city of approximately 26 thousand inhabitants¹⁷ is located about 8 kilometres from the French border. It gained publicity in early August 2015 due to protests and the dismantling of the unofficial camp at Balzi Rossi (a settlement created soon after the reintroduction of controls on the French border and a few metres away from the border¹⁸), Ventimiglia is today a municipality with polarized public opinions regarding the issue of immigration. One example is the case of the church of Sant'Antonio¹⁹, where faced with the increased numbers of blocked migrants who were settled in unofficial camps, and the limited institutional response, in May 2016 the parochial building began to receive migrants, together with 200 volunteers. However, pressure from the city's inhabitants forced the initiative to stop in August 2017. According to the information provided to Oxfam Intermón²⁰, some 1,000 meals a day had been served.

In July 2017, the Red Cross opened the Campo Roya, in coordination with the province of Imperia. This transit camp, also includes smaller ones, and it was set up on the outskirts of the city, about four kilometres away. Although it was created to accommodate people trapped in Ventimiglia, it does not hold them all, as many of them prefer to sleep on the streets, as they fear that they will be forced to register their fingerprints in the camp. This causes situations where people of all ages (children as well) live in squalid conditions near the train tracks, while seeking support from other organisations or associations in the area. Between July 2017 and April 2018, the local volunteers in the Caritas charity organisation attended to a registered number of 16,475 migrants in the city of Ventimiglia and its outskirts. One in four was a child. During the first months of 2018, local volunteers counted over 4,000 arrivals²¹.

During the day, many of them meet in unofficial settlements in the area, or in the city centre. Certain areas of the municipality, such as the southern corner of the beach or the railway lines have come to be accepted as areas of tolerance by the police and the refugees. As researcher Gabrielle Proglia notes, identification procedures usually take place when the migrants move around the tourist area. This type of tacit agreement results in the stigmatisation of the group, then to discrimination against it, and finally to a polarisation of public opinion with respect to refugees. Meanwhile, there are cases involving the criminalisation of support, such as the Foglio di Via. This will be discussed in those points we have identified as being of concern.

17 Comune di Ventimiglia (2018). Data Città di Ventimiglia: <http://www.comune.ventimiglia.it/servizi/Menu/dinamica.aspx?idA-rea=8882&idCat=8883&ID=8883&TipoElemento=categoria>

18 Global Project (2015). Ventimiglia - Sgomberato il campo ai Balzi Rossi, i migranti tornano sugli scogli: http://www.globalproject.info/it/in_movimento/ventimiglia-sgomberato-il-campo-ai-balzi-rossi-i-migranti-tornano-sugli-scogli/19437

19 Riviera24 (2017). Ventimiglia, c'è bisogno di aiuti per i migranti della chiesa di Sant'Antonio alle Gianchette. Ecco cosa serve: <https://www.riviera24.it/2017/05/ventimiglia-ce-bisogno-di-aiuti-per-i-migranti-della-chiesa-di-santantonio-alle-gianchette-ec-co-cosa-serve-253408/>

20 Oxfam Intermón (2018). Nowhere but out: https://d1tn3vj7xz9fdh.cloudfront.net/s3fs-public/file_attachments/bp-nowhere-but-out-refugees-migrants-ventimiglia-150618-en.pdf

21 Oxfam Intermón (2018). Nowhere but out: https://d1tn3vj7xz9fdh.cloudfront.net/s3fs-public/file_attachments/bp-nowhere-but-out-refugees-migrants-ventimiglia-150618-en.pdf



Groups of local volunteers take part in support initiatives in Ventimiglia. Photo: Fotomovimiento

Bardonecchia

With an estimated population of 3,155 people in 2017²², Bardonecchia is found in the Piemonte region, 1,312 metres above sea level²³, in the Susa Valley.

The city is at the start of the route that was most used by refugees in the region in 2017. Despite having experienced a large influx during the summer of that year²⁴ this flow has been declining as refugees have recently chosen to take alternative routes (mainly the one that begins in Oulx). However, a small delegation of Rainbow4Africa remains in the train station, where two cultural mediators who have travelled the route themselves are responsible for trying to inform refugees on the dangers of the route to France and give them a place to rest. The national Alpine rescue organisation is also present. Despite their efforts, they have not been able to avoid several deaths or disappearances in the area²⁵.



The train station at Bardonecchia. Photo: Fotomovimiento

22 CityPopulation (2018). Bardonecchia: <https://www.citypopulation.de/php/italy-piemonte.php?cityid=001022>

23 Comune di Bardonecchia (2018). Territorio e Ambiente, Sistema di Gestione Ambientale ISO 14001:2004, informazioni ex art. 40 c. 2 del D.Lgs. 33/2013: <https://www.comune.bardonecchia.to.it/bardonecchia/territorio-e-ambiente/>

24 The Guardian (2018). Alpine crossing: refugees battle extreme weather to reach France: <https://www.theguardian.com/world/gallery/2018/jan/26/alpine-crossing-refugees-battle-extreme-weather-reach-france>

25 La Repubblica (2018). Bardonecchia, il corpo di un migrante affiora tra neve e detriti dell'Orrido del Frejus: http://torino.repubblica.it/cronaca/2018/05/25/news/bardonecchia_il_corpo_di_un_migrante_affiora_tra_neve_e_detriti_sul_colle_della_scala-197318905/

Oulx

At 1,100 metres above sea level, and 76 km from Torí, this town of 2,598 inhabitants forms part of the new route for refugees on their journey to Briançon.

As the arrivals have increased, a small, temporary aid area has been set up by the Italian Red Cross and Rainbow4Africa at the train station. The aim is to try and mirror the experiences and procedures implemented at the open area in Bardonecchia.



Temporary facilities of the Italian Red Cross and Rainbow4Africa. Photo: Fotomovimiento

Claviere

This town in the Piemonte Region had a population of 217 inhabitants in 2014, and lies at 1,760 metres above sea level²⁶.

At only 13 km from Briançon, this mountain village has become a place of passage for those migrants seeking to enter France from Oulx. On 22 March 2018, the activist group “Briser les Frontières” decided to occupy the rear of the local church and convert it into a self-managing refuge called “Chez Jesus”²⁷.

²⁶ Comune di Claviere (2018). Scheda del comune: <http://www.comune.claviere.to.it/it-it/vivere-il-comune/scheda>

²⁷ For more information, go to: <https://www.facebook.com/Chez-Jesus-Rifugio-Autogestito-362786637540072/>



A welcome message on one of the walls at the “Chez Jesus” refuge in Claviere. Photo: Fotomovimiento

b) France

The French Republic is a state governed by a semi-presidential system, the country comprises territory in both the European continent and overseas. In Europe, it borders on the Atlantic Ocean, the English Channel, the Strait of Calais (which separates it from the United Kingdom), the North Sea, Belgium, Luxembourg, Germany, Switzerland, Italy, Andorra, Spain and Monaco. With 66.9 million inhabitants, France ranks 21st on the Human Development index²⁸.

With respect to data on the **arrival of refugees**, France is considered as a destination country for many of them. However, it also forms part of one of the branches on the route to Northern European countries (especially Germany) and the United Kingdom. According to data published in the CEAR annual report²⁹, in 2017, 98,635 applications for asylum were registered in France, which ranks it third in terms of asylum requests received, behind Germany and Italy. This represents an increase compared to 2016, when 83,485 requests were registered³⁰. It is also important to stress the low rate of international protection concessions that were granted over the last two years. In 2016 a favourable response was seen, i.e., some type of protection was granted in 33% of the sentences made, while in 2017 this figure fell to 30%. In total, between 2016 and 2017 a favourable response was made with respect to some 62,000 people.

28 UNDP (2018). Human development Reports, France: <http://hdr.undp.org/en/countries/profiles/FRA>

29 Comisión Española de Ayuda al Refugiado (2018). Informe 2018: Las personas refugiadas en España y Europa: <https://www.cear.es/wp-content/uploads/2018/06/Informe-CEAR-2018.pdf>

30 Comisión Española de Ayuda al Refugiado (2017). Informe 2017. Las personas refugiadas en España y Europa: <https://www.cear.es/wp-content/uploads/2017/06/Informe-Anual-CEAR-2017.pdf>

In terms of conditions pertaining to the reception of refugees, two types of facilities exist at a state level. First are the reception centres for asylum seekers (CADA), which include both reception centres and private homes. Secondly, other types of facilities exist that are financed by the Ministry of the Interior, including emergency facilities. By late 2017, a total of 82,428³¹ places had been established, and the aim was to increase their capacity to 87,000 during 2018³².

With respect to arrivals from Italy, these take place mainly on the dividing line with the Provence Alpes - Côte d'Azur region. The most famous gateway to the south is Menton. However, due to high levels of police pressure, people have been forced to go north, in an attempt to reach Briançon using more hazardous routes.

Although it is impossible to calculate the number of people who have crossed over accurately, the figures provided by the Alps Maritims Prefecture amount to some 50,000 detentions made by French authorities on the border in 2017, 98% of whom were returned to Italy³³. On the other hand, the data obtained by Oxfam Intermón calculate some 23 thousand crossings through Ventimiglia (Italy) in 2017³⁴.



Google. (s.f). Map of the French coast on the French-Italian border

In this region, official data from the French government revealed the existence of 5,447 reception places in 2017, and 474 new ones were planned for 2018³⁵. A brief description of the municipal areas is detailed below:

31 LegiFrance (2017). Information du 4 décembre 2017 relative à l'évolution du parc d'hébergement des demandeurs d'asile et des réfugiés: http://circulaire.legifrance.gouv.fr/pdf/2017/12/cir_42787.pdf

32 Aida (2017) Country Report. France: http://www.asylumineurope.org/sites/default/files/report-download/aida_fr_2017update.pdf

33 20 minutes (2017). Côte d'Azur: A la frontière italienne, un nombre record de passeurs interpellés: <https://www.20minutes.fr/societe/2180983-20171204-cote-azur-frontiere-italienne-nombre-record-passeurs-interpelles>

34 Oxfam Intermón (2018). Nowhere but out: https://d1tn3vj7xz9fdh.cloudfront.net/s3fs-public/file_attachments/bp-nowhere-but-out-refugees-migrants-ventimiglia-150618-en.pdf

35 LegiFrance (2017). Information du 4 décembre 2017 relative à l'évolution du parc d'hébergement des demandeurs d'asile et des réfugiés: http://circulaire.legifrance.gouv.fr/pdf/2017/12/cir_42787.pdf

Menton

This coastal town in the Maritime Alps Department, is the first French city of arrival and transit for those who cross the Franco-Italian border in the south from Ventimiglia. In 2015, it had a population of 28,231 people³⁶.

The main point of arrival from Italy is the Menton-Garavan train station. This location is renowned for numerous cases in which the police have entered train wagons and made discriminatory checks according to ethnic profile in order to detect “unauthorised” people who are trying to enter the country, among them, minors. If they are detected they are often returned to Italy, as reported by Amnesty International observation volunteers at the Menton-Garavan station. However, there are routine controls on the border roads and sporadic checks are made on mountain border roads.



Menton, a few kilometres from the French-Italian border

Briançon

Located in the Alt Alps Department, this city stands 1,326 metres above sea level. In January 2016, it had 12,573 inhabitants³⁷. This municipality is on the connecting routes that link Italy with France, to the north.

The city is still favourable in terms of its attitude to the reception of refugees. Among other events³⁸, in March 2017 it hosted a rally in protest against the return procedures

³⁶ CityPopulation (2018). Menton: <https://www.citypopulation.de/php/france-alpesmaritimes.php?cityid=06083>

³⁷ Ville du Briançon (2018). Bienvenue à Briançon: <https://fr.calameo.com/read/00259236550cece14ad46>

³⁸ Ville du Briançon (2018). Réfugiés: http://www.ville-briancon.fr/aide_aux_refugies.html

to Italy applied to asylum seekers as established in the Dublin III Convention. Two months later, the city council encouraged townspeople to send letters opposing these procedures³⁹ to President Macron, while launching “A voir ou revoir”⁴⁰, a video made to raise awareness against the Dublin agreements. In June 2018, a new protest march took place with 150 participants, who supported the abolition of borders and who were denouncing the charges made against 3 young people who had been accused of “helping irregular entry into French territory in an organized group”⁴¹.

With respect to public support, the Refuge Solidaire refuge is well-known in the region. Since it opened in July 2017, it has received some three thousand people.



The Refuge Solidaire in Briançon. Photo: Fotomovimiento

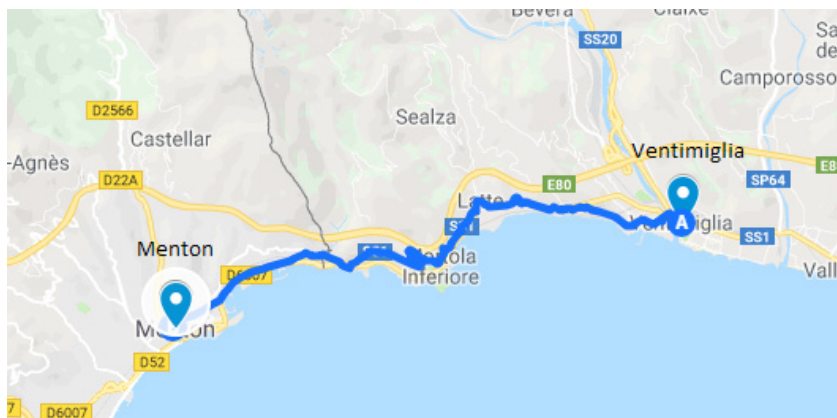
39 Ville du Briançon (2017). Lettre: http://www.ville-briancon.fr/migrants_lettre_president.pdf

40 Ville du Briançon (2017). A voir ou revoir. Recupérat de: <https://vimeo.com/213479324>

41 Dici (2018). Hautes-Alpes: les manifestants pro-migrants et “contre les frontières” ont terminé leur marche à Briançon: <https://www.dici.fr/actu/2018/06/10/hautes-alpes-manifestants-pro-migrants-contre-frontieres-ont-terme-marche-briancon-1145765>

4. The Paths of People in Movement

c) The Ventimiglia – Menton Route



Google. (s.f). A map of the route between Ventimiglia (Italy) and Menton (France)

Starting at Ventimiglia and ending in Menton, this route unites Italy and France respectively. The few kilometres that separate the municipal areas are constantly guarded by the French police, who repeatedly use the concept of “Refus d’entrée”⁴² and who return migrants back to Italy. Some of these migrants are children, and their actions are not in accordance with either European or French legislation⁴³. The border may be crossed using several different ways, some of which are much safer than others:

a) Trains and cars: there are police checkpoints on the roads that link the two regions and the Menton station in order to detect crossings and make returns directly back to Italy. In spite of this being a clearly discriminatory practice, the police usually stop cars or make the people leave the train wagons, basing their actions on ethnic profiling. The police often perform inspections of vehicle trunks and interiors in order to detect hiding places.

b) On foot: Given the lack of safe routes, refugees are forced to use more dangerous paths. In this case, the route taken through the popularly-known “Passage of Death” (Passo della Morte in Italian). This path starts at the old town centre of Grimaldi (Grimaldi Superior), and continues on a hazardous path through to Menton⁴⁴. Numerous stone houses en route today provide provisional lodging for a few hours for those wanting to cross secretly at night. However some choose to jump directly onto the motorway and enter French territory via the tarmac road⁴⁵. However many vehicles use the road, and it is common to see illuminated road signs that tell drivers to look out for pedestrians.

42 For more information, go to: <https://www.service-public.fr/particuliers/vosdroits/F2190>.

For an example of the *Refus d’entrée* concept, go to: https://www.lacimade.org/wp-content/uploads/2018/06/La_Cimade_Schengen_Frontieres.pdf (pàg.33)

43 For more information, go to Point 7.e of this report.

44 Riviera24 (2017). Corpo di un migrante ritrovato tra Mentone e Ventimiglia: ha provato a raggiungere la Francia dal “passo della morte”: <http://www.riviera24.it/2017/03/corpo-di-un-migrante-ritrovato-tra-mentone-e-ventimiglia-ha-provato-a-raggiungere-la-francia-dal-passo-della-morte-250111/>

45 La Stampa (2017). Ventimiglia, migranti sulla A10: autostrada chiusa per oltre un’ora: <http://www.lastampa.it/2017/12/22/imperia/ventimiglia-migranti-sulla-a-autostrada-chiusa-per-oltre-unora-0cX9duN4FgGAdwWpDj2QDP/pagina.html>



Road signs asking drivers to exercise precaution due to pedestrians on the motorway. Photo: Fotomovimiento

However, recently, the profile of the “passante” has gained strength. These are people dedicated to “ensuring” a successful border crossing for migrants, in exchange for about 150 euros. Officially, 350 cases were detected in 2017⁴⁶.

According to records provided by Caritas Intemelja, 2,898 people used this organisation between February and April 2018, of these 90% were men and 21% were minors⁴⁷.

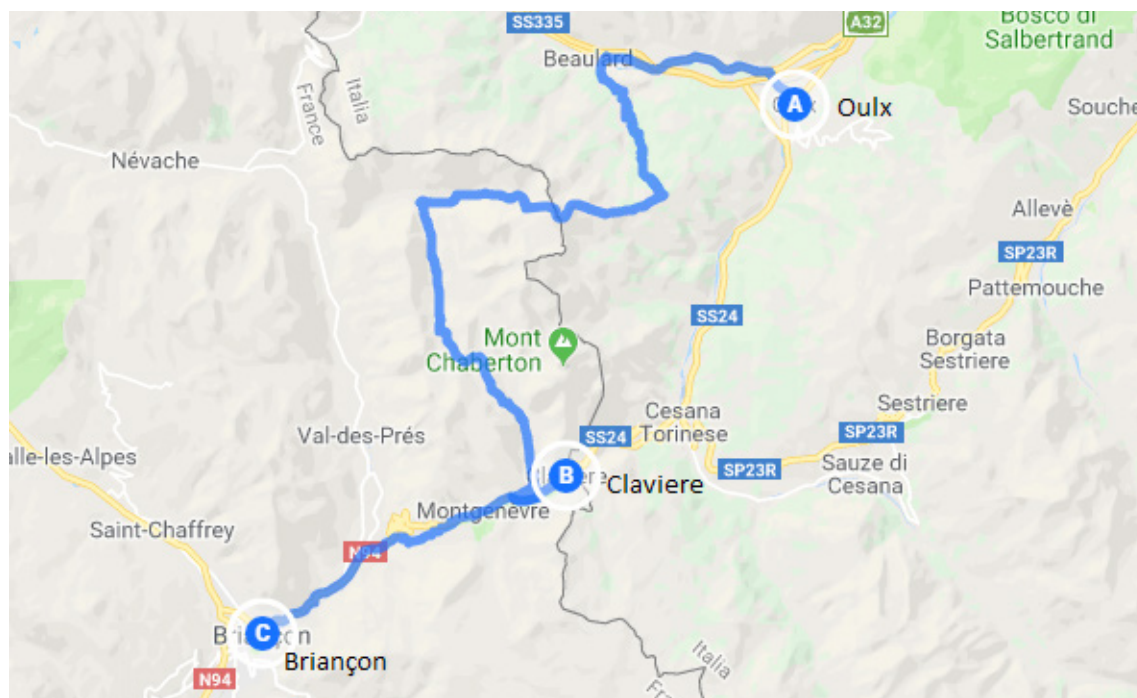
Since 2016, several groups of activists have expressed their indignation over the vulnerable conditions that migrants endure in the Bardonnechia area. In the summer of the same year, serious clashes took place with the local police. This has resulted in a tug of war type situation between the NGOs, activists related to them, and the authorities (the police)⁴⁸.

46 20 minutes (2017). Côte d’Azur: A la frontière italienne, un nombre record de passeurs interpellés: <https://www.20minutes.fr/societe/2180983-20171204-cote-azur-frontiere-italienne-nombre-record-passeurs-interpelles>

47 Data provided by Caritas Intemelja durant les reunions en terreny.

48 Agencia EFE (2017). Menton, una frontera de ida y vuelta: <https://www.efe.com/efe/espana/portada/menton-una-frontera-de-ida-y-vuelta/10010-3315559>

d) The Bardonecchia – Briançon Route



Google. (s.f). A map of the route between Bardonecchia (Italy) and Briançon (France)

Confronted by the increasingly difficult route through Ventimiglia and Menton, the refugees have no choice other than to risk their lives even more and make their way through the mountains.

This route, which connects the Italian Susa Valley with the upper regions of the French Alps, crosses the Alps via Col de l'Échelle, with extreme temperatures in winter⁴⁹ (-15 / -20°C) and peaks over 1,700 metres high. Refugees here come from Turin, Ventimiglia or other areas of the country. Although the route can be completed in about 7 hours, there are numerous cases of people who lost their direction and who take days to finish the journey. This has led to mountain rescue operations that unfortunately have not been able to save some people. One example is the case that occurred on 25 May 2018, when the body of a boy who had died en route was found on the path⁵⁰.

Added to the difficulty of the trail⁵¹, with steep areas, snow and rocks, is the danger derived from the darkness of the night and a lack of adequate clothing. Many of those who try to cross do not carry jackets or shoes suitable for low temperatures and the long distances involved (some arrive in flip flops), and the ultimately depend on the donations of people transported through groups of local activists. All in all, this has forced the majority to use a new alternative route, which starts at Oulx.

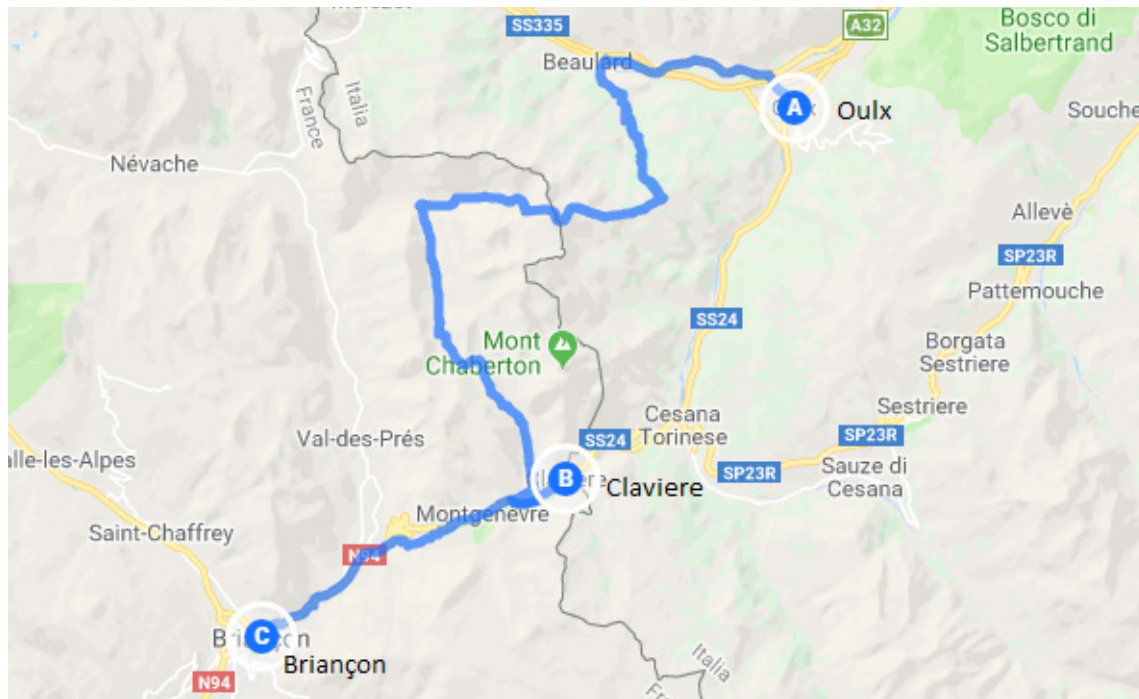
49 Reuters (2018). Migrants risk death crossing Alps to reach France:

<https://ca.reuters.com/article/topNews/idCAKBN1F01TP-OCATP>

50 Corriere della Sera (2018). Bardonecchia, cadavere di un migrante trovato tra i boschi: https://www.corriere.it/cronache/18_maggio_25/bardonecchia-cadavere-un-migrante-trovato-boschi-5dfda80c-6050-11e8-989c-deac82752781.shtml?refresh_ce-cp

51 Sin Filtros (2018). Refugiados: el helado paso de los Alpes. Recuperat de: <https://www.youtube.com/watch?v=EYOJ9vP7WNc>

e) The Oulx – Claviere – Briançon Route



Google. (s.f). A map of the route between Oulx (Italy, Claviere (Italy) and Briançon (France)

This path is longer (taking from 8 to 12 hours to complete) but is a little less risky in terms of security and guidance, and it is now becoming more popular from the route between Bardonecchia and Briançon. On this journey people in movement continue arriving from different points of Italy, be it by bus, car or train.

As with the route between Bardonecchia and Briançon, on this journey, organisations or volunteer staff warn refugees of avalanche dangers, mainly during the winter⁵². With respect to this issue, the Rainbow4Africa organisation and the Italian Red Cross have fitted out an area in the car park at the Oulx train station. Further on, in Claviere, the organisation of activists “*Briser les Frontières*” has occupied an area in local church with a capacity of between 10 to 15 people per day, this refuge (called “*Chez Jesus*”) helps supply winter clothes and sustenance to people who want to cross the mountains.

The “*Refuge Solidaire*”⁵³ has been set up in France, in the village of Briançon. Although an average of 40 people per day visited the facilities during the first months of 2018, it can now accommodate around 16. On this route the former headquarters of the mobile brigade has been made available by the municipal council, which is also responsible for paying for electricity, water and gas costs. Regarding the other expenses, they are supported by volunteers and donations. Since its opening in July 2017, it has been estimated that approximately three thousand people (59% children) have passed through

56 InfoMigrants (2018). Team at the Italian-French border to convince migrants not to cross:

<http://www.infomigrants.net/en/post/8323/team-at-the-italian-french-border-to-convince-migrants-not-to-cross>

57 Paroles de migrants (2018). Le refuge solidaire: <https://parolesdemigrants.com/2018/01/22/le-refuge-solidaire/>

the area. They are mainly from Guinea Conakry, Burkina Faso, Mali, the Ivory Coast and Sierra Leone, as well as a few people from Eritrea and Sudan.



Refuge Solidaire in Briançon. Photo: Fotomovimiento

5. Women

According to the UNHCR, 36.1% of people arriving on European coasts are women or children⁵⁴. The fact that they are found in closed-in areas that lack protection makes them more vulnerable to sexual exploitation networks and violence.

In the specific case of the Italian border, as Cimade reports⁵⁵, despite having been built to give shelter to men, the Red Cross humanitarian centre in Ventimiglia (Campo Roya) began to shelter women during the summer of 2017. However, there are numerous cases of women, minors or families who refuse to use them, given the geographical location of the camp (four kilometres from the centre) and the living conditions in the centre.

The associations for juridical studies on immigration (ASGIs), Intersos, Safe Passage, Diaconia Valdese, Terre Des Homes and WeWorld Onlus have reported that refugees and children have been found living with adults with whom they have no type of family connection during recent months. Some areas in this camp were unsafe (e.g. the

⁵⁴ UNHCR (2018). Demography of Mediterranean sea arrivals from January 2018: <https://data2.unhcr.org/en/situations/mediterranean>

⁵⁵ La Cimade (2018). Dedans, dehors: une Europe qui s'enferme: https://www.lacimade.org/wp-content/uploads/2018/06/La_Cimade_Schengen_Frontieres.pdf

lavatories) and there were no organisations that specialised in child care. As a result, these conditions expose them to obvious risks of abuse.

6. Unaccompanied Foreign Minors (UFM)

According to UNICEF, 91% of those children who arrived in Italy in 2017 were not accompanied by an adult. This figure, which amounts to 15,779 cases, is less than for the previous year, when 25,846 unaccompanied minors had been counted, most of whom came from Guinea, Côte d'Ivoire, Gambia, Bangladesh and Nigeria⁵⁶.

In the Italian zone, unaccompanied minors (UFM) who, having escaped torture and abuses in countries of transit such as Libya, do not receive adequate attention from local institutions. According to the Cimade, there are currently nine cases pending trial before the European Court of Human Rights with respect to minors being sent to inadequate centres⁵⁷.

Italian law stipulates that UFM must be lodged in centres that are solely for minors, and it prohibits their internment in adult centres⁵⁸. However, municipal councils are responsible for managing this matter, and in Ventimiglia, only those who accept the offer of being re-housed in a reception centre are dealt with. According to workers in the area, by 2017 the mayor promised to open a centre for minors, but this had not occurred by June 2018. On 9 August 2017, after public protests, some local residents managed to suspend the creation of temporary accommodation for UFM in the city centre.

As a result, while waiting to cross over into France, many of them are sleeping in improvised refuges outside the reception system; without access to heating, food, drinking water or sanitary installations and they are exposed to abuse and violence.

Furthermore, the numerous difficulties involved in uniting these minors with their relatives in Italy, including lack of information or bureaucratic delays⁵⁹, are also a cause for concern. As reported by many associations working in the area, the situation of young girls is particularly problematic, as there are currently no specific places available for their reception. The only solution is to go to Genoa or even further away. If children were able to go to a UFM centre in Ventimiglia or nearby, at least some of them could be housed in good conditions while waiting to complete the long procedures for family reunification⁶⁰.

56 UNICEF (2017). Refugee and Migrant Children in Europe: <https://www.unicef.org/eca/sites/unicef.org/eca/files/Infographic%20Children%20and%20UASC%20overview%202017.pdf>

57 La Cimade (2018). Dedans, dehors: une Europe qui s'enferme: https://www.lacimade.org/wp-content/uploads/2018/06/La_Cimade_Schengen_Frontieres.pdf

58 Article 19, cc. 1- 3 bis del Decret Legislatiu 142/15 (modificat per la llei n. 47/17)

59 La Cimade (2018). Dedans, dehors: une Europe qui s'enferme: https://www.lacimade.org/wp-content/uploads/2018/06/La_Cimade_Schengen_Frontieres.pdf

60 Intersos (2017). Accoglienza dei minori stranieri non accompagnati presenti a Ventimiglia: <https://www.intersos.org/accoglienza-dei-minori-stranieri-non-accompagnati-presenti-ventimiglia/>

In the border zone, cases have been reported where the French police have rejected minors, by applying procedures reserved for adults⁶¹. The Dublin agreements, which oblige adults to request protection in the first country they arrive in, do not apply to minors who request asylum. If they do not request protection, France is able to return them under certain procedures, including within a 24-hour period and with the assignment of a guardian. The illegality of the practices carried out on the French border has been demonstrated through the decisions made by state justice itself, as in the ruling made against the entry rejection procedure that was applied to 19 unaccompanied minors in February 2017⁶².

Given the situation, the procedures used by police on the border have been modified over time. As a result of the interviews undertaken with members of local associations, it was found that cases exist where minors are given their rejection papers (Refús d'entrada) after having been given a false birth date enrolled showing them as adults⁶³.



Vida diària a l'espai d'acollida adaptat per l'activista Cedric Herrou en el seu propi terreny, a la Vall del Roya.

Foto: Fotomovimiento

61 For more information, see: <https://www.asgi.it/allontamento-espulsione/frontiera-francia-italia-diritto-asilo-protezione-minori-stranieri/>

62 L'express (2018). Le renvoi de 19 migrants mineurs à Nice est suspendu par la justice administrative: https://www.lexpress.fr/actualite/societe/justice/le-renvoi-de-19-migrants-mineurs-a-nice-est-suspendu-par-la-justice-administrative_1987563.html

63 For more information, see: https://www.lacimade.org/wp-content/uploads/2018/06/La_Cimade_Schengen_Frontieres.pdf (pàgina 30: "Des mineur-e-s isolé-e-s non protégé-e-s")

7. Causes for Concern

a) Public Opinion and the Rise of the Far-right in France and Italy

In France, despite efforts to link the terrorist attacks of Paris in 2015 and insecurity with respect to refugees⁶⁴, extreme right-wing parties or associations such as Front National (which became *Rassemblement National*⁶⁵ or *Génération Identitaire*⁶⁶) do not receive majority support from the French population. However, their numbers of supporters have increased, which reveals the polarisation of public opinion, in a trend that is being repeated during the studies of different EU countries⁶⁷. In April 2018, members of the *Génération Identitaire* group carried out what they called the “Defend Europe Alps”⁶⁸ mission at Col de l’Échelle, 25 kilometres from Briançon. Hidden behind a false image of far-right renewal, this racist organization bases its arguments on the supposed need to “protect” borders and fight against massive immigration and the Islamisation of Europe, and it has found social networks to be the simplest and most efficient way to expand their ideals. Thanks to them, other actions such as trying to block the work of NGOs in the Mediterranean⁶⁹ or the blockade of the route to Calais⁷⁰ have had greater coverage and, therefore, more extensive media impact.

However, the discourse used by this type of organisation has encountered strong opposition in various sectors of the French public. A high level of support for refugees has in fact been found in the villages of the Alps, one example being the Refuge Solidaire in Briançon⁷¹.

In the case of Italy, the rise of far-right parties or associations are especially worrying, as are the policies used against the reception of asylum seekers in Europe and the tough rhetoric used by the main political actors of the country against those who rescue migrants, and the NGOs operating in the Mediterranean.

Matteo Salvini, the political leader of the *Lega Norte* became the new Minister for the Interior and the Vice President of the Council of Ministers in the Republic of Italy on 1 June 2018. In a matter of a few days, his appointment had catastrophic consequences in terms of human rights. On 18 June, 630 people arrived at the port of Valencia on board the ship *Aquarius*, and yet, after having been rescued, had not received permission to disembark in Italy. A few days later, 224 people were rescued, they were called

64 L’OBS (17/11/2015). Attentats de Paris : Marine Le Pen s’attaque aux réfugiés. Et c’est complètement stupide. Recupérat de <http://leplus.nouvelobs.com/contribution/1450012-attentats-de-paris-marine-le-pen-s-attaque-au-refugies-et-c-est-completement-stupide.html>

65 For more information, see: <https://www.rassemblementnational.fr/terme/internet/>

66 For more information, see: <https://generationidentitaire.org/>

67 European Social Survey (2017). Attitudes towards immigration in Europe: myths and realities: https://www.europeansocialsurvey.org/docs/findings/IE_Handout_FINAL.pdf

68 For more information, see: <https://generationidentitaire.org/presentation-eng/>

69 El País (2017): El barco ‘nazi’, auxiliado en alta mar por una ONG que rescata inmigrantes: https://elpais.com/internacional/2017/08/11/actualidad/1502459523_659275.html

70 Génération Identitaire (2016). Génération Identitaire à Calais. Recupérat de: https://www.youtube.com/watch?time_continue=71&v=Vj9Wlv3uIcM

71 Ville de Briançon (2018). Financement participatif refuges solidaires: http://www.ville-briancon.fr/financement_participatif_br_refuges_solidaires.html

“human meat” by the minister, and received the same response from the Italian Government.⁷²

At a local level, the results of the *Lega Norte* show an alarming increase in the amount of support it receives in Italian reception and transit regions. In Ventimiglia, its 2013 voter numbers (298) multiplied by twelve in the March 2018 elections to total 3,343⁷³.

However, as CIDOB investigator, Francesco Pasetti⁷⁴ notes, the return of anti-immigration rhetoric to Italy is not due solely to the discourse of the *Lega Norte*, but also to the effect it has had on other parties, which see that by attacking or adopting a tough, intransigent stance is beneficial in terms of electoral matters.

b) Crimes of Solidarity and the Harassment of Activist Groups and Local Association Workers

In France the initiatives used to fight against human trafficking networks have been transformed and legislated to the point that they have become a double-edged sword, as unfortunately, the penalties established to discourage people trafficking across borders for lucrative purposes are today used to punish those who do in fact transport people for altruistic motives.

As reported by Cimade⁷⁵, as of 2009, human rights defence associations began to report that the act, as defined in the French legal system as “helping the entry, movement and stay of foreigners in an irregular situation”⁷⁶ gave implicit permission to sanction those who assisted undocumented foreigners. Thanks to the complaint made, and several subsequent ‘half-way house’ reforms, on 31 December 2012, “*crimes of solidarity*” as they were known were no longer an illegal act. However, the article in question⁷⁷ only indicates the application of immunity in matters related to “irregular presence at residence”, however it omits the terms “entrance” or “movement” and only grants protection to certain family members or those persons whose actions specifically involve “guaranteeing dignified decent living conditions abroad” or “preserving the physical integrity of the individual”⁷⁸. This type of omission leads us to believe that in practice the concept of a crime of solidarity still exists, and it is one that may lead to penalties of up to 30,000 euros and 5 years in prison.

72 El País (2018). Salvini redobla su desafío y cierra los puertos a otro barco con 224 migrantes: https://elpais.com/internacional/2018/06/21/actualidad/1529585899_085787.html

73 Rteve (2018). La Liga Norte crece exponencialmente en las regiones de acogida de migrantes: <http://www.rtve.es/noticias/20180307/italia-liga-norte-crece-exponencialmente-regiones-acogida-migrantes/1690861.shtml>

74 Pasetti, F. (2018). Elecciones en Italia: de la retórica anti-inmigración a la violencia. CIDOB, 516, 1-2.

75 La Cimade (2018). Dedans, dehors: une Europe qui s'enferme: https://www.lacimade.org/wp-content/uploads/2018/06/La_Cimade_Schengen_Frontieres.pdf

76 Legifrance (2018). Article L622-1: <https://www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000006335286&cidTexte=LEGITEXT000006070158&dateTexte=20111110&oldAction=rechCodeArticle>

77 Legifrance (2018). Article L622-4: https://www.legifrance.gouv.fr/affichCodeArticle.do?sessionId=55207C1253CE22FC-88D128121C2C76B8.tplgfr22s_3?cidTexte=LEGITEXT000006070158&idArticle=LEGIARTI000037398912&dateTexte=20180928&categorieLien=cid#LEGIARTI000037398912

78 Gisti (2017). Délit de solidarité: Actualité d'un délit d'une autre époque: https://www.gisti.org/IMG/pdf/art_slama_2017-04-20.pdf

Unfortunately, as noted through the observation mission, inhabitants in the French border region have been directly affected, as can be seen in the following 3 cases:

- A one-year prison sentence, that was finally not applied but was symbolic, for “facilitating the entry, movement or irregular stay of a foreigner in France.” The recipient of this sentence was a teacher from Nice, Pierre-Alain Mannoni, who transported three young people from Eritrea, including a minor, between Tende and Nice, who then stayed at his home due to fatigue⁷⁹. In all events, Mr. Mannoni was unable to base his support on the legal concepts cited above, as courts considered that his actions were not intended to “guarantee decent living conditions” or “preserve the dignity or physical integrity” of the migrants.
- The Briançon 3, in which three Swiss and Italian youths, who were part of a peaceful demonstration accompanying a group of foreigners between Italy and France to protest the presence of the far-right group “Génération Identitaire” in the area, were detained in April 2018. They were arrested on the premise of having, either directly or indirectly, helped, eased or having attempted to facilitate the irregular entry into France of more than twenty foreigners, with these acts being committed in an organized group”. The accusation was strongly denounced by local inhabitants, and the arrest resulted in protests, like those that occurred in Gap on 30 and 31 May 2018. These young people face a sentence of ten years in prison and 750,000 euros⁸⁰.



An event in support of the Briançon 3, which was held on 30 May 2018. Photo: Fotomovimiento

⁷⁹ Le Monde (2017). Aide aux migrants : prison avec sursis en appel pour un enseignant-chercheur: https://www.lemonde.fr/police-justice/article/2017/09/11/aide-aux-migrants-prison-avec-sursis-en-appel-pour-un-enseignant-chercheur_5184134_1653578.html

⁸⁰ Liberation (2018). Aide aux migrants : «Les 3 de Briançon» retrouvent la liberté avant leur procès: https://www.liberation.fr/futurs/2018/05/03/aide-aux-migrants-les-3-de-briancon-retrouvent-la-liberte-avant-leur-proces_1647573

- The case of Cedric Herrou, a 38-year-old Frenchman arrested on 24 July 2017 in Cannes, when he accompanied 156 migrants to help them request asylum in Marseilles. This has not been the only action in which he has been a leading figure. He also provided accommodation to migrants on own land near the Italian border. This action has earned him a 4-month (now suspended) prison sentence, and he is now under judicial supervision⁸¹.



Daily life in the reception area built by the activist Cedric Herrou on his own land in the Vall del Roya. Photo: Fotomovimiento

With respect to Italy, since 2015, disproportionate measures have been used to criminalise support for refugees. Especially, in the Ventimiglia area, with the application of the “*Foglio di Via*”, which leads to a three-year expulsion order for those who person receive it. A specific case is that of four people identified by the police on 6 August 2016 when they tried to provide food and water to several migrants who were outside the Campo Roya reception centre. This police action took place in a context marked by protests against the closure of the Franco-Italian border and the arrests of migrants that occurred in the same week⁸².

In terms of the harassment of activist groups and workers in local bodies, although this does not represent (in their own words) a real threat to their integrity, some of them receive insults from some inhabitants of Ventimiglia. These may be considered as isolated events, however they do contribute to an increased sense of rejection

81 El País (2018). Cédric Herrou, el hombre que desafía las leyes migratorias de Francia: https://elpais.com/internacional/2018/08/10/actualidad/1533916179_900903.html

82 Corriere della Sera (2016). Ventimiglia, tensione al confine: Sciolto corteo spontaneo No Borders: https://www.corriere.it/cronache/16_agosto_06/polizia-ventimiglia-protesta-migranti-organizzata-no-borders-a5863430-5bf9-11e6-bfed-33aa6b5e1635.shtml

towards this group, due to their work in the region. There are also difficult situations in local establishments that are committed to supporting refugees, this is true of the Hobbit Bar, which today is boycotted by a sector of the local population. Finally, those interviewed, who are linked to movements for the defence of refugee rights, talk of feeling ‘watched over’ by the police.



Delia Bonuomo, the owner of the Bar Hobbit, is well-known for the support she gives to migrants.
Source: Fotomovimiento

c) Volunteers performing the Duties of the French Government

Faced with the lack of state reception centres in the French border area, local people have chosen to replace the role of local government bodies. These include, as explained in the section on routes, Briançon where there are two hostels in operation thanks to volunteer efforts. Breil-sur-Roya has the field of Cedric Herrou, where refugees sleep in tents or in caravans.

Furthermore, new organisations have been created in order to respond to the basic needs of people in transit. In Sursaut Citoyen has some 1,200 public support initiatives with refugees and migrants throughout the state, 20 of which are located in the Nice, Menton and Briançon area, just across the border with Italy⁸³.

⁸³ Sursaut Citoyen (2018). 1200 initiatives citoyennes de solidarité avec les migrants: <https://sursaut-citoyen.org/>



A group of volunteers preparing breakfast at the Briançon reception centre. Foto: Fotomovimiento

d) Children in Detention Centres

With respect to accompanied children, as established in Article 3 of the International Convention on the Rights of the Child, of 20 November 1989, “in all actions that concern children, whether they are carried out by public or private social welfare institutions, courts of justice, administrative authorities or legislative bodies, the main consideration must be the primary interest of the child.”

However, based on the sentence on France in 2012, in connection with the case of a 2-week detention of family from Kazakhstan with 2 children, the European Court of Human Rights affirmed that “the superior interest of children cannot be limited to the family unit, however the authorities must have all the means necessary to limit the detention of families with minors as much as possible and effectively preserve the right to a family life.”⁸⁴

Unfortunately, these legal arguments have not been used to halt the deprivation of liberty and we have observed how the number of foreign children accompanied with their families in French detention centres (CRAs) has continued to increase. In figures, the number has risen from 31 in 2013 to 305 in 2017. As reported by the Controller General of freedom deprivation centres, 77 children were locked up during the first four months of 2018: 38 at the CRA in Metz, 37 at the CRA in Mesnil-Amelot and 2 in the CRA at Toulouse-Cornebarrieu.

⁸⁴ European Court of Human Rights (2012). Detention of baby and young child with their immigrant parents in facility unsuitable for children was unlawful and incompatible with respect for family life: [https://hudoc.echr.coe.int/eng#{%22site%22:%22mid%22:\[%22003-3812769-4371409%22\]}](https://hudoc.echr.coe.int/eng#{%22site%22:%22mid%22:[%22003-3812769-4371409%22]})

This type of detention, which is based on the legal justification for keeping families arrested⁸⁵ the night before transporting them to the airport, is usually brief, although it may take up to two weeks.

e) Human Rights Violations near Borders and Limitations on the Right to Asylum

In theory, the entry into force of the Agreement on the Application of the Schengen Agreement of 1995 eliminates the internal borders of the European Union. However, we have found exceptions that cover police checks carried out in France in procedures for the request of documentation:

1) Article 2.2 of the Agreement on the Application of the Schengen Agreement establishes that the Member States may, “for reasons of public order or national security” adopt internal border controls for a limited period of time.

2) Article 23 and 25 of the Schengen Borders Code: in the former, coverage is given to random inspections within the territory (including ports and airports) in the detection of possible threats to public safety. In the latter, the temporary re-establishment of the borders is a possibility under the premise of public safety.

From October 2006 to September 2018, the re-establishment French internal borders was implemented on 15 occasions⁸⁶. Currently, the checkpoints have remained active, as of 13 November 2015, justifying the state of alert declared throughout the territory on 14 November of the same year due to the persistent threat of terrorist attacks. However, as the Cimade⁸⁷ indicates, it is important to emphasize that as of June 2015 systematic controls have already been carried out on the Franco-Italian border, without prior justification to European institutions. For each decision made to restore or prolong the duration of checks, Member States are duty-bound to both inform their neighbours and the European institutions, and to justify their decision, as the restoration of borders should not be implemented as anything other than a last resort. They should also draw up a detailed list of Authorized Passage Points (APPs), which may be fixed or mobile. In France, 285 APPs have been activated since November 13, 2015⁸⁸.

The increase in the number of refugee arrivals in Europe (mainly from the Mediterranean Sea) in the summer of 2015 resulted in the taking of unilateral decisions by several countries with respect to the management and control of their borders. Aus-

85 Legifrance (2018). Article L.551-1. Article III (3): <https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEX-T000006070158&idArticle=LEGIARTI000006335237&dateTexte=&categorieLien=cid>

86 European Commission (2018). Member States' notifications of the temporary reintroduction of border control at internal borders pursuant to Article 25 et seq. of the Schengen Borders Code: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/borders-and-visas/schengen/reintroduction-border-control/docs/ms_notifications_-_reintroduction_of_border_control_en.pdf

87 La Cimade (2018). Dedans, dehors: une Europe qui s'enferme: https://www.lacimade.org/wp-content/uploads/2018/06/La_Cimade_Schengen_Frontieres.pdf

88 Council of the European Union (2015). Prolongation of the temporary reintroduction of border controls at the French internal borders in accordance with Articles 23 and 24 of Regulation (EC) 562/2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code): <http://data.consilium.europa.eu/doc/document/ST-15181-2015-INIT/en/pdf>

tria, in September 2015, was the first, however 6 more countries in the Schengen Area currently apply internal border checks: France, Germany, Austria, Denmark, Sweden and Norway (the latter is not a member of the EU but it is in the Schengen Area).

In October 2017, at a meeting of ministers for the interior and justice ministers, a new proposal was launched to modify the conditions of application that the Schengen Implementation Convention established in order to restore control over the inner borders. In this debate, two groups of countries became visible: those who wanted to reform Schengen in order to extend these controls to what they considered as threats, and those countries who championed the need to preserve a Europe without borders. While the discussion is yet to be resolved, countries continue to request extensions so as to maintain control over their borders: the most recent extension requested lasts until May 2019.

According to the regulations in force, APPs allow for systematic checks to be made, provided that they ensure procedural guarantees, that is, the prohibition of discriminatory controls, a written notification detailing denial of entry, interpretation in a language that the person understands, etc. At the same time, this restoration of these control procedures maintains intact those obligations relating to human rights, including the non-return of applicants for international protection and the protection of unaccompanied minors.

With respect to the Maritime Alps, the first Authorized Passage Points (APPs) are on the coast road between Ventimiglia and Menton and the Menton-Garavan railway. However, they are not the only ones, as one moves further on, they can be found at the stations of Nice, Antibes or Cannes. A little further north, in the Vall del Roya, we found a mobile device in Sospel, which operates 24 hours a day. This is a strategic point, not only for monitoring people who arrive in Europe, but also in terms of the historic culture of resistance of the people in the region, who today gaze with disbelief at the deployment of local police, escorted by the army.

According to the Cimade⁸⁹, the restoration of all the border controls resulted in 86,000 entry refusals in 2017. Compared with the words of the General Director of Immigration in France, Pierre-Antoine Molina, who calculated the figure at 63,000 in 2016, 15,000 in 2015 and 11,000 in 2014⁹⁰, this figure represents a remarkable increase. However, as a result of the interviews conducted with local associations, the existence of profit-making networks focused on the trafficking of people between both countries has been corroborated. However, it should be noted that the existence of 350 cases detected during 2017 places the effectiveness of these police control procedures in doubt, not to mention the professional integrity of some of its members. They also place the most vulnerable people in a situation of risk and helplessness, exposing both adults and minors to the dangers of human trafficking.

89 La Cimade (2018). Dedans, dehors: une Europe qui s'enferme:

https://www.lacimade.org/wp-content/uploads/2018/06/La_Cimade_Schengen_Frontieres.pdf

90 Sénat française (2017). Rapport Session ordinaire de 2016-2017, 29 mars 2017: <http://www.senat.fr/rap/r16-484/r16-4841.pdf>



Migrant dies in the Bardonecchia region, investigation underway into negation of aid. Photo: Fotomovimiento

8. Conclusions

The enormous interest created by shocking images of rescue missions and deaths in the Mediterranean has helped create a feeling of rejection with respect to European Union border control policies in a sector of the population. However, despite having the media focus on the Mediterranean Sea, both the public and the media have ignored what happens after the arrival of migrants in Europe.

The significant increase of arrivals to Italian coasts has resulted in the radicalisation of a sector of Italian public opinion. Ultra-right parties have seen how xenophobic and racist discourse once again generates support and, hidden behind new and rejuvenated faces, they are again counting on hatred and fear towards foreigners. As a result, in locations such as Ventimiglia, which in recent years have received an important influx of arrivals, actions and measures focused on censoring and denying refugee rights and their defence have been justified. Today unaccompanied minors are spending their days and nights in environments that are not even safe for them, while migrants are willing to risk their lives by putting them in the hands of human traffickers.

The situation is equally complicated on the other side of the border. Despite not having obtained the majority support of the French population, the argument against immigration is already part of new laws and policies. Focusing on controlling the pos-

sible arrival of terrorists, the French government has chosen to adopt a discourse of fear, while ignoring the obvious harm that this causes to the most vulnerable groups of migrants and refugees. The numerous checkpoints along the French border, whether fixed or mobile, base their actions on articles that in no way justify the serious human rights violations that are taking place.



Criminal organisations have found a profitable business when it comes to border crossings.

Photo: Fotomovimiento

The Catalan Commission for Refugee Aid and SOS Racism, has made clear and forceful statements denouncing identifications of people based on ethnic profiling criteria under the pretext of defence of national security on the Franco-Italian border. It is also aware of the serious consequences that actions of this type can lead to in an already-stigmatised group, such as that of black people. Field observation has been used to confirm that these practices are being applied repeatedly. This means that, to date, for those who have arrived via Italy, it is easier for a white person to apply for asylum in Marseilles than for a black person.

Along the same lines, the complaints of local entities such as Roya Citoyenne, which has denounced the improper use of the “*refus d’entrée*” law, and the little time spent by the police in explaining identified migrants their rights in France (between 3 and 4 minutes)⁹¹ is a cause for concern. As is to be expected, the data collected by the Cima-de show the inefficiency of such checking procedures in the fight against terrorism.

91 Roya Citoyenne (2017). Rapport d’activites 2017: <http://www.roya-citoyenne.fr/wp-content/uploads/2018/05/rc-rapport-dactivite-2017.pdf>

Out of all the “*refus d’entrée*” migrants handed over in 2017 (75,000), only 20 were made due to issues related to being a “threat to public order,” while the others were issued for reasons not related to threatening activities. In fact, over 20,000 of them were applied to migrants from Sudan, Syria, Eritrea and Afghanistan, i.e., those who were most likely to receive international protection.

Furthermore, the unjust detention of minors with their families has been reported, which is in no event justified because of the need to improve deportation logistics with respect to their countries of origin. The commitment of local governments in defence of Article 3 of the International Convention on the Rights of the Child of 20 November 1989, is put into question since, as the Cimade has reported, the situations experienced in a prison environment may be traumatic for children and may be the cause of problems in their relationships with their parents. This is because parental authority is undermined in the eyes of children when they find their parents deprived of their freedom, and unable to make decisions about the daily lives of their own children⁹².

Finally, the Catalan Commission for Refugee Aid and SOS Racism have expressed their concern about the fraudulent use of those legal means designed to combat human trafficking and which place their focus on criminalising public support. Contrary to what is being sought, the persecution of those wishing to help only aids the illicit activities of criminal groups, so generating unnecessary risks for the most vulnerable people.

In conclusion, the actions implemented by the French and Italian government are contrary to the theoretical ambitions of the European Union, as they contradict the opening of internal borders and they call into question the commitment of these states to the defence of human rights. The European Union’s view with respect to movements of people has to change, and this involves questioning the alleged desire by the migrants to leave their countries of origin in the many migrations that occur today and that reach the southern coasts. A debate needs to be initiated on different forms of persecution, while taking into account the fact that many of the human rights violations that force people to flee their homes is a consequence of actions of the host countries themselves, in other regions.

92 La Cimade (2018). Dedans, dehors: une Europe qui s’enferme: https://www.lacimade.org/wp-content/uploads/2018/06/La_Cimade_Schengen_Frontieres.pdf

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