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Original: French

Committee on Migration, Refugees and Displaced Persons

France: Call for the respect of fundamental rights in Mayotte in the framework of Operation “Wuambushu”

Declaration¹

The Committee declares the following:

France is conducting a large-scale police operation on the island of Mayotte, an overseas department in the Indian Ocean, meant to last until the end of June 2023. The French government maintains that the launch of Operation “Wuambushu” – which is mobilising 1,800 police and gendarmerie officers – aims to fight against irregular immigration, unsuitable housing and delinquency offenses by destroying 1,000 makeshift settlements where many families and isolated children, who are mostly originating from the neighbouring state of Comoros, live in extreme precarity. Many deportations are underway. The establishment of 44 detention sites within a month’s time is indicative of the operation’s scale conducted by the French authorities.

Far from resolving the shortcomings that have existed in Mayotte for many years, particularly in terms of access to water, to health care and to education, this operation is adding to the already extremely high tensions on the island. Violence against irregular migrants has reached unprecedented levels in the last few weeks, as illustrated by the unspeakable call for murder by the vice-president of the Mayotte Department Council, which was denounced as such in court.

Under such circumstances, and so as to avoid any risk of speedy procedures undermining the respect of the applicable procedural safeguards, the Committee recalls the imperative of respecting the right of asylum enshrined in the 1951 Geneva Convention and in French domestic law, as well as of respecting the right to an effective remedy and the right to private and family life guaranteed in Articles 13 and 8 of the ECHR. Deporting people without examining their individual situation exposes them to a risk of ill-treatment, to the violation of their procedural rights, and may constitute a collective expulsion potentially in breach of Article 4 of Protocol No. 4 to the ECHR. The Committee will welcome any dialogue aiming to rapidly calm the current tensions so as to address the public policy issues at stake in the full respect for fundamental rights in Mayotte.

¹ Declaration proposed at the initiative of Mr Emmanuel Fernandes (France, UEL).