



## Analysis

### Expulsion of Roma: the French government's broken promise

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**Hopes that the Socialist Party's May 2012 electoral victory would lead to substantive changes in the treatment of Roma have faded quickly amid continued forced evictions and collective expulsions.**

French President François Hollande promised in his manifesto that no Roma camp would be dismantled without families being offered an alternative solution ("*pas d'expulsion sans solution alternative*"). Despite this since July 2012 the Interior Minister Manuel Valls has authorised the dismantlement of Roma camps in many French cities (e.g. Lille, Lyon, Evry, Aix-en-Provence, Marseille, Villeurbanne, Vaulx-en-Velin, Villeneuve d'Ascq). According to Valls, the expulsions were legal and aimed to put an end to the dangerous and unsanitary living conditions of the Roma.

Despite the authorities' efforts to distance themselves from the previous government - which faced international criticism for its handling of the "Roma issue" - Valls announced that 7,000 Roma would be removed back to Hungary and Bulgaria by the end of September 2012. [1]

#### Evictions and expulsions

The dismantlement of Roma camps is not new. The European Roma Rights Centre estimates that one settlement is dismantled every 10 days on average in the French department of Seine-Saint-Denis (Paris region). [2] Many migrant Roma are asked to leave the country each year [3] because they do not have the means to support themselves; a condition for EU citizens, such as Roma from Bulgaria and Romania, to reside in another EU country (article 7 of the Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States).

Roma represent about 30% of the foreigners removed from France annually, according to the organisation Hors La Rue which works with isolated minors. [4]

The confrontational manner in which Valls has supported the dismantlement of several Roma camps since the start of August 2012 came as a surprise to Roma rights organisations which had hoped for a wind of change with the election of the Socialist Party (*Parti socialiste*) president and coalition government in May.

Instead of offering tangible and durable solutions to evicted families, many Roma were returned "voluntarily" (mainly to Romania). Each returnee received €300 (€100 per child) from the French

Office of Immigration and Integration (OFII, *Office Français de l'Immigration et de l'Intégration*) in the form of a Support to Humanitarian Return grant (ARH, *Aide au Retour Humanitaire*). As highlighted by Human Rights Watch a “voluntary” return means that the deportation order cannot be subjected to judicial review. [5] In September 2012, the European Centre for Roma Rights warned that:

*ARH is usually offered under threat of eviction, with no other housing solution, and/or after several evictions within the same week or month...Returns under the threat of eviction cannot be described as voluntary and should therefore be considered expulsions under EU and French law.* [6]

At least 1,162 persons were removed by the end of August [7] and 4,000 had been evicted by September. [8]

Romeurope (a network of 24 human rights organisations) regretted that dismantlement and return operations were being conducted without first consulting the competent Roma rights organisations. “[C]harter return [flights] were scheduled to Romania under the cover of “humanitarian returns” despite these return operations being carried out again under constraint, without any possibility of immediate accommodation elsewhere.” [9]

The United Nations High Commissioner on Human Rights reacted strongly to the “*forced eviction*” and the “*collective expulsion of Roma*” in a press release issued on 29 August 2012: “Forced eviction is not an appropriate response and alternative solutions should be sought that conform with human rights standards,” said Raquel Rolnik, the Special Rapporteur on adequate housing. The Special Rapporteur on the human rights of migrants, François Crépeau, went further, regretting that “the ultimate objective seems to be the expulsion of migrant Roma communities from France.” [10]

### **Seeking legitimacy**

France was monitored by the European Commission on 10 August 2012 to ensure that the removals complied with with EU law. [11] Pressured by civil society and EU institutions, the government attempted to present a more acceptable narrative on its migration policy.

Three weeks after dismantlement operations started, the Interior Ministry convened a meeting with human rights organisations and the Housing Ministry, at which it was agreed that Bulgarian and Romanian nationals could access a wider list of economic activities (the list was extended from 150 to 291 activities).

However, it is surprising that the housing association, Emmaüs France, was not invited to the meeting because the organisation has been involved for many years in the support of Roma communities living in deprivation in France, for example through the “Emmaüs – Coup de main” (Emmaüs – Giving a hand) project which helps people living in makeshift dwellings find work and decent accommodation, and its member organisation the Abbé-Pierre foundation which helps find housing for deprived people, including the Roma.

A few days later, on 26 August, the government issued a circular on “anticipating and accompanying operations of evictions of unauthorized settlements” (*circulaire relative à l'anticipation et à l'accompagnement des opérations d'évacuation des campements illicites*), signed by seven ministries. [12]

The circular was approached with scepticism by human rights organisations such as the GISTI and Emmaüs France, mainly because of the broad scope given to law enforcement authorities and the fact that it loosens, rather than lifts, transitional measures, which are considered to be a major obstacle to the integration of Roma in France.

GISTI listed a series of shortcomings in the adopted text. [13] For example, examinations of Roma living in unsuitable settlements should take into account administrative, health, accommodation, employment and education related issues prior to an evacuation order being issued. However, according to the circular, this assessment “*may be more or less comprehensive depending on the available time and resources.*”

Indeed, despite the Ministry’s claims that all evictions are based on judicial decisions and “*follow an analysis of the individual situation*”, [14] some human rights organisations maintain that collective expulsions are still occurring. Many Roma were, in fact, issued a standard order to leave the territory through pre-filled forms without proper examination of their situation. [15]

Moreover, the text foresees the use of emergency shelters and “*temporary stabilisation*” (i.e. a non-durable alternative). For those not removed the promise of rehousing was unevenly applied, and those provided with alternatives were only offered temporary accommodation in substandard hotel rooms without any kitchen facilities: conditions that were denounced as short term and unsanitary by Roma rights organisations. [16] Many were left homeless, as reported by Médecins du Monde (Doctors of the World) [17] and Amnesty International. According to an estimate by Philippe Goossens (AEDH), 18 informal settlements across France were evicted in September 2012 with no provision of adequate alternative accommodation. [18]

After the eviction instability, relocation (if not abandonment on the streets) and lack of long-term secure prospects forced the Roma into destitution. Children frequently drop out of school. No medical follow-up can be provided despite Doctors of the World France reporting cases of TB, measles and lead poisoning and the risk of whooping cough. [19]

Finally, access to a wider list of economic activities will only be agreed after consultation with trade unions which, according to the GISTI, “*suggests that this decision will, at best, be implemented only a few months before the end of the transition period at the end of 2013.*”

In a further move to demonstrate its willingness to address the issue, the government requested that the EU presidency include a session on Roma integration on the agenda of the upcoming European summit on 18-19 October 2012. [20] Although welcomed by the European Commission, this proposal did not win much support at the European level, because no reference was made – either on the agenda or in the Council’s conclusions – to the situation of the Roma in Europe. [21]

### **Forced evictions continue**

On 29 November, Amnesty International published a report entitled *Chased away: forced evictions of Roma in Ile-de-France* [Paris area] [22] which highlighted the fact that France was still failing to comply with its legal obligations under international law – for example the right to be fully informed about the purpose of an eviction and to be offered alternative housing. [23]

People under an eviction order have up to two months to leave the premises. However, the extreme difficulty of entitlement to work means that they are unable to pay rent and leads to many Roma staying despite the eviction order.

*We are aware that it is not legal for us to be here, but we have no rights, we are not in the same situation as other people, we can't go to work. We just have no options. (ibid)*

Interviews collected in several Roma settlements subjected to eviction orders convey the despair of families who feel that their voices are not heard because “[n]either the police nor the court accept any negotiation of any kind”. Residents expressed concern over the conditions they are left in.

“I want to live on a piece of land where there are rubbish bins, and water even if it is a bit far, we don't mind, we can go and get it”, a resident in one settlement told Amnesty International.

Some expressed their difficulty in coping with the lack of hygiene and deprivation which further stigmatises them in the eyes of the French population: “...when we sit on a train or a bus, people don't sit next to us.”

Some interviewees recounted how on occasion police officers urge Roma to leave, sometimes even using teargas against them to force their departure. Amnesty International reported that on 15 October, just two weeks after the government had met with NGOs, a Roma settlement in Noisy-le-Grand (Paris suburbs) was evicted with 150 people – including 60 children – rendered homeless.

### **Second-class EU citizens**

About 15,000 Eastern European Roma, mostly from Romania, live in France. This population has remained stable over the last decade. [24] For years, dismantlement operations have proved inefficient: Roma removed to their country of origin often return to France, because freedom of movement is a right they have as EU citizens. Discrimination and persecution against Europe's largest minority group has been widely documented by NGOs [25] and recently by the Human Rights Commission of the Council of Europe. [26]

In 2012, the European Committee of Social Rights meticulously investigated the violation of the rights of Roma and Travellers in Europe. The study concluded that their rights were violated under eight articles of the revised European Social Charter [27]: article 11 (right to protection of health), article 13 (right to social and medical assistance), article 16 (right of the family to social, legal, and economic protection), article 17 (right of children and young persons to social, legal and economic protection), article 19 (right of migrant workers and their families to protection and assistance), article 30 (right to protection against poverty and social exclusion), article 31 (right to housing) and article E (right to non-discrimination).[28] It is worth noting that both Romania and Bulgaria (where the majority of Roma migrants in France come from) opted out of article 30 and 31[29].

In November 2012, Romania was condemned by the European Court of Human Rights [30] after Roma were beaten to death during an attack on a village by anti-Roma activists and the police.

France is fully bound by the European Social Charter and party to many dialogues and strategies for the inclusion of Roma such as the Council of Europe's ROMED programme which supports the employment of Roma as mediators between their community and institutions in 15 countries.[31] However, the adoption of the 26 August bylaw and the meeting on 12 September between Valls and

his Romanian counterpart in Bucharest [32] shows a greater willingness to support repatriation rather than to promote integration and give access to basic economic and social rights.

The European Fund for the Integration of Roma is not accessible to countries in the west of the EU, limiting the capacity for targeted action. However, alternative funding exists (for the European Regional Development Fund – FEDER) in addition to national legislation which, if implemented, would contribute to better living conditions for Roma.

France is involved in only a few European-funded projects to improve the living conditions of Roma people. The city of Bobigny is the French partner in the Roma-Net project which spans 10 EU cities and which is funded by the FEDER under the URBACT programme.

The National Plan for Roma integration submitted by France to the European Commission in February 2012 [33] states that only seven regions (out of 26) have included the FEDER housing programme for marginalised populations in their annual programme. Some of the projects allow for the relocation of about 50-60 persons, not necessarily of Roma origin, but only if they live in urban areas identified as particularly in need of support. Moreover the National Plan for Roma Integration only takes into account the integration of non-French and French Roma, who are also experiencing profound integration difficulties. According to the Emmaüs organisation, only €1 million from the FEDER fund was used in France to support housing projects for impoverished populations.[34]

Access to health care is also difficult: as EU citizens, migrant Roma from Romania and Bulgaria cannot benefit from free Public Medical Care (*AME, Aide Medical d'Etat*), which is only available to undocumented migrants, unless they can prove they have resided in France for more than three months. Since 2007, (i.e. after the entry of Romania and Bulgaria to the EU), access to Universal Medical Cover (*CMU – Couverture Maladie Universelle*), which was previously available to all EU citizens without restriction, has become conditional upon having medical insurance. This *de facto* excludes populations living in deprivation.

### **Persistence of stigmatising narratives against Roma**

Despite the government's Roma-friendly façade when engaging with civil-society organisations, its true face is shown by the ongoing dismantlement of camps and expulsions of people, the derogatory narratives on Roma by officials and the absence of a serious anti-discrimination strategy.

Despite warnings from the European Commission and international condemnation by the United Nations, the government continued with expulsions throughout August. 3,000 migrant Roma were forcibly removed between May and the end of August 2012 according to estimates made by a *Rue 89* journalist who tracked removal operations. [35]

On 23 August, Valls asserted that Romanian 'delinquency' had increased by more than 69% between 2010 and 2011. This statement echoes the claim in August 2010 by former Interior Minister Brice Hortefeux that Roma 'delinquency' had increased by 259% in 18 months. [36] Both claims were dismissed as inaccurate by the French Human Rights League among others. [37]

Officially, statistics on criminality only distinguish between nationals and non-nationals. Ethnic statistics are prohibited under French law and should not have been used by the Minister in a public statement. The existence of unlawful ethnic biometric databases (the Gaspard database) and ethnically motivated police operations were unveiled by the former government just before Sarkozy

lost the presidential elections in May 2012. The French data protection watchdog CNIL expressed serious concerns about the use of categories such as “gypsies”, “Mediterranean”, “black” and “white”. [38]

The criminality of third country nationals is relative because statistics include the number of migrants arrested who stay irregularly in the country. According to the National Observatory on Delinquency and Penal Sanctions (ONDRP – *Observatoire National sur la Délinquance et les Sanctions Pénales*), foreign criminality has been stable since 2006. [39]

On the contrary, recent events show that Roma in France are particularly vulnerable to racist attacks, and that the authorities are reluctant to take any action against anti-Roma violence. In September 2012 in Marseille, a thirty-strong gang set fire to a Roma camp forcing families to flee. These “vigilantes” had previously informed the local authorities that they would act if nothing was done to remove the settlement. In October 2012, the mayor of the town of Hellemmes, near Lille (north of France), was threatened by a group of far-right activists after he agreed to the establishment of a “village” for Roma integration (*village d’insertion des Roms*). [40]

## **Conclusion**

The persistent lack of access to economic and social rights coupled with the issue of questionable practices during eviction and dismantlement operations was acknowledged by France’s Ombudsman (*Défenseur des Droits*) who in September 2012 invited Roma rights organisations to inform him of any situation which required his intervention. [41]

According to the Ombudsman:

*The situation of Roma brings up the difficulty of accessing health care, employment and social rights. However, it also touches upon the respect of the rights of the child, especially as regards access to education. The way law enforcement authorities intervene during camp dismantlements has already led to complaints with respect to security and ethical standards and more generally question the legality of evacuation operations from illegal camps in respect of European jurisprudence and fundamental rights obligations...*

In October 2012, the Ombudsman wrote to the Prime Minister to inquire as to the precise arrangements that had been taken to implement the 26 August circular. By November 2012 he had not received a reply. [42] Amnesty International reported that in a letter to the Prime Minister dated 4 October 2012 the Ombudsman had also demanded that eviction orders be suspended in winter (1 November to 15 March) in accordance with article L412-6 of the French civil code on implementation procedures, known as ‘the winter truce’ (*la trêve hivernale*). However, this does not apply to cases where people entered the premises illegally or when an emergency order has been issued (e.g. insalubrity) and it remains to be seen whether the Ombudsman will be listened to.

In August 2012, the President of the European Grassroots Anti-Racist Movement, Benjamin Abtan, insisted that it was “urgent that France clearly breaks with the acts and the spirit of summer 2010 to restore its reputation by supporting equality in Europe.” [43]

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