



Romeurope National Rights Collective

Report 2010-2011

"The Roma, scapegoats of a security policy which targets migrants and the poor"



Photo by Thierry Lefébure

FEBRUARY 2012

Romeurope National Rights Collective

ABCR (*Association Biterroise Contre le Racisme*) (The Béziers Association against Racism);

ALPIL (*Action pour l'insertion sociale par le logement*) (Action for Social Integration through Housing);

AMPIL (*Action Méditerranéenne Pour l'Insertion sociale par le Logement*) (Mediterranean Action for Social Integration through Housing);

ASAV (*Association pour l'accueil des voyageurs*) (Association to Welcome Travellers);

ASEFRR (*Association de Solidarité en Essonne avec les familles roumaines et rroms*) (Essonne Association for Solidarity with Romanian and Roma Families);

Association Solidarité Roms de Saint-Etienne (Roma Solidarity Association of Saint-Etienne)

CCFD (*Comité Catholique contre la Faim et pour le Développement*) (Catholic Committee against Hunger and for Development);

Terre solidaire

LA CIMADE (*Comité intermouvements auprès des évacués*) (Intermovement Committee for Evacuees);

CLASSES (*Collectif Lyonnais pour l'Accès à la Scolarisation et le Soutien des Enfants des Squats*) (Lyonnais Collective for School Enrolment Access and Support for Children of Squatters);

FNASAT-Gens du voyage National Federation of Associations in Solidarity with Action with Gypsies and Travellers);

Habitat-Cité

Hors la Rue

Imediat

LDH (*Ligue des Droits de l'Homme*) (Human Rights League);

MDM (*Médecins du Monde*) (Doctors of the World);

Mouvement catholique des gens du voyage (Catholic Movement of Travellers);

MRAP (*Mouvement contre le racisme et pour l'amitié entre les peuples*) (Movement against Racism and for Friendship Among Peoples);

ROMAQUITAINE

Rencontres tsiganes (Gypsy Encounters);

RomActions

Romeurope Val-de-Marne

Secours catholique (Caritas France)

SICHEM (*Service de Coopération Humanitaire pour les Etrangers et les Migrants*) (Humanitarian Cooperation Service for Foreigners and Migrants);

Une famille un toit 44

URAVIF (*Union régionale des associations pour la promotion et la reconnaissance des droits des Tsiganes et des Gens du voyage d'Ile-de-France*) (Regional Union of Travellers' Associations of Ile-de-France);

And the Support Committees of Montreuil, Limeil Brevannes, "92 Sud", the Nantes Romeurope Collective, the Collective for Support to Roma Families from Romania, the Roma Collective of Associations of greater Lyons, the Romyvelines Collective, the collective for Support to Roma Families in greater Orleans, the Melun Collective for those without Documentation, the Roma Solidarity Collective and "gens du voyage du Nord".



[At the end of the English version of this report is a glossary of acronyms used therein]

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On 30th July 2010, two days after a meeting at the Elysée Palace of several ministers and senior civil servants about the Roma and "travellers" (unacceptably lumped together as a single group), Nicolas Sarkozy made his sadly famous speech in Grenoble which stigmatised in particular the Roma and announced a massive campaign to demolish "illegal encampments¹" targeted because of the origin of their occupants.

Although it was the first time that it had been thus expressed in the highest echelons of the State, this pressure, in France, on Roma people mainly from Romania and Bulgaria was nothing new but it brought an official ethnic aspect to government action which is inadmissible.

The debate had begun. It unleashed media frenzy, tensions between Brussels and Paris, and much emotion but also xenophobic behaviour, hounding of men, women, and children... The upsurge in media interest died away. And out of sight of the cameras, discrimination and expulsion continue as never before.

But it did not get down to the essentials. A category of men, women, and children was created for a large majority of whom the only thing they had in common was that they were foreigners, poor, and have unhealthy living conditions. The enemy, or victim according to your view, was identified: "He is Roma inevitably from Romania, he is very poor, and at the ready to take over Western Europe". For the public authorities, the solution to this problem is obviously European and integration (or inclusion!) projects dedicated to it should definitely take into account the cultural specifics which are hard to define. The ethnic tone to the debate has its logic extended into projects which they described as adapted.

We know it only too well: Adapted measures lead to specific policies which ultimately lead to the isolation of sections of the population, especially from mainstream services. It is clearly appropriate to inquire if this marginalisation treatment constitutes added value to the dynamics of integration or is ultimately aimed at facilitating the endlessly delegated management of projects whose assessment, if it exists, is not made known beyond a circle of managers and government officials.

Even though Romanians and Bulgarians are European citizens, they do not have the same rights nor the same legal status, it is extremely difficult for them to work legally because of administrative obstacles put in place by nine countries of the European Union, and notably in France.

They are therefore in a precarious situation and forced into begging or informal work to be assured of the daily needs of their families, reinforcing the image fabricated by the public authorities of antisocial delinquents, and authorising all the policies of control, registration, and harassment. These speeches, raising more the spectre than the reality and painting a xenophobic picture of Roma and gypsies, have unleashed racist behaviour. In two years, pressure from the Police and systematic expulsions - too often extremely violent and whose

¹ The words camp and encampment made an appearance several years ago within the public authorities' communications strategy to emphasise the occupation of property without right or title as part of a chosen life style which was contemptuous of property rights. These words are used in this report in order to define locations where vulnerable people are obliged to live and do not correspond to the definition that the government wishes to impose.

legality can be challenged - have increased. Sites and squats have been attacked with almost general indifference and demands for judicial inquiries have often not been followed up.

But let us make no mistake. This unbelievable machine put in place by public authorities not only targets these 15000 to 20000 or so people present in France. The Roma seem to be like guinea pigs on which public authorities are testing out new policies for separating off new undesirables within the country, be they foreigners, poor, or both.

Even though resistance to this has been organised and initiatives developed, the effects of this policy of separation are devastating. Every day, women, men of all ages, and children are made to vacate one site or another on the basis of the most absurd of political decisions at every level. Every indicator is on red: protection of childhood, health, respect for Human Rights...

In this report, we wish to go over those events of 2010 and 2011 which have been marked by a political wish to identify scapegoats and attack the most vulnerable or those who stand "*apart*"; and to reaffirm that the integration of the so-called Roma population is more than possible through the application of French law as it stands.

The Roma: who are we talking about?

The creation of a group with a fuzzy and fantastical definition

The statement by Monsieur Guéant, Minister of the Interior, about the wish to attack the problem of pickpockets on the Paris Metro illustrates the deformed view the government has, or wants to have, about the reality of the so-called Roma population.

In order to put a stop to the activities² of this group of young Roma men and women seemingly of former Yugoslavian origin, Monsieur Guéant suggested the rapid introduction of a Franco-....Romanian accord aimed at repatriating these minors³...

Because it has come to this: the Roma, in the government's view is poor, a nomad, a slum dweller originating from Romania, and living off petty theft.

This fantasy vision would make anyone smile if it were not the foundation of government policy with regard to these people. And we will see that it is shared from the local right up to the European level.

The events of summer 2010⁴ had the benefit of placing the subject at the heart of the debate. Viviane Reding, EU Justice Commissioner, at that time lambasted the French policy of expulsion targeted at the Roma. And she denounced the circular of 5th August⁵ which required prefects to give top priority to the expulsion of Roma from sites they occupied.

Civil society and various European and international court cases had vigorously protested against this policy which targeted a group because of its origins.

The *Council of Europe* judges as discriminatory and contrary to human dignity the policy of demolishing the sites where Roma live, a policy that France decided upon in the summer of 2010.

The *Council of Europe's European Committee of Social Rights*, in a report published on 9th November 2011 (but dated 13th July 2011)⁶, takes up the cudgels against the declared policy of demolition of sites where Roma live by declaring: "The measures in question reveal a total lack of respect for the essential values set down within the European Charter, particularly with reference to human dignity, the nature and extent of the violations of which go beyond any ordinary violation of the Charter". It recalls a previous report on such violation in 2009 by France relating to the right to housing for Roma. The experts noted: "not only the absence of

² In his statements in the 12th September 2011 edition of *Le Parisien*, Monsieur Guéant never made any proposals for the protection of these victims requested some years ago by member associations of Romeurope

³ Ibid

⁴ These events were presented as a turning point. The Romeurope Collective remembers that the policy of expulsion has already lasted almost ten years

⁵ This circular was repealed by the Council of State: CE, 7th April 2011, Association SOS Racisme- Touche pas à mon pote, no 343387. "The Council of State has repealed this text by reference to the 1st Article of the Constitution, which sets out the principle of equality before the Law."

⁶ European Committee of Social Rights, complaint 63/2010, Report to the Committee of Ministers

<https://wcd.coe.int/ViewDoc.jsp?Ref=CEDS-63/2010&Language=lanFrench&Ver=original&Site=COE&BackColorInternet=C3C3C3&BackColorIntranet=E6B021&BackColorLogged=F5D383>

progress but an obvious step backward". France was then invited to adopt "adequate reparation measures" but was also under "the obligation to offer appropriate assurances and guarantees against a repetition" of these violations of the Social Charter.

The European Committee of Social Rights, charged with the implementation of the conclusions of this report, had adopted a resolution inviting Paris to notify it of measures taken or planned.

As to the European *Parliament*, it adopted a resolution on the 9th September 2010 about the situation of the Roma and the free movement of individuals within the European Union. It vigorously opposes "provocative and openly discriminatory rhetoric which has permeated political discussion during operations to return Roma to their country, thereby giving credibility to racist claims and agitation by extreme right wing groups; reminds political decision makers in consequence of their responsibilities and rejects any position seeking to establish a link between minorities and immigration on the one hand with criminality on the other, and creating stereotypes that encourage discrimination".

Following upon the reaction to the policy of demolition of Roma camps, it was then decided at the European level to put in place a European strategy for Roma inclusion. The aim of this was to improve the social and economic position of the Roma by taking the problem into account in all policies to do with education, employment, housing and health care, and by insuring equality of access to quality services, and by making best use of the funds and resources available. It was essential to bridge the gap between marginalised Roma communities and the rest of the population in the areas of education, employment, healthcare, and housing. The national strategy project put forward by France⁷ was drawn up without any consultation with either local authorities or the associations, contrary to the wishes of the Commission. This document, even if it states in theory the principle of equality, identifies no effective measure to provide this section of the population with access to the common law⁸. In addition, France's retention of temporary measures⁹ prevents any possibility of inclusion through employment.

Invasion, another fantasy

In this report, the term Roma ("Roms" in French) is not being used in its generic sense¹⁰. It defines as "Roma" those coming essentially from Central and Eastern Europe (Romania, Bulgaria, former Yugoslavia) who have migrated to France and who recognise themselves as Roma or who are defined as Roma¹¹. There have been a number of waves of immigration of

⁷ Projet français de Stratégie nationale présenté à la Commission européenne in December 2011: http://www.romeurope.org/IMG/pdf/Strategie_nationale_2011_12.pdf

⁸ In the document issued by the French government, the term "Roms" (Roma) is taken in its generic sense as used in European court cases, i.e. including "Travellers" in France.

⁹ http://www.romeurope.org/IMG/pdf/Question_orale_sur_Strategie_nationale_et_mesures_transitoires.pdf

¹⁰ Rapport Romeurope 2009-2010, page 16. <http://www.romeurope.org/rapport-annuel.html>

¹¹ As a result, Bulgarians from the Turkish community based in the Paris region are often included with the Roma)

Roma into France¹²: immediately after the Second World War¹³, during the 1970s¹⁴, and from the 1990s.

These migrations have been essentially for economic reasons, linked to the huge disparity in standards of living in Eastern Europe which were exaggerated in the case of the Roma population by the phenomenon of segregation. In the case of the Roma of former Yugoslavia, their exile was more particularly the result of persecution suffered following the war.

The Roma do not therefore constitute an homogenous grouping: they are not of the same nationality (80% of Roma on French territory are of Romanian origin), they do not have the same history of migration, nor the same administrative status¹⁵, they can have different religious affiliations as well as different sociocultural ties.

The only thing all these people have in common is the way of life imposed upon them. The migration of these families does not imply an itinerant way of life in any sense. If they have moved to France, it is usually under pressure of expulsion. If they periodically return to their country, its purpose is, as with other migrants, the revival of relationships (visits to families, celebrations...), temporary respite from police harassment in France after being expelled from where they are living or because of some measure to deport them from France.

The complexity and diversity of the migration phenomenon, the nature of which is based around the family unit, must therefore be emphasised. However, the public authorities make efforts to put forward an absurd interpretation of reality by waving the red flag at a barbarian invasion by some 10 to 12 million Roma living on the continent of Europe.

For some people, therefore, the Roma seem to represent an homogenous group readying itself to invade Western Europe¹⁶. Coming from abroad, even though the majority are citizens of the member states of the European Union, they are, in the eye of public opinion, people without documentation whose situation is irregular. The media and a number of politicians spread the notion that migration into France by Roma from Romania relates exclusively to Mafia activity, specifically to trafficking of human beings affecting children and old people. These obviously false and dangerous assertions foster a climate of xenophobia that can have dramatic consequences.

The real total of Roma migrants currently in France cannot be precisely calculated. Nevertheless, observations by associations and support committees of the Romeurope network lead one to estimate that they have been stable in numbers for several years and are in the order of 20000 persons within the total area of France. These figures have been accepted by the government.

¹² Cf M Olivera "Roms en (bidon)ville", Editions Rue d'Ulm, 2011

¹³ Eg: Roma of Romanian origin living in Montreuil

¹⁴ Roma from former Yugoslavia arrived in 1993

¹⁵ Romanian or Bulgarian Roma are European citizens whilst Roma from the Balkan states such as Kosovo and Serbia...are not

¹⁶ "Europe should take action (...) we, the French, have no duty to welcome 2.5 million Romanian Roma".Statement by Monsieur Lellouche

The spectre of invasion does not therefore exist and the truth of this been put on record for a number of years by the Romeurope Collective¹⁷.

Another assertion claiming that the difficulties of integration are cultural is also false. Although the first Romanian Roma who arrived between 1990 and 2000 from Banat or Transylvania have been relatively well integrated, the arrival of poorly qualified Roma from less developed regions has begun to highlight them more. Unable to find work, they fell back on odd jobs like flower selling, scrap metal, begging... The absence of opportunities to work legally or on the black market as well as access to housing has enabled intermediaries to make money by letting plots on sites which did not belong to them and lending money at extortionate rates... So instances of exploitation of adults and children occurred amongst Roma and non Roma¹⁸. They were to be eternally condemned as the pariahs of European society not just by cultural mischance but by the problems of integration they have experienced linked to the short term administrative difficulties of access to the job market.

A stigmatising administrative system

As to the administrative procedures for Roma in France, there are a number of arrangements put in place by the government which, *de facto* keep them in a vulnerable position and therefore justify their expulsion.

Above all, the temporary measures imposed by France when Romania and Bulgaria joined the European Union stop or severely limit access to the job market by nationals from these countries. These measures are, according to HALDE¹⁹, "*real blocks to employment (...)*". Even if unemployed, Roma still have rights as normal citizens provided they do not represent an unreasonable burden on the social security system.

However, this lack of legal resources is exploited by the authorities who issue "obligations to leave French territory" (OQTFs). OQTFs are widely issued with the aim of expelling Roma from French territory. This deportation is backed up by the "French Office for Immigration and Integration" (OFII), set up by a decree dated 25th March 2009²⁰.

A population labelled as delinquent and antisocial

As a result of this stigmatising scapegoat policy, the Roma, who had rather a negative image, have begun to be considered as victims. And following upon a deluge of embarrassing international condemnation of the image France had in the world, the government has adapted its strategy. Its absolute priority was to demonstrate that the Roma were not only illegal but

¹⁷ Cf Rapport Romeurope 2009-2010: <http://www.romeurope.org/rapport-annuel.html>

¹⁸ Amongst the situations most highlighted by the media and the most important in respect of exploitation of children in France, mention should be made of the arrival of young non Roma Romanians from Negristi-Oas who are used to get money out of parking ticket machines in Paris.

¹⁹ Deliberation n° 2009-372 dated 29th October 2009.

²⁰ This agency carries out the duties formally devolved to the "National Agency for Receiving Foreigners and Migrants" (ANAEM) and those of the "National Agency for Social Cohesion and Equality of Opportunity" (ACSE) relating to the language training of foreigners.

also delinquent²¹, and this justified acceleration in the demolition of illegal sites and intensification of "humanitarian" repatriation.

Romanian and Bulgarian Roma therefore bear the heavy burden of assuming different guises: that of clandestine immigrants who are expelled in order to reassure public opinion and, the more classic one, of highly delinquent people who are incapable of being integrated²², or who even have no desire to be so.

This latter picture seems to be shared by a number of European countries which worry about the arrival of Roma from Eastern countries. Fear of invasion is therefore exploited everywhere without any statistical reality to back it up; thus, for example, the proportion of Roma emigrating from Romania is marginal (at any rate equal to the proportion of Roma in Romania).

A population targeted and registered

The Roma are also victims of specific ethnic registration.

Thus the OSCAR file which covers all foreigners potentially benefiting from so called voluntary or humanitarian repatriation aid (ARV and ARH) takes on an obvious discriminatory character. In more than 80% of the cases registered on OSCAR, the biometric data included concerns EU citizens of Romanian or Bulgarian nationality, in fact, the Roma.

In practice, the justification for OSCAR is the fight against a "fraud" operated entirely through a government policy which arranges pseudo voluntary repatriation of community nationals with a right to come back to France even if they have benefited from these forms of aid, because of the principle of freedom of movement.

Unfortunately, the Council of State validated the OSCAR file on 20th October 2010, thus legalising registration (contrary to European texts)²³ and imposing restrictions on freedom of movement within the EU aimed in particular at a group targeted because of its origin: the Roma.

Other files are also tools which could be aimed at the Roma, such as GESI ("Management of foreigners whose situation is irregular") or the MENS ("Non sedentary ethnic minority") file in respect of which the "National commission for information technology and freedom" (CNIL), on 8th and 12th October 2010, audited the relevant services of the national police

²¹ There are no figures as such about the Roma, be they French, Romanian, or Bulgarian because minorities are not recognised in France.

²²Cf. Article by Olivier Peyroux « Les Roms : nouvelle arme politique »

http://www.horslarue.org/images/stories/Publications/Articles_Olivier/articledilemaopeyroux.pdf

²³ Resolution of the European Parliament dated 9th September 2010 on the situation of the Roma and the free movement of people within the European Union "8. *underlines, in addition, that the taking of finger prints of Roma who are expelled is illegal and contrary to the Charter of Fundamental Rights of the European Union (article 21, paragraphs 1 and 2), and to the treaties and law of the European Union, in particular Directives 2004/38/CE and 2000/43/CE, and it constitutes discrimination based on national or ethnic origin*"

force. Although the Commission states that it found no "ethnic file" during the audit that it carried out at the "Central office for the fight against itinerant delinquents" (OCLDI) and at the Technical service for judicial research and documentation (STRJD), it discovered undeclared "databases" and "treatment of personal data" containing information that reveals "the ethnic origins of individuals" as well as an important number [of messages addressed to these two services] dealing with controls on "Travellers".

Deportation as the prime objective of public policy

Community nationals' right to stay undermined

Several clauses in the law of 16th June 2011, relating to immigration, are aimed at rendering a Community national's right to stay of less than three months meaningless. Or more precisely, at enabling the administration to deny this right to certain Community nationals.

Thus, a Community national could, following a reasoned decision, be subject to deportation measures (OQTF) even when he has been on French soil for less than three months:

- if he becomes "*an unreasonable burden on the social security system*"²⁴
- or if "*his stay constitutes an abuse of rights*"²⁵, in particular if he keeps coming and going between France and his country of origin "*with the aim of maintaining himself on French territory*" and "*enjoying the benefits of the social security system*".
- or if "*his personal behaviour constitutes a real and present menace which is sufficiently serious in respect of the fundamental interests of French society*"²⁶

The concept of "*unreasonable burden on the social security system*" in France is neither a necessary nor proportional reason for limiting the fundamental freedom of movement which an EU citizen enjoys. Admittedly, the article in question, article 14 of the Directive 2004/38/CE, gives the impression that member States may rightfully curtail this freedom during the first three months of a stay if they become an unreasonable burden on that State's social security system. Nevertheless, the concept of "*unreasonable burden*" is very clearly defined in Community law.

In fact, this concept in the texts and in case law is very restrictive for the State that makes use of it, so as to support and acknowledge an EU citizen's right to stay. Thus this same article 14 of the directive lays down that: "3. *Having recourse to the social security system by an EU citizen or a member of his family does not automatically incur expulsion*". This indicates that merely resorting to the social security system does not constitute an unreasonable burden. The administration must moreover examine on a case by case basis the citizen's difficulties in

²⁴ Article 22 of the Law-L. 121-4-1 of the CESEDA

²⁵ Article 39 para. 3 of the law -L. 511-3-1 2 of the CESEDA

²⁶ Article 39 para.4 of the law -L.511-3-1 3° of the CESEDA

order to decide if they are of a temporary nature, taking into account the length of stay, the personal situation and the amount of aid extended (taking into consideration article 16 of the Directive 2004/38/CE).

One can only therefore refute the received idea conveyed through certain policies whose aim is to make us believe that foreigners only come to France to abuse social rights.

A closer look at the texts reveals that access to social rights by Community citizens (and others) is conditional upon an uninterrupted stay of more than three months on French territory.

In addition, in order to limit the freedom of movement of certain EU citizens by coercion, one of the measures the law lays down is the presumption that the citizen who repeatedly enters France has but one aim, which is to stay in France without fulfilling the conditions required for stays longer than three months, and therefore "abuse" his right to free movement. However, this is contrary to Community law, according to which there is, with regard to the limits imposed by EU law, an almost absolute right to a stay of less than three months, except if there is a threat to public order involved.

In relation to the concept of abuse of the law, the EU Court of Justice considers that "*abuse of the law arises when citizens make use of the law in an unreasonable way to obtain, to the prejudice of others, illegal advantage that is manifestly alien to the objectives of the legislation when this confers a given subjective position upon an individual.*"²⁷. Based upon these observations, it can be deduced that the mere fact of going back and forth between countries does not of itself signify an "*abuse of the law*". What has to be proved is that the aim is to escape national regulations "*with a view to obtaining social security advantages*" which do not exist during this period²⁸.

These measures confirm the view held by the French public authorities and pinpoint the exclusion of the poor and vulnerable from the EU fundamental rights of freedom of movement and equality of rights²⁹. Because they have no resources, some European nationals may in fact be consigned to residence in their country of origin and prohibited from enjoying a right available to all its other citizens.

²⁷ Affaire Koller (affaire C-118/09), CJUE

²⁸ By way of example (and by no means exhaustive): the CMU article L380-1 and R380-1 of the social security code ; the AME ; article L 251-1 of the social and family action code ; the RMI article L 262-9-1 of the social and family action code ; API (single parent allowance) article L524-1 of the social security code.

²⁹ According to consideration n° 9 of the directive 2004/38/CE of the European Parliament and the Council dated 29th April 2004: "*Union citizens should have the right of residence in the host Member State for a period not exceeding three months without being subject to any conditions or any formalities other than the requirement to hold a valid identity card or passport, without prejudice to a more favourable treatment applicable to job-seekers as recognised by the case-law of the Court of Justice*".

In conjunction, article 6 of the same text, entitled "Right of residence up to three months", states: " 1. *Union citizens shall have the right of residence on the territory of another Member State for a period of up to three months without any conditions or any formalities other than the requirement to hold a valid identity card or passport.*".

Increase in the issue of OQTFs without real examination of the situation of the individual and with abusive use of the concept of disturbing public order.

There is an armoury of smooth running procedures for these expulsions. Prefectural orders are raised, often without reasons being stated, on a standard format which takes no account of the personal situation of each individual³⁰. In many cases the box for the name of the person concerned is filled in by hand, the standard format is the same, some boxes are even left empty³¹.

In this way, administrative tribunals are regularly faced with decisions drafted along the same lines in the absence of examination of the particular personal situation of those concerned whereas the administrative authority should have available the details necessary for the individual examination of the file before making a decision, without which its decision is marred by legal error. The prefect who has no other details available relating to the identity of the person concerned, his presence in France, and his participation in the illegal occupation of a site, cannot pronounce on the right of residence of the person concerned nor assert any absence of a right of tenure on French territory.

As to the concept of unreasonable burden, many prefectures use standard forms. Thus, for example, the one used by the Val de Marne prefecture affirms that the person concerned has resided in France for more than three months, does not satisfy the conditions for a long term stay, has no fixed abode, and constitutes an unreasonable burden on the French State. The one used by the Seine-Saint-Denis prefecture affirms similarly that the person concerned has been in France for more than three months without satisfying the conditions and constitutes an unreasonable burden on the French State. The prefectures of Loire, Haute Savoie, Drôme, and Rhône often indicate that the person concerned has no proof of being in France for less than three months and simply state that this person has no proof of having sufficient resources not to become a burden on the social security system³².

³⁰ The European Committee of Social Rights condemns these measures in very vivid terms: "*these expulsions were based on considerations relating to prevention and ethnic origin*". European Committee of Social Rights, complaint 63/2010, Report to the Committee of Ministers § 69.

³¹ "Prefectorial variation to the OQTF formula" by Grégoire Cousin, 29th December 2011. Example of an OQTF which has been barely filled in <http://urbarom.hypotheses.org/62>

³² Cf Information document by Human Rights Watch submitted to the European Commission in July 2011 "Le respect par la France de la Directive européenne relative à la liberté de circulation et l'éloignement de ressortissants européens appartenant à la communauté Rom" http://www.romeurope.org/IMG/pdf/Human_Rights_Watch_-_situation_des_Roms_-_France_-_doc_remis_a_Commission_europeenne.pdf



PREFECTURE DE LA SEINE-SAINT-DENIS

DIRECTION DE L'IMMIGRATION ET DE L'INTEGRATION
Bureau des mesures administratives

N° d'étranger :

?

LE PREFET DE LA SEINE-SAINT-DENIS

-Vu la convention européenne de sauvegarde des droits de l'homme et des libertés fondamentales du 4 novembre 1950 et notamment ses articles 3 et 8 ;

-Vu la loi n°2000-321 du 12 avril 2000 relative aux droits des citoyens dans leurs relations avec les administrations et notamment son article 24 ;

-Vu le code de l'entrée et du séjour des étrangers et du droit d'asile et notamment ses articles L.121-1, L.121-4, L.121-4-1, L.511-3-1, L.512-1 à L.512-4, L.513-1 à L.513-3 ;

-Considérant que M. ~~V. V. V.~~ *Vickon né N. N. N.*
né(e) le *22/01/1988* à *Alex*
de nationalité roumaine, est installé(e) illégalement, sans titre ni droit, sur un terrain sis : Rue Pascal (en bordure des voies ferrées à la limite du Bourget) à La Courneuve (93120) ;

-Considérant qu'il ressort des déclarations faites par l'intéressé(e) lors de l'entretien mené ce jour ; *?*
qu'il(elle) est entré(e) en France depuis *?*, qu'il(elle) ne justifie d'aucune activité professionnelle ni de la recherche d'un emploi, ne peut justifier de ressources ou de moyens d'existence suffisants et se trouve en situation de complète dépendance par rapport au système d'assistance sociale français puisqu'il(elle) ne justifie pas d'une assurance maladie personnelle en France ou dans son pays d'origine ;

-Considérant qu'ainsi, l'intéressé(e) constitue une charge déraisonnable pour le système d'assistance sociale français et en conséquence ne dispose d'aucun droit au séjour en France ;

-Considérant que l'intéressé(e) ne justifie pas, en France, d'une situation personnelle et familiale à laquelle la présente décision porterait une atteinte disproportionnée ;

-Considérant que l'intéressé(e) n'établit pas être exposé(e) à des peines ou traitements contraires à la convention européenne de sauvegarde des droits de l'homme et des libertés fondamentales en cas de retour dans son pays d'origine ou tout autre pays où il (elle) est effectivement réadmissible ;

Sur proposition du secrétaire général de la préfecture

ARRETE

Article 1^{er} : M. ~~V. V. V.~~ *Vickon* est obligé(e) de quitter le territoire français dans le délai de 30 jours à compter de la notification du présent arrêté.

Article 2 : A l'expiration de ce délai, M. ~~V. V. V.~~ *Vickon* pourra être reconduit(e) d'office à destination du pays dont il(elle) a la nationalité ou qui lui a délivré un document de voyage en cours de validité ou à destination d'un autre pays dans lequel il(elle) est légalement admissible .

Article 3 : Le secrétaire général de la préfecture de la Seine-Saint-Denis est chargé de l'exécution du présent arrêté.

Fait à Bobigny le 6 décembre 2011

LE PREFET

pour le préfet et par délégation
L'adjoint au chef du bureau des mesures administratives

Notifié le : 6 décembre 2011

L'intéressé(e)

L'interprète

Olivier LE CLANCHE

Unfortunately, however, few appeals³³ are brought before the tribunals, permitting these abusive practices to become more widespread as the public authorities take advantage of Roma vulnerability and their lack of experience on procedure.

The use of humanitarian repatriation aid as a new form of deportation.

A circular dated 7th December 2006 introduced repatriation aid³⁴ available to foreigners whose situation is irregular or who are destitute. This circular identifies two types of repatriation aid managed at the time by ANAEM:

- "Voluntary" repatriation aid which affects nationals of third party countries who have been refused a right to stay or have been issued with an APRF (prefectural deportation order) and who may wish to return to their country of origin ;
- and "humanitarian" repatriation aid which affects Community nationals as well as third party country nationals who find themselves in a destitute or a vulnerable situation. European Roma are therefore eligible for the second.

The report by the OFII is entirely explicit about the fact that humanitarian repatriation aid is concerned mainly with "people staying in collective encampments". In fact, this arrangement was specifically designed to contribute to the eradication of shantytowns in France sheltering, in the view of the public authorities, Roma people. This therefore confirms, by the public authorities, a targeted discriminatory approach based on origin. It is the object of specific co-operation amongst all the services of the State (and sometimes of local authorities) involved with the evacuation of living areas and deportation from France of a proportion of their occupants.

³³ Fortunately, some tribunals quash these OQTFs using remedies available to them. Eg: Lyon N° 1200177, 16th January 2012:

In consideration, on the one hand, that the Prefect of the Rhone could not legally put forward the conditions applicable to a stay in excess of three months when he stated that the stay in France of the interested party was less than this duration; that, on the other hand, by limiting himself to identifying that the defendant's living conditions are precarious and he lacks resources without furnishing any precise evidence to prove an abusive use of the social security system, the prefect of Rhone has not established that the stay in France of Mr.... constitutes an abuse of rights in the sense of the aforementioned clauses; that his decision regarding an obligation to leave French territory should therefore be quashed;

³⁴ Inter ministerial circular DPM/ACI3/2006/522 dated 7th December 2006 regarding arrangements for repatriation aid for foreigners whose situation is irregular or who are destitute.

The example of Marseille³⁵

Since September 2011, in Marseille, the municipal SAMU social in association with the Prefecture is present when evacuations take place and offers emergency accommodation on condition that an offer from the OFII of humanitarian repatriation is signed and accepted.

This Samu social policy has put into noticeable effect at two important evacuations:

- 20th September 2011: evacuation of the site at Véolia de la Capelette
- 27th September 2011: evacuation of the site at Fontvert

Only those people who have accepted to return to Romania were taken to an emergency accommodation centre.

It should be made known that the SAMU social in Marseille only has available accommodation for men or for women and not for families. It is therefore an infringement of its duties that SAMU is allowing when the Prefecture requests provision of accommodation for families that have accepted to return.

It should be noted as well that on the occurrence of the well publicised expulsion at the Porte d'Aix in August 2011, it was the Prefect who requisitioned the emergency accommodation centre. After a day of wondering about, some 100 people were taken there by the Samu social. In the following week, sixty of them had "accepted" voluntary repatriation and had been sent off by charter plane to Romania.

The genuinely "voluntary" nature of the requests of repatriation aid has been widely challenged by Romeurope for a number of years, supported by a number of important witness statements which revealed a set of constraining (including physical) factors pressurising people to sign these requests: in custody, when challenged by police officers, just before, indeed after getting on to the buses hired for this purpose, without any possible cooling off period and with identity papers confiscated, without an interpreter...³⁶

The proposal is often made by OFII staff who accompany police officers going to squats and shantytowns with an expulsion order (and therefore the occupants will soon risk being out on the street) and/or issue collective deportation orders. In this latter case, the threat of detention is regularly used to induce people to accept humanitarian repatriation. Other testimony cites false promises about the amount of aid or the social support to be offered in Romania, which Prefecture or OFII staff may spread around in order to convince people of the humanitarian repatriation option.

³⁵ In a video of the programme "La Voix est libre" on France 3 Provence Alpes, Monsieur Bourgat, deputy mayor of Marseille in charge of Samu Social, refers openly to this practice:

http://www.dailymotion.com/video/xmqgq7_les-roms-dans-la-voix-est-libre-revoir-l-emission-et-le-chat_news#from=embediframe

³⁶ The European Committee on Social Rights describes and condemns these measures: "*The Committee considers that in practice these so-called "voluntary" returns are disguised forms of forced collective expulsions*". Complaint 63/2010, Report to the Committee of Ministers, §73.

Humanitarian repatriation is therefore clearly an instrument designed to accelerate the departure of these people and not to put in place the conditions which would enable the preparation of individual plans for repatriation which are realistic, properly constructed and open to assessment.

Since 2007, the number of people sent back via the voluntary repatriation route has not stopped going up. 1600 Roma were sent back in 2007. In 2008, 8470 were repatriated, this being a third of the total of all deportations. In 2009, of 29 289 people deported, more than one third were of Romanian or Bulgarian nationality. Between 2007 and 2009, Romanian and Bulgarian citizens have represented between 25% to 30% of people sent back under the banner of the fight against clandestine immigration, something like 8000 to 10000 deportations per annum. In 2010, even though there is a reduction in the number of so-called humanitarian repatriations³⁷, 84% were of Romanian citizens³⁸ and between 28th July and 31st December 2010, there were 40 flights chartered by OFII to Romania and Bulgaria. Even though we still do not know the exact figures for³⁹, we can affirm that the same tendency will continue, judging from the declarations of Monsieur Guéant⁴⁰.

New ways of disturbing public order

By means of the law LOPSSI 2, new ways of "disturbing public order" have appeared: "aggressive begging", "abuse of short stay rights", or in addition, "illegal gathering on a site belonging to a public or private person with a view to putting up housing, incurring serious risks to public health, safety, and peace".

The expulsion and criminalisation of makeshift housing (yurts, huts, caravans...) were possible in urgent cases according to LOPSSI 2. The prefect could give notice to quit a site to its occupants, gathering together illegally, if the fact of putting up housing posed serious risks to public health, safety and peace". If notice had no effect, the prefect could proceed with forced evacuation of the site and request of the president of the TGI in chambers to authorise him to destroy the illegal buildings. However, the Constitutional Council banned the arrangement for the emergency evacuation of makeshift camps considering that the procedure did not provide sufficient guarantees for those expelled. It also banned the creation of a new offence, the fact of living at the residence of someone else after forcible entry, i.e. a squat.

These arrangements threaten a public much "wider" than just the Roma and bear witness to the growing criminalisation of vulnerability.

³⁷ In spite of the evacuation of illegal sites, the number of ARH repatriations underwent a reduction in 2010 of about 21% on the 2009 figure. OFII Report 2010 <http://www.ofii.fr/>

³⁸ Ibid

³⁹ The issue of the OFII Report 2011 is expected in May 2012.

⁴⁰ Le Monde 10th January 2012 " La politique migratoire a été nettement durcie en 2011 "

The Franco-Romanian accords and the wish to reduce protection of minors

Another striking example is the Franco-Romanian accords. On 23rd February 2010, the bill to authorise the ratification of the accord signed in Bucharest on 1st February 2007 between the government of the French Republic and the government of Romania in respect of unaccompanied Romanian minors on French territory was re-examined.

The ratification of this text had been suspended in 2007 thanks mainly to action by the association Hors La Rue and its partners including the Romeurope Collective. An accord had been signed in 2002 and envisaged the possibility of organising the repatriation to Romania of unaccompanied Romanian minors, "in consideration of the protection of Romanian minors in difficulty in France"⁴¹ and "the fight against networks exploiting them". In practice it would seem that in spite of the cooperative efforts and Romania's adoption of a law to protect children, shortcomings in the execution of the Franco-Romanian accord have been in evidence, such that any repatriation had rarely been in the priority interests of the child. A study carried out by the association Hors La Rue demonstrated the dangerous nature of the repatriation of these unaccompanied foreign minors⁴².

The 2007 accord offered even less protection. Several basic guarantees had been removed: systematic referral to the juvenile court judge, open debate and methods of recourse linked to the judge's intervention, prior inquiry; the repatriation of unaccompanied foreign minors by the agency responsible for migration; social, educational, and health monitoring after the repatriation. The suppression of these crucial guarantees was in violation of the national right of protection for children, the international Convention on the rights of the child and the European Convention on human rights.

The target behind these texts was Roma children of Romanian origin but also eventually the whole set of arrangements that protect foreign minors on French soil. Fortunately, this text, after having been adopted by the Parliament, was scrapped by the Constitutional Council in December 2010. Nevertheless, the government's intentions are clear: that the foreign minor should first be considered as a foreigner and not as a child in danger and in need of protection.

⁴¹ Article 1 of decree 2003-220 relating to publication of the accord

⁴² "Etude sur le retour des MIE roumains en Roumanie": <http://www.horslarue.org/nos-publications/etude-sur-le-retour-des-mie-roumains-en-roumanie.html>

Increase in violence of every kind

Anti-Roma activity that has increased at every level

The famous speech at Grenoble has set free every kind of behaviour. Anti-Roma activities and statements emanating from various public authorities but also from private individuals show a worrying increase.

So therefore, before the Law Commission of the National Assembly on 11th January 2012, Monsieur Klarsfeld, chairman of OFII, confirmed views⁴³ he had put forward to the press some weeks before about the Roma and their children “*I take on board the obvious. They should stop having eight children. The parents must take responsibility for their children’s integration (...). They must know that their children will be taken by the mafia if they are left on the street. It’s irresponsible. ... Meanwhile, France cannot return to the days of Dickens and put up with shantytowns*”⁴⁴.

We cannot make a list of all the nasty little phrases uttered by politicians about the Roma, it would be so long. They are an illustration of a scapegoat logic in a xenophobic atmosphere which takes its toll of almost daily tragedies.

*Violence arising from expulsions*⁴⁵

When forced evacuation of a site take place, the violence experienced is traumatising. No precautions are taken. Absolutely no account is taken of the presence of young children⁴⁶, old people, the sick, disabled people or pregnant women. As a result, the physical and psychological trauma suffered during an expulsion is enormous: nightmares, insomnia, migraine, depression, physical illness, miscarriages...There are many accounts in the Press about these violent practices.

Children get separated from their parents in the confusion of the evacuations, as reported by Médecins du Monde about an expulsion which took place at Saint Denis⁴⁷ on 31st August 2011.

According to the victims, pressure exercised by the police when there are no witnesses involves being hit and sworn at. The police presence is in itself disproportionate (often 100 to 150 officers with dogs). There are often as many police officers as evacuees as was the case in Marseille during the evacuation of the camp at the Porte d' Aix⁴⁸: about a hundred CRS and police officers to evacuate about one hundred Roma who included about thirty children.

Weather conditions are not taken into account when a site is forcibly evacuated: when it was

⁴³ Le Parisien, *Clash entre Arno Klarsfeld et les députés PS sur les Roms*, 11 January 2012

⁴⁴ La Voix du Nord, *Arno Klarsfeld, dans la région aujourd'hui: “Les Roms sont aussi victimes d’eux-mêmes, responsables...”*, 27th October 2011

⁴⁵ Cf LDH/AEDH report on violence experienced by Roma in France (to be published).

⁴⁶ http://www.romeurope.org/IMG/pdf/Tribune_Victimes_de_la_politique_d_expulsion_les_enfants_roms.pdf

⁴⁷ Le Monde, *La RATP accusée d’avoir participé à l’évacuation d’un camp de Roms en Seine-Saint-Denis*, 1st September 2011

⁴⁸ RFI, *La police expulse une centaine de Roms à Marseille*, 11th August 2011

snowing and temperatures were below zero, families (59 in all including 22 children) were forcibly evacuated on 17th December from a squat they occupied in Lyon in the 9th *arrondissement*. According to Médecins du Monde, one child was ill (with a temperature of 40°C) and had to be taken care of by the emergency services.

Discord over health at Pantin⁴⁹

Another boundary was recently crossed in Seine-Saint-Denis with the expulsion of the sick the day before a measles vaccination campaign was carried out.

A decision was taken with full knowledge of the facts:

On the morning of 19th May, more than 450 Roma were expelled from a site at Pantin owned by the local Council, when, against the background of a measles epidemic, a vaccination campaign had been scheduled for the next day by MDM teams and the Department.

"But the day before the CRS came and expelled the occupants of this site at the request of the Department and the town of Pantin," explained Livia Otal of the Roma mission in the Ile de France.

However there were several cases of measles and four cases of tuberculosis at this camp.

"When we contacted the service responsible for the expulsion, they told us that they were not up-to-date with the health situation. However in photos taken by the Roma, one can see an elected member of Pantin Council as well as the CRS wearing protective masks," says Livia Otal. A "little misunderstanding" according to the local Council but in fact a catastrophe in terms of public health because these illnesses are contagious. According to Livia, "this campaign was essential; these people are now wandering anywhere so it is difficult to find them"⁵⁰.

Destruction of possessions

The possessions of those forcibly evacuated from a shantytown, squat or other similar site are systematically destroyed⁵¹. People have no time to move everything out and only take the bare minimum with them. The rest is lost or destroyed. Usually operations are carried out very quickly so as to avoid any return to the site⁵². Backhoe loaders follow on behind the gendarmes during the day. They destroy everything and load up lorries without any attempt at sorting. A camp is cleared that day. It is then ploughed up leaving furrows up to over a metre deep; guard dogs can be left there for several days after the evacuation of the site.

⁴⁹ Médecins du Monde Press file of 20th July 2011, "Parias, les Roms en France"

<http://www.medecinsdumonde.org/Presse/Dossiers-de-presse/France/Parias-les-Roms-en-France>

⁵⁰ All too often, as in Bordeaux in 2010 or Lyon in 2011, when vaccination campaigns are set up, local communities demand that the sites be evacuated and this makes the fight against epidemics difficult. Médecins du Monde Press file of 20th July 2011, "Parias, les Roms en France"

⁵¹ These acts can be considered as an administration abuse against which there is possible recourse on the basis of a violation of the constitutional principle of private property, a principle which is also valid for those who occupy it without right or title. <http://www.romeurope.org/Le-Conseil-constitutionnel-censure.562.html>

⁵² These sorts of thing were filmed by José Vieira as they happened as seen in his admirable documentary "Le bateau en carton" which also shows how the Roma were taken away by the Police and forced to get on trains in order to force them to move on. *Le bateau en carton* by José Vieira, Zeugma films 2010

Violent results of detention

Those detained are subjected to a lot of violence: this goes from arrest in front of the family, after forcible entry and entry onto an encampment, to being handcuffed like a criminal. Great is the trauma and humiliation. Below are two examples describing the results of this violence:

- A pregnant Roma mother from Kosovo lost her child after being placed in detention. Arrested in Clermont-Ferrand, she was placed in detention in Lille where a judge set her free after stating that her detention had occurred in conditions that were "*unclear*", that detention was "*disproportionate*" and "*unjustified*", identifiable with "*inhuman and degrading treatment*". A doctor from Clermont-Ferrand confirmed that "*it was medically logical that the miscarriage was the direct result of the long journey to Lille and the shock of being arrested*"⁵³.

- On 8th December 2011, Alexandra C., aged 10, came home from Marie Curie Primary School (Bobigny-Seine-Saint-Denis) but his parents had been taken into detention. They are Romanian nationals and were issued, in conditions which still remain unclear, with an order to leave French territory (OQTF). They were expelled and separated from their child who was left alone in France⁵⁴.

Police harassment, anti-begging by-laws⁵⁵ ...

Besides police harassment and violence suffered when expulsions from sites take place, the Roma are subject to aggressive attitudes in the daily life. And political speeches reproach them their poverty.

Anti-begging by-laws attempt to exclude them from the centres of various towns like Marseille or Paris. In other towns, by-laws are passed to prevent rummaging in dustbins.

In an article in the *Nouvel Observateur* dated 19th October 2011⁵⁶: "*In Paris, the by-law demanded by the Minister of the Interior, Claude Guéant, has been introduced whilst stigmatising measures against "delinquent Roma" increase. From the end of September, a supplementary by-law states that a foreigner, whether European or not, may be deported in the case of aggressive begging*". As confirmation, the Minister of the Interior, Monsieur

⁵³ Médiapart, 27th September 2011, Carine Fouteau, *Un nourrisson meurt après le placement de sa mère en rétention*

⁵⁴ Collectif de Soutien aux populations roms et bulgares turcophones de Bobigny, (Collective for the Support of Turkish speaking Roma and Bulgarians in Bobigny) 11th December 2011

⁵⁵ Arrêté antimendicité du maire de Nogent sur Marne N° 10-595 dated 9th September 2010, in force since 15th September 2010 ; Arrêté municipale du maire de Marseille N°11/489/SG dated 14th October 2011 "regulating certain activities and behaviours constituting public disorder and disturbance of the peace " ; Arrêté municipale de la ville de La Madeleine REG 2011/SL/PP/794 dated 3rd August 2011 'prohibiting rummaging in dust and rubbish bins' ; Arrêté préfectoral, Préfecture de Paris, n° 2011-00750, dated 13th September 2011 "restricting the practice of begging and similar on the Champs Elysées and the Place de l'Etoile ; Arrêté préfectoral, Préfecture de Paris, n° 2011-00913, dated 30th November 2011, renewing arrêté no. 2011-0075 ; Arrêté préfectoral, Préfecture de Paris, n°2011-00915, dated 30th November 2011 "restricting the practice of begging and similar in the district of 9th *arrondissement* of Paris where the big stores are" ; Arrêté préfectoral, Préfecture de Paris, n°2011-00914, dated 30th November 2011, "restricting begging and similar in the district that includes the Louvre, the Tuileries, the Palais Royale and the Place Vendôme".

⁵⁶ Le Nouvel observateur, *Les arrêtés anti-mendicité en cinq questions*, 19th October 2011

Guéant, stated in December 2011: "...the by-laws complete the measures, passed in September, to stop begging on the Champs-Élysées and have already led to questioning of some 300 suspects and 70 deportation cases"⁵⁷. The Mayor of Paris, Bertrand Delanoë reacted apparently shocked by such a measure⁵⁸.

In Nogent-sur-Marne, a by-law was signed off by the Mayor in mid September 2011 prohibiting begging and rummaging in rubbish bins. The procedures are sometimes very directive and targeted. So therefore in La Madeleine, a suburb of Lille (Nord), the Mayor, Sébastien Leprêtre, signed off on 11th August two municipal by-laws directed at the Roma⁵⁹ which prohibited begging and rummaging in bins and these have been translated into Romanian and Bulgarian.

The Roma: guinea pigs in an anti-poverty drive?

It is difficult to imagine that these efforts only target a population estimated at 20000 in the whole of French territory.

Instead, these attacks that officially are anti-delinquent seem, as we have seen, to be directed at a much wider group, be it local or national, vulnerable or "anti-social".

⁵⁷ Le Parisien, *Arrêtés antimendicité: la polémique fait rage*, 9th December 2011

⁵⁸ Reuters, *Delanoë proteste contre les arrêtés anti-mendicité à Paris*, 5th December 2011

⁵⁹ Libération, *Pauvreté: l'intolérance en version originale*, 11th August 2011

Organised resistance in a more repressive context with increasingly dramatic consequences for all sectors of the population

Every year the official reports are more bitter, the recommendations of various institutions more numerous ... So what difference is there between the report of Monsieur Alvaro Gil-Roblès on effective respect for human rights in France which outlined the vulnerability of the daily lives of Roma in France and today? Six years! Yet the situation was already hopeless: "After fleeing the poverty and discrimination of which they were victims in their own country and arriving in France without any means of support, these people [...] live in conditions of the most complete destitution. Roma in France settled in unhealthy shantytowns, squeezed below a bridge, between a motorway and a railway line a few minutes from the ring roads, in squats and caravans on industrial and spare waste land. These encampments are unhealthy, without access to water or electricity; the living quarters do not permit of proper hygiene and as a result several cases of serious illness such as tuberculosis have been detected especially in children⁶⁰".

The commissioner for human rights recommended in the same report that a worthy solution should be found in order to resolve these humanitarian, health, and social problems. And so?

Since the summer of 2010, there are many who can no longer stand idly by in the face of with this policy of exclusion of families who are the most vulnerable in Europe. Committees of support have worked out with Roma families important ways of opposing expulsions, bringing in humanitarian aid and developing integration projects with local authorities. The latter have set out their position several times through official declarations of their aspirations and resolutions⁶¹.

Through two resolutions, the Urban Community of Lille Métropole expressed its desire to act in support of these people. Amongst the measures implemented or recommended: three mediators to support desperately destitute Roma families were employed. Throughout the conurbation, committees and collectives are taking action to ensure effective support for these families.

⁶⁰ Paragraph 343 of the report dated 15th February 2006, Alvaro GIL-ROBLES, Commissioner for human rights at the Council of Europe, about effective respect for human rights in France.

⁶¹ Aspirations of the Mairie de Nanterre, 14th September 2010: <http://www.romeurope.org/Politique-de-discriminations-du.html>

Aspirations of the Mairie de Toulouse, 24th September 2010: <http://www.romeurope.org/Toulouse-Conseil-municipal-du-24.html>

Resolution of the Urban Community of Lille Métropole, 5th November 2010 and 21st October 2011: <http://www.romeurope.org/-Nord-.html>

Resolution of the PACA Region, 18th February 2011: <http://www.romeurope.org/Provence-Alpes-Cote-dAzur,42.html>

Communiqué of the Department of Val de Marne on the integration project at Orly, 17th June 2011: <http://www.romeurope.org/Communique-de-presse-concernant-le.html>

The Urban Community of Bordeaux has also taken action. A project for the provision of accommodation for these families was passed and the Mayor of Bordeaux employed two mediators to support Roma families in the administrative steps they have to take in order to get genuine access to mainstream services.

The Provence-Alpes-Cote-dAzur Region passed a resolution establishing a Protocol Agreement 2011–2013 for a co-ordinated regional operation for the Roma population including emergency measures, legal steps, support in respect of integration, raising public awareness to as the counter stereotyping and prejudice leading to discrimination against these people.

The Department of Val de Marne, as also the town council of Montreuil, having committed itself two years ago to projects for the inclusion of these families in their region, have more recently presented projects to the European Commission in order to obtain ERDF funding⁶² so as to carry out more projects to enable inclusion of Roma families.

Since summer 2010, the National Romeurope Collective has been approached more and more often by ordinary citizens who refuse to accept the repressive attitude of the public authorities towards these families and often decide to organise support committees or collectives. In spite of a support network developed over a number of years, these committees get overwhelmed and quickly become exhausted. Others get organised and develop resistance strategies.

The example of Essonne

The Association for solidarity in Essonne with Romanian and Roma families (ASEFRR) operates across 15 squats and shanty towns and on every relevant issue in the Department. There are between 950 and 1000 Roma in these squats and shantytowns.

There is a summary expulsion roughly every two or three months. The Association organises events to raise funds and contest the expulsions.

Discussion work is carried out with government institutions so the problems are not swept under the carpet. However, there is a veritable lack of will power and action on the part of the prefect who puts up strong opposition. The Regional Council complies with this refusal.

A campaign was waged over the issue of unsightliness and cleanliness because several local districts refused to take responsibility for household waste. As a result, on Saturday 29th March 2011 between 10:00am and 5:00pm, during a "Green Essonne, Clean Essonne" day organised by the Essonne General Council, the inhabitants of the shantytown of Moulin Galant in the communes of Ormoy, Villabé and Corbeil, and the Association for Solidarity in Essonne with Romanian and Roma Families organised a grand joint clean-up operation of the shanty⁶³. This is on a site owned by the Essonne General Council. Through this action, they were making a protest against the fact that the responsible authorities had for some months no

⁶² [http://www.romeurope.org/IMG/pdf/Note sur le FEDER pour les membres du Collectif Romeurope-2.pdf](http://www.romeurope.org/IMG/pdf/Note_sur_le_FEDER_pour_les_membres_du_Collectif_Romeurope-2.pdf)

http://europa.eu/legislation_summaries/employment_and_social_policy/job_creation_measures/l60015_fr.htm

⁶³ <http://www.romeurope.org/Grande-operation-de-nettoyage.html>

longer been ensuring the collection of household waste, something which is inadmissible and puts many people at risk, amongst whom are many children. More than 2000 bin bags were filled and put beside the public highway. As a result of this, the chairman of the greater district of Evry took action to ensure the bin bags to be lifted the following Monday morning. And now, at last, they have working meetings with the Regional Council and have signed an agreement with the Department.

However reports about the use of force remain. The debate is not over and neither is the battle to find solutions to the accommodation problem.

The example of Indre (Loire-Atlantique)

The Romsis association had previously been created as a collective but then changed its constitution to become an association so that it could respond to calls for projects.

It has the support of the Mayor's office which decided to help the Roma when they came to the Commune. There is genuine co-operation. During a "Village of Solidarity" day on 27th March 2011, an agreement on accommodation within a set of rules was signed with the Mayor's office. The CCAS has taken on the financial management because the association's volunteers were unable to, but the latter take care of social support, organise events and offer pupil support. 5 families out of 50 have benefited from this initiative.

The town of Nantes announced that it would provide funding to the communes who have welcome projects. The association has been able to take advantage of this and promotes its experience in surrounding communes.

These initiatives enable hundreds of individuals to escape their vulnerability. But what about the thousands of others?

Romeurope's main demands

In August 2010, the National Collective published a report⁶⁴ on the situation of Roma migrants in France and detailed at the start of this report its demands (p 3-9), all of which unfortunately remain current. As the report shows, the situation has not got better; on the contrary it has got very much worse.

Before summarising them, it is important to emphasise their guiding principles. Firstly, what must be recognised is that Roma, in particular those who are the subject of this report, originating from Eastern Europe and the Balkans and staying or residing in France in highly precarious conditions have the, **essential right to be in charge of their own destiny**. This right is regularly flouted. Decisions concerning them, even those whose advertised objective is to improve their lot, are taken without their participation.

The Romeurope Collective affirms also that there are no specific "Roma" problems which would deserve demeaning provisions or special measures. **Rights as they stand under French law should remain the rule**. The Roma definitely have rights, as European citizens, citizens of Romania or Bulgaria, asylum seekers or undocumented immigrants, as people without shelter, job seekers, or people who are without resources or are sick, and also as parents of children of school age, unaccompanied minors or otherwise... There is however a Roma culture and memory which is so well ingrained and perpetuated that Roma people are not prevented from expressing it nor is their history to be denied.

Demands concerning the right to stay:

To have effective access to freedom of movement to which they have a right as European nationals, it is important to:

- Waive immediately temporary measures limiting access to work and therefore the right to stay
- Repeal the concept of abuse of the right to stay added into the CESEDA code⁶⁵
- Stop the collective issue of OQTF's without examination of the situation of the individual
- Set aside the criterion of unreasonable burden in as far as it is used as a reason to issue an OQTF
- Undertake individual and in-depth examination of the situation of asylum seekers, taking into account the situation of Roma minorities in the countries from which they come.

⁶⁴ <http://www.romeurope.org/rapport-annuel.html>

⁶⁵ [Article L. 511-3-1 2° of CESEDA](#) [created by article 39 3° of the law] ; notably if they keep coming and going between France and their country of origin "with the aim of maintaining themselves in French territory" and "taking advantage of the social security system". Effective as of 18th July 2011;

Demands concerning the right to work:

The immediate lifting of temporary measures restricting access to paid work for Romanian and Bulgarian nationals is THE foremost demand of the Romeurope Collective, supported by trade unions⁶⁶. This is taken up by HALDE⁶⁷ in its recommendation of 26th October 2009 and more recently by the European Commission which produced a report in November 2011 showing that the freedom of movement of these workers has had a positive impact on growth and has a neutral effect on the unemployment situation of countries which have opened up their labour market to Romanians and Bulgarians.

The necessary measures must be taken so the young Roma between the ages of 16 and 25 can have access to professional training without obstacles being put in their way because of their own or their parents' administrative status.

Demands concerning the right to decent housing:

The report published in January 2012 by the Abbé Pierre Foundation⁶⁸, one of Romeurope's partners, about the housing situation in France shows the extent to which the right to decent housing is flouted in France way beyond anything to do with the Roma.

On behalf of people in deep poverty restricted to living in squats and shanty towns that are designated as illegal encampments by the public authorities, we demand the total cessation of evacuation without the offer of accommodation or housing adapted to individual needs.

The Collective demands that the unconditional nature of the right to accommodation enforceable against the State through the DALO law is put into effect. This principle was re-affirmed by the Prime Minister in 2011⁶⁹.

We reassert that the offer of a few nights in a hotel cannot be considered as a solution if it does not guarantee it will be followed up with proper accommodation in line with the Family and Social Action Code (CASF)⁷⁰.

Access to drinking water and basic sanitation facilities became a human right following a UNO resolution in July 2010. We demand the immediate application of this right to all the places where these people are living as almost none have access to water and the ground is covered with filth and stagnant water.

⁶⁶ http://www.romeurope.org/IMG/pdf/Lettre_ouverte-Arret_des_mesures_transitoires.pdf

⁶⁷ <http://www.romeurope.org/La-politique-en-faveur-des-Roms-en.html>

⁶⁸ http://www.fondation-abbe-pierre.fr/publications.php?filtre=publication_rml

⁶⁹ "The Prime Minister reassured the associations by confirming his sympathy with the principle of unconditional welcome." <http://www.gouvernement.fr/presse/reunion-sur-la-situation-de-l-hebergement-et-de-l-acces-au-logement>

⁷⁰ Article L.345-2-3 of the CASF "Every person within the scope of the emergency accommodation arrangements must have the benefit of personalised support and be able to stay there as long as they wish until they are offered a solution. This solution is achieved through a stable accommodation or care arrangement or through housing suitable to their situation."

Demands concerning the right to social welfare:

The right to medical cover (CMU) for all those in poverty living on French soil no matter what their administrative status is a long-standing demand by Romeurope and strongly supported from a public health perspective by Médecins du Monde, a member of the Collective. Until the right to CMU becomes available to everyone, the state medical assistance (AME) tax must be abolished immediately.

Allowances to families should be granted to all European nationals in poverty in accordance with the compensation agreements in place between the countries of the EU.

Demands concerning the right to education:

Children over the age of 3 living in squats and shanty towns should have an effective right of access to schooling and this means not only the immediate removal of administrative obstacles to enrolment, especially the abusive requirement of a designated address, but also effective availability of a whole series of measures including access to school transport, school dining facilities, basic financial aid for educational materials and appropriate clothing.⁷¹

It is essential to remember that the main reason for Roma children coming on or off a school register is expulsion from the squats and shanty towns where they live.

Demands concerning the right to health care:

The right to health protection obviously depends on the previously mentioned rights - right to work, right to decent housing, right to social welfare...

Given the restricted living conditions of Roma in deep poverty and more widely of all highly vulnerable people living in France, health protection measures should include adaptation of public health arrangements to the specific needs and conditions of this sector of the population. In particular, health mediators must be widely recruited and at least professional interpreters must be present during any process of consultation.

Special attention, identified by Médecins du Monde's health observatory as insufficient, must be given to access to prevention of, child immunisation against, and screening for, infectious and chronic illnesses.⁷²

⁷¹ http://www.romeurope.org/IMG/pdf/Doc_d_information_-_Collectif_pour_le_droit_des_enfants_roms_a_l_education-3.pdf

⁷² <http://www.medecinsdumonde.org/Publications/Publications/Les-rapports/En-France/Observatoire-de-l-acces-aux-soins-de-la-mission-Rapport-2010>

Glossary of Acronyms

| Acronym | French Name | English Explanation |
|----------------|--|--|
| ACSE | <i>Agence nationale pour la cohésion sociale et l'égalité des chances</i> | <i>National Agency for Social Cohesion and Equality of Opportunity</i> |
| AME | <i>Aide médicale d'Etat</i> | <i>State medical assistance</i> |
| ANPE | <i>L'Agence nationale pour l'emploi</i> | <i>National Employment Agency</i> |
| APRF | <i>Arrêté préfectoral de reconduite à la frontière</i> | <i>Prefectural deportation order</i> |
| ARH | <i>Aide au retour humanitaire</i> | <i>Aid for humanitarian repatriation</i> |
| ARV | <i>Aide de retour volontaire</i> | <i>Aid for voluntary repatriation</i> |
| CASF | <i>Code de l'action sociale et des familles</i> | <i>Family and Social Action Code</i> |
| CCAS | <i>Centre communal d'action sociale</i> | <i>Local social welfare centre</i> |
| CESEDA | <i>Code d'entrée et de séjour des étrangers demandeurs d'asile</i> | <i>Entry and Residence in France and Right of Asylum Code</i> |
| CMU | <i>Couverture maladie universelle</i> | <i>Universal medical cover</i> |
| CNIL | <i>Commission nationale de l'informatique et des libertés</i> | <i>National commission for information technology and freedom</i> |
| CRS | <i>Compagnies Républicaines de Sécurité</i> | <i>Republican Security Companies</i> |
| DALO | <i>Droit au Logement Opposable</i> | <i>Statutory right to housing</i> |
| GESI | <i>Gestion des étrangers en situation irrégulière</i> | <i>Management of foreigners whose situation is irregular</i> |
| GISTI | <i>Groupe d'Information et de SouTien des Immigrés</i> | <i>French information and support group for immigrants</i> |
| HALDE | <i>Haute Autorité de Lutte contre les Discriminations et pour l'Egalité</i> | <i>High Authority fighting against Discrimination and for Equality</i> |
| LDH | <i>Ligue des Droits de l'Homme</i> | <i>French League of Human Rights</i> |
| LOPSSI | <i>Loi d'orientation et de programmation pour la performance de la sécurité intérieure</i> | <i>Law for the direction and programming of effective internal security</i> |
| MENS | <i>Minorité ethnique non sédentarisée</i> | <i>Non sedentary ethnic minority</i> |
| MIE | <i>mineurs isolés étrangers</i> | <i>Unaccompanied foreign minors</i> |
| OCLDI | <i>Office central de lutte contre la délinquance itinérante</i> | <i>Central office for the fight against itinerant delinquency</i> |
| OFII | <i>Office français de l'immigration et de l'intégration</i> | <i>French Office for Immigration and Integration</i> |
| OQTF | <i>Obligation de quitter le territoire français</i> | <i>Obligation to leave French territory</i> |
| OSCAR | <i>Outil de statistique et de contrôle de l'aide au retour des étrangers</i> | <i>Computer file containing the names of the beneficiaries of humanitarian aid for return home</i> |
| RFI | <i>Radio France International</i> | <i>International French Radio</i> |
| RMI | <i>Revenu Minimum d'Insertion</i> | <i>Minimum welfare payment</i> |
| SAMU social | <i>Service d'aide médicale urgent</i> | <i>Emergency medical assistance service</i> |
| STRJD | <i>Service technique de recherches judiciaires et de documentation</i> | <i>Technical service for judicial research and documentation</i> |
| TA | <i>Tribunal administratif</i> | <i>Administrative tribunal</i> |
| TGI | <i>Tribunal de Grande Instance</i> | <i>"High Court of Justice"</i> |



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