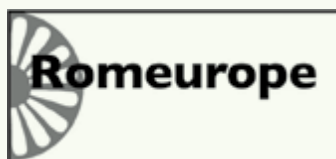


OSTRACISM *[n.m. fig.]* :

The act of declaring, proclaiming a person unworthy of any consideration; denouncing that person to the public contempt.



2015 Political Report
National Human Rights
Collective Romeurope



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Index

Introduction	p4
I. Public policies focusing on goals rather than people	p6
> An absurd policy of destruction of slums and squat settlements in contempt of their inhabitants	p6
> Circular of 26 August 2012 void of meaning	p8
> The slum clearance mission managed by Adoma	p9
<i>Focus : In Ile-de-France, the AIOS platform</i>	p11
> What place for people in public policies of common law?	p12
<i>Focus : And the European Union?</i>	p15
II. Systemic ostracism: the continuity of an exclusion policy and exacerbated disruption for the persons concerned	p16
> Racist stigmatization, acts and remarks	p17
> Children	p18
Schooling	p18
<i>Focus: The worrying situation of girls</i>	p20
Protection of children at risk	p20
> Social rights and the right to health	p22
> Access to employment	p23
> Right to residence and forced expulsion	p27
Conclusion	p30

Introduction

Beneath a motorway approach road, on a vacant plot or on the streets, the types of makeshift housing which one way or the other give shelter to people publicly termed “Roma” have for several years been the object of specific public policies of the “dismantling of illegal encampments”¹ or “slum clearance”². These words mask the reality of the destruction of dwellings, usually without a proposal for rehousing other than highly temporary and often inappropriate measures given the family structure of the individuals concerned.

These public policies target living areas with the sole purpose of making them disappear - without success. At the same time, the men, women and children who live there are *“all too often presented as a “group apart”, associated with unsanitary conditions, delinquency and expedients, unwilling to integrate”*³, and come across repeated obstacles to access the most basic rights.

Thus, in an extreme form of exclusion, a genuine system of **ostracism** has been built by the French society against migrant people, originating in Eastern Europe, living in the most precarious situations in slums, squat settlements or other places of survival. This system can be seen in various dimensions: in discourse, which stigmatizes and declares the “Roma” unworthy of belonging to French society; in administrative or private practices, which prohibit access to common rights, including children to whom the right to education is often denied; in public policies, concentrating on the eviction of people from their place of living and then from French territory.

The CNDH Romeurope can but be alarmed at this state of affairs and urgently advocates a profound change of standpoint and of political logic concerning the vulnerable coming from Eastern Europe. It is the people,

1 Circular of 26 August on Anticipation and Support for Eviction from Illegal Encampments NOR: IN-T/K/12/33053/C, <http://www.gisti.org/spip.php?article2923>

2 “National Slum Clearance Mission”: name of the mission commissioned to the operator Adoma by the Ministry of Housing, Regional Equality and Rural Affairs.

3 Opinion on the respect of the fundamental rights of residents of informal settlements, National Consultative Commission of Human Rights, 20 November 2014

and not their living areas, that must be at the centre of attention of public policies, in a context of active inclusion which consists, according to the European Commission, of *“enabling every citizen, notably the most disadvantaged, to fully participate in society, including having a job”*⁴. Inclusive policies must allow unhindered access to common law. They require attention to public discourse and the firm condemnation of remarks that stigmatize a population, whichever it may be. Finally they involve focusing on the interest of each person concerned allowing them some socioeconomic security, from the place where they live and cannot leave except within the framework of this process of integration.

This report is based on information collected from the field by the members of the CNDH Romeurope throughout the year 2014 and presented in the national observatory report entitled *“The Law and the Facts”*⁵. The main conclusion of these observations is still the growing gap between the texts and the effective access to rights and in fact, the violation of many rights for people in a precarious situation living in slums and squatter settlements. The public policy of preference remains a policy of eviction. However, it takes on new forms such as the practice of municipal bylaws⁶ and the “self-eviction” of inhabitants⁷, under the threat of imminent eviction. If the circular of 26 August 2012 which sought to articulate humanism and firmness had managed to hint at a political turning point, today it seems outdated. The national slum clearance policy whose undertaking has been entrusted to Adoma (ex-Sonacotra) seems just as offensive and inappropriate merely on the basis of the process of selection of “supported” families and its small scale.

The continuity of this policy of eviction associated with other factors strengthens social upheavals and causes the **ostracism** of these populations: from stigmatization and violent racist acts, barriers for attending school, non-protection of children, hindered access to economic and social rights, to health protection, forced expulsion from French territory.

The CNDH Romeurope firmly denounces this policy which violates people’s fundamental rights and which contributes to the stigmatization and exclusion of a part of the population identified by a perceived or a real belonging to an ethnic group. In this report, we provide the recommendations for the inclusion of these people living in slums, in squat settlements or in other places of survival to finally become a reality.

4 <http://ec.europa.eu/social/main.jsp?catId=1059&langId=fr>

5 “The Law and the Facts: national observatory report 2014”, September 2015, National Human Rights Collective Romeurope. Available at www.romeurope.org. Available in French only.

6 A municipal bylaw may be implemented by a council on the basis of an alleged threat to public health or safety, or if a squatted dwelling or building presents a serious risk (hazard bylaw). These bylaws allow occupants 48 hours to leave the premises and no suspensory appeal is possible.

7 For examples of situations of self-eviction, see the observatory report of the National Human Rights Collective Romeurope entitled “The Law and the Facts”, particularly page 61 (available in French on the Romeurope website www.romeurope.org).

I. Public policies focusing on goals rather than people

Whether we call them “camps”, “encampments”, “squat settlements”, or “slums”, it is indeed these places that are at the heart of what interests the public authorities. These are the places that according to them, need evacuating, evicting, clearing, in short, need to disappear. The issue of the fate of their inhabitants seems to be left aside, as if irrelevant.

The “national slum clearance mission” as well as the “Platform for Reception, Information, Counselling and Monitoring (AIOS) for the occupants of illegal encampments” in Ile-de-France region, both managed by Adoma, reveal a desperate lack of ambition, or even a lack of willingness to find credible and sustainable solutions for the inhabitants of squat settlements and slums. Real solutions can only hinge on common law public policies, of which the inhabitants of squat settlements and slums are often the most ignored.

> An absurd policy of destruction of slums and squat settlements in contempt of their inhabitants

In 2014, more than **13,000** people were evicted from **138** slums or squat settlements⁸. Nearly 1,000 others had to leave their place of living following a fire or flood. In 2013, the Human Rights League (HRL) and the European Roma Rights Centre (ERRC) identified at least 19,000 people evicted from their place of living. Since the **resurgence of slums, 25 years ago** in France, the public authorities have practised a policy of systematic eviction of the inhabitants of slums and squatter settlements. In recent years, this practice has intensified and their inhabitants live under the threat of eviction (150 people per week in the first half of

⁸ “Violent, unjust, illegal and shameful: each week France has evicted almost three Roma settlements in 2014 “, Press release by the LDH and the ERRC, 3 February, 2015, <http://www.ldh-france.org/violent-injuste-illegal-hon-teux-france-expulse-pres-trois-lieux-vie-roms-semaine-en-2014/>

2015). Unfortunately, the summer of 2015 has not been an exception to this rule. In the month of July, the CNDH Romeurope noted at least 30 places of living destroyed, which corresponds to one eviction per day and thousands of people turned into the streets. The effects are catastrophic especially in terms of social and medical support and school drop-outs.

This **policy of destruction is absurd** on many levels.

First and quite unacceptably, systematic evictions **violate the fundamental rights** of people living in squat settlements and in slums and condemns them to vagrancy, pushing them yet further into exclusion and precariousness, despite the fact that the aim of such a policy should be to preserve such people's security and dignity and promote access to rights from which they are excluded.

Second, because it is obvious that this is not the solution to the **housing needs** of people living in slums and squatter settlements: despite the rigour with which the public authorities are dealing with eviction, the number of slum and squat settlement dwellers has remained stable for many years.

Also, **this policy is costly**. A recent case study shows that the successive evictions suffered by the same group of people for two years have cost nearly 324,000 euros⁹. Another estimate puts the cost of evicting the inhabitants of a slum area at 229,000 euros¹⁰. These considerable sums are used for the sole purpose of nullifying all efforts of integration, in order to sever people's routes to integration and engagement. Thus, for the year 2014, considering the 138 evictions recorded, **it is estimated that between 30 and 40 million euros were spent in 2014 on ostracizing men, women and children**. That is ten times the amount earmarked for the DIHAL to implement resettlement projects. **These sums would not be wasted if they were instead invested in real integration policies**.

The policy of evicting the inhabitants of squatter settlements and slums still remains the State's standard primary action. A new trend is also seen at the level of local authorities, especially among town and city councils: circumventing court decisions rejecting eviction or granting time periods by adopting municipal bylaws for eviction in under 48 hours. They allow speeding up the rate of evictions even when a judicial judge had decided to delay them. Despite criticism by various European institutions and international organizations; despite the alarmist reports by institutions such as the National Consultative Commission on Human Rights; despite the

9 FMSH, MigRom Report, 2015 http://romani.humanities.manchester.ac.uk/migrom/docs/Yr2report_Paris.pdf

10 Estimation of the cost of eviction from the slum of the N7 in Ris-Orangis by the PEROU: <http://perou-risorangis.blogspot.fr/2013/11/communique-du-11-novembre.html>

proven ineffectiveness of these measures, both socially and economically, the elected officials continue to deny the presence of these people and to drive them towards the borders of their commune. This ostracism is sometimes manifested by an actual manhunt of the evicted persons either by the forces of law and order, citizens or elected officials in order to prevent them from settling in their municipality. This eviction policy is built on a strategy of “self-eviction”. It consists of exerting pressure on the inhabitants of the slums so that they themselves abandon them a few weeks or days before eviction so that only a tiny minority remains on D-day. In most cases, no social assessment or support is then provided.

The last absurd consequence of this policy is **to nullify the significant effort** sometimes deployed by the State itself, some territorial authorities or operators funded by the public authorities to support the integration of these populations. This policy also undermines the support work performed by the associations and groups of volunteers who are involved with the families daily.

> **Circular of 26 August 2012 void of meaning**

The circular of 26 August 2012 on “Anticipation and Support for Eviction from Illegal Encampments”¹¹ has never really been implemented. We have witnessed in the field that only the security aspect had been applied with rigour, social support has practically never been put in place in the vast majority of regions, or they have been implemented in conditions that were totally inappropriate.

While the actual aim of this circular was to take into account the individual and global situation of the inhabitants of slums before proceeding with eviction, it has been rendered completely void of meaning: most of the social assessments are expeditious facts, amateurish, to count the people and establish statistics devoid of meaning and of dismal quality. People who, with or without social assessment, will not be offered any serious accommodation or relocation solution. In most cases, evictions were carried out without regard for the schooling of children, for the disability or illness of certain persons, for recent births or the advanced age of some inhabitants. Also, of course, without regard for climatic conditions and without taking account of the winter eviction truce. The few proposals that have been made have been without consulting the families concerned, who have often left the scene before eviction, as they had not been notified. The increase in evictions since the publication of the circular, the permanence of the slums and the worsening of the situation

¹¹ Circular of 26 August 2012 on “Anticipation and Support for Eviction from Illegal Encampments” <http://www.gisti.org/spip.php?article2923>

of the people who inhabit them leads to the conclusion that this “tool”, the circular of 26 August 2012, has not enabled achieving its stated goals.

To demand the application of this circular today obviously no longer makes sense. Unable to achieve its application, we must consider it obsolete.

The Interministerial Delegation for Accommodation and Access to Housing (DIHAL), commissioned by the Prime Minister in September 2012 to coordinate the interdepartmental work concerning the circular seems to serve as a shield between the associations and the ministries concerned. This **absolves the government departments** with regard to their respective missions concerning vulnerable European migrants, while the DIHAL becomes the sole point of contact on all matters relating to slums. But the DIHAL does not have sufficient clout before the Prefects to be able to play an effective role on these issues.

We hope that the Prime Minister will change and turn the current policy into a policy to integrate these populations living in slums and in squat settlements by effectively involving each department concerned.

Despite the precautions taken by the DIHAL to avoid addressing the issue from an ethnic angle, it participates in fact in a policy of categorization. The DIHAL is notably in charge of the funding of projects related to slums to the amount of four million euros. Many of these projects are projects “for the Roma” only and not for the inhabitants of all slums (Calais, Paris, Cayenne). These are only specific projects aimed a set of persons characterized by a real or perceived ethnicity and that, for some, take part in their ostracism¹².

> The slum clearance mission managed by Adoma

While the authorities have shown their lack of willingness to implement the measures of the circular aimed at supporting all the inhabitants of the slums, the national slum clearance scheme managed by Adoma, and the AIOS platform in Ile-de-France appear as “mini-measures” targeting only some persons selected according to opaque and questionable criteria.

In February 2014, the then Housing Minister, Cécile Duflot, announced a national slum clearance scheme with Adoma as operator. Eighteen

¹² For further information on some of these projects, please see the observatory report of the National Human Rights Collective Romeurope entitled “The Law and the Facts”, particularly pages 77 and 78 (available in French on the Romeurope website www.romeurope.org)

months after the plan was launched, the balance was very poor and the methods highly unsatisfactory. The national ambition is not effective at all, since actions are only conducted on a few slums in a very limited number of regions.

In total, only 63 households¹³ have received support and been rehoused since the beginning of the mission, 16 in the Ile-de-France region which concentrates the majority of slum dwellers. That is less than 2% of the slum dwellers in France that have been rehoused by Adoma in a year and a half.

Repeatedly in 2014, the Adoma mission was conducted in haste and was even interrupted by evictions: this was the case in Bobigny (rue des Coquetiers slum) and in Châtenay-Malabry (the Petit-Clamart slum). These conditions do not allow carrying out a genuine search for solutions to ensure a dignified exit from slums. The **inadequate duration of social assessment** being reduced to a census, the **selection of families** and the criteria on which it is based, the **unconvincing proposals of distant relocation** in a region with no employment opportunities, **scarce consultation** with local collectives and the persons directly concerned are the real black points of this mission. The slum clearance mission seems to be limited to finding solutions for the people closest to integration, implicitly accepting the ostracism of all others. Despite this very small number, there is evidence that when policies ensure housing and access to employment, the integration of slum dwellers is entirely possible, and becomes a reality.

¹³ "Ile-de-France AIOS Platform: Balance for the period of preconfiguration and perspectives", Adoma, 22 June 2015

Focus: In Ile-de-France, the AIOS platform

In Ile-de-France, the Platform for Reception, Information, Counselling and Monitoring (AIOS) came into being at the end of 2014. Under the auspices of the regional prefecture, it is also managed by Adoma with three partners (GIP-HIS, ALJ 93 and URPACT). In July 2014, the Ile-de-France Romeurope Collective issued watch points¹⁴ concerning the project which aims to support “volunteer” households towards employment and schooling their children. Housing and accommodation are not under consideration for the moment. The households receiving support (over a period of twelve months) will thus have to manage the feat of professional integration and stable schooling while continuing to live in extremely precarious conditions and under threat of repeated forced evictions from their place of living. Some slums, such as Ivry-sur-Seine, have already been evicted, and others will be soon. Therefore, questions also arise regarding the ability of the platform to find vagrants following eviction. The goals of this project are very limited: in the first six months, only 28 households signed a “performance contract” entitling them to social support. Subsequently, the goal is to assist 120 households in the active file, which remains a very low number compared to the more than 7,000 people living in slums and “major squats” in Ile-de-France according to figures from the DIHAL¹⁵. Given the lack of stable housing throughout the duration of the “contract”, **one can predict many breakdowns in assistance following the evictions of people from their place of living.**

In addition, this project, designated by the Prefecture of Ile-de-France in a press release¹⁶ as intended for “Roma” people, **contributes to this isolation and to this category-based, discriminatory policy.**

Whether we consider the circular of 26 August 2012 or the Adoma mission, one thing is clear: despite the declared goal of greater protection of the fundamental rights of people living in slums, the lack of means and above all political will leads to undersizing the measures of support for the social integration of families. The actions (e.g., social assessments, support

14 Watch points regarding the proposed platform for reception, information, counselling and follow-up of people living in illegal encampments in Ile-de-France, Ile-de-France Romeurope Collective, July 2014, http://www.romeurope.org/IMG/pdf/points_de_vigilance_plateforme_ile_de_france_10072014.pdf

15 “National inventory of illegal encampments and major squats at 31 March 2015”, Interministerial Delegation for Accommodation and Access to Housing

16 <http://www.ile-de-france.gouv.fr/Presse-et-communication2/Communiqués/Campements-illicites-en-Ile-de-France-Comite-de-pilotage-de-la-plateforme-regionale-AIOS>

towards sustainable housing, efforts to achieve access to rights....) concern only a very limited number of families, and continually clash with the main action of the State: mass evictions without any upstream solutions.

> What place for people in public policies of common law?

Vulnerable European migrants are too often seen as a problem apart, sometimes openly called the “Roma problem”, to which a specific response should be found. These people are often depicted - sometimes even by top State authorities¹⁷ - as non-integrable and criminogenic, with special features that thus justify the intention of a policy reserved for them alone.

On the contrary, many public policies on youth, the fight against poverty, health, employment, housing and racism, for example, take little or no account of the situation of the inhabitants of slums and squatter settlements. **This issue must be addressed in the context of all these policies** such as Urban Policy, 360° Diagnostics, the Multi-Year Plan against Poverty and for Social Integration, the Parisian Pact on Fighting Social Exclusion, the Slum Clearance Policy, the Government Plan for the Fight against Racism and Anti-Semitism, the city health workshops, academic achievement policies, Future Employment, Single Inclusion Contracts, etc...

In the absence of the integration of slum dwellers in all public policies of common law, there is a real, but never recognized, **delegation of public service to associations** and local (sometimes informal) support collectives.

The authorities are struggling to integrate these associations and support groups in their consultations, let alone the inhabitants of squat settlements and slums. Their intimate knowledge of families, of their background, of their difficulties is therefore a source of undeniable expertise to carry out the projects successfully. Volunteers and activists perform medical-social support work, help with professional integration but sometimes lack information about the existing mechanisms and can in no way make up for the shortcomings in support by common law stakeholders.

¹⁷ Interview with Manuel Valls, Minister of the Interior, Le Parisien, 24 September 2013 <http://www.leparisien.fr/politique/manuel-valls-les-roms-ont-vocation-a-revenir-en-roumanie-ou-en-bulgarie-24-09-2013-3165101.php>

Recommendations for a real public policy to integrate slum and squat settlement dwellers

To build a long-term public policy based on the acknowledgement of the resurgence of slums in France resulting from the situation of high economic and social vulnerability of their inhabitants, without reference to their actual or perceived ethnicity

Stop evictions immediately and, in view of the lack of decent housing, secure places to live to organize a progressive exit from slums: all successful inclusion policies should start with a moratorium on evictions and securing and stabilizing squat settlement and slum dwellers. This requires access to water, electricity, sanitation, household refuse collection, the installation of fire extinguishers and safety related to potential traffic hazards. The financing of safety and social work measures towards exiting slums could benefit the savings made by delaying evictions, or their “natural” disappearance due to the integration of those concerned.

Uphold people’s fundamental rights: all policies addressing the inhabitants of slums and squatter settlements should respect their fundamental rights under French law, European Union law, the European Convention on Human Rights and numerous international conventions that France is proud to have signed.

Involve all stakeholders: the State, the local authorities (municipalities, *départements*, regions, cities), associations and local collectives and the individuals concerned. These last three stakeholders are only rarely associated with considerations, let alone decisions. So, they have a lot to teach those who take them. **The CNDH Romeurope requests the establishment of a national round-table** to put in place a policy of slum clearance that will be conducted simultaneously throughout national territory. In addition to this, it is essential that the **round tables bringing together the all of the stakeholders concerned should also be organized at regional level**. It is again left to the Interministerial Delegation for Accommodation and Access to Housing (DIHAL) to foster links and real debate between elected representatives, institutions, associations and the persons concerned at regular meetings. The DIHAL must fully play its interministerial role to mobilize all the ministerial departments concerned.

Consider that each individual has their own pathway and life projects and understand them on a case-by-case basis. All projects must be constructed together with the person concerned. The most excluded people, the furthest from the labour market or from a command of the French language should not be isolated or forgotten. A serious

policy must aim to integrate the 15,000 to 20,000 people, and not only some of them. Also, the public authorities and the social workers should support the members of the public who suffer major exclusion, including when one of the members of the family is known to the police. The right to start afresh must exist for all, even for those people who are temporarily not involved in an inclusion process.

Prohibit specific projects outside the scope of common law that would not be acceptable to other populations. Collective rehousing in spaces systematically away from the city centre and public transport is to be prohibited. It is important to promote an individual approach and to rehouse people in diffuse housing as quickly as possible, rather than in the makeshift housing identified as adapted to the fantasized specificities of those that are designated as Roma.

Evaluating MOUS (Maîtrise d'œuvre urbaine et sociale - Control of Urban and social works)-type projects and integration villages: to be able to identify good practices, there is a need to identify the determining factors in access to housing and employment, any potential weaknesses and enablers. It is essential especially to be able to analyse the following points: the partnership arrangements around the projects, the different funding arrangements, the number of people accessing housing upon leaving the scheme and the average cost of projects compared to the number of persons supported, the criteria for the selection of families and the comparative impact of projects incorporating global and adapted social support (taking into account all aspects of integration) of projects focused solely on housing. Indeed, it seems that there is a risk of focusing solely on housing, without supporting the families with regard to their administrative situation or their access to employment.

Focus: And the European Union?

We expect a more proactive stance by the European Union (EU). Today, its attitude to the illegal practices of France concerning the inhabitants of slums and squatter settlements is very reserved. While the European Commission had raised its tone in 2010 through Commissioner Viviane Reding (without consequence), the EU today is discrete and does not comment, for example, on the shocking figures of the number of people evicted from their dwelling each year, which is the highest in Europe.

As regards the ERDF and ESF European funds¹⁸, they remain difficult to mobilize. The amounts available will not enable the provision of a lasting solution to the inhabitants of squat settlements and slums. By way of example, the Ile-de-France region, which has scheduled the clearance of precarious housing (ERDF) and the socio-economic integration of marginalized populations (ESF) has scarce budgetary resources: 2.3 million euro under the ERDF and 5.5 million euro under the ESF, for the period 2014-2020.

The national strategies for the integration of the Roma people required of member States by the European Commission are not yet being transformed, four years on, into concrete progress. In France, the “strategy” proves to be an inventory of public policies to fight poverty, with no clear goal. The latest evaluation report on the implementation of the strategy recommends simply the enhanced application of the circular of 26 August 2012, which is scarcely ambitious and cannot, of course, be the key to integration sought.

Furthermore, we believe that reflection is needed within the European institutions on the mainly ethnic approach that often prevails. It is obvious that racism and discrimination based on real or perceived ethnicity must be combated. However, the ethnic approach, when it is matter of finding rehousing solutions, caring or schooling, is not relevant. By constructing specific policies, public action only strengthens stigmatization and isolation. On its internet site, the European Commission considers, for example, the integration villages as “promising practices”, even though these projects often involve ethnic ghettoization and suggest that there would be a need for housing that is “adapted” to the Roma people.

¹⁸ For further information, please see the observatory report of the National Human Rights Collective Romeurope entitled “The Law and the Facts”, particularly pages 16 and 17 (available in French on the Romeurope website www.romeurope.org)

II. Systemic ostracism: the continuity of an exclusion policy and exacerbated disruption for the persons concerned

While the destruction of the slums remains a priority of the public authorities, access by their inhabitants to rights - choice of domicile, schooling, employment, social protection, residence... - is hindered by discriminatory practices on the part of diverse stakeholders, public or private, implicitly sustained by political inaction against these practices and by the upsurge in racial hatred rhetoric and acts. And when efforts have enabled finding employment, access to school or the granting of rights, eviction from the slum or even the region sooner or later often ostracizes the inhabitants from society.

Though the mechanisms of the ostracism of the inhabitants of slums are multiple and multifaceted - and fortunately non-systematic - today they fall into a context that may be classified as systemic.

Yet, it clearly appears that these exclusionist policies are far from producing the expected effects: expulsions from the territory do not decrease the presence of vulnerable European citizens on French soil, just as the systematic eviction of slum dwellers does not make the slums disappear. Quite the opposite, the policy of eviction from slums and squatter settlements, which seeks to combat the unhealthy and hazardous conditions in which people live, in fact contribute to creating new, even more precarious places of living, in even more hazardous places for the safety of those who live there.

Thus, these people are trapped in a system of rejection, based on their social situation and their real or perceived membership of the Roma community. Policies, rhetoric and practices accentuate disruption and render any integration into French society almost impossible.

> Racist stigmatization, acts and remarks

Roaming, theft, the desire to “benefit” without working from social allowances or the refusal to school their children are such widespread prejudices in French society concerning the Roma people. Several international, European and national bodies have denounced a particularly alarming situation in France. Thus, the National Consultative Commission on Human Rights (CNCDDH) has published a charter “with considerable cause for concern” and dedicated a chapter to anti-Roma racism in its latest report on the fight against racism, anti-Semitism and xenophobia published in 2015. Nils Muižnieks, the European Commissioner for Human Rights, and the Committee for the elimination of racial discrimination of the United Nations (CERD) paint the same picture: public and private discourse and racist acts are growing in number and becoming more violent, committed both by private individuals and by the forces of law and order¹⁹. The remarks made in the highest political circles and relayed in the media lead to the categorization and the stigmatization of people from Eastern Europe living in slums, and legitimize in fine racist acts, whether intentionally or not. Figures from the CNCDDH show how “powerful” these stereotypes are. Since 2012, the Roma people have suffered from the most degrading image: 81% of survey respondents²⁰ believe that they exploit their children; 77% believe they live mostly from theft and trafficking, and 77% believe they do not want to become integrated in France. The ignorance of the Roma people is widespread since 86% still believe that they are nomads. Evictions and the refusal by territorial communities in disregard of the law to make the slums and squatter settlements “liveable” (access to water, electricity and refuse collection) are practices which eventually make these stereotypes credible, because their inhabitants are in fact condemned to wandering, and to living without electricity and water, surrounded by refuse. It is, therefore, stigmatizing and discriminatory discourse and actions by public authorities at all levels that produce the “Roma” such that they are perceived today and not a supposed, poorly understood culture unrelated with these living conditions. In fact, the slum population, if it is predominantly of Roma culture, only represents a small part of the Roma people living in France.

19 For further details, please see the observatory report of the National Human Rights Collective Romeurope entitled “The Law and the Facts”, particularly Chapter 3 as of page 136 (available in French on the Romeurope website www.romeurope.org)

20 “The fight against racism, anti-Semitism and xenophobia. 2014”, March 2015, National Consultative Commission on Human Rights, La documentation française

The CNDH Romeurope agrees with all of these bodies and insists on the systemic character of this racism. The authors of racist remarks or acts must not go unpunished in particular when it comes to members of the forces of law and order, politicians or other public figures.

Any policy against discrimination and racism must take anti-Roma racism into account. The testimonies and experiences of those directly involved are necessary to understand and fight effectively against this scourge. Particular attention must be paid to media discourse. Tools for denunciation and effective measures must be put in place.

Awareness raising, the training of the employees of institutions (police, administrative staff, teachers, carers, etc.) to the fight against racism should be supported.

> Children

Schooling

According to UNICEF, 9,000 children are now living in slums in France. While compulsory education for children on French territory is included in the preamble of the 1946 Constitution, it is clear that today, too many allophone children living in squat settlements and slums do not have access to school or education. The barriers identified by field workers are always the same, despite the increasing number of people who support families. Thus, town and city councils still continue to refuse enrolments. These refusals are more or less explicit, they are often administrative obstacles such as abusive requests for documents such as a direct debit or proof of domicile when the only compulsory documents are proof of identity and an up-to-date vaccination record. These refusals translate into a denial of the presence of slum and squat settlement dwellers in the municipality. They resort to either an alleged absence of links with the municipality or to the pretext of imminent eviction, etc. But in the Education Code, it is stated that place of residence, in other words, the place of living *de facto* takes precedence: “the fact that a family is provisionally housed in the territory of a municipality does not affect the right to schooling. Indeed, it is residence in the territory of a municipality that determines the academic host institution (Article L. 131-6 of the Education Code)²¹.”

²¹ Circular no. 2012-142 of 2 October 2012

Normal schooling is disrupted by systematic evictions suffered by children from their place of living. For school children, the first consequence is dropping out of school, which interrupts learning, breaks the bonds forged with the other children and school staff, etc... Also, some families are afraid to enrol their child at school while the threat of eviction hangs over them.

The schooling of children is paramount. No child of school age should be evicted from his or her place of living without permanent alternative accommodation, or during the entire academic year, or during the holidays.

There are many obstacles associated with living in slums. The lack of water and electricity, the cost of clothing and school supplies are additional difficulties for children who live in very precarious conditions in squat settlements and slums. In addition, some town and city councils refuse to grant them concessionary social rates for the school canteen. This practice sometimes resorts to the false pretext that the parents cannot prove their income as they are not in possession of a tax statement.

We ask the politicians to provide a pricing policy in line with the situations of families to allow their children access to school meals and studies.

Each year, town and city councils must identify all children of school age residing in their municipality (Article L. 131-6 of the Education Code). This census almost always “overlooks” squat settlement and slum dwellers, which contributes to the exclusion of these children from the school system.

The CNDH Romeurope demands that once the new school year in 2015 begins, all town and city councils should comply with their obligation to perform an exhaustive inventory, immediately, of all children residing in their municipality.

While 99% of children aged 6-16 living in France are schooled according to UNICEF figures²², how can we accept that today thousands of children are not at school? The consequences are dramatic. Slums reappeared in France 25 years ago, and with them new family migration. For 25 years children have been born and raised in France with non-existent or chaotic schooling. These children and young people are not recognized as legal subjects and are denied their right to education, training and leisure and to any professional training. A generation is growing up without learning to read, write or count; a generation faced with the violence of

22 UNICEF statistics, http://www.unicef.org/infobycountry/france_statistics.html

evictions, racism and rejection. Today, the CNDH Romeurope, through the Collectif pour le Droit des Enfants Roms à l'Education or Collective for Roma Children's Right to Education (CDERE) wishes to alert the public authorities to the situation of young people between 12 and 18 years of age with no or little schooling. They are particularly vulnerable and no mechanisms are available to them: these adolescents are invisible to the competent authorities.

These children will certainly live and work in France: the French society must be in a position to offer them a place to live in dignity.

Focus: The worrying situation of girls

The school dropout phenomenon is particularly significant for girls. "Abandoning" school can be explained by several factors. Parents' fear of the presence of young boys once these girls reach the age of puberty is one. As in any society, the control of women's bodies is done through standards and more or less explicit rules. Thus, marriage signifies obtaining a status in society. Girls should then be commensurate with the requirements that are those of the "good wife" and of daughter-in-law, which largely means the role of housewife. Moreover, girls are often required by their parents to look after their brothers and sisters while at work or outside, or to fulfil domestic tasks. Though teenage pregnancy is worrying, it is also a means to address such topics as health, prevention, contraception and sexuality with young girls. Particular and benevolent attention should be paid to them without falling into the pitfall of denouncing cultural sexism. Male domination is present in a number of societies, including French society! Nevertheless, the school should leverage the learning and experiencing of equality among all.

These young girls must be offered support measures, particularly those who are young mothers. Childcare solutions are needed to enable the resumption of studies or professional integration. Housing and accommodation structures for high-risk single or teenage mothers must be developed and proposed.

Protection of children at risk

The children of slums and squatter settlements have limited access to children-at-risk schemes. In many cases, these children are not assessed by the child social services despite the transmission of disturbing information. They are the subject of rejection totally rooted in this system of exclusion: the lack of intervention in families directly in their place of

living is justified by their regular eviction. So a double penalty is imposed on them, reinforced by the language barrier and prejudices vis-à-vis Roma people.

Temporary child placement orders are imposed to regulate the presence in public spaces of families living and/or begging in the street. Judicial intervention and police presence are requested, without evaluating and considering the social situation of the family. This causes a sudden rupture by the children with their surroundings, which frequently results in the children fleeing, putting them at further risk. They reinforce the exclusion of children and their families.

Prison sentences are imposed against children forced to commit crimes and most likely the victims of human trafficking. Ignoring the obvious indicators of exploitation (reincidence rate, the lucrativeness of the offences, but visible child precariousness, over-representation of girls), the State does not provide them with the protection they need, as guaranteed by several texts that prohibit the conviction of the authors of crimes committed under duress.

This failure to adequately protect children at risk helps reinforce these children's vulnerability: police and judicial repression enhances the grip of the exploiters.

The dismantling of human trafficking networks and prosecutions against the criminals who exploit children are marked by the failure of protective measures for the victims, and the lack thereof in criminal proceedings against their exploiters, while their testimonies have contributed to the classification of the facts.

The CNDH Romeurope advocates an individualized approach under the common law of child welfare, to the situation of these high-risk families. We consider intervention in families living in slums by child welfare social workers essential, for the purposes of giving support and monitoring, in the places where these families live.

The CNDH Romeurope also recommends, in the context of child welfare, taking into account minors who are the victims of exploitation, especially to break with excessive incarceration of minors forced to commit offences.

Focus: Children: the State and authorities convicted!

On 27 June 2015, a “Court of opinion” sat in St-Denis to judge the State and local authorities of violations of the rights of Roma children, living in squat settlements or slums. This Court of opinion enabled staging the trial of those responsible for reported crimes and discrimination: a real criminal trial was held with an indictment, a president, judges, the opportunity for the defence and the prosecution, victims, witnesses and experts to speak.

The court declared the State and the local authorities guilty²³ of the charges against them and adjourned sentencing to 1 July 2016, requiring the public authorities, meanwhile:

- to take all steps to stop breaches,
- to put an end without delay to forced evictions from land without sustainable rehousing solutions
- to implement special efforts to ensure the effectiveness of the right to prevention, care and the social protection of Roma families,
- to take all necessary measures to ensure that Roma children have equal access to education and culture, notably by stopping the illegal practices of certain municipalities without delay,
- to establish a consensus conference on the necessary practices to ensure protection to Roma children at risk,
- to pay particular attention to fighting against the violence of the security forces of which some of them complain in vain.

Finally, the court announced the end of the judgement that it intended: to monitor the enforcement of all these injunctions, to inform the plaintiffs of this monitoring and report to the public opinion “so that it can be fully informed and go beyond its instrumentalization by surveys exploiting fears”.

> Social rights and the right to health

A major obstacle for the inhabitants of slums and squatter settlements to access common law is the lack of an address in order to perform administrative formalities. Having a registered domicile is imperative

²³ Court of opinion organized on 27 June 2015 in Saint-Denis, verdict available on the website of the CNDH Romeurope: http://romeurope.org/IMG/pdf/trib-opinion_verdict_2015-06-27.pdf

to get access to almost all rights. Yet, many are denied the provision of a designated address by the CCAS (Local Social Action Centre) or the CIAS (Inter-municipal Social Action Centre), despite being under the legal obligation to register them. This is a denial of the presence of these persons in the territory of the municipality and in fact it allows municipalities to ignore their situation. Such denials result in increased exclusion, more complex administrative procedures and restricted access to rights. Numerous CCAS resort to the few associations approved for registration of address, which are overwhelmed with requests and cannot cope.

The CNDH Romeurope calls for all municipalities concerned to apply the law and grant domicile to any person residing in its territory who so requests.

Access to the right to health(care) also remains complicated due to people's lack of knowledge of their rights, the fact that they do not have sufficient command of the language, and the complexity of administrative procedures. Besides these elements that undermine people's capacity for autonomy, other obstacles arise for effective access to health coverage such as verifying non-affiliation in the country of origin that extends the process, or refusal to review files linked to abusive requests for documentation.

Disruptions are also widely recognized in the field of health, especially in care and treatment related to evictions. The state of health of a large number of the inhabitants of squats and shanty settlements is debilitated by precarious living conditions and scarce access to health care.

Health mediation is an effective tool to improve access to disease protection, prevention and health. It must be extended to all slums and squat settlements.

The development of go-to processes should facilitate people's access to care and rights by intervening closer to where they live.

Medical and social support structures must also take account of health determinants related to migration and vulnerability and the obstacles related to the lack of command of the language by setting up interpreting services.

> Access to employment

The end, on 1 January 2014, of transitional measures restricting access to the paid labour market for Romanian and Bulgarian citizens has a still

limited impact on the employability of people living in squat settlements and slums. Despite being received with minimal problems at job centres or the local missions, many barriers remain in place.

True socio-professional integration is not an option when people live under the constant threat of eviction from their place of living. All evictions break the socio-economic ties created in a territory.

Also, many people are stranded and/or kept in a spiral of exclusion. The reasons are many: excluded in their country of origin, excluded on their migratory journey, little schooling ... Often illiterate with a poor or no command of the French language, the vast majority works or has worked for a long time, but often in the “black” economy or for themselves.

Schemes exist for non-EU citizens to learn French. They must be made available to migrant citizens of the European Union who request them.

The skills of people living in squat settlements or slums are extremely diverse and deserve consideration. It would be interesting, for example, to build bridges with the social and solidarity economy and with alternative economic projects.

> Right to residence and forced expulsion

The policy on the expulsion of poor European citizens from French soil can be seen as the culmination of a banishment system that hits them hard: following ostracism by French society, expulsion from its territory. As European citizens, they nevertheless have great freedom of movement and settlement, which should help their chances of integration into French society.

But in practice, their right to residence is rarely recognized: as they have few resources, they are considered an unreasonable burden on the social assistance system, from which most often they receive no aid. The notion of a “genuine, present and sufficiently serious threat to one of the fundamental interests of society” is also frequently misused to justify the decision to expel persons who have committed acts only motivated by their need for survival, for which they are often not prosecuted.

Thus in 2014, Romanian citizens, and to a lesser extent Bulgarian citizens, were again targeted disproportionately by obligations to leave French territory (OQTF) often notified illegally and collectively. OQTF notifications are very often linked to future evictions from squats or slums,

an additional way to drive people away and to strengthen their sense of insecurity. And again, these are by far the most numerous European citizens in administrative detention centres and the most expelled in 2014: 1,742 Romanians and 109 Bulgarians were held in detention, out of a total of 2,101 Europeans; over 83% of them were expelled from French territory (while the expulsion rate following detention for non-Europeans is 47.8%)²⁴.

The migration flow management policy is thus used to clear the slums... by ousting their inhabitants from French territory.

Attacks on the freedom of movement and the settlement of poor EU citizens also come from the courts and the legislature. Thus, on 1 October 2014 the Conseil d'Etat (French Supreme Court) approved an OQTF issued to a Romanian woman arrested several times for "fraud in begging", considering that her behaviour represented a "genuine, present and sufficiently serious threat to one of the fundamental interests of society". The definition of such a threat by the State Council is excessively broad and goes beyond that provided by EU jurisprudence. All criteria concerning the right to residence are interpreted restrictively when it comes to at-risk European citizens: many of them are refused residence and notified of expulsion measures on the grounds that they burden the social welfare system, despite the fact that they receive no aid or that this perception is completely legal. They are also excluded from access to residence under the criteria of common law open to non-European foreigners.

Also, highly surprisingly, an amendment regarding the freedom of movement of EU citizens was slipped in at the last minute to the Law on Terrorism in November 2014. The article - which does not mention terrorism - provides for an administrative ban from French territory for all European citizens representing "a genuine, present and sufficiently serious threat to one of the fundamental interests of society". In view of its very broad definition given a few months earlier by the Conseil d'Etat, everything would suggest that at-risk European citizens are the first affected by these legislative and jurisprudential developments. The draft law on foreigners' rights to be voted on in the autumn of 2015 provides similar restrictions with the proposed creation of a ban on movement to support numerous obligations to leave the country.

The creation of the administrative ban from the territory is in keeping with the logic of the ostracism of people living in squat settlements and slums. Banishment this time is implemented in its historical definition, that of prohibiting someone from returning to a country.

²⁴ 2014 report about immigration detention centres, La Cimade, ASSFAM, Ordre de Malte, France Terre d'Asile and Forum Réfugiés

The CNDH Romeurope calls for an end to massive notifications of the obligation to leave the territory apart from evictions from squat settlements or slums.

Detentions must cease, as must illegal expulsions.

The criteria for entitlement to residence must be applied without discrimination, including from a protective point of view of the freedom of movement and settlement of European citizens. For the same reason, European citizens should be able to also avail themselves of the residence criteria that apply to all foreign persons.

CONCLUSION

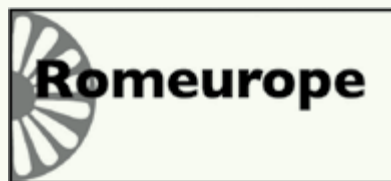
Slums will not disappear for as long as the State pursues policies based on evictions and the denial of rights. Integration can never be effective for as long as there are illegal practices concerning the right to housing, health and social rights, the rights of children or the right to residence, and for as long as racist, stigmatizing or discriminatory rhetoric and acts are not harshly condemned. Social inclusion will also hinge on the consideration given to the people concerned and their life project and by consulting at-risk European migrants on all decisions concerning them. In other words, social inclusion is part of a society project and a political project that are both required today.

Youth, the stated priority of the five-year term, is now suffering absolutely unbearable institutional abuse. Children at risk must be protected. All children living in slums and squatter settlements must attend school. This statement cannot simply be wishful thinking repeated at length at the start of the new school year by associations and support groups. It is a duty of our Republic often referred to by our policies. **It is unacceptable to decide to abandon a generation of children the majority of whom will build their life in France.**

A genuine policy of integration must start with a permanent and adapted dwelling. People **need time** in order to really get access to common law. It is therefore necessary to establish a **moratorium on evictions**, to suspend the enforcement of court decisions, to allow the establishment of a positive exit from the slums. This temporary stabilization must be coupled with the **securing of places** to live so that they are made worthy and decent. **Respect for fundamental rights starts here.**

Collectif National Droits de l'Homme Romeurope
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Méditerranéenne Pour l'Insertion sociale par le Logement) • ASAV
(Association pour l'accueil des voyageurs) • ASEFRR (Association
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Association Solidarité Roms de Saint-Etienne • ATD Quart-Monde
• CCFD-Terre Solidaire (Comité Catholique contre la Faim et
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La Rose des vents • LDH (Ligue des Droits de l'Homme) • Les Enfants
du Canal - MDM (Médecins du Monde) • MRAP (Mouvement contre
le racisme et pour l'amitié entre les peuples) • PU-AMI (Première
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(Caritas France) • SICHEM (Service de Coopération Humanitaire pour
les Etrangers et les Migrants) • Une famille un toit 44.

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