

France: Briefing on Evictions, Expulsions and the French Roma Integration Strategy

The French Roma Integration Strategy: As noted in the French National Roma Integration Strategy (NRIS),¹ the strict interpretation of “equality before the law” prevents French authorities from targeting any public policy at any ethnic group.² The French NRIS therefore does not address the specific needs of Roma, but references marginalised communities and homeless people. It is significantly lacking in concrete objectives, targeted measures, benchmarks and indicators. The Strategy is mostly a list of existing general national policies which do not in any way target the needs of Romani communities and whose impact can not be measured with respect to Roma, as disaggregated data is not collected in France. In addition, the Strategy does not address forced eviction of Romani settlements although this is the main reason for homelessness among Roma migrants. Moreover, the Strategy does not target anti-Gypsyism at all, even though it seems to be a long-term and growing problem in France. As the facts below suggest, there can be no meaningful implementation of the Roma Integration Strategy in the face of ongoing evictions and expulsions of Roma from France to other Member States of the EU.

French policy and practice toward Roma from EU Member States: Despite domestic and international legal standards,³ many Roma in France live in highly substandard conditions and experience multiple forced evictions, which leave them in increasingly marginalised, poor and unstable conditions.

French authorities also target migrant Roma from EU countries for expulsion and so-called “voluntary return” to their country of origin, despite legal standards setting out their right to freedom of movement without discrimination within the EU.⁴

Romani communities have in particular been targeted for forced eviction following statements by then-President Nicolas Sarkozy in July 2010 calling for the dismantling of illegal nomad (Romani) camps throughout the country.⁵ A Circular of the French Interior Ministry dated 5 August 2010 instructed French security forces to ‘give priority to Roma’ in conducting eviction and expulsion operations.⁶ Seven hundred and forty-one informal Romani camps were recorded at that time and, one year later, the Ministry of Interior announced that 75% of those had been dismantled.⁷

Since 2010, the ERRC has systematically documented the forced eviction of Romani communities in France and their coercive expulsion from the country.

¹ French Government Strategy for Roma Integration, available at http://ec.europa.eu/justice/discrimination/files/roma_france_strategy_en.pdf.

² Although this briefing concentrates on the situation of the migrant EU Roma in France, it should be noted that French travellers and other groups also continue to be marginalised.

³ As a State Party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR) and the International Convention on the Elimination of All Forms of Racial Discrimination France is legally obliged to respect, protect and fulfil the right to adequate housing, including the prohibition of forced evictions. The right of housing is directly recognised in the French law on housing (Law no 90-449).

⁴ EU Directive 2004/38/EC.

⁵ BBC News, “France to shut illegal Roma camps and deport migrants”, 29 July 2010, available at: <http://www.bbc.co.uk/news/world-europe-10798440>.

⁶ On file with the ERRC.

⁷ G. Viscusi, “Roma Health in France Worsened Since Crackdown, Group Says”, 26 July 2011, available at: <http://www.bloomberg.com/news/2011-07-26/roma-health-in-france-worsened-since-crackdown-group-says-1-.html>.

Romani communities are frequently evicted, and some are evicted repeatedly within short periods of time. From July to December 2010, the ERRC recorded the forced eviction of at least 3,043 Romani individuals by French authorities. In 2011, the ERRC recorded at least 80 forced evictions of Roma by French authorities, involving around 8,000 Romani people.⁸

Some of the evictions are also linked with the distribution of expulsion orders (obligation de quitter le territoire français, "OQTF") to Roma from other EU countries residing in France. In 2010, ERRC monitored 23 operations of distribution of OQTFs involving a total of 545 Roma. In 2011 the ERRC monitored 62 operations, with 1,484 OQTFs distributed to Roma.⁹

As a means to justify expulsion under EU and French law, the French authorities use so-called "humanitarian aid returns" (aides au retour humanitaire, "ARH"). A Ministerial Circular from December 2006 created the possibility for the French Office for Immigration and Integration (OFII) to grant ARH to European Union citizens.¹⁰ In 2007 ARH was granted to 2,898 EU nationals, including 1,693 Romanians and 493 Bulgarians.¹¹ Three years later, according to OFII's 2010 annual report, 8,182 Romanians and 958 Bulgarians were granted ARH that year, accounting for 94% of all ARH recipients.¹²

Anecdotal evidence and ERRC monitoring suggests that the majority of these recipients of ARH were Roma. OFII workers routinely reached out to Romani communities in informal settlements to encourage their return. ARH is usually offered under threat of eviction, with no other housing solution, and/or after several evictions within the same week or month. For example, on August 9, 2012, 200 Roma, including 60 children, were evicted by 150 police from two informal Romani settlements in the suburbs of Lille, in Villeneuve d'Ascq and Hellemes,¹³ The eviction was preceded by OFII workers visiting the settlements and offering ARH to the inhabitants. 30 people reportedly accepted. No adequate housing solution has been offered to those who did not accept this offer.

Returns under the threat of eviction cannot be described as voluntary and should therefore be considered expulsions under EU and French law.

The situation since the adoption of the Roma Integration Strategy: Between January and June 2012, the ERRC registered at least 20 forced evictions affecting around 2,600 Romani individuals.¹⁴ From June 2012 to date, the ERRC has recorded more than 30 forced evictions of Roma throughout France affecting more than 4,000 Roma. Alternative accommodation was very rarely offered and when it was, it consisted of a few nights in a hotel in another city, without cooking facilities. In most cases, the number of police officers involved was very high, sometimes close to the number of Roma evicted.¹⁵

Since the presidential elections in May, the ERRC monitoring of the distribution of OQTF registered at least 300 Roma expelled via this method. This figure is very likely to be higher in reality.

In July and August, two planes took off to Bucharest from Lyon, with in total 360 people onboard. The Minister of Interior announced on 11 September that by the end of the month, 7,000 Romanians and Bulgarians will have gone back under the ARH scheme.¹⁶

⁸ On file with the ERRC.

⁹ On file with the ERRC.

¹⁰ Circulaire interministérielle n°DPM/AC13/2006/522, 7 December 2006, available at: <http://www.ofii.fr/IMG/pdf/circulaire07122006.pdf>.

¹¹ Comité interministériel de contrôle de l'immigration, cinquième rapport au Parlement, December 2008.

¹² Office Français de l'immigration et l'intégration, rapport au conseil d'administration, 29 Mars 2011 (OFII's report for 2010) p. 39, available at : [http://](http://www.ofii.fr/IMG/pdf/OFII-RapportActivites_2010-Client-150DPI-FeuilleAF.pdf)

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¹³ « Evacuations de campements et expulsions dans la communauté rom à Lille et Lyon », *Le Monde*, available at: http://www.lemonde.fr/societe/article/2012/08/09/un-campement-de-roms-evacue-pres-de-lille_1743965_3224.html.

¹⁴ Research data on file with the ERRC.

¹⁵ In the evictions in Villeneuve d'Ascq and Hellemes (Lille) on 9 August, 150 policemen were deployed and 200 people (including 60 children) were evicted in total.

¹⁶ « Roms : "la France prend sa part" (Valls) », *Le Figaro*, 11 September 2012, available at: <http://www.lefigaro.fr/flash-actu/2012/09/11/97001-20120911FILWWW00345-roms-la-france-prend-sa-part-valls.php>.

Recommendations

- Refrain from carrying out forced evictions in the absence of legal safeguards, including adequate alternative housing;
- Ensure that no Romani individual is made homeless in the process of eviction;
- Develop sustainable, adequate integrated housing solutions for all Roma;
- Refrain from collectively expelling Romani EU citizens from France;
- Introduce clear guidelines on how authorities should safeguard rights in accordance with the requirements of the Directive 2004/38/EC on free movement;
- Ensure that returns to other EU Member States are truly voluntary, accompanied by reintegration assistance and take account of the needs of vulnerable people;
- Ensure independent monitoring of all immigration processes and programmes, including both return and reintegration; and
- Redirect funding earmarked for expulsions and returns to the implementation of long term inclusion policies.