



# CHASED AWAY

FORCED EVICTIONS OF ROMA  
IN ILE-DE-FRANCE

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First published in 2012 by  
Amnesty International Ltd  
Peter Benenson House  
1 Easton Street  
London WC1X 0DW  
United Kingdom

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Index: EUR 21/012/2012 English  
Original language: English  
Printed by Amnesty International,  
International Secretariat, United Kingdom

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*Front cover photo:* Informal settlement in Seine-Saint-Denis, north-east of Paris, France. Romani families moved there following their forced eviction from Villeneuve-le-Roi on 11 September 2012.

*Back cover photo:* Tent in which a Romani family sleeps in Essonne, south of Paris, France. Their shack in Evry was destroyed when they were evicted on 27 August 2012.

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# CONTENTS

1. Introduction .....	5
1.1 Political context.....	7
1.2 Research & methodology .....	12
2. The international legal framework .....	14
2.1 Forced evictions and the right to adequate housing .....	14
2.2 The right to adequate housing and non-discrimination .....	15
3. The domestic legal framework .....	17
3.1 The right to adequate housing.....	17
3.2 The “enforceable right to housing” .....	17
3.3 The right to emergency shelter .....	18
3.4 Eviction proceedings .....	19
4. Forced evictions of informal Roma settlements .....	21
4.1 The lack of adequate consultation, information and notice .....	21
4.2 The inadequacy of legal remedies.....	24
Obstacles to legal aid.....	24
Inability to enforce the right to adequate housing during eviction proceedings .....	25
The right to appeal .....	27
Post-eviction remedies .....	27
4.3 The failure to provide adequate alternative accommodation.....	28
The shortage of emergency shelters.....	28
Villages d’insertion .....	29
Living conditions in informal settlements.....	30

Forced evictions exacerbate poor housing conditions .....	33
Repeated forced evictions .....	34
5. Increased vulnerability to other human rights violations .....	38
5.1 The impact of forced evictions on health.....	38
5.2 The impact of forced evictions on education .....	39
Registration.....	39
School attendance .....	40
Forced evictions.....	42
6. Conclusions and recommendations.....	44
Recommendations.....	46
Endnotes .....	49

# 1. INTRODUCTION

**“My wish is that, when an unsanitary camp is dismantled, alternative solutions are proposed. We cannot continue to accept that families are chased from a place without a solution. This leads them to settle elsewhere, in conditions that are no better”**

François Hollande, 27 March 2012 (then candidate to the presidential election), in response to a letter by Romeurope.

**“Decisions are taken by the Courts, we have to follow them, even without immediate solutions; if there is a security risk, a sanitary risk, evictions will take place; evictions will not be conditioned to the existence of solutions”**

Manuel Valls, Minister of the Interior, meeting with Amnesty International, 31 August 2012.

Several thousand migrant Roma are estimated to be forcibly evicted from informal settlements and squats each year across France.<sup>1</sup> In most cases, entire families are left homeless, often with either no offer of any alternative housing or only a temporary and inadequate solution provided. Forced out of their homes, these families often find themselves living in increasingly precarious situations. These forced evictions generally take place without adequate prior information, consultation or notice to residents. French law does not allow people to enforce their human right not to be subjected to forced eviction.

Forced evictions exacerbate the poor living conditions found in many informal settlements, which often have limited or no access to basic services, such as water, utilities or rubbish collection. Following evictions, families often lose their homes and belongings and are forced to start again. These repeated forced evictions are traumatising and have both direct and indirect negative consequences on other human rights such as access to education and health care. Amnesty International calls on the French government and Prefects in France to

immediately stop carrying out forced evictions, and to refrain from implementing eviction orders until all the international legal safeguards against forced evictions can be guaranteed to all inhabitants of informal settlements.

This report, based on field research conducted in France during four missions in February, May-June and September 2012 (as well as earlier research in September 2010), examines the shortcomings of the French domestic legal framework in providing adequate protections against forced evictions. It focuses on the Ile-de-France, the greater Parisian region, and documents individual forced evictions and testimonies of migrant Roma, primarily from Romania, who have been victims of forced evictions. It does so against the backdrop of the stated policy of the previous French government which explicitly targeted Roma, and the policy of the current government, which, although less hostile and more conversant in the language of human rights, has to date had alarmingly similar result, forcibly evicting Roma living in irregular settlements and leaving them homeless or without adequate alternatives.

## WHAT IS A FORCED EVICTION?

Forced evictions are a violation of human rights and have been defined as the removal of people from the homes or land they occupy, against their will and without appropriate legal protections and due process.<sup>2</sup> Under international law, evictions may only be carried out as a last resort, and only after all feasible



Makeshift home in an informal settlement in Ris-Orangis © Amnesty International

alternatives have been explored in genuine consultation with the affected communities. The authorities must provide adequate notice, legal remedies, and compensation for all losses. They must ensure no one is made homeless or vulnerable to the violation of other human rights as a consequence of the eviction. People who cannot provide for themselves must be provided with adequate alternative housing. These safeguards must be applied in all situations, irrespective of whether people legally own or occupy the homes or land that they are living in. Governments must refrain from carrying out forced evictions and they are prohibited from using forced eviction as a punitive measure.

Not every eviction that is carried out by force constitutes a forced eviction. If all the legal safeguards and protections required under international law are put in place and complied with, and if the use of force is proportionate and reasonable, then the eviction would not violate the prohibition on forced evictions.

The effects of forced evictions are often catastrophic. People are deprived of their possessions and of their social ties, and left without access to work, education and health facilities. Most of those who are forcibly evicted are left homeless and even more at risk of human rights violations than before.

Most of the estimated 15 000 migrant Roma living in France come from Romania and in a much smaller proportion from Bulgaria, which became EU member states in 2007.<sup>3</sup> Non-French EU citizens, like Roma from the new EU states, are required under French law to be in employment and have sufficient resources to support themselves, or else they face being ordered to leave French territory after 3 months of stay (see Introduction). Failing to leave can lead to placement in immigration detention centres and forced return. EU-citizens from the new accession states are also restricted from accessing certain types of employment as a result of ‘transitional measures’ imposed by the French government, to remain in force until 31 December 2013.<sup>4</sup> Migrant Roma from Eastern Europe are often seeking to escape the socio-economical difficulties and discrimination they face in their countries of origin. Roma in Romania are over-represented amongst the poorest of the poor, they suffer discrimination and repeated forced evictions and are often relocated next to garbage dumps, sewage treatment plants, or industrial areas on the outskirts of cities that could be hazardous for their health.<sup>5</sup>

### 1.1 POLITICAL CONTEXT

In July 2010, then French President Nicolas Sarkozy began using discriminatory rhetoric which stigmatized the Roma, and called for the ‘closure of all irregular camps’ and for a crackdown on unspecified ‘problems related to the behaviour of certain Roma and Travellers in France’.<sup>6</sup> In the official statement following an inter-ministerial meeting to discuss the Roma and a subsequent speech delivered in Grenoble on 30 July, former President Sarkozy began to publicly link Roma and criminality in his rhetoric.<sup>7</sup> In a TV interview on 29 August 2011, then Minister of the Interior Claude Guéant referred to “*Romanian delinquency*” (*la délinquance roumaine*),<sup>8</sup> seeming to link national origin to propensity to commit crime, and called for a toughening of measures to combat crimes by Romanian minors and for increased cooperation with Romanian authorities to facilitate their return to Romania.

By August 2010 French authorities, under the joint direction of then Minister of the Interior Brice Hortefeux and Minister of Immigration Eric Besson announced a number of forced evictions of unauthorized settlements and returns of non-French EU nationals, primarily Roma, to their home countries.<sup>9</sup> This new phase in an ongoing pattern of forced evictions and forced and “voluntary” returns raised other concerns, such as the setting of arbitrary numerical targets for expulsions from French territory (for example, a target of 800 for the

month of August 2010 set by the then Immigration Minister).



By September 2010, it emerged as a result of investigative reporting that the French Ministry of the Interior had issued a circular to all Prefects (an order to its representatives at the local, departmental level) singling out camps inhabited by Roma as a priority for

Ministry of the Interior Circular, 5 August 2010, © Amnesty International

eviction.<sup>10</sup> The revelations of a governmental policy singling out an ethnic group for adverse treatment increased criticisms from human rights groups, parliamentarians, international bodies, etc.<sup>11</sup> In response, the then Immigration Minister simply denied that France had targeted the Roma, and shortly thereafter the Minister of the Interior issued a fresh circular that no longer made any explicit reference to Roma. The new circular of 13 September 2010 simply referred to "any illegal settlement, whoever inhabits it". NGOs including Amnesty International remained concerned, however, that the Roma remained targeted for forced evictions in practice, even if the specific reference to an ethnic group had been taken out of the Ministry of the Interior's policy circulars. Indeed, the European Committee of Social Rights (See Introduction, Box title *Obligations to leave France and "voluntary returns"*) found that forced evictions under the new circular constitute indirect discrimination, in violation of France's human rights obligations.<sup>12</sup>

The subsequent French Minister of the Interior under the previous government, Claude Guéant, continued to set arbitrary numerical targets in 2011 and 2012 for expulsions of foreign nationals without regular status from French territory. Evictions of Roma settlements continued apace during 2011 and 2012. NGO collations of media reports suggested that 158 Roma camps and squats, housing 16 808 people, had been evicted or cleared across France during 2011 and the first three quarters of 2012<sup>13</sup>. Some of the evictions reported appeared not just to leave dozens or hundreds of Roma at a time homeless, but also to be poorly coordinated with no clear idea of what state and law enforcement officials were expected to do once a camp was evicted.<sup>14</sup> NGOs also reported isolated instances of suspected arson against Roma camps.<sup>15</sup>

While the NGO-compiled figures regarding the number of forced evictions that took place in 2011-2012 have not been independently verified by Amnesty International, and cannot be comprehensive insofar as they are only made up of evictions reported by media or local associations and support groups, they are strongly indicative of the prevalence and regularity of evictions of Roma communities from informal settlements. Amnesty International's formal request to obtain these figures from the previous government, whose circular required Prefects to maintain detailed records of any evictions, was met with no response. Amnesty International has requested this information from the current government and is awaiting a response.

During the summer 2010, the European Commission also began to scrutinize the lawfulness and compliance of the then French government's policy on Roma in the context of EU law governing the freedom of movement of EU citizens. On 14 September 2010, European Commissioner for Justice Vivian Reding criticized the Sarkozy government over the mass expulsions of Roma in the course of the summer 2010. On 29 September, she threatened to launch an infringement procedure against France for its discriminatory application of the 2004 Directive on Freedom of Movement, but eventually retracted on 19 October 2010.

In August 2012, European Commissioner Viviane Reding has stated in response to public statements by the current Minister of the Interior Manuel Valls (see below, in this section), that the Commission retained a vigilant attitude towards France's compliance with EU law in its treatment of the Roma.

## OBLIGATIONS TO LEAVE FRANCE AND “HUMANITARIAN RETURNS”

Many of the migrant Roma interviewed by Amnesty International had received orders from the state (from the prefecture) to leave French territory at least once since they had been in France. As EU citizens, they are nonetheless free to return to France without a visa.<sup>16</sup>

Under French law, non-French EU citizens can reside in France for longer than three months if they satisfy one of the conditions set-out in that law, such as for example being in employment, having sufficient resources to support themselves and their dependants so as not to become a burden on the social assistance system, and having health insurance or being a student.<sup>17</sup>

Those who cannot fulfil one of these criteria can be ordered to leave the French territory within 30 days<sup>18</sup>, and failing to do so can lead to their detention in an immigration detention centre and forcible removal from France. The law on immigration, integration and nationality of 17 June 2011 introduced the notion of a stay that constitutes an “abuse of right”, defined as the renewal of stays of less than three months when the conditions for a stay of longer than three months are not fulfilled or stays essentially motivated by benefiting from the social assistance system, as a grounds for being ordered to leave France.<sup>19</sup> Non-French EU citizens can also be ordered to leave France within the first three months of their stay if their behaviour constitutes “a real, actual and sufficiently serious threat to a fundamental interest of French society”.<sup>20</sup>

The application of these provisions to Roma who are EU nationals has been criticized by NGOs, the National Consultative Commission on Human Rights (*Commission Nationale Consultative des Droits de l’Homme*) and EU institutions, in particular the reported mass distribution of orders to leave the French territory (*Obligations de quitter le territoire français, OQTF*) to Roma living in informal settlements and the lack of an individualised assessment of each situation as required under EU law.<sup>21</sup>

Roma who are EU citizens are often offered an Aid to Humanitarian Return (*Aide au Retour Humanitaire*)<sup>22</sup>, which is described as voluntary since in some cases, EU citizens are paid a one-time sum of 300 Euros per adult (100 per child) plus travel costs to repatriate. However, the Council of Europe’s then Commissioner for Human Rights noted that “such repatriation is not always genuinely “voluntary”, as repatriation operations are sometimes co-ordinated with intimidating, or even improper, police operations.”<sup>23</sup> Moreover, research by the National Consultative Commission on Human Rights (*Commission Nationale Consultative des Droits de l’Homme*) has shown that the Aid to Humanitarian Return (*Aide au Retour Humanitaire*) has been used as a means to fulfil quotas for the removal of irregular migrants.<sup>24</sup>

The question of expulsions of migrant Roma who are EU citizens from France is generally beyond the scope of this report. However, such expulsions do play a role in the forced evictions of Roma living in informal settlements as well.

Organizations working on the legal defence of settlements facing eviction argued: “It is a means of pressure linked to the evictions: OQTF are distributed so that half the camp is emptied... In a camp where 300 people were living, only five are left, so it is much easier to implement the eviction decision, at the level of the number of police required to intervene”.<sup>25</sup>

The President and Director General of the *Office Français de l’immigration et de l’intégration* (OFII) told Amnesty International that while anyone can go to the office of the OFII to ask for information about returns, agents of the OFII mostly intervene to give information about the “voluntary returns” in camps where an eviction is about to take place:

*“We wouldn’t do this unless the prefect demands it. Generally it is because there is a plan to evict [the camp]”, said Arno Klarsfeld, President of the OFIL.<sup>26</sup>*

In August 2012 Manuel Valls, the Minister of the Interior since May 2012, declared that he had put an end to the previous government’s policy of setting quotas for removing irregular migrants (towards which expulsions of Roma from France count).<sup>27</sup> Such quotas had been cited by several government officials as a key element motivating expulsions of migrant Roma who are EU citizens.<sup>28</sup>

Nevertheless, according to the 26 August circular the new government, when carrying out operations of evictions, intends to continue with the practice of expelling from the country those who are found to be in an irregular immigration situation.

During the 2012 election campaign, then Presidential candidate François Hollande condemned the practice of forcibly evicting informal Roma settlements. In a letter to the French NGO collective Romeurope, he said: *“I wish that, when an unsanitary camp is dismantled, alternative solutions are proposed. We can’t go on accepting that families will be chased away from a place without a solution. That just leads them to set up elsewhere, in conditions that are not any better.”*

In his response to concerns raised by Amnesty International France,<sup>29</sup> François Hollande elaborated further in April 2012: *“I consider it necessary to support those who take the path of integration and to avoid leaving them down the path of the most precarious populations. I wish that when an unsanitary camp is dismantled, alternative solutions are proposed. A policy of support in all areas (welfare, education, housing, health and employment) will also be necessary to ensure that these populations live in dignified conditions.”*

On 6 May 2012 François Hollande was elected President of France. On 16 May 2012, a cabinet was formed, with Jean-Marc Ayrault named Prime Minister.

During the summer that followed, Amnesty International continued to receive reports of evictions of Roma camps and squats across France, notably on the outskirts of Lyon, Lille and Paris. According to NGO collation of media reports, 22 informal settlements, housing 2362 Roma, including 189 children, were evicted throughout France in July and August 2012.<sup>30</sup> Allegations of intimidation as well as anti-Roma demonstrations have been reported throughout France, including in Marseille, Lille and Hellemmes in the suburbs of Lille, in September and October 2012.<sup>31</sup>

In July 2012, Minister of the Interior Manuel Valls addressed the Senate’s Legal Commission, and said: *“I am deeply worried by the concentration of a series of camps [...] The situation today in Lyon, Aix-en-Provence, Seine-Saint-Denis, and in a part of the greater Lille area obliges us [the French state] to take the decision to dismantle them [the camps]. We’re faced, for example in Seine-Saint-Denis with a confrontational situation between the people in the working-class neighbourhoods and the people known as Roma.”*

On 13 August 2012, Minister of the Interior Manuel Valls published a statement in the French daily *Libération*, outlining what he described as a new policy of “firmness” towards Roma camps, and stating that a passive, *laissez-faire* approach would not solve anything.<sup>32</sup> He said the Prefects would only evict camps where they were implementing court decisions,

and stated that existing structures for emergency accommodation and integration of those evicted would be used, and case by case solutions could be offered following an assessment of families' and individuals' situations. In a subsequent meeting with Amnesty International on 31 August 2012 and in public comments, however, he has made clear that giving the green light for an eviction to go ahead is not conditional on the availability or provision of alternative accommodation to those evicted.<sup>33</sup>

In response to Manuel Valls' public statement, on 16 August 2012, Cécile Duflot, the Minister of Housing, was reported in the press as stating that to dismantle those camps without solutions was to put people in an even more precarious situation, and that *“that cannot be a solution, either”*. She also stated that *“France must do its part for the few Roma who live in our country, evaluated to be around 15,000 people out of 66 million French people. It is a problem that we have the means to deal with”*.<sup>34</sup>

Shortly thereafter, Prime Minister Ayrault called an inter-ministerial meeting, which took place on 22 August, and resulted in the issuing of a detailed press release, a new circular to Prefects, and the naming of Prefect Alain Regnier, the existing inter-ministerial delegate on accommodation and access to housing, as responsible for coordinating the approach of the French state to this issue. Prefect Alain Regnier, who received his official appointment letter on 20 September 2012, told Amnesty International that he was currently gathering best practice and would consult local NGOs specialized in questions of access to shelter and to housing on a regular basis when devising the government's plan.<sup>35</sup> While the tone and language of the Prime Ministerial statement and the circular were considerably less hostile than that of the preceding government, emphasizing respect and dignity, the circular remains discretionary rather than obligatory for Prefects to follow. It encourages 'dialogue' with those being evicted, rather than requiring genuine consultation, and makes clear that evictions will continue where court orders exist.

On 1 October 2012, the government extended the list of professions opened to Romanian and Bulgarian nationals from 150 jobs to 291. The current government has also announced that it will work on a new draft of the French strategy for Roma inclusion as part of the EU framework for national Roma integration strategies.



Roma camp near the Stade de France, Saint-Denis. © Juan Pablo Gutierrez

## THE 26 AUGUST 2012 CIRCULAR

The circular on anticipating and accompanying operations of evictions of unauthorized settlements (*circulaire relative à l'anticipation et à l'accompagnement des opérations d'évacuation des campements illicites*) was published on 26 August 2012 and was signed by 7 different ministries. It is addressed to Prefects and encourages them to coordinate with local public actors and NGOs in order to establish a diagnosis assessing individual needs prior to evictions, and to look for measures of support facilitating the insertion of Roma living in informal settlements, particularly with regards to schooling, employment, health and emergency accommodation. It constitutes discretionary, best practice guidelines, which Prefects are free to implement or not. On 26 September the Prefect of Loire Atlantique, for example, decided to temporarily suspend the implementation of non-urgent eviction orders until the requirements of the circular could be fulfilled. One major change brought about by the circular which may help many Roma migrants seeking employment is the suppression of taxes that both the employer and employee were required to pay for a Romanian or Bulgarian national to be hired in France. However the requirements for a residence and a work permit are maintained. The Groupe d'Information et de Soutien des Immigrés (GISTI) has highlighted that the obligation to obtain a work permit constituted the main obstacle to employment for Romanians and Bulgarians, as the administrative procedure to obtain such a document was laborious and represented a disincentive for employers to hire them.<sup>36</sup>

The objectives set out in the circular are rather vague and the precise measures of application, calendar and budget remain unclear. The Defender of Rights wrote to the Prime Minister to inquire as to the precise arrangements that had so far been taken to implement the circular, but by October 2012 he had received no reply.<sup>37</sup> When Amnesty International delegates met with government authorities in September 2012, many clearly expressed a will to find to try to solutions, but demands for a suspension of eviction orders until adequate alternative housing and appropriate safeguards could be guaranteed were rejected. Indeed the circular establishes that evictions will continue where a court order exists and that they will be immediate when the safety of persons is deemed to be at stake. In his letter sent to the Prime Minister, the Defender of Rights noted that forced evictions have continued apace, with an estimated 30 informal settlements evicted since the publication of the circular. Eighteen informal settlements are estimated to have been evicted with no provision of adequate alternative accommodation across France in September 2012 alone<sup>38</sup>.

## 1.2 RESEARCH & METHODOLOGY

In February, May, June and September 2012, Amnesty International conducted research missions to France to meet with Roma migrants living in informal settlements, as well as NGOs and support committees (*comités de soutien*), lawyers, local authorities, and government officials.<sup>39</sup> The research concentrated on Ile-de-France, the greater Parisian region, as this is where the greatest number of Roma living in unauthorized settlements is estimated to be, and where according to NGO and media estimates the greatest number of forced evictions is currently taking place. Amnesty International representatives also travelled to other areas of France such as Lyon and Marseille to speak with NGOs, lawyers and Roma facing forced eviction.<sup>40</sup>

On 31 August 2012, representatives of Amnesty International's International Secretariat and Amnesty International France met with Minister of the Interior Manuel Valls to discuss a number of issues of mutual concern, including forced evictions of Roma.

In September 2012, Amnesty International delegates met with four advisors to the Prime Minister; the Minister of Housing Cécile Duflot and an advisor from the Ministry of Housing; a

sub-Prefect (*sous-préfet*) of Seine-Saint-Denis and Prefect Alain Regnier, the inter-ministerial delegate on accommodation and access to housing, with two advisors.

During Amnesty International's 2012 research missions, migrant Roma with whom Amnesty delegates spoke were exclusively from Romania. Most interviews were conducted in French or English with the assistance of Romanian interpretation, although some people were willing to be interviewed without interpretation in French or Spanish. Amnesty International visited informal settlements inhabited by Roma in Sucy-en-Brie (94), Porte de Paris (93), Noisy-le-Grand (93), Triel-sur-Seine (78), Thiais (94), Ris Orangis (91), Champs-sur-Marne (77), Porte d'Aubervilliers, La Courneuve (93), Bobigny (93), Evry Courcouronnes (91) and Ivry-sur-Seine (94). As most Roma who agreed to speak with Amnesty International asked not to be identified by their real names, all first names have been changed in the testimonies in this report.

## THE TRAVELLER COMMUNITY

Amnesty International also met with representatives of the Traveller community (*Gens du voyage*) during its research missions in 2010 and 2012. The particular human rights concerns faced by Travellers are not addressed in this report. There are an estimated 500 000 Travellers living in France, the great majority of whom are French citizens,<sup>41</sup> and who are subject to specific measures such as the obligation to carry and periodically renew a circulation booklet (*livret de circulation*), the obligation to be registered in a town where the Travellers population must not be superior to 3% of the total population.<sup>42</sup> The Committee on the Elimination of Racial Discrimination (CERD)<sup>43</sup>, the European Committee of Social Rights,<sup>44</sup> the National Committee on Human Rights (*Commission Nationale Consultative des Droits de l'Homme*) and the Defender of Rights<sup>45</sup> have expressed concerns over discrimination with regards to Travellers' right to housing, freedom of movement, right to vote and access to education. On 5 October 2012, the Constitutional Council (*Conseil Constitutionnel*) repealed certain obligations that Travellers were subject to.

## 2. THE INTERNATIONAL LEGAL FRAMEWORK

### 2.1 FORCED EVICTIONS AND THE RIGHT TO ADEQUATE HOUSING<sup>46</sup>

As a state party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), France is obliged to respect, protect and fulfil the right to adequate housing, as provided for in article 11(1). According to article 2 (1), France is obliged to take steps, including taking legislative measures, in order to effectively implement the rights under the ICESCR.

The UN Committee on Economic, Social and Cultural Rights (CESCR), has clarified that instances of forced evictions are prima facie incompatible with the requirements of the Covenant.<sup>47</sup>

The UN Committee defines forced evictions as the “removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection”.<sup>48</sup>

Prior to evictions, states must ensure “that all feasible alternatives are explored in consultation with the affected persons, with a view to avoiding, or at least minimizing, the need to use force.”<sup>49</sup> In addition, in order to safeguard against forced evictions, states must put in place appropriate procedural protections, including:

- an opportunity for genuine consultation with those affected;
- adequate and reasonable notice for all affected persons prior to the scheduled date of eviction;
- information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected;
- especially where groups of people are involved, government officials or their representatives to be present during an eviction;
- all persons carrying out the eviction to be properly identified;
- evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise;
- provision of legal remedies; and
- provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.<sup>50</sup>

Additionally, evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.<sup>51</sup>

Where forced evictions do occur, states must respect the rights of all victims of forced evictions to an effective remedy, including access to justice and the right to reparations, which includes restitution, rehabilitation, compensation, satisfaction and guarantees of non-repetition.

The Committee on Economic, Social and Cultural Rights (CESCR) has emphasised that legal security of tenure is a crucial element to determine the adequacy of housing. The Committee has stated “[n]otwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. States parties should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups.”<sup>52</sup> Lack of security of tenure is a principal cause of forced evictions.

Under the International Covenant on Civil and Political Rights (ICCPR) everyone is entitled to protection from “arbitrary or unlawful interference with his privacy, family, [or] home”.<sup>53</sup> These rights are also protected by the European Convention on Human Rights.<sup>54</sup> In severe cases, some forced evictions may also violate the international legal prohibition against cruel, inhuman or degrading treatment.<sup>55</sup>

The Convention on the Rights of the Child (CRC), reaffirms the right to adequate housing and provides protection against forced evictions. According to Article 27 (1) “States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development...” Further, according to Article 27 (3) “States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.”

In addition, according to Article 16 of the Convention:

- “1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.”

## 2.2 THE RIGHT TO ADEQUATE HOUSING AND NON-DISCRIMINATION

France is obliged to guarantee the right to adequate housing and to prevent forced evictions without discrimination.<sup>56</sup>

Article 5 (e) (iii) of the International Convention on the Elimination of All Forms of Racial Discrimination states that “States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment

of [...] The right to housing". In its 2010 concluding observations, the CERD Committee expressed concerns over the fact that "notwithstanding recent policies to combat racial discrimination in housing and employment, persons of immigrant origin or from ethnic groups [...] continue to be the target of stereotyping and discrimination of all kinds, which impede their integration and advancement at all levels of French society".<sup>57</sup>

The European Committee of Social Rights has also found that France's violation of the right to adequate housing had a disproportionate impact on Roma (see box below).

France is bound by the European Union's "Council Directive 2000/43/EC of 29 June 2000 (the Race Directive) implementing the principle of equal treatment between persons irrespective of racial or ethnic origin". According to Article 3(1)(h) the Race Directive "shall apply to all persons, as regards both the public and private sectors, including public bodies", in relation to "access to and supply of goods and services which are available to the public... including housing."

## THE REVISED EUROPEAN SOCIAL CHARTER

France is a state party to the revised European Social Charter, which guarantees, among other rights, the right to housing.<sup>58</sup> The European Committee of Social Rights has adopted a number of decisions on collective complaints which have found France to be in violation of its obligations under the Charter.

In *ERRC v. France*, the Committee found that the housing rights situation of migrant Roma in a regular status was in violation of the Charter.<sup>59</sup> In its Conclusions on France for 2011, the Committee noted that "the situation has not changed."<sup>60</sup> It further stated that "the Committee considers that the living conditions of many Roma fail to comply with the requirement of article 31§1."<sup>61</sup>

In *COHRE v. France*, the Committee found that the forced evictions of Roma that took place in Summer 2010 amounted to an aggravated violation of human rights, "[h]aving regard to the adoption of measures, which are incompatible with human dignity and specifically aimed at vulnerable groups, and taking into account the active role of the public authorities in framing and implementing this discriminatory approach to security." The Committee called on France to provide reparation and guarantees of non-repetition.<sup>62</sup> In the recent decision of *European Roma and Travellers Forum (ERTF) v. France*, the Committee concluded that the continuing forced evictions of Roma, even following the repeal of the August 5, 2010 circular which explicitly targeted Roma settlements, amounted to a discriminatory violation of the right to housing due to their continuing discriminatory impact.<sup>63</sup>

The Committee, in its Conclusions and Decisions, has also found France was failing to meet its Charter obligations for failing to provide adequate rehousing following eviction and for the inadequacy of emergency shelter to combat homelessness.<sup>64</sup>

On 19 April 2011, the organization *Médecins du Monde* filed a collective complaint against France<sup>65</sup>, alleging that it fails to respect the rights of Roma living in France with regard to housing, education for their children, social protection and health care. The ECSR declared the complaint admissible on 13 September 2011 but the decision had not been issued at the time of writing.

## 3. THE DOMESTIC LEGAL FRAMEWORK

### 3.1 THE RIGHT TO ADEQUATE HOUSING

The right to property is, under French law, “sacred and inviolable”, and it is a constitutional right.<sup>66</sup> By contrast, the right to housing is not explicitly protected under the Constitution but guaranteeing it is recognized as a “duty of solidarity for the entire nation”.<sup>67</sup> Court rulings have confirmed that the right to housing should not be considered a fundamental right but only an “objective of constitutional value” (*un objectif à valeur constitutionnelle*).<sup>68</sup> These objectives do not constitute obligations to produce a certain result but they are only normative goals, and they are considered inferior to fundamental rights in the French hierarchy of norms.<sup>69</sup> The Constitutional Council (*Conseil Constitutionnel*) recently confirmed that the right to property (as defined under art 544 of the Civil Code)<sup>70</sup> is constitutional even in cases where it results in the forced eviction of unauthorized occupants.<sup>71</sup> As one lawyer working on cases of eviction noted “*On one hand we have the right of the owner which is sacrosanct in France and, on the other, human considerations which the judge must take into account. It is property against humans*”<sup>72</sup>

### 3.2 THE “ENFORCEABLE RIGHT TO HOUSING”

In 2007, an “enforceable right to housing” (*droit au logement opposable*, or DALO) was introduced into French law.<sup>73</sup> This provision allows those deprived of accommodation or who do not enjoy adequate housing, and who have undertaken steps to remedy this situation but have not received an offer adapted to their needs and capacity<sup>74</sup>, to apply to an adjudication committee which will decide on how urgent it is to allocate housing to the applicant and indicate the people who should be rehoused as a matter of priority to the prefect.<sup>75</sup> If the adjudication committee finds that the applicant should be granted housing as a priority, and if after 3 to 6 months<sup>76</sup> he or she has still not been so provided, the applicant can initiate proceedings against the State.<sup>77</sup> In this case the administrative court issues an emergency decision within two months and can order the State (the Prefect) to house or rehouse the applicant; the failure to do so may result in a penalty.<sup>78</sup>

The right to enforceable housing, just like access to social housing, requires the applicant to be a French national or a foreigner with regular immigration status.<sup>79</sup> However, the DALO, like French law in general, draws a distinction between housing (*logement*) and more temporary shelter (*hébergement*, see Chapter 3.3). Under the DALO procedure for shelter in one of the State’s temporary accommodation schemes, the DAHO (*droit à l’habbergement opposable*), there are no immigration requirements.<sup>80</sup> This means that Roma living in informal settlements in France, many of whom do not have regular status, can apply to the adjudication committee if they have applied for and have not been provided with accommodation.<sup>81</sup> If the adjudication committee finds that someone is to be granted accommodation as a priority, the Prefect must accommodate the person in a shelter, in

temporary housing, in a “logement-foyer” or a “résidence hôtelière à vocation sociale” within six weeks.<sup>82</sup> The adjudication committee must also decide if a social diagnosis should be made or whether social support should be provided by the department. If this person still has not received an offer suiting his or her needs and capacities within six weeks he or she can initiate proceedings in front of an administrative court, and the State (Prefecture) is also liable to a penalty.<sup>83</sup>

In practice, however, this procedure is difficult to access and does not provide a real alternative for most people facing eviction. Indeed this administrative recourse does not in itself constitute an application for housing or accommodation, it requires proof that previous applications have been made and it is a lengthy procedure with a low success rate. Housing specialists interviewed by Amnesty International noted that in practice, finding accommodation through the shelter component of this right to enforceable housing remained an exception<sup>84</sup>. A study by the follow-up committee on the implementation of the right to enforceable housing (*Comité de suivi de la mise en oeuvre du droit au logement opposable*) revealed that between 2009 and 2011, the rate of successful applications to the adjudication committee varied from 40 to 42%, that in the whole of France, the waiting time for the actual implementation of a decision to be granted accommodation was three months on average, and that in Ile-de-France, 4,129 people who had been designated to be granted accommodation as a priority by adjudication committees in 2008 still had not received any accommodation offer at the end of August 2011.<sup>85</sup> Moreover, this procedure is also affected by the general unavailability of emergency shelter in Ile-de France (see Chapter 3.2). A *sous-préfet* at the Seine-Saint-Denis prefecture told Amnesty International that even when the adjudication committee orders persons to be given accommodation as a priority, the shortage of accommodation mean that people are put on long waiting lists.<sup>86</sup> For many migrant Roma, a general lack of information on this administrative procedure, and practical barriers such as language prove to be additional obstacles.<sup>87</sup> In sum, for most Roma facing eviction from informal settlements, the DAHO procedure does not offer a meaningful avenue by which to seek emergency shelter.

### 3.3 THE RIGHT TO EMERGENCY SHELTER

Access to emergency shelter is recognized as a right under the Code on social action and families (*Code de l'action sociale et des familles*), which states:

“Every person without shelter in a situation of medical, psychological and social distress has access, at any moment, to a system of emergency accommodation”.<sup>88</sup> This right was upheld by the Council of State (*Conseil d'Etat*), which ruled in February 2012 that the failure by the State to implement the right to emergency accommodation recognized to every person without shelter and in a situation of medical, psychological and social distress, can constitute a serious and manifestly illegal infringement of a fundamental right when it entails serious consequences for the person concerned.<sup>89</sup>

According to the same code, once the person is in the emergency shelter, he or she must benefit from individualized assistance and be able to stay, if he or she wishes, until he or she is directed to stable accommodation or to housing adapted to his or her situation.<sup>90</sup>

In France people can exercise this right to emergency shelter by dialling an emergency shelter hotline, the “115”, through which people are usually accommodated in hotels. The

organization *Secours Catholique* – which provides assistance to marginalized and homeless people - told Amnesty International that it usually took hours to be able to reach the switchboard, that people were often asked to call back late at night, and that the right to remain in emergency shelter was not respected as the accommodation offer was only for a few nights.<sup>91</sup> Indeed in practice, this right to emergency shelter is difficult to enforce, due to the immense shortage of available places in Ile-de-France (see Chapter 4.3). Moreover, when it is provided, the emergency shelter offer falls far short of the international legal requirement of adequate alternative housing. According to Amnesty International’s research, Roma are only offered shelter for a very limited number of nights, families are separated, the hotels are often situated very far away from where people are living, these hotels are sometimes in poor conditions and people cannot cook or stay there during the day (see Chapter 4. 3). Finally, even in the best case, emergency shelter is only a temporary solution and thus does not constitute adequate alternative housing.

### 3.4 EVICTION PROCEEDINGS

When a building or a piece of land is inhabited by people without an authorization there are two ways in which they can be evicted. First, the mayor (*maire*) of the commune on which the building or land is located can issue an emergency eviction order if the building or the settlement poses an imminent threat to public order, health and security (*arrêté municipal*).<sup>92</sup> The second - and most commonly used - procedure is where the owner of the land, public or private, starts eviction proceedings against the people who are living there. The legal rules governing evictions are the same whether the owner is a public or private entity, but the competent court will be different: the administrative tribunal (*Tribunal Administratif*) is competent for land owned by a public entity, and when it is a private owner a civil court will be competent (*Tribunal d’Instance* when it is a building, *Tribunal de Grande Instance* for informal settlements). This section will focus on the second procedure where the owner initiates eviction proceedings before a court, and which are the types of evictions researched by Amnesty International in preparing this report.

When the procedure has been initiated by the owner, the eviction can only take place following a court order validating the owner’s demand for eviction.<sup>93</sup> The owner who initiates eviction proceedings can request an emergency procedure (*référé*) in which case he or she must show that there is no “serious” opposition to the eviction process or, even if there is, that a “manifestly unlawful disorder” will require that the court orders measures to put an end to it.<sup>94</sup>

The Cassation Court has held in January 2010 that proving the existence of a “manifestly unlawful disorder” requires a mere finding of an infringement of someone else’s right to property.<sup>95</sup> Lawyers working on cases of evictions of Roma told Amnesty International that, in their experience, this emergency procedure is always applied in cases of informal Roma settlements, as the unauthorized occupation of a plot of land is consistently interpreted to constitute a “manifestly unlawful disorder” by the courts.

## THE SUSPENSION OF EVICTIONS DURING WINTER

Under French law, evictions must not take place between 1 November and 15 March of the following year unless those concerned are provided with adequate housing which respects the needs of the family.<sup>96</sup> However, this rule does not apply when the people being evicted entered the premises “by illegal means” (*voie de fait*) or when the building they are living in has been issued an emergency eviction order. While there is no definition of “entering by illegal means” in French law and it is therefore unclear whether under the law, evictions of informal settlements can take place between 1 November and 15 March, evictions have been recorded by NGOs during the winter months.<sup>97</sup> According to international human rights standards, evictions should not take place in particularly bad weather (see Chapter 2.1). On 4 October 2012, the Defender of Rights wrote to the Prime Minister and demanded the suspension of operations of eviction of informal settlements during winter, namely from 1 November to 15 March.<sup>98</sup>

## 4. FORCED EVICTIONS OF INFORMAL ROMA SETTLEMENTS

### 4.1 THE LACK OF ADEQUATE CONSULTATION, INFORMATION AND NOTICE

Under international law and standards, states are obliged to provide information to affected people prior to evictions.<sup>99</sup> This should include information about the proposed use for the land, alternative housing options or compensation that may be offered, alternatives to eviction which have been considered by the authorities and information on how to legally challenge the proposed eviction. Such information is crucial to enable people to participate meaningfully in consultation.

“Genuine consultation” is required to ensure that evictions do not violate the right to adequate housing. Such consultation allows affected people to “propose alternatives that authorities should duly consider,”<sup>100</sup> and helps ensure that “that all feasible alternatives are explored in consultation with the affected persons, with a view to avoiding, or at least minimising, the need to use force.”<sup>101</sup>

Finally, when evictions do take place, states must provide those affected with adequate and reasonable notice prior to the date of eviction.<sup>102</sup> Any decision relating to evictions should be announced in writing to all individuals concerned, sufficiently in advance. The eviction notice should contain a detailed justification for the decision, including on: (a) absence of reasonable alternatives; (b) the full details of the proposed alternative; and (c) where no alternatives exist, all measures taken and foreseen to minimize the adverse effects of evictions.<sup>103</sup>

French law governing evictions does not provide for any consultation with those who are to be evicted, nor is this significant omission in law rectified in practice.<sup>104</sup> Inhabitants of Roma settlements who met with Amnesty International uniformly said they had never been consulted prior to an eviction.

While French law requires that the inhabitants of an informal settlement be notified of the initiation of eviction proceedings and of the decision by the court ruling on the eviction, neither state nor local authorities are required to provide the inhabitants of the camp with more information than this. Even in legal proceedings to evict inhabitants, owners are not required to – and often do not – state whether the land is to be put to any use. Not all the inhabitants living in informal settlements have to be notified of the beginning of eviction proceedings or of the subsequent court decision. Indeed, the proceedings often concern the person to be evicted along with any occupant “of his own free will” (*“tout occupant de son cheP”*), by which is meant someone who is sharing the unauthorized occupation, and whose occupation of the site is based on his or her ties with the person to be evicted.<sup>105</sup> As a result, some Roma living in informal settlements are not officially notified of eviction proceedings or decisions, rather they are only informed informally by other inhabitants of the settlement.

As for reasonable and adequate notice, French law stipulates that an eviction from a place which is the main dwelling of the person to be evicted can only take place after a period of two months following the eviction order.<sup>106</sup>

Once the two month period has passed, the bailiff in charge of implementing the eviction can request the intervention of the police in the eviction.<sup>107</sup> In that case, the bailiff must address his or her request to the Prefect. There is no obligation under French law for the prefect to notify the people who are to be evicted of the exact date of the eviction or of whether the police will intervene. One Prefect confirmed that in some cases this date is intentionally withheld in order to facilitate the eviction and reduce the chance of protest or violent resistance. He said *"we imply that there will be a date for the eviction, we try to find an agreement, usually it is the local police station...we are not transparent on dates, so that the police officers avoid working under the pressure of the media and NGOs. If we keep it secret, it is in order to make sure that the operation goes well. It is an operational issue; as long as we cannot proceed differently, we will go on like this."*<sup>108</sup>

Because people living in informal settlements tend to come and go following evictions from other settlements, or after having left to return to Romania, or for a number of other reasons, the composition of these camps often fluctuates during an eviction process. As a result, not all camp occupants are present during the commencement of legal proceedings or when evictions are ordered. Information is often acquired informally, leaving many residents unsure of their legal right to remain in the settlement, and for how long.

#### THE CASE OF NOISY-LE-GRAND

On 20<sup>th</sup> September 2012, Amnesty International visited the camp of boulevard du Mont d'Est in Noisy-le-Grand, where up to 200 Roma had been living for about two years. The settlement had been declared liable to eviction after 13<sup>th</sup> June 2012 by a court ruling of the *Tribunal de Grande Instance* of Bobigny. Inhabitants of the camp told Amnesty International that several police officers in civilian clothes had come to the settlement several times during the week and told people to leave. They reported that no written information was given to them, that they had not been consulted, and that no solution of emergency accommodation had been offered to them. Tedor, one of the eldest inhabitants of the camp said *"Neither the police nor the court accept any negotiation of any kind"*. Inhabitants of the camp said that



A woman prepares a meal near her home in Noisy-le-Grand, an eastern suburb of Paris, in June 2012. The camp has since been evicted. © Amnesty International

the only information they had regarding the exact date of the eviction they were expecting had been given orally by police officers. People living on this camp told Amnesty International that not knowing what was going to happen to them from one day to the next was very stressful and that many people had not slept for days. *"We are unhappy"* said Tedor, *"We are afraid because the police said they will use teargas, and they have during previous evictions"*. Inhabitants of the camp told Amnesty International that since the police had come to warn them of the imminent eviction, they simply stayed next to the fire night and day, when usually they would leave the camp during the day because some of them had cleanings jobs in restaurants nearby. *"If the police come we don't know where we will go, we will just take the mattresses and sleep on the street"* said Tedor.

The commandant of the Noisy-le-Grand police station confirmed to Amnesty International that officers had come to the camp to inform people that the eviction was imminent and that the police were going to intervene to implement the eviction order, but insisted that this was done informally in an effort to help the inhabitants prepare. He said the police did not know the precise date of the eviction, and would not until informed via telegram from the Prefecture.<sup>109</sup>

Regarding the need for alternative accommodation for these families, an official from the mairie of Noisy-le-Grand said that he did not know whether it would be possible because they did not have any spare emergency accommodation left. *"When it comes to the Roma, we are totally helpless. The only thing that the prefecture does in this regard is to send the police. Solutions will need to be found at the national and European level"* he said.<sup>110</sup>

On 8 October, in light of the 26 August circular, local NGOs and support committees were invited for a meeting at the Seine-Saint-Denis Prefecture to discuss best practice for operations to evict the unauthorized settlement of Noisy-le-Grand. Although local NGOs attended, the Roma inhabitants of the settlement themselves were not invited to the meeting. According to a support committee member who attended the meeting, no precise date was given for the planned eviction.<sup>111</sup>

A week later, on 15 October 2012 at 8am, the informal settlement of Noisy-le-Grand was evicted.<sup>112</sup> About ten police vans circled the camp and gave an hour to the inhabitants to gather their belongings. The 150 Roma still living in the camp at that point, including 60 children, were not offered alternative housing solutions and were rendered homeless.<sup>113</sup> Residents camped outside the town hall all day, but they were not received by the Mayor and were not provided with any help on where to shelter. According to support committee members, on 16 October, after having spent the night in front of the city hall, they were pushed away by the police to the next commune, Champs-sur-Marne. Residents of the Noisy informal settlement eventually split, and on 23 October, the situation was that some groups had been sheltered by private individuals or NGOs, and others had found other places to settle. The local authorities had not offered any accommodation solution.<sup>114</sup>

#### THE CASE OF MIHAELA AND BOGDAN

Mihaela, a 44-year-old woman and Bogdan, a 46-year-old man from Buzău, Romania, spoke to Amnesty International delegates in June 2012 in the informal settlement in which they had lived for a year, in Porte de Paris. The building they had previously been living in had been destroyed to build new apartments in 2011. Following their eviction from that building,

they had been offered five nights in a hotel, but with no other options available after that, they came to live in the camp in Porte de Paris.

They said that others in the camp had told them that the previous week, two men from the court had come to give written notice to those present and whose names they had, that the camp residents had two months to leave. Mihaela and Bogdan were not in the camp at the time and thus were not given written notification, but had heard that others had. They said that with some luck they hoped to be able to stay longer, but expected that they would have to leave after two months.

As to their plans when and if an eviction did take place, Mihaela said, *"We'll have to look for another place like this, where there are other people, so we can have a home, a roof over us."*

The Porte de Paris camp was evicted on 13 September 2012.

#### THE CASE OF CONSTANTIN

Constantin, 39, has been living in France for twenty years, during which time he was evicted on average twice a year, and was expelled to Romania three times. He had been living for eighteen months with his wife and two children in an informal settlement in La Courneuve which was declared liable to eviction as of 11 July 2012 by the *Tribunal de Grande Instance* of Bobigny. Amnesty International delegates met him on 21 September 2012, three days after a bailiff had given him an immediate order to leave the premises (*commandement de quitter les lieux*), after which he says police officers repeatedly came to the settlement to tell them to leave and that the eviction would happen on 1 October. According to him, there was no consultation of any sort. *"There is never any consultation. It is the bailiff who comes, and the next people we see are the police officers"* he said.<sup>115</sup> Constantin and his family left the informal settlement they had been living on for about 18 months on 30 September 2012. He had been told by the police and officials from the Prefecture that the eviction would happen on 2 October.

## 4.2 THE INADEQUACY OF LEGAL REMEDIES

#### OBSTACLES TO LEGAL AID

While French law provides for the provision of legal aid to those unable to pay in cases such as eviction,<sup>116</sup> in practice legal assistance is difficult for many people in informal settlements to access, and is generally only obtained in cases where interlocutors such as a volunteer support committees of concerned local residents exist or other volunteers provide assistance to the inhabitants.

Lawyers interviewed by Amnesty International said that when they represent Roma facing eviction proceedings it is always through a support committee or an NGO. Bureaucratic obstacles, in a system and language with which many migrant Roma are often unfamiliar, prevent many migrant Roma from even applying for legal aid.

*"The support committees fill in the forms to apply for legal aid, they go to the camps, ask everyone for their identity cards. It is a lot of work. When there is no support committee they are evicted, period"*, said Julie Launois, a lawyer who regularly represents Roma facing eviction and expulsion from France.<sup>117</sup> Since lawyers are rarely in direct contact with people

in the camps and they lose track of them as a result of repeated evictions, *“in the camps where there is no committee, there is no help,”* added Julie Launois.

The organization *Secours Catholique*, which provides assistance to marginalized and homeless people, drew similar conclusions: *“Whenever there are requests for them to exercise their rights, it is because there are organizations or support committees helping them.”*<sup>118</sup>

#### INABILITY TO ENFORCE THE RIGHT TO ADEQUATE HOUSING DURING EVICTION PROCEEDINGS

When an eviction procedure has been initiated by a property owner, the eviction can only take place following a court order.<sup>119</sup> However, French law does not enable people to enforce their right – under international law - not to be forcibly evicted. According to Amnesty International's research, in general courts do not treat the failure to adhere to France's international legal obligations regarding evictions - such as failing to provide genuine consultation with inhabitants or the fact that a proposed eviction will render occupants homeless - as grounds not to order an eviction.<sup>120</sup>

What a judge can do is grant the inhabitants more time before the eviction, but no longer than one year. The judge ruling on the case can reduce or extend that period depending on the circumstances of the case. For instance, if the persons evicted entered the premises unlawfully, the judge can reduce or remove that period, or if the eviction would have exceptionally harsh consequences on the persons evicted, for instance because of the weather conditions, the judge can delay it for a maximum of three months.<sup>121</sup> Indeed, French law provides that where an eviction has been ordered by a judicial decision, the judge can grant renewable periods for the occupants of residential premises “wherever the rehousing of those concerned cannot take place in normal conditions, without the occupants having to produce a deed justifying their occupation”<sup>122</sup>. Those periods must be between one month and one year, and to establish them the judge takes into account factors such as the situation of the occupant and of the owner respectively including their age, health conditions, family situation, the weather conditions, and the steps the occupant has taken in view of his or her re-housing.<sup>123</sup>

On occasion, migrant Roma facing eviction, and who have been able to secure legal representation, have attempted to advance legal arguments against their eviction based on France's international human rights obligations, but have not generally been successful. For example, residents of an informal settlement in Noisy-le-Grand (see Chapter 4.1) sought to contest their eviction by invoking their rights under the European Convention on Human Rights, the Convention on the Rights of the Child, the European Social Charter and the Universal Declaration of Human Rights. Their eviction was nonetheless ordered.<sup>124</sup> As the judgment ordering the expulsion of an informal settlement near Porte de Paris put it, “neither the respect for their private life, nor the right to lead a normal family life, nor the interest of children who live in these places, can remove the manifestly illegal character of the disorder constituted by the unlawful occupation which violates the applicant's right to property, in conditions that pose serious threats to security and public health”.<sup>125</sup>

In practice, the best that people in informal settlements may hope for from legally challenging an eviction request is for a delay to their eviction, or for an eviction request to be rejected on procedural grounds, at which point it will typically be brought anew. As an

example, the Court of Appeal of Lyon once refused an owner's request to expedite an eviction because, *inter alia*, the inhabitants had not been consulted or offered alternative accommodation. However, the Court did not order these defects to be remedied, rather it only maintained the previously ordered six month delay for the eviction.<sup>126</sup>

"We win on procedural points, on details, on errors. We can make certain settlements hold for years, but it is never out of recognition of people's rights" said Grégoire Cousin of the European Roma Rights Centre (ERRC). "When no more delays can be granted, we run out of legal weapons" said Camille Magdeleine, a lawyer representing Roma living in an unauthorized settlement in La Courneuve.<sup>127</sup> When asked about the best-case scenario, Julie Launois said "People stay. Until others manage to kick them out".

## SUCY-EN-BRIE: "WE CAN STAY UNTIL ANOTHER DECISION IS TAKEN AND WE HAVE TO LEAVE"



Family awaiting a court decision on their eviction from a camp in Sucy-en-Brie, France. © Amnesty International

Around 30 Roma from the same family, including many children, from Bucharest, Romania, have lived in a disused warehouse site in Sucy-en-brie, a town in the southeast of the Paris region in the Val-de-Marne department (94), since October 2011. The family has been able to make many improvements to the abandoned warehouse space, where they have the support of a voluntary support committee. They worry that following an eviction, they will be rendered homeless, and forced to start again, likely in worse conditions.

In February 2012 the *Communauté d'Agglomération du Haut Val de Marne*, the public institution which owns the land and in which the families were living, represented by its President, initiated emergency proceedings before the *Tribunal d'Instance de Boissy Saint Léger* seeking the eviction of the families living in the warehouse. The *Communauté d'Agglomération* requested their immediate eviction, calling on the judge not to grant them the two months period provided by the law regulating evictions (Art 62 of the law of 9 July 1991). With the assistance of a volunteer support committee, the family were able to secure legal representation to challenge the eviction.

On June 7, 2012, the day a decision on their eviction was due, many members of the family gathered at the court house in Boissy Saint Léger, along with Amnesty International delegates, members of the support committee and local press. They told Amnesty International that had nowhere to go if they were evicted. They waited outside to receive word until finally it was announced that the court had rejected the case initiated by the *Communauté d'Agglomération du Haut Val de Marne* on procedural grounds - that the act by which the *Communauté* mandated its president to represent it in these proceedings was not valid. The court therefore did not examine the substance of the case.<sup>128</sup>

For the family, it was a partial victory. Since the eviction was denied on procedural grounds, the owners were free to bring a new request. The family said that while they were relieved that they were not being evicted immediately, they knew their eviction was still only a matter of time.

*“We are very happy. We were expecting to be evicted after ten or fifteen days”, said one of the inhabitants. “We can stay for some time, two or three months, until another decision is taken and we have to leave. But we are very happy, for now we have a stable place”.*

As to the future, they said they hoped to find another place to live, as they knew there were plans for the piece of land on which they were living and that they would not be able to stay.<sup>129</sup>

#### THE RIGHT TO APPEAL

People whose eviction from informal settlements has been ordered by a court face challenges in appealing against these orders. Such eviction cases are usually brought under emergency procedures, which shortens the deadline for appealing against an eviction order from one month to 15 days.<sup>130</sup> A more serious obstacle is that appeals against decisions under the emergency procedure do not have suspensive effect.

Once they have been evicted, even if on appeal the original eviction order is found to be illegal, it has little impact on the situation of inhabitants of informal settlements. According to lawyers interviewed by Amnesty International, courts rarely issue orders authorising those evicted to return the property in question. For instance, in a judgment of 21 September 2011, the Tribunal de Grande Instance of Bobigny ruled, in an emergency procedure, that the order to evict an informal settlement on a piece of land belonging to the department of Seine-Saint-Denis, following a non-adversarial procedure (*ordonnance sur requête*, see endnote 94) should be retracted because the department of Seine-Saint-Denis had not established that there was an emergency, nor had it proved that it had been impossible to identify the occupants of the land. However, the inhabitants had already been evicted, and despite this finding, the *Tribunal de Grande Instance* ruled that the piece of land belonging to the department had been occupied illegally by 472 people in “unsatisfactory material and sanitary conditions”, and that therefore “the *juge des référés* cannot authorize the return to a situation which constituted a manifestly illegal disorder”.<sup>131</sup>

As one lawyer working on this type of case noted, “*There is indeed a huge limit to the effectiveness of the remedy because of the non-suspensive character of the appeal. People are expelled and not reintegrated whereas a breach of the law has been acknowledged by the judge...*”<sup>132</sup>

#### POST-EVICTION REMEDIES

Under international human rights law, where forced evictions occur, states must respect the right to reparations, which includes restitution, rehabilitation, compensation, satisfaction and guarantees of non-repetition.<sup>133</sup>

Under French law, victims of forced evictions do not receive adequate reparation. Where an eviction is found to have violated French law, as noted above, restitution is not provided. In addition, compensation for evictions found to be in violation French law also appears to be exceedingly rare.<sup>134</sup>

### 4.3 THE FAILURE TO PROVIDE ADEQUATE ALTERNATIVE ACCOMMODATION

According to CESCR General Comment 7:

"Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available."<sup>135</sup>

Migrant Roma families living in informal settlements in Ile-de-France routinely find themselves homeless following an eviction, as alternative accommodation is not systematically offered. As a result, when they have been rendered homeless, Roma can try to secure emergency shelter by dialling 115 or search for another site on which they can settle, often on the territory of the same commune or department, and often only until they are evicted once again.

#### THE SHORTAGE OF EMERGENCY SHELTERS

Access to emergency shelter is recognized as a right under the Code on social action and families (*Code de l'action sociale et des familles*), described above (see Chapter 3.3). However in practice, this emergency shelter, accessible by dialling 115, falls far short of the international legal requirement of adequate alternative housing. Problems with the public emergency shelter service are well documented. Government officials who spoke to Amnesty International confirmed the inability of the system even to provide temporary shelter to those in need<sup>136</sup>, a fact confirmed by international legal decisions.<sup>137</sup> NGOs working with homeless people noted numerous difficulties for individuals seeking emergency accommodation through calls to 115: long waiting periods to reach the switchboard, accommodation provided very late at night and in remote locations and the temporary nature of the stay even when the people have no alternatives.<sup>138</sup>

According to a study by the *Fédération nationale des associations d'accueil et de réinsertion sociale (FNARS)*, a network of 850 organizations and public bodies that provide assistance to destitute people, of requests for emergency shelter via the 115 hotline and the responses to those requests in 37 departments throughout France during the winter of 2011-2012 (November to March), only half of those requesting emergency shelter were provided with a place. According to that study, the success rate of requests for shelter via the 115 was smaller for foreign nationals than for French nationals. Indeed, the survey revealed that "69% of the requests from EU nationals (amongst them a majority of Romanians) and 54% of requests from non-EU member States were not provided with emergency shelter that winter, compared to 43% of requests from French nationals". According to this study, in the course of the winter 2011, 41% of the people who dialled 115 were French nationals, 29% were from outside the EU, 8% were from the EU and for 22% of them, nationality was not noted down.<sup>139</sup> The study also highlights that in most cases the accommodation provided is only for one to three nights, following which the people are sent back to the streets and obliged to call 115 once again.

A follow-up study by the same organization reveals that the situation worsens in summer, for example in July 2012, 70% of the demands for accommodation registered in the 37 departments studied, did not result in the provision of accommodation, and in 72% of cases this was due to a shortage of available accommodation. Finally, the study shows that in 49% of cases, people were only offered accommodation for one night.<sup>140</sup>

The inadequacy of emergency accommodation deters many Roma families from using the 115 service or leads them to decline accommodation offers when these are presented to them. The offer of emergency accommodation upon eviction was not systematic, according to interviews of Roma who had been expelled from settlements in Ile-de-France. The majority of Roma living in informal settlements met by Amnesty International said that their calls to the 115 service did not meet their request, that when an offer of emergency accommodation was made to them it was only for a very limited number of nights, that they often could not cook in these hotels where hygiene was sometimes a problem and where they were often not allowed to stay during the day. Roma reported that the most important problem with regards to these emergency accommodation offers was that they are often very far away from where they had previously been living.

Ioana, who has had a residence permit for ten years and has two children going to school in Bobigny, left the informal settlement where she had been living for the last eighteen months in La Courneuve 30 September 2012, because the inhabitants of this camp had been orally informed that the eviction ordered by the *Tribunal de Grande Instance de Bobigny* on 11 May 2012 was going to be implemented on the 2 October. She reported that she had called 115 every day since, and had obtained accommodation in a hotel in Sarcelles, but only for three nights. On 22 October, three weeks after she had left the camp, she told Amnesty International that she had continued to call the 115 service every day, and that every day she was called back at 10.30pm and informed that there was no emergency shelter available. Since they left the informal settlement, the Roma families from this camp had been sleeping in a parking lot in La Courneuve.

#### VILLAGES D'INSERTION

So-called “integration villages” (*villages d'insertion*) are often discussed as a potential solution to the housing crisis faced by Roma migrants in France. Similar projects have been undertaken, with varying degrees of involvement by state and local authorities throughout the greater Paris region, and elsewhere in France.<sup>141</sup> However, the establishment of these villages is a discretionary, *ad hoc* practice which is neither required by law, nor generally offered as alternative housing following evictions from informal settlements.

These projects take numerous forms and names<sup>142</sup>, and vary considerably in their conditions and regulations, as well as in the services they provide to occupants. At their best, some of these projects do provide markedly better housing conditions for many Roma who previously lived in informal settlements, including such basic services as plumbing, electricity, heating and rubbish removal.<sup>143</sup> Many also facilitate – and indeed require – that children attend school, and with the aid of associations, provide professional training and social support to residents. Importantly, for as long as they last, and often subject to conditions, such projects provide a degree of security of tenure to inhabitants, suspending the threat of forced eviction.

However, many of these villages have proven controversial, especially as to restrictions on the exercise of occupants' rights demanded by some village as a condition of residence. These include restrictions on visits and restrictions on family life, such as the right to have spouses or other family from outside the village reside with family inside.<sup>144</sup> There are also concerns that such villages, while intended as short-term solutions, may result in long-term segregated housing.

Another criticism of many such villages relates to the selection criteria aimed at ensuring that those thought by local authorities to be most able to integrate into French society are given priority.<sup>145</sup> For example, in Orly,<sup>146</sup> a village was established to house a maximum of 80 people taken from the population of an informal settlement in Orly that had recently been destroyed by fire, and another existing informal settlement in Villeneuve-le-Roi. Those not selected for the village were evicted and their informal settlements dismantled. According to an official at the town council (*mairie*), "*For sure the criteria were arbitrary, we defined them ourselves...we had been limited to 80 people,*" he said. "*I'm not sure what happened to the rest, the others there, I have no idea. I can't say. Some of them agreed to leave without any argument.*"<sup>147</sup>

In Montreuil, in Seine-Saint-Denis, a village was established following a fire in a squat in 2009 that left about 250 Roma homeless. The *mairie* decided to house all of those in need without selection criteria. As a result, at the time of Amnesty International's visit in June 2012, the population of the village had reached 370. While children born into the village are allowed to remain, those who marry a non-resident must leave, and any new family members arriving from elsewhere are not admitted.

The *mairie* in Montreuil however, expressed frustration at what they perceived as an unfair burden on their resources. They feared that word of the possibility of better living conditions in the integration villages would prompt more migrant Roma to settle locally in informal settlements, potentially requiring additional expenditures from the authorities. Officials told Amnesty International that "*the mairie will not spend one cent more than what it is spending on the 350 people in the project. We refuse to support the others. We do not have the budget for it.*"<sup>148</sup> Similarly, the *mairie* in St. Denis, which has several integration village projects, urged that a regional approach was needed and complained that a proposed round-table meeting to find regional housing solutions had been cancelled and was yet to be rescheduled: "*Everyone must do their part: the local authorities, the State, the organizations.*"<sup>149</sup> Local officials also complained that the creation of these villages led to tensions with neighbours, some of whom opposed the use of funds on people they perceived as "lawbreakers."<sup>150</sup>

Finally, many of the integration village projects are temporary in nature<sup>151</sup> and therefore run the risk that despite the stated aim of integration, residents may again find themselves homeless after the projects terminate. There is also a risk that if these villages were to become permanent, rather than temporary solutions, they could foster long-term segregation in housing for many Roma.

#### LIVING CONDITIONS IN INFORMAL SETTLEMENTS

Conditions in informal settlements around Paris in which many migrant Roma live are often extremely poor. Housing in the settlements ranges between caravans, often in a poor state of repair, and simple camping tents, which sometimes house entire families. The most common forms of shelter are makeshift shacks, made from wood and other gathered materials. Most settlements visited by Amnesty International lacked toilets or rubbish collection, and were situated far from the nearest source of water, which people often said was unsafe for drinking. Electricity, where it was available, was not provided by the state, but was improvised by the inhabitants.

As the Commissioner for Human Rights of the Council of Europe noted following his visit to France in 2008: “Most Roma groups in France live in squalid, shanty towns, often without access to water or electricity, as the Commissioner found during his visits. Rubbish is collected only sporadically. Hygiene conditions are often deplorable. Some camps do not even have toilets. According to a survey conducted by Médecins du Monde, about 53% of Roma live in caravans, many of which are not mobile, 21% in converted squats and 20% in huts. In his 2006 report, the Commissioner had already voiced alarm about such conditions. The general situation does not appear to have improved. These appalling living conditions must therefore be brought to an end.”<sup>152</sup>

Housing conditions and other aspects of the right to adequate housing, in informal Roma settlements in France have also been condemned by the European Committee of Social Rights.<sup>153</sup> (see Chapter 2.2)



Containers used for collecting water in Noisy-le-Grand. Many camps are located far from the nearest source of water, © Amnesty International.

The camps and squats visited by Amnesty International delegates varied in their size and degree of availability of services, but what they all had in common was the extreme risks posed to the health of the inhabitants due to the absence of or inadequate access to running water, toilets, rubbish collection and often to the presence of rats. For instance in the camp visited in Triel (Yvelines), the closest place to collect water was two kilometres away.

During Amnesty International’s visit, many of the people interviewed were particularly concerned about the fact that lack of rubbish collection meant that rubbish was accumulating in the heat, very near to where they prepared and ate food. Cristinel, a resident of the settlement in Noisy-le-Grand (see Chapter 4.1), where, inhabitants had, to no avail, been lobbying for rubbish collection with the assistance of volunteers, explained: *“The children ask questions about the conditions here, the treatment we receive, and we say that*

*maybe it will be better in the future, that the problems will be solved... Maybe things will get a tiny bit better, a tiny bit better... We eat here, next to the rubbish, risking our children's lives... At eight years old they see our problems, they see how we are stressed".*

*"The poor hygiene in many camps inevitably results in significant health concerns". Dorinela Lucas, from Médecins du Monde in the Seine-Saint-Denis, told Amnesty International: "We would like to work on developing health education, so we should also work with the communes so they at least put a tap, collect the rubbish, otherwise there is no point... It is difficult to promote hygiene and health when the minimum conditions are lacking".*

*"For water they can still manage, but rubbish is the first impact, it is visual. For drinking they buy water. For washing clothes, washing-up, they go to fetch water from parks, cemeteries, fire hydrants, schools. Rubbish quickly leads to rats, and where there are rats the children can be bitten and then there can be infections. There are also many bladder infections amongst the women as they don't drink enough and can't wash", Dorinela Lucas said.*

The poor conditions in the informal settlements were one of the most frequently cited grievances of residents there. *"At least we want water, electricity, so that we can live in a clean place [...] I want to live on a piece of land where there are rubbish bins, and water even if it is a bit far, we don't mind, we can go and get it. We just want things to be a little bit better. We don't want to live in this misery anymore. We too like to live in cleanliness,"* Teodor, a resident in an informal settlement in Noisy-le-Grand, told Amnesty International.



Woman washing dishes near uncollected rubbish in Noisy-le-Grand. © Amnesty International

Often residents of the informal settlements expressed their sense of shame at the conditions in which they lived. Felicia, who lives in a warehouse without bathrooms in Sucy-en-Brie (described above), is sometimes able to use the showers in the homes of members of the volunteer support committee. She told Amnesty International, *"I feel embarrassed to go to*

*other people. But we cannot stay dirty (...), how can one stay without washing?"* As Lenin, a resident in another informal settlement in Triel noted regarding residents' inability to maintain personal hygiene: *"when we sit on a train or a bus, people don't sit next to us."*

#### FORCED EVICTIONS EXACERBATE POOR HOUSING CONDITIONS

The poor state of many informal settlements, along with the attendant risks to health and safety that these pose for inhabitants, are often cited as a reason to evict camps. To be sure, these conditions do pose risks to health and safety in many cases, however, forced evictions almost inevitably result in worse living conditions for the inhabitants. Victims of forced evictions are very rarely offered any adequate alternative housing and as a result are often rendered homeless and lose many of their belongings. They are forced to establish new settlements on available land and to establish a new shelter and access to water. Often, links with organizations providing health services or other assistance are severed, and access to education is rendered more difficult.

Maria, 50 years old, was sleeping in a tent in an informal settlement in Ris Orangis following a forced eviction from Evry in August 2012 when Amnesty International delegates met her on 20 September 2012. She said: *"We don't know how long we will be able to stay, this is why we don't build shacks, it is hard work for nothing"*. Anton, another inhabitant of the settlement in Ris Orangis said *"In Evry, we were sleeping in shacks, now it is tents. It is the Secours Catholique who gave us tents, but the mairie, not even a bottle of water"*. *"If we came here, it is to have a future, not to be chased from one camp to another. In Romania we cannot live, there is no work for the Roma"* he added.<sup>154</sup>

Public officials who spoke to Amnesty International cited health and safety risks as a reason to evict informal settlements.<sup>155</sup> This justification has also been used in legal proceedings around evictions. For instance, the Tribunal de Grande Instance de Bobigny, in ordering the eviction of an informal settlement in Noisy-le-Grand, argued that *"this occupation without authorization of private land destined to be developed and which, moreover, poses risks for the people in terms of security, hygiene and public health, constitutes a flagrant violation of the right to property by illegal means (voie de fait) and represents a manifestly illegal disorder which must be stopped."*<sup>156</sup>

However, forced evictions, even where they put an end to identified risks to health or safety, also bring about others, often worse. For example, a group of 26 Roma, including seven children, who had been expelled from Orly in early September 2012, had resettled directly above the A86 highway near the shopping centre of Belle-Epine in Thiais when Amnesty International delegates met them on 22 September 2012. The informal settlement immediately overlooked the highway lanes, with only a few bushes but no fences separating the two.

Carmen is 27 years old, she has one son aged eight and one daughter aged four. Previously, she had lived in a makeshift cabin in Villeneuve-le-Roi. That camp was forcibly evicted on 11 September 2012, after which she was offered two nights of emergency accommodation in a hotel. <sup>157</sup>She had to leave most of her belongings on the site of the former settlement because the police did not let her fetch her effects during the eviction operation. She said they had to walk for hours with her children and luggage to reach the hotel, which was situated kilometres away from the nearest station. Because it was so far away from where she

used to live, she only stayed one night, and when Amnesty International delegates met her on September 22, she was living in a small, two-person tent with her husband and two children in an informal settlement in Champs-sur-Marne. There was no access to water or toilets on the camp, and none of the children were registered in school. On 16 October 2012, a bailiff was sent to distribute a court summons to the inhabitants of the settlement, as the Prefect of Seine et Marne requested the eviction of this parcel which belongs to the private domain of the State. The hearing is scheduled for 7 November 2012 in the *Tribunal de Grande Instance* of Meaux.



Tent in which Carmen lives with her husband and two small children following recent eviction, © Amnesty International.

#### REPEATED FORCED EVICTIONS

*"It's very hard to move from place to place. We can't even stay for a bit. As soon as I hear I'm going, it's like, I feel my heart ache"*

Maria, Roma woman living in a warehouse in Sucy-en-Brie

Most of the Roma with whom Amnesty International spoke in camps across the Ile-de-France, particularly those who had been resident in France for a few years, had been forcibly evicted repeatedly. For the most part, after each of these evictions, they are left homeless and with no option other than to set up a home in another unauthorized settlement, which in turn over time may also be subject to forced eviction.<sup>158</sup> Often, those evicted face worse conditions when they attempt to establish new settlements. Additionally, since following evictions people often seek out more remote locations in an attempt to avoid the attention of authorities, access to water, education and other necessary services can become more difficult.

## VASILE AND EMILIA

Vasile and Emilia came to France roughly ten years ago from Arad, Romania, in search of work and a better future for their children, Violeta (19) and her 11 year-old younger sister. Violeta was eight months pregnant at the time of the interview on 12 June 2012. They said they could no longer remember exactly where and how many places they had lived in France. They had lived in and had been evicted repeatedly from camps in greater Paris, including La Courneuve, Bobigny, Aubervilliers and elsewhere near the Stade de France. Vasile and Emilia said they and their daughters had lived in a camp next to the mairie in Aubervilliers for three or four years until they were forcibly evicted, when the land was used to construct a hospital or some other large building. Their older daughter Violeta remembered that during this period they had had to sleep on the street and in parks for several weeks, during which time they were exposed to bad weather such as rain and snow. They said they then lived on a settlement near the Stade de France for another three years, and when they were evicted from there they were not offered any alternative housing and were left with no option other than to sleep on the streets for one month.



Camps, like this one on between the Avenue du Président Wilson and the Autoroute du Nord (A1) in Saint-Denis, are often set up in places that are hidden from plain view. This camp was evicted on 13 September 2012.

The family told Amnesty International that in their experience of several evictions, representatives of the state had only ever come to the camps when it was time for an eviction, and never to explain why they had to leave or ask them about their situation.

Emilia said: *“We just want a suitable place to live. Then we can manage, we can sell iron or cables in the street. All we want is some water, toilets, just enough to live. If we could have electricity we would pay the bills”* Vasile agreed with Emilia saying: *“We are aware that it is not legal for us to be here, but we have no rights, we are not in the same situation as other people, we can’t go to work. We just have no options.”*

When Amnesty International spoke with Vasile and Emilia, they were living in an informal settlement on the north side of the Canal Saint-Denis, accessible by a stairway from the Avenue du Président Wilson, by a slip road leading onto the Autoroute du Nord (A1). The camp was hidden among trees located between a fenced off

sports pitch and the highway, and was made up of about 35 – 40 makeshift homes. The family had been living there for about a year, and at the time they spoke to Amnesty International, had been served an eviction notice ordering them to leave two months hence, on August 7, 2012. Regarding the looming eviction, they said their plan was to follow the rest of the inhabitants of the camp and go wherever they could find a place.

Violeta – the eldest daughter of Vasile and Emilia – was eight months pregnant at the time. Her pregnancy was a source of great concern to the family in light of the anticipated eviction. *“It is very humiliating,”* said Vasile, *“Look at my daughter, she is pregnant, soon she will give birth here, amongst the rats.”* *“The dirt, the germs [...] A newborn child does not have the resistance we have”*, Violeta and Emilia said, and added that they had contemplated leaving the child at a French hospital. Violeta, for her part, said: *“When I go to give birth, I can’t live with a child like this, in these conditions. I’d like to give my child a house, for my family, to be able to live with my child, because I can’t live like this.”* She said she was contemplating giving up her child because of the constant threat of eviction, because her husband was not able to work, and because they would not be able to offer the child the conditions he or she would need.

On 13 September 2012, the camp where Vasile and Emilia lived was evicted.

## **“WE ARE EVICTED FROM EVERYWHERE, WE HAVE NO HOME”: SONIA’S STORY**

Sonia, a 32-year-old Romanian woman, was living with her three sons aged 15, 13 and three months and her parents, in an informal settlement across the Canal Saint-Denis from Vasile and Emilia (above) when Amnesty International met her on 17 June 2012. The youngest of her children was born in France.



Camp in which Sonia lives near the Stade de France, Rue Ambroise Croizat, Saint-Denis. © Amnesty International

Sonia came to France in 1989, when she was nine years old, with her family, fleeing poverty and discrimination in Romania. They arrived in Argenteuil. Then, like today, they lived in makeshift shacks and were evicted repeatedly. She estimated that on average they stayed between five and seven months in each

place. Sonia said she never went to school in France, but that she was taught by teachers who came in vans, to teach the children in the camps.

When she spoke with Amnesty International in June 2012, Sonia had been living in the camp on Rue Ambroise Croizat near the Stade de France for six or seven months. Prior to that Sonia said that in 2009 she and her family had lived with about twenty or thirty other people under a bridge in Saint-Denis, from where she said they were chased away three times by the police, but they returned because, she said, they could not stay in the street. From there, they moved to a camp in Bondy (also in the Seine-Saint-Denis department and north east of central Paris), where they lived for almost two years until the police evicted them. She said around 200 people lived in that camp, including many children. She said the police just told them to leave, but that they were offered no alternative accommodation. She said that after they left, the police destroyed all the shacks. Sonia said she didn't call the phone number 115, for emergency shelter (see Chapter 3.3 and Chapter 4.3) because someone she knew had been given a hotel room but had to change from one hotel to another frequently. *“With three children, and luggage, I can't do that”,* she said.

Sonia's children's education has been interrupted due to their repeated evictions. Her son C. had had to go to three different primary schools, forced to change school each time because of the evictions, and each time having to live further away from the school, which took a toll on his attendance. Sonia said that when they lived in Bondy, C. had to take a tram to go to school, but he did not have enough money to pay for his ticket. So whenever there was an inspector he got off the tram, and then he was late for school. She said that as the school gates closed at 8am, if he arrived later than that he would come home. C. stayed in that school for no more than one month. Sonia said there was a school that was closer to where they lived in Bondy, but that when she went to register her children at the *mairie* she was asked for a proof of address, which, since she lived in an informal settlement, she was unable to provide.

As a result of these difficulties registering at schools, and re-registering after evictions, along with the bullying and discrimination they have experienced at school, Sonia's sons have stopped attending school. *“I feel very bad that my children stopped going to school,”* said Sonia, *“I don't want them to beg. I beg, and I don't want that for my children.”*

*“Because without work, it's as if you were dead”,* she said.

*“Honestly, I'm not sure anymore about staying in France,”* said Sonia, *“The situation is getting worse. We are evicted from everywhere, we have no home, no conditions to live in. I wish there would be no more racism here...you mustn't put everyone in the same basket. Since I am in France, I can see it is getting more and more difficult. People, the police, they look at us differently, they avoid us. We rarely meet people who want to talk to us.”*

Sonia and the other camp residents said that they did not know who the owner of the land on which they lived was, and that they had not been served with any legal documents regarding it to date. She did not know how long they would be able to stay on this site. At the time of writing, the informal settlement on the south bank of the canal Saint-Denis had not been evicted.<sup>159</sup>

## 5. INCREASED VULNERABILITY TO OTHER HUMAN RIGHTS VIOLATIONS

### 5.1 THE IMPACT OF FORCED EVICTIONS ON HEALTH

The already precarious living and health conditions Roma in the Ile-de-France region live in are often made worse by the evictions they face on a regular basis, as noted by health organizations working closely with Roma communities like Médecins du Monde and PU-AMI (*Première Urgence-Aide Médicale Internationale*). Evictions not only perpetuate a lack of adequate housing but also interrupt treatment provided by health organizations to people living in camps.

*"[The evictions] have an impact because we lose track of people, we have difficulties finding them again, it takes us time, and in the meantime the treatments are interrupted, the follow-up is interrupted, the pathologies get worse, we end up with people going to the emergencies, which is a cost for the medical insurance. We try to work early on to avoid this, but the evictions always have an impact",* said Dorinela Lucas from Médecins du Monde in the Seine-Saint-Denis. She said the evictions also had an impact on the work of mediation Médecins du Monde carries out with the people living in camps. *"Accompanying people towards structures of Maternal and Child Protection (Protection Maternelle et Infantile, PMI), introducing them to contacts so that there is a real follow-up with health professionals - when they move to another commune or department, it is over, everything has to be done all over again",* she said.

When asked about the consequences of repeated evictions, delegates from PU-AMI, a health mediation organization, said *"in terms of medical care, it is a disaster. They lose all their medical records in evictions, and we have to start all over again"*. They told Amnesty International that facilitating access to health was a long term job which required trust-building, and that evictions destroyed all their efforts, especially with pregnant women who were often difficult to convince to go to pre-natal care structures. *"Accompanying these families is like looking for a needle in a haystack, especially because lately, with the attention they get, they tend to spread out"* said Hélène Trachez. *"Repeated forced evictions are disastrous, they trigger a real sense of powerlessness and discouragement in those who work daily with Roma families"* said her colleague, Martin Favreau.<sup>160</sup>

The threat of evictions is particularly problematic for effective vaccination campaigns. For instance in a camp in Noisy-le-Grand (described above) which faced eviction as of mid-June 2012, cases of tuberculosis were diagnosed shortly before the date as of which the eviction was authorized to take place. A screening campaign was carried-out by the Conseil Général<sup>161</sup> but there was no formal suspension of the eviction proceedings until the screening and the vaccinations that followed were completed. According to Médecins du Monde, the Conseil Général asked the prefect for the eviction to be suspended, and the prefect agreed, but Médecins du Monde said that the agreement was informal and that no written engagement was issued. Livia Otal, the coordinator of the Roma mission of Médecins du Monde, regretted

that police officers started coming to the camp to ask people to leave the day after the end of the screening campaign. *“The end of the screening campaign is not the end of medical care, the aim is to be able to treat people”* she said.<sup>162</sup> The Noisy settlement was evicted on 15 October 2012.

A study by the regional health observatory of Ile-de-France (*Observatoire Regional de Santé d’Ile-de-France, ORS*) also noted the impact of forced evictions on people’s mental health. The ORS found that Roma and people in contact with them often describe *“permanent stress”* or *“anxiety”* linked to the *“fear”* of evictions and of checks, to the uncertainty of resources and of where to live, and the *“fear”* of the risks brought about by the living conditions”.<sup>163</sup>

The 26 August 2012 circular on anticipating and accompanying operations of evictions of unauthorized settlements (see Section 1.1) encourages Prefects to be particularly attentive to access to vaccination and pre-natal care. However under French law, there is no obligation for the prefect to suspend an eviction due to health concerns, even when a serious and contagious illness such as tuberculosis has been identified, so it remains to be seen what these guidelines will mean in practice.



Conditions in camps, such as this one in Noisy-le-Grand, pose risks to health and education. © Amnesty International

## 5.2 THE IMPACT OF FORCED EVICTIONS ON EDUCATION

Migrant Roma children living in informal settlements face numerous obstacles in accessing education, including obstacles to registration and difficulties caused by living conditions in these settlements. These obstacles are exacerbated by forced evictions.

### REGISTRATION

Under French law, school is compulsory for all children aged between six and sixteen and residing in France, whether they are French or foreign, and whatever their immigration

status.<sup>164</sup> For French and foreign children, the mayor provides a registration certificate (*certificat d'inscription*) on the basis of which the child will be admitted by the head teacher of the school. Amongst the documents required by the *mairies* are a proof of address and proof that compulsory vaccinations have been completed.

There are many reported cases of Roma being refused registration at the *mairie* because certain mayors refuse to enrol children whose parents cannot show the required documents. In her 2010 activity report, the former Defender of Children stated that she had received many cases of such refusals, and that *“those refusals concerned, as a priority, homeless families, such as Travellers and Roma, for whom the Defender of Children reminded the mayors of the communes concerned of the right of children to be at school, without discrimination based on their lifestyle”*<sup>165</sup>

In 2009, following the commune of Triel's refusal to register Roma children from Romania on the basis of their “unacceptable living conditions” and on the fact that they did not speak French and that there were no appropriate structure to welcome them (*classe d'initiation CLIM*), the former High Authority on Discrimination and Equality (*Haute Autorité de Lutte contre les Discriminations et pour l'Égalité, HALDE*, some of the activities of which have now been transferred to the Defender of Rights) concluded that such refusal was illegal. “The right to education is a fundamental right in respect of which the *Commune* has no discretion. The mayor's refusal thus constitutes a manifest misappropriation of power” said the HALDE, which ordered the mayor to comply with his “obligation to school all children living on the territory of his town”.<sup>166</sup>

Barriers of language and lack of familiarity with the French system also discourage some Roma migrants from exercising their right to access education. Many are wary of bringing themselves to the attention of authorities, especially after having undergone numerous forced evictions. Nonetheless, in meetings with one *mairie* in Seine-Saint-Denis, officials told Amnesty International that they were not taking any proactive steps to ensure that children living in informal settlements were registered in school. The officials argued that there were limited places in schools in Saint Denis, and that proactively seeking the schooling of children living in slums would amount to affirmative action (*discrimination positive*), which the city council was not prepared to do.<sup>167</sup>

#### SCHOOL ATTENDANCE

The living conditions in settlements inhabited by Roma migrants render school attendance difficult. According to Médecins du Monde, daily struggles like illnesses, lack of clean clothing and vulnerability to the rain hindered schooling.<sup>168</sup>

### RODICA, SUCY-EN-BRIE

Rodica, one of the residents of the Sucey-en-Brie warehouse, told Amnesty International about the challenges she faced getting her children to school. She explained how she is able to keep her children clean for school despite the lack of bathrooms where she lives. *“Here I can wash them, we have a water pump, I get the water, heat it, then I wash them and (...) they're clean. I wouldn't send them to school filthy, with dirty fingers”* she said. She explained she felt powerless when facing repeated forced evictions: *“Everyone chases us away. Whether it's raining, it's windy, we are hungry. And when the children have to go back to school, what do I do?”* When asked about general living conditions in informal settlements, Rodica said: *“They laugh at us for*

being “clochards” (homeless), for picking clothes from bins, and I do pick up coats, sports shoes. They are good quality. But food, never”.

“I felt like crying when the children told us that they were laughing at us for being ‘clochards’. The other children would come to them and say “you stink”, and I didn’t know what to do, how to wash them and dress them even better. Had I had a job, I would go and work as a maid somewhere else. Something, I don’t know, street cleaning, planting flowers, anything. Now I can’t go and collect scrap metal around here. The children would see me, and it would give me a heavy heart, and then I would cry”.

“It’s heartbreaking, but I tell them [the children]: don’t panic, we must go on”, she said. “I want to stay in France, for the children to have a roof over their heads, to be able to send them to school, to see them grow up here, in France”. “Most of all, I want to keep the children in school”, Rodica said. At the time of her conversation with Amnesty International, Rodica said her children had been attending school for two years.

## LES YVELINES

A series of forced evictions had led the families living in the informal settlement in Triel to settle further and further from the main road, nearly two kilometres down a dirt road from the nearest source of water. The assistance of a voluntary support committee had helped them to register the children in school, but many obstacles remain.



Informal settlement in Triel-sur-Seine. © Amnesty International

Nicolae and Alina, two parents living there told Amnesty International on 4 June 2012 “it is hard, it is complicated, we don’t have the conditions we need. We have nowhere to wash. The children have to walk to school, whatever the weather conditions”, said Nicolae.

The long distance to find water also impeded school attendance. *"Once, last winter, when I drove the children to school the teachers told me I should make sure the children wash, and I told the teachers "there is no water, where should we get the water? If only we could have water..."*

*"I came [to France] for my children, so they can go to school and have a better future, so they can achieve something in life", said Nicolae. "It is hard for me to see my children leave in the morning, especially when it is raining. If we lived in town they would be able to take the bus or a tram to school", he said. "If only things could be better, at least for the children..."*

Ion, another resident in the camp, said that the Secours Catholique picked up the children from the camp from the main road to drive them to school. However, the children have to walk along the dirt track between the camp and the main road. *"So the children have to walk for 2km in the rain, during the winter. Some children go and some don't", he said.*

### FORCED EVICTIONS

Forced evictions result in the disruption of education, and increase the difficulties in attending school. Forced evictions disrupt children's lives, often forcing their families to move, and often resulting in the loss of homes and possessions. In addition, the trauma of these evictions, especially for young children, can have negative impacts on their mental health, and on their ability to succeed or even to attend school.

At the Marie Curie elementary school in Bobigny which currently schools about 30 Roma children, the headmistress, Véronique Decker, reported that pupils generally stopped going to school for at least a week in the aftermath of forced evictions, and that their school material was often lost or destroyed in the course of the operations. She described the impact of forced evictions on her students as traumatic, often causing them to regress scholastically: *"The first impact of evacuations on children is terror. They erase from their memory these events which are too violent, but they also erase what they had learned, and years of schooling are lost."* In addition, *"in order to be able to learn children need to have minimum living conditions: they need to be able to sleep, to eat and to feel secure enough to dare doing things they do not know how to do. Learning is very unsettling for a child; it is a bit like walking on a wire, everyone is afraid to fall. Because of the repeated forced evictions, children are unable to go forward, because the necessary conditions of security are not there, which explains the underperformance at school of children who are as intelligent as others."*

The head of the Romain Rolland school in Bobigny also noted that forced evictions triggered a *"rupture of schooling"* for Roma pupils there. *"Parents live in fear of being separated from their children when they are under threat of eviction"*. She said that was because parents were afraid the camp would be dismantled while the children were in school. As an example she cited the experience a few years ago when a settlement in which about ten pupils lived was ordered evicted. The day of the order, parents came to collect their children and *"I never saw them again,"* she said.<sup>169</sup>

The former Defender of Children (now merged into the Defender of Rights institution) noted in her 2010 report of activities that Roma children live "in a complete incomprehension of a brutal return (forced or "voluntary") to a place that is often unknown to them in which their schooling will be uncertain; others witnessed the destruction of caravans or makeshift shelters that were their homes; others witnessed the questioning of their parents by the

police and the separation of men on one side, and women and children on the other”.<sup>170</sup> The Defender noted that “these traumas will have consequences on their future that are difficult to evaluate”.<sup>171</sup>

## EMILIA AND VASILE

Emilia and Vasile told Amnesty international that education for their daughters was one of their main motivations for coming to France. Seven years ago, following an eviction from Aubervilliers, the family were left homeless. They said that the children had continued attending school although the family had to live in the street and wash in parks before the school day. In the evenings they waited in a park to collect the children after school and then returned to where they were sleeping on the street.

However, after a recent experience, the family had stopped sending their younger daughter to school. Vasile said that a number of the people from the camp had been detained by police while their children were at school. In his case, he was able to ask to be released because he had proof of a medical condition, and returned and had to search the streets for his younger daughter who had returned home to find her family gone without explanation. He said that he was now afraid to send his daughter to school in the event that were to happen again.

*“We are happy because, still, we managed to send the children to school. But now we are starting to lose hope as we are thrown from one place to another. We are rejected everywhere, so we don’t know what the future holds. But this is our life, there is nothing we can do about it.”*

Attending school becomes more difficult following evictions, because families sometimes have to resettle kilometres away from the school. Maria, 50 years old, had been evicted with her family from Viry-Châtillon, Ris Orangis and Evry – all in 2012. When Amnesty International met her on 20 September 2012, she lived in an informal settlement with her grandchildren in Ris Orangis, who still attend school in Viry-Châtillon. *“Now they have to go to school by train, it is really far”.*

When they cannot continue attending the same school, children have to register to a new one, which sometimes proves difficult if they have to do so in another commune where the mayor refuses to register Roma children whose parents cannot show a proof of address. Mathilde Archambaud from *Hors la Rue*, an association whose work includes helping the schooling of the most disadvantaged groups, said *“after two or three evictions, families get discouraged from schooling their kids, because delays are extremely long. It is difficult to convince families to school their children when they have no stability”.*<sup>172</sup>

The negative impact on living conditions, such as sanitation, from forced evictions, also affects schooling. Ioana has had a residence permit for over ten years, and says her family is evicted on average twice a year (see Chapter 4.3). *“After evictions, I cannot send my kids to school, because we are sleeping on the streets, we can’t wash them, and I can’t send my kids dirty with the other children”.*<sup>173</sup>

## 6. CONCLUSIONS AND RECOMMENDATIONS

Amnesty International's research shows that many migrant Roma in informal settlements are left to live in difficult conditions perpetually fearing and often being forcibly evicted. It also shows that evictions of informal settlements where many Roma live in Ile-de-France fall short of the international safeguards that France is bound to as a signatory of the ICESCR. The failure of authorities in France to incorporate international human rights standards concerning evictions into domestic law and respect these in practice significantly impacts migrant Roma in France.

Evictions of informal settlements in the Ile-de-France region invariably constitute forced evictions, in violation of international law, because a number of required legal protections are not respected. Such evictions are carried out without adequate prior consultation, information or notice. The legal remedies available to challenge eviction proceedings are inadequate. Legal aid - although theoretically available - is in practice difficult to access for many migrant Roma. The law which prohibits evictions from taking place from 1 November to 15 March does not seem to apply to informal settlements where Roma live, and NGOs monitoring the carrying out of evictions report that some have happened during the harsh months of winter. Alternative housing is not systematically offered after evictions, and when it is, it does not meet the adequacy criteria as defined in international human rights standards. Where alternative housing is provided, it is often for a limited number of nights, families are often separated, it is located at great distances from affected people's places of work and schools and people do not always have the possibility to cook or stay in the alternative housing during the day. In the majority of cases, Roma families are rendered homeless and vulnerable to other human rights violations as a consequence of the evictions.

Living conditions in informal settlements are poor, as they are often situated in areas that are remote and pose a threat to health and safety of residents (next to highways or train rails for example), there is rarely access to public services such as water and rubbish collection, which aggravates health hazards. Forced evictions exacerbate already poor housing conditions, as immediately after an eviction people are forced to sleep on the streets and in tents until they manage to build another home. They often lose their belongings during evictions and other important effects like school material, identity papers and medical records. Repeated forced evictions have traumatising consequences for Roma, who live in the fear of losing their homes and possessions, and being separated from their families.

Forced evictions often sever links with local health organizations. They also have a very negative impact on the education of Roma children. In a situation where registration in school is often a challenge for those living in informal settlements and school attendance is arduous because of the inadequate living conditions for Roma children, forced evictions

further exacerbate the situation by interrupting schooling for long periods of time, and sometimes permanently.

While the previous government used discriminatory rhetoric and stigmatized Roma by making associations between ethnicity, nationality and criminality, the current government, which came into power in May 2012 has adopted an important change of tone. An inter-ministerial meeting and ensuing circular on the anticipation and accompaniment of operations of evictions of informal settlements demonstrate political will to find a new approach. The Prefect who was entrusted with the inter-ministerial coordination of the government's action on the insertion and accompaniment of persons evicted from informal settlements, is consulting expert local NGOs in order to draft the government policies on this matter, and he is to issue an assessment on progress before the end of 2012.<sup>174</sup> The circular has revoked the tax on the employment of Romanian and Bulgarian nationals and encouraged dialogue and the search for solutions in terms of alternative housing, and in promoting health and education prior to the carrying out of evictions.

Some positive steps have also been taken by certain Prefects, including efforts to consult with local NGOs and public actors, and even a temporary moratorium on non-urgent expulsions in one department (*Loire Atlantique*). However, the application of the August circular is discretionary, so its ultimate impact on the practice of forced evictions of migrant Roma cannot yet be known. Additionally, many problems remain such as the requirements of residence and work permits to access employment.

So far, despite the positive tone of the new government and the publication of the circular, forced evictions have continued apace under the current government. In his letter of 4 October 2012 to the Prime Minister, the Defender of Rights noted that the 26 August circular was inadequately implemented, in particular with regards to the rare inclusion of local NGOs and the frequent interruption of schooling for children as a result of the evictions. He demanded the suspension of operations of eviction of informal settlements during winter, namely from 1 November to 15 March.<sup>175</sup>

Amnesty International welcomes the current government's positive tone and approach, but remains concerned by the fact that forced evictions continue to take place throughout the country, in violation of France's obligations under international law. Amnesty International hopes the Prefect Alain Regnier and the *comité de suivi national* will have a positive effect on the situation of Roma and that the government will commit to implementing its recommendations. The French authorities must, regardless, immediately take measures to stop the practice of forced evictions.

## RECOMMENDATIONS

### To the French Government

Amnesty International calls on the French government to:

- Immediately stop carrying out forced evictions;
- Amend existing legislation to prohibit forced evictions and to ensure that the law conforms with international human rights standards and that safeguards against forced evictions enumerated in General Comment No. 7 of the CESCR are guaranteed in domestic law and practice. The safeguards include:
  - genuine consultation;
  - adequate and reasonable notice;
  - adequate information;
  - provision of legal remedies and legal aid to those who are in need of it and
  - provision of adequate alternative housing to those who cannot provide for themselves

On the carrying out of evictions

- Implement the Defender of Rights' recommendation to suspend evictions of informal settlements during winter, from 1 November to 15 March;
- Ensure that anyone who has been subjected to a forced eviction has access to an effective remedy, including compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition;
- Ensure that information on the right to legal aid is systematically distributed in a language and format understood by Roma.

On the impact of evictions

- Ensure that no one is rendered homeless as a consequence of an eviction, and that any alternative housing provided is adequate in terms of international standards;
- Ensure that evictions do not interrupt or prevent treatments for serious illnesses and vaccinations and that the health situation of the inhabitants of a camp or a squat is taken into consideration before an eviction decision is implemented;
- Ensure that evictions do not interrupt schooling of children and that the schooling of children is taken into consideration before an eviction decision is implemented.

#### On housing

- Ensure that the right to adequate housing, including the right not to be forcibly evicted, the right to a minimum security of tenure and access to essential minimum services, is guaranteed for everyone in France without discrimination;
- Ensure that integration projects such as “integration villages” or new housing constructed to relocate Roma, including as a result of evictions complies with ‘adequacy’ requirements in accordance with international human rights standards and does not lead to family separation or segregation;
- Ensure that Roma facing eviction are consulted on, and have access to a range of feasible alternative housing options.

#### On political discourse

- Politicians in France, both at the national and local levels, should refrain from making any statements that stigmatize Roma, associate them with criminality or other negative stereotypes

#### On discrimination

- Monitor all policies, including on housing, and access to education and health, for potential discriminatory impact, and provide disaggregated data including on ethnicity and gender to this effect;
- Ensure that all allegation of racist attacks against Roma are impartially and effectively investigated.

### **To Prefects in France**

Amnesty International calls on Prefects in France to:

#### On the carrying out of evictions

- Immediately stop carrying out forced evictions;
- Refrain from implementing eviction decisions until all the legal safeguards against forced evictions set out international law can be guaranteed;
- Engage in genuine consultation with all the persons concerned, including women, prior to evictions;
- Provide adequate information on the eviction proceedings to all inhabitants of informal settlements under threat of eviction, in a language and format understood by Roma

- Provide adequate information on the implementation of the eviction decision, including written notification of the exact date of the eviction to all inhabitants of the informal settlement under the threat of eviction;
- Provide adequate and reasonable notice to all inhabitant of informal settlements facing an eviction.

#### On the impact of evictions

- Ensure that no one is rendered homeless as a consequence of an eviction, and that any alternative housing provided is adequate in terms of international human rights standards;
- Ensure that evictions do not interrupt or prevent treatments for serious illnesses and vaccinations and that the health situation of the inhabitants of a camp or a squat is taken into consideration before an eviction decision is implemented;
- Ensure that evictions do not interrupt schooling of children and that the schooling of children is taken into consideration before an eviction decision is implemented.

#### **To Mayors in France**

Amnesty International calls on Mayors in France to:

#### On access to education

- Ensure that all children living in their town are effectively able to register in school.

#### On living conditions in camps and squats

- Ensure that people living in informal settlements have access to minimum essential services such as water, sanitation, rubbish collection and utilities.

#### **To the European Union**

- Monitor France's adequate compliance with its obligations under EU law, including the Race Equality Directive 2000/43/EC and the Freedom of Movement Directive 2004/38/EC;
- Ensure that the new French government strategy for the inclusion of Roma includes specific measures to combat discrimination against Roma and to guarantee Roma participation in the development and implementation of the strategy.

# ENDNOTES

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<sup>1</sup> See for example « *Recensement des évacuations forcées de lieux de vie occupés par des Roms migrants en France et de leurs expulsions collectives du territoire* » by Philippe Goossens, researcher member of Romeurope. According to this compilation, 3213 migrant Roma were evicted in 2010 and 9396 in 2011.

<sup>2</sup> CESCR General Comment No. 7.

<sup>3</sup> Local NGOs and volunteer support committees estimate the number of Roma in France to range between 15 000 and 20 000. See Commission Nationale Consultative des Droits de l’Homme (CNCDH) ‘Avis sur le respect des droits des « gens du voyage » et des Roms migrants au regard des réponses récentes de la France aux instances internationales’, 22 March 2012, p3.

<sup>4</sup> The transitional measures impose an obligation to obtain a work permit and to be in employment in order to obtain a residence permit and stay for more than 3 months. The 26 August circular suppressed the tax that employers had to pay to the Office Français de l’Immigration et de l’Intégration (OFII). On 1 October 2012, the government extended the list of professions opened to Romanian and Bulgarian nationals from 150 jobs to 291.

The Commission Nationale Consultative des Droits de l’Homme (CNCDH) considered the transitory measures, even though legal with regards to EU law, were discriminatory because they effectively restricted some European citizens’ access to residence on the basis of their nationality. See ‘Avis sur le respect des droits des « gens du voyage » et des Roms migrants au regard des réponses récentes de la France aux instances internationales’, 22 March 2012. In its 2009-372 ruling of 26 October 2009, the Haute Autorité de Lutte contre les Discriminations et pour l’Egalité (HALDE) considered that the transitory measures were real brakes to Roma’s access to employment. See [http://amitel.free.fr/mous/IMG/pdf/Halde\\_2009\\_372.pdf](http://amitel.free.fr/mous/IMG/pdf/Halde_2009_372.pdf), accessed 7 November 2012.

<sup>5</sup> Amnesty International has been campaigning against forced evictions and in favour of increased security of tenure of Romani communities in Romania since 2009. See *Romania: Unsafe foundations. Secure the right to housing in Romania*, 8 May 2012, <http://www.amnesty.org/en/library/info/EUR39/002/2012/en>, accessed 7 November 2012.

See *Human Rights of Roma and Travellers in Europe*, Council of Europe Commissioner for Human Rights, February 2012, [http://www.coe.int/t/commissioner/source/prems/prems79611\\_GBR\\_CouvHumanRightsOfRoma\\_WEB.pdf](http://www.coe.int/t/commissioner/source/prems/prems79611_GBR_CouvHumanRightsOfRoma_WEB.pdf), accessed 7 November 2012.

<sup>6</sup> *France president urged not to stigmatize Roma and Travellers*, 23 July 2010, News Story, See <http://www.amnesty.org/en/news-and-updates/france-president-urged-not-stigmatize-roma-and-travellers-2010-07-23>, accessed 7 November 2012.

<sup>7</sup> On 28 July 2010, Nicolas Sarkozy called for a meeting at the *Elyseé* to address “Problems posed by the behaviour of some of the travellers and Roma” (“*Les problèmes que posent les comportements de certains parmi les gens du voyage et les Roms*”). On 29 July 2010, Nicolas Sarkozy issued an official statement in which he described Roma camps as being a source of “illicit trafficking, profoundly unfit living conditions, the exploitation of children for the purposes of begging, prostitution or crime”. See Parliamentary assembly of the Council of Europe, *Recent rise in national security discourse in Europe:*

*The case of Roma*, Document 12386, 5 October 2010, <http://assembly.coe.int/main.asp?link=documents/workingdocs/doc10/edoc12386.htm>, accessed 7 November 2012.

<sup>8</sup> In an interview on BFMTV/RMC on 29 August 2012, Claude Guéant said "*la délinquance roumaine est une réalité (...) il faut que nous la combattions*".

<sup>9</sup> See *France urged to end stigmatization of Roma and Travellers*, 26 August 2010, <http://www.amnesty.org/en/library/info/EUR21/005/2010/en> and *France must end stigmatization of Roma and Travellers*, 27 August 2010, <http://www.amnesty.org/en/news-and-updates/france-must-end-stigmatization-roma-and-travellers-2010-08-27>, accessed 7 November 2012.

<sup>10</sup> The circular IOC/K/10/17881/J of 5 August 2010 reads « *Le Président de la République a fixé des objectifs précis, le 28 juillet dernier, pour l'évacuation des campements illicites : 300 campements ou implantations illicites devront être évacués d'ici 3 mois, en priorité ceux des Roms. [...] Il revient donc, dans chaque département, aux préfets d'engager (...) une démarche systématique de démantèlement des camps illicites, en priorité ceux de Rom.* », <http://www.gisti.org/IMG/pdf/norioc1017881j.pdf>, accessed 7 November 2012 ; See "*France must withdraw order targeting Roma for eviction*", News Story, 13 September 2010, <http://www.amnesty.org/en/news-and-updates/france-must-withdraw-order-targeting-roma-eviction-2010-09-13>, accessed 7 November 2012.

<sup>11</sup> Statement by the President of the Assembly of the Council of Europe, Mevlüt Çavuşoğlu, 20 August 2010 Concluding Observation UN CERD 77th session, CERD/C/FRA/CO/17-19, 27 August 2010; Statement by the European Commission against Racism and Intolerance, Press release 608 (2010), 24 August 2010;

Council of Europe Commissioner for Human Rights Thomas Hammarberg, Press release, 9 September 2010;

European Parliament resolution RC-B7-0493/2010, 9 September 2010

<sup>12</sup> *European Committee of Social Rights, European Roma and Travellers Forum v. France*, Complaint No. 64/2011 (2012), paras. 133 – 135.

<sup>13</sup> According to estimates from Philippe Goossens, researcher member of Romeurope, 85 camps, 8,610 people, were evicted in the year 2011 and 73 camps, ie 8 198 people, in the first three quarter of 2012 (beginning of January till end of September 2012). These figures include camps that have been abandoned by inhabitants prior to the implementation of eviction orders, as a result of repeated police warnings that the camp was about to be evicted and telling people they had to leave. Neither the limited number of camps evacuated as a result of fires or attacks, nor the distribution of OQTF (obligation de quitter le territoire français) or ARH (aide au retour humanitaire) researched by Philippe Goossens have been included in the above-mentioned figures.

<sup>14</sup> See, for example, details of the September 2011 eviction of some 150 to 200 Roma from near the Delafontaine Hospital in Saint-Denis as a representative example, where police attending the site clearance ordered Roma onto a tram carriage requisitioned as an emergency measure, and then reportedly proceeded to disperse the Roma onto various trains directed out of Paris. See *France: Authorities must stop forcibly evicting Roma*, 5 September 2011, <http://www.amnesty.org/en/library/info/EUR21/001/2011/en>, accessed 7 November 2012.

<sup>15</sup> See, for example, *France: Authorities must act swiftly to fully investigate suspected arson attack on*

*Roma squat in Paris*, 27 October 2011, <http://www.amnesty.org/en/library/info/EUR21/002/2011/en>. On 28 September 2012 a camp inhabited by about 50 Roma was evicted by the neighbours and subsequently set on fire, see ‘Des riverains organisent l'évacuation sauvage d'un camp de Roms à Marseille,’ Médiapart, 28 September 2012.

<sup>16</sup> Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.

<sup>17</sup> Art L121-1 Code de l'entrée et du séjour des étrangers et du droit d'asile.

<sup>18</sup> Art L511-3-1 Code de l'entrée et du séjour des étrangers et du droit d'asile, 1°.

<sup>19</sup> Art L511-3-1 Code de l'entrée et du séjour des étrangers et du droit d'asile, 2°. The *Commission Nationale Consultative des Droits de l'Homme* (CNCDH) deemed that this provision was juridically questionable and seemed to violate EU law. See ‘Avis sur le respect des droits des « gens du voyage » et des Roms migrants au regard des réponses récentes de la France aux instances internationales’, 22 March 2012, p 11-12.

<sup>20</sup> Art L511-3-1 Code de l'entrée et du séjour des étrangers et du droit d'asile, 3°.

<sup>21</sup> The European Parliament Resolution P7\_TA(2010)0312, 9 September 2010, expressed “deep concern” at measures targeting Roma and Travellers’ expulsion in France and other member states, and called for them to be suspended. <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2010-0312+0+DOC+XML+V0//EN>, accessed 7 November 2012.

On 1 September 2010, the EU Commission issued a document criticising France’s large-scale repatriation of Roma in violation of EU rules: “The situation of Roma in France and in Europe”, Joint Information Note by Vice-President Viviane Reding, Commissioner László Andor and Commissioner Cecilia Malmström. <http://www.reicaz.org.es/portalReicaz/archivos/ficheros/1336995368832.pdf>, accessed 8 November 2012.

According to the Freedom of Movement Directive (2004/38/EC), expulsions of EU citizens must not be based on economic grounds, they must comply with the proportionality principle and be based exclusively on the personal conduct of the individual concerned, whose conduct must represent a sufficiently serious and present threat which affects the fundamental interests of the state.

Human Rights Watch, for example, in a briefing published in September 2011, noted that of the 198 OQTF served on Romanian Roma between August 2010 and May 2011 by six different prefectures across France which it had examined, virtually all the OQTF served by the same prefecture were identical and that each prefecture used a standardised form. Human Rights Watch, “*France’s Compliance with the European Free Movement Directive and the Removal of Ethnic Roma EU Citizens*”, A Briefing Paper Submitted to the European Commission in July 2011, September 2011, [http://www.hrw.org/print/news/2011/09/28/france-s-compliance-european-free-movement-directive-and-removal-ethnic-roma-eu-citi#\\_ftn7](http://www.hrw.org/print/news/2011/09/28/france-s-compliance-european-free-movement-directive-and-removal-ethnic-roma-eu-citi#_ftn7). Lawyers working with migrant Roma in France made similar observations, noting that “usually, the only difference between them [the OQTF] is the name of the person.” Amnesty International meeting with Tamara Lowy, June 2012.

<sup>22</sup> The Aid to Humanitarian Return (Aide au Retour Humanitaire) was established by the inter-ministerial circular DPM/AC13/2006/522 of 7 December 2006, and it applies to both EU and non-EU citizens. The Aid to Voluntary Return (Aide au Retour Volontaire) only applies to non-EU citizens.

<sup>23</sup> Memorandum by Thomas Hammarberg, Council of Europe Commissioner for Human Rights, following his visit to France from 21 to 23 May 2003, comMDH(2008)34, 20 November 2008. The *Commission Nationale Consultative des Droits de l'Homme* (CNCDH) drew similar conclusions in its 'Avis sur le respect des droits des « gens du voyage » et des Roms migrants au regard des réponses récentes de la France aux instances internationales', 22 March 2012.

<sup>24</sup> *Commission Nationale Consultative des Droits de l'Homme* (CNCDH), 'Avis sur le respect des droits des « gens du voyage » et des Roms migrants au regard des réponses récentes de la France aux instances internationales', 22 March 2012, p 13.

<sup>25</sup> Amnesty International interview with Grégoire Cousin, ERRC, February 2012.

<sup>26</sup> Amnesty International meeting with Arno Klarsfeld, President of the OFII, and Jean Godfroid, Prefect, Director General of the OFII.

<sup>27</sup> "Campements illicites: le laisser-faire ne résout rien », Manuel Valls in *Libération*, 13 August 2012.

<sup>28</sup> Amnesty International meeting with Arno Klarsfeld, President of the Office Français de l'Immigration et de l'Intégration (OFII); Amnesty International meeting with officials of the mairie of Seine-Saint-Denis, June 2012.

<sup>29</sup> On 7 February 2012, Amnesty International France asked candidates to the French presidential election to make 10 commitments in favour of human rights. See <http://www.amnesty.fr/Informez-vous/Les-actus/Ameliorer-les-droits-humains-une-priorite-pour-quels-candidats-5163>, accessed 7 November 2012.

<sup>30</sup> Recensement des évacuations forcées de lieux de vie occupés par des Roms migrants en France et de leurs expulsions collectives du territoire, July-August 2012, Philippe Goossens, 28 août 2012.

<sup>31</sup> On 28 September 2012 in Marseille, about 50 Roma were chased out from the informal settlement where they lived by local residents, who then set fire to the items that Roma had left behind. On 29 September 2012, around 700 people demonstrated in Lille against the possible installation of a Roma settlement in Cysoing. On 27 October 2012 in Hellemmes, 200 local residents protested and harassed the mayor who was behind a project to welcome five Roma families in a village d'insertion. Several Romani people met by Amnesty International delegates reported instances of intimidation by the police, including verbal threats, use of tear gas and fines for inadequate lights or brakes on the trailers that they attached to bicycles to gather scrap metal.

<sup>32</sup> « Campements illicites : le laissez-faire ne résout rien », Manuel Valls, *Libération*, 13 August 2012, [http://www.liberation.fr/societe/2012/08/13/campements-illicites-le-laissez-faire-ne-resout-rien\\_839576](http://www.liberation.fr/societe/2012/08/13/campements-illicites-le-laissez-faire-ne-resout-rien_839576), accessed 7 November 2012.

<sup>33</sup> «Decisions are taken by the Courts, we have to follow them, even without immediate solutions; if there is a security risk, a sanitary risk, evictions will take place; evictions will not be conditioned to the existence of solutions" ( "Des décisions sont prises par la justice, nous devons les suivre, même sans solution immédiate; s'il y a un risque pour la sécurité, un risque sanitaire, les expulsions auront lieu; les évacuations ne seront pas conditionnées à l'existence de solutions") Manuel Valls, Minister of the Interior, meeting with Amnesty International, 31 August 2012.

<sup>34</sup> « Roms: le démantèlement n'est pas une solution pour Duflot », *Libération*, 16 August 2012, [http://www.liberation.fr/societe/2012/08/16/roms-le-demantelement-n-est-pas-la-solution-pour-duflot\\_840080](http://www.liberation.fr/societe/2012/08/16/roms-le-demantelement-n-est-pas-la-solution-pour-duflot_840080), accessed 7 November 2012.

<sup>35</sup> Amnesty International meeting with Alain Regnier, 21 September 2012. On 22 October, Amnesty International took part in the first meeting of the national monitoring group set up by Alain Regnier gathering NGOs and government representatives. , accessed 7 November 2012.

<sup>36</sup> See GISTI's analysis of the 26 August circular, 11 September 2012, [http://www.gisti.org/IMG/pdf/analyse\\_circ-rom-26-08-2012.pdf](http://www.gisti.org/IMG/pdf/analyse_circ-rom-26-08-2012.pdf), accessed 7 November 2012.

<sup>37</sup> In a letter to the Prime Minister on 4 October 2012, the Defender of Rights reminded that he had received no answer to his letter of 28 August 2012 asking what precise measures had been taken to implement the 26 August circular.

<sup>38</sup> Estimations by Philippe Goossens, « *Recensement des evacuations forcées de lieux de vie occupés par des Roms migrants en France et de leurs expulsions collectives du territoire* », 3eme trimestre 2012.

<sup>39</sup> Amnesty International had also earlier conducted a research mission in September 2010 to Paris and Marseille, which culminated in a briefing to the European Commission on the situation of Roma in France.

<sup>40</sup> The organization Médecins du Monde has filed a complaint in front of the Defender of Rights (le Défenseur des Droits) on 31 May 2012 with regards to alleged violations of Roma's right to housing and to health, police violence and discrimination in access to employment, health and education in Marseille.

<sup>41</sup> Commission Nationale Consultative des Droits de l'Homme (CNCDH) 'Avis sur le respect des droits des « gens du voyage » et des Roms migrants au regard des réponses récentes de la France aux instances internationales', 22 March 2012, p3.

<sup>42</sup> These measures were maintained after the Conseil Constitutionnel's reply to the Question Prioritaire de Constitutionnalité of 5 October 2012 which annulled some articles of the law of 3 January 1969.

<sup>43</sup> Concluding Observations CERD on France, CERD/C/FRA/CO/17-19, 77<sup>th</sup> session, 2-27 August 2010.

<sup>44</sup> Collective Complaint No. 39/2006 *European Federation of National Organizations Working with the Homeless (FEANTSA) v. France*; Collective Complaint No. 51/2008 *European Roma Rights Centre (ERRC) v. France*.

<sup>45</sup> Défenseur des Droits, Décision n°R-2011-11.

<sup>46</sup> See « *Know your obligations, A guide to preventing forced evictions* », Amnesty International, September 2012, <http://www.amnesty.org/en/library/info/ACT35/009/2012/en>, accessed 7 November 2012.

<sup>47</sup> CESCR General Comment No. 4, para. 18.

<sup>48</sup> Committee on Economic, Social and Cultural Rights, 16<sup>th</sup> Session, General Comment No. 7, the Right to Adequate Housing (Art. 11.1 of the Covenant): Forced Evictions (1997), para. 3.

<sup>49</sup> CESCR General Comment No. 7, para. 13.

<sup>50</sup> CESCR General Comment No. 7, para. 15.

<sup>51</sup> CESCR, General Comment No. 7, para. 16.

<sup>52</sup> Committee on Economic Social and Cultural Rights, 6th Session, General Comment No. 4, The Right to Adequate Housing (Art. 11(1) of the Covenant), 1991, para. 8(a).

<sup>53</sup> International Covenant on Civil and Political Rights, Article 17.

<sup>54</sup> European Convention on Human Rights, Article 8.

<sup>55</sup> See, for example, European Court of Human Rights, *Selçuk and Asker v. Turkey* (1998), paras. 72 – 80; see also United Nations Committee Against Torture, *Hajrizi Dzemajl v. Serbia and Montenegro*, Communication no. 161/2000 (2002). The ICCPR also prohibits cruel, inhuman or degrading treatment under article 7.

<sup>56</sup> ICESCR article 2; ICCPR articles 2 and 26; International Covenant on the Elimination of all forms of Racial Discrimination, Article 5(e); Convention on the Elimination of all Forms of Discrimination against Women, Articles 2 and 14; Charter of Fundamental Rights of the European Union, Article 21; European Convention of Human Rights, Articles 2 and 14; Revised European Social Charter, Article E.

<sup>57</sup> CERD/C/FRA/CO/17-19, p 3

<sup>58</sup> European Social Charter (revised), article 31.

<sup>59</sup> *European Roma Rights Centre (ERRC) v. France*, Complaint No. 51/2008, (2009), at para. 112.

<sup>60</sup> European Committee of Social rights, Conclusions 2011 (France), p. 28.

<sup>61</sup> European Committee of Social rights, Conclusions 2011 (France), p. 40.

<sup>62</sup> *Centre on Housing Rights and Evictions (COHRE) v. France*, Complaint No. 63/2010, (2011), paras. 53-55.

<sup>63</sup> *European Roma and Travellers Forum (ERTF) v. France*, Complaint No. 64/2011 (2012), para. 135.

<sup>64</sup> *European Federation of National Organizations working with the Homeless (FEANTSA) v. France*, Complaint No. 39/2006 (2007), paras. 88 and 108.

<sup>65</sup> *Médecins du Monde - International v. France*, Complaint No. 67/2011.

<sup>66</sup> « La propriété étant un droit inviolable et sacré, nul ne peut en être privé, si ce n'est lorsque la nécessité publique, légalement constatée, l'exige évidemment, et sous la condition d'une juste et préalable indemnité », Art 17, Déclaration des Droits de l'Homme et du Citoyen de 1789.

<sup>67</sup> « Garantir le droit au logement constitue un devoir de solidarité pour l'ensemble de la nation » Loi n° 90-449 du 31 mai 1990 visant à la mise en oeuvre du droit au logement (1) Article 1.

<sup>68</sup> Based on Council of State (Conseil d'Etat) decision N° 325884 of 23 March 2009.

<sup>69</sup> Cahiers du Conseil constitutionnel n° 20 - Juin 2006, Pierre de Montalivet

<sup>70</sup> « Le droit de jouir et disposer des choses de la manière la plus absolue, pourvu qu'on n'en fasse pas un usage prohibé par les lois ou par les règlements », art 544 of the Civil Code.

<sup>71</sup> Question Prioritaire de Constitutionnalité, Décision n° 2011-169 du 30 septembre 2011.

<sup>72</sup> Amnesty International meeting with Jérôme Karsenti, 31 May 2012.

<sup>73</sup> Loi n°2007-290 du 5 mars 2007 instituant le droit au logement opposable et portant diverses mesures en faveur de la cohésion sociale.

<sup>74</sup> To be eligible to apply to the adjudication committee, the person must be deprived of accommodation, or under the threat of eviction with no alternative housing, or in temporary accommodation, or in premises

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unfit for habitation, or in overcrowded or undecent premises, or the person must have applied for social housing for an abnormally long period, which is determined in each department. The person must have undertaken steps to remedy his or her lack of adequate housing, such as having regularly applied for social housing, having engaged a procedure against the landlord who is letting the undecent housing, or having applied to the fund of solidarity for housing. Guide pratique sur le droit au logement opposable, Ministère de l'Écologie, de l'Énergie, du Développement durable et de la Mer, September 2009, [http://www.developpement-durable.gouv.fr/IMG/pdf/dalo\\_brochure-web.pdf](http://www.developpement-durable.gouv.fr/IMG/pdf/dalo_brochure-web.pdf), accessed 7 November 2012.

<sup>75</sup> This recourse does not in itself constitute an application for housing; if the adjudication committee finds that the applicant is to be granted housing as a priority, that person will still have to fill in an application for housing. See « Guide pratique sur le droit au logement opposable », September 2009.

<sup>76</sup> Art R441-15 Code de la construction et de l'habitation : délais de 3 mois ou 6 mois dans les DOM et agglomérations de plus de 300 000 habitants.

<sup>77</sup> Art L441-2-3-1, Code de la construction et de l'habitation. In a letter to the Fédération Droit au Logement during the electoral campaign, the then candidate François Hollande committed not to evict people that the adjudication committees had designated as priority (« I commit not to evict households identified as priority by the DALO committee », « Je m'engage pour cela à ne pas expulser les ménages reconnus prioritaires par les commissions DALO », 27 April 2012). The Minister of Housing Cécile Duflot confirmed this commitment and said that a circular to this effect would apply from March 2013 when meeting with representatives from the Fédération Droit au Logement on 27 October. See <http://droitaulogement.org/requisition-dalo-droit-au-logement-dans-la-constitution-ca-commence-a-bouger/>, accessed 7 November 2012.

<sup>78</sup> This penalty is not paid to the applicant but to the fund for urban development which finances social housing. No financial compensation is automatically paid to the claimant. « Droit au logement opposable (Dalo) : faire valoir son droit à un logement », <http://vosdroits.service-public.fr/F18005.xhtml>, accessed 7 November 2012.

<sup>79</sup> The requirements to apply to the adjudication committee are: be of French nationality or possessing a valid residence permit, not having the means to access or remain in independent and adequate accommodation, and meet the requirements of access to public social housing.

<sup>80</sup> Other requirements to be eligible to apply to the adjudication committee for a DAHO procedure are the same as for the DALO: see endnote 74.

<sup>81</sup> This procedure is opened to anyone who has applied for accommodation in a shelter, in temporary housing, a “logement-foyer” or a “résidence hôtelière à vocation sociale”. This procedure is available to those who are already being accommodated in an emergency shelter but want to apply to a longer-term form of accommodation. It does not in itself constitute an application for accommodation; if the adjudication committee finds that the applicant is to be granted housing as a priority, that person will still have to fill in an application for shelter, temporary housing or accommodation in a “logement-foyer”.

<sup>82</sup> Art R441-18, Code de la construction et de l'habitation.

<sup>83</sup> See endnote 78.

<sup>84</sup> Amnesty International interview with Action Pour l'Insertion par le Logement (ALPIL), 6th June 2012.

<sup>85</sup> 5eme rapport annuel, Comité de suivi de la mise en oeuvre du droit au logement opposable, November 2011, p 16, 21 and 24, <http://www.ladocumentationfrancaise.fr/var/storage/rapports->

[publics/114000692/0000.pdf](#), accessed 7 November 2012.

<sup>86</sup> Amnesty International interview with the sous-préfet chargé de mission et de l'arrondissement de Bobigny, 21st September 2012.

<sup>87</sup> Ensuring information on the DALO and assistance to the persons concerned was one of the key recommendations of the Comité de suivi de la mise en oeuvre du droit au logement opposable since 2007 and which has not been met according to its 5th Annual Report.

<sup>88</sup> Art L345-2-2 Code de l'action sociale et des familles.

<sup>89</sup> Conseil d'Etat, ordonnance N°356456 of 10 February 2012.

<sup>90</sup> Art L345-23 Code de l'action sociale et des familles.

<sup>91</sup> Amnesty International phone interview with Morgane Mallet, Secours Catholique, 6 July 2012.

<sup>92</sup> Art L2212-4, Code Général des Collectivités Territoriales. The Préfet is required to act under Article L1311-4, Code de la Santé Publique if the *maire* does not comply to his obligation under Art L2212-4, Code Général des Collectivités Territoriales.

<sup>93</sup> Art L411-1 Code des procédures civiles d'exécution.

<sup>94</sup> Art 808 and 809, Code de procédure civile. Another procedure that may be used during evictions is the "ordonnance sur requête", an emergency non-adversarial procedure which can be used by the owner who does not know, and cannot establish, the identity of the person or people living on his or her land (Art 493, Code de procédure civile). Consequently, the inhabitants are not notified of the order, and thus they cannot defend themselves in court; which is contrary to the legal safeguards on forced evictions in international law. The deadline for appealing is 15 days. Lawyers interviewed by Amnesty International who work on cases in the Seine-Saint-Denis, described the use of this procedure in cases of camps inhabited by Roma as highly problematic, but said that the judges were now more likely to refuse requests for these procedures, following recent annulments of decisions taken under this procedure, where the bailiff had not taken sufficient measures to identify the inhabitants of the land. (Amnesty International meetings with Julie Launois, 30 May 2012 and Tamara Lowy, 12 June 2012).

<sup>95</sup> Cour de Cassation, troisième chambre civile, decision n. 72 of 20 January 2010. The Cassation Court quashed the Versailles Court of Appeal's decision of 16 April 2008, which had found that the installation of tents on a playground situated in a housing complex which belonged to the *société d'HLM France habitation* did not require an emergency procedure (*référé*). It highlighted that the housing complex in question was planned to be demolished; that no degradation, violence, discomfort or hindrance to the free movement of tenants in the housing complex had been demonstrated; and that the occupants had installed tents in order to realise their right to adequate housing, which had been recognised of constitutional value. On these grounds, the Court of Appeal rejected the *société d'HLM France habitation's* demand of eviction.

<sup>96</sup> Art L412-6 Code des procédures civiles d'exécution.

<sup>97</sup> Etude sur les expulsions forcées de lieux de vie occupés par des Roms migrants en France, January 2010 to June 2011, Imédiat, 20 June 2011 ; and interview with Secours Catholique, 6 July 2012.

Recensement des évacuations forcées de lieux de vie occupés par des Roms migrants en France et de leurs expulsions collectives du territoire, 1er trimestre 2010, Philippe Goossens, 8 April 2012.

- <sup>98</sup> Letter of the Defender of Rights to the Prime Minister, 4 October 2012.
- <sup>99</sup> Committee on Economic, Social and Cultural Rights, General Comment 7, para. 15.
- <sup>100</sup> Basic Principles and Guidelines on Development-Based Evictions and Displacement (Basic Principles), Annex 1 to UN.Doc, A/HRC/4/18, para. 38.
- <sup>101</sup> Committee on Economic, Social and Cultural Rights, General Comment 7, para. 13.
- <sup>102</sup> Committee on Economic, Social and Cultural Rights, General Comment 7, para. 15.
- <sup>103</sup> Basic Principles and Guidelines on Development-Based Evictions and Displacement (Basic Principles), Annex 1 to UN.Doc, A/HRC/4/18, para. 41.
- <sup>104</sup> While the 26 August circular calls for ‘dialogue’ with the affected populations, government officials have not specified what such dialogue should entail, nor whether it will amount to genuine consultation.
- <sup>105</sup> Les décisions d’expulsions d’occupants sans droit ni titre, Connaissance empirique d’un contentieux hétérogène, Convention d’étude entre le CERCRID et le Ministère de la Justice, June 2003, p 61
- <sup>106</sup> Article L412-1, Code des procédures civiles d’exécution.
- <sup>107</sup> Art R153-2 Code des procédures civiles d’exécution.
- <sup>108</sup> Amnesty International interview with the sous-préfet chargé de mission et de l’arrondissement de Bobigny, 21st September 2012 . In addition, Amnesty International sent letters to the Seine-Saint-Denis, Val-de-Marne and Essonne Prefects in July 2012 in order to ask how evictions were implemented in practice and how and how long in advance people were notified of the date of the eviction. No answer has been received to date.
- <sup>109</sup> Amnesty International interview with the commandant, Commissariat de Noisy-le-Grand, Thursday 20th September 2012.
- <sup>110</sup> Amnesty International interview with an official from the mairie of Noisy-le-Grand, 20 September 2012.
- <sup>111</sup> Amnesty International interview with Didier Cusserne, member of the support committee Convivances, 15 October 2012.
- <sup>112</sup> See Amnesty International press release: “France: Scores of Roma left homeless in forced eviction near Paris”, 15 October 2012, <http://www.amnesty.org/en/for-media/press-releases/france-scores-roma-left-homeless-forced-eviction-near-paris-2012-10-15>, accessed 7 November 2012.
- <sup>113</sup> Officials from the Seine-Saint-Denis Prefecture told Amnesty International on 15 October 2012 that they had gone to meet inhabitants of the Noisy-le-Grand informal settlements several times prior to the eviction, that they informed them and had offered Aide au Retour Humanitaire and alternative housing. Residents of the informal settlement, support committee members and local NGOs repeated that there were no consultation, no adequate information, and no alternative housing offered. The Prefecture has not responded to further requests for clarification.
- <sup>114</sup> See « Expulsés de leur camp, les Roms de Noisy livrés à eux-même », *Libération*, 17 October 2012, [http://www.liberation.fr/societe/2012/10/17/expulses-de-leur-camp-les-roms-de-noisy-livres-a-eux-memes\\_853924](http://www.liberation.fr/societe/2012/10/17/expulses-de-leur-camp-les-roms-de-noisy-livres-a-eux-memes_853924), accessed 7 November 2012.
- <sup>115</sup> Amnesty International interview with Constantin, 21 September 2012.

<sup>116</sup> Art 2 and 3, loi n°91-647 du 10 juillet 1991 relative à l'aide juridique. French citizens and foreign nationals who have regular status are also entitled to benefit from legal aid if they have insufficient resources to cover the costs of a lawyer. Foreign nationals who do not have regular status are entitled to legal aid in certain circumstances.

<sup>117</sup> Amnesty International meeting with Julie Launois, 30 May 2012.

<sup>118</sup> Amnesty International phone meeting with Morgane Mallet, 6 July 2012.

<sup>119</sup> Art L411-1 Code des procédures civiles d'exécution.

<sup>120</sup> Instances in which courts have refused to evict residents of informal settlements on the basis of the inhabitant's rights appear to be quite rare. Amnesty International's research revealed only a handful of such cases. For example, TGI Pontoise N°08/00590 of 30 June 2008, « Secondly, whereas no possible solution of resettlement is at this stage established or even mentioned, even though the right to housing is a principle of constitutional value, binding as the right to property... (« Attendu en second lieu qu'aucune solution envisageable de relogement n'est à ce stade établie ou même évoquée alors même que le droit au logement est un principe à valeur constitutionnelle, opposable au même titre que le droit de propriété... »).

<sup>121</sup> Articles L412-1 and L412-2, Code des procédures civiles d'exécution.

<sup>122</sup> Art L412-3 Code des procédures civiles d'exécution.

<sup>123</sup> Art L412-4 Code des procédures civiles d'exécution.

<sup>124</sup> Tribunal de Grande Instance de Bobigny, ordonnance de référé du 13 avril 2012.

<sup>125</sup> Tribunal de Grande Instance de Bobigny, Ordonnance de référé du 23 avril 2012. The Tribunal de Grande Instance de Bobigny drew similar conclusions in its order N° 12/00109 of 11 May 2012.

<sup>126</sup> Cour d'Appel de Lyon, N° 103416, 7 September 2010.

<sup>127</sup> Amnesty International interview with Camille Magdelaine, 3 October 2012.

<sup>128</sup> Tribunal d'Instance de Boissy Saint Léger, ordonnance de référé du 7 juin 2012.

<sup>129</sup> Reportedly, the jeweller and watchmaker Cartier was to set up a factory on the piece of land on which the warehouse is located.

<sup>130</sup> Art 538 Code de procédure civile.

<sup>131</sup> Tribunal de Grande Instance de Bobigny, ordonnance de référé du 21 septembre 2011.

<sup>132</sup> Amnesty International meeting with Camille Magdeleine, October 2012.

<sup>133</sup> Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (22), adopted and proclaimed by General Assembly resolution 60/147 of 16 December 2005.

<sup>134</sup> Amnesty International's research revealed only one case in which compensation was ordered for victims of an illegal eviction. The Tribunal Administratif de Melun ordered the Assistance Publique-Hopitaux de Paris to pay 1 000 euros to the claimants, Ordonnance de référé N°1200887/10, Tribunal Administratif de Melun, 2 March 2012.

<sup>135</sup> Committee on Economic, Social and Cultural Rights, General Comment 7, para. 16.

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<sup>136</sup> Amnesty International interview with Prime Minister’s Advisers, 19 September 2012; Amnesty International interview with Cécile Duflot, Minister of Housing, 20 September 2012 ; Amnesty International interview with Alain Regnier, Inter-ministerial delegate on accommodation and access to housing, 21 September 2012.

<sup>137</sup> See *European Federation of National Organizations working with the Homeless (FEANTSA) v. France*, Complaint No. 39/2006 (2007), paras. 88 and 108.

<sup>138</sup> Amnesty International meeting with Médecins du Monde, 13 February 2012; Amnesty International phone meeting with Secours Catholique, 6 July 2012.

<sup>139</sup> Fédération nationale des associations d’accueil et de réinsertion sociale (Fnars), Baromètre hivernal du 115, hiver 2011-2012.

<sup>140</sup> Fédération nationale des associations d’accueil et de réinsertion sociale (Fnars), Baromètre 115, Point n°6, July 2012.

<sup>141</sup> In 2011 Romeurope estimated that there were about 650 people living in villages d’insertion in the Seine-Saint-Denis department. See Les « Roms migrants » en Ile de France, Etat des lieux provisoire des expériences d’hébergement et de logement d’habitants de squats et bidonvilles, *Romeurope*, 2011, [http://www.romeurope.org/IMG/pdf/Rapport\\_habitat\\_IDF\\_DEF.pdf](http://www.romeurope.org/IMG/pdf/Rapport_habitat_IDF_DEF.pdf), accessed 7 November 2012.

<sup>142</sup> Examples of these ad hoc projects have been called Maîtrise d’Oeuvre Urbaine et Sociale (MOUS), Convention d’occupation, Convention d’accompagnement sanitaire et social, Intervention régionale coordonnée en direction des populations roms, village d’accueil, village d’insertion. For a list of insertion project in Ile-de-France, see Romeurope, Les “Roms migrants” en Ile de France, 2011 (cited above).

<sup>143</sup> Some villages visited by Amnesty International in Orly, Montreuil and Saint-Denis featured pre-fabricated bungalows for residents, while others consisted merely of caravans parked in a vacant lot which shared a communal kitchen and sanitary facilities.

<sup>144</sup> See Romeurope, Les “Roms migrants” en Ile de France, 2011.

<sup>145</sup> For projects funded by the Ile-de-France region under its fund to provide shelter to inhabitants of eradicated slums (the objective being the eradication of slums) to which local authorities (collectivités Territoriales) can apply, one of the conditions is that a maximum of 80 people are housed in the project, [http://www.iledefrance.fr/aides-regionales-2/dossier-importation/sante-social-solidarite/175-eradication-des-bidonvilles/?search\\_theme=98&submit\\_aide\\_theme=OK&num\\_depart=2&page\\_cours=3&cHash=c02fbd9424956a43209d6eda4401fc7e](http://www.iledefrance.fr/aides-regionales-2/dossier-importation/sante-social-solidarite/175-eradication-des-bidonvilles/?search_theme=98&submit_aide_theme=OK&num_depart=2&page_cours=3&cHash=c02fbd9424956a43209d6eda4401fc7e), accessed 7 November 2012.

<sup>146</sup> The settlement in Orly is referred to as a “village d’accueil” (welcome village), and is supported by the town of Orly, with funding from the Conseil Général of Val-de-Marne, the Ile-de-France region and the European Union.

<sup>147</sup> Amnesty International meeting with Vincent Reberieux, Adviser, Mairie of Orly, 14 June 2012.

<sup>148</sup> Amnesty International meeting with officials at the Mairie of Montreuil.

<sup>149</sup> Amnesty International meeting with officials at the Mairie of St. Denis.

<sup>150</sup> Amnesty International meeting with Vincent Reberieux, Adviser, Mairie of Orly, 14 June 2012. On 27 October 2012, about 200 local residents protested in Hellemmes, a town close to Lille (Nord)

department) against the construction of a "village d'insertion" destined to house five Roma families. The mayor tried to engage in dialogue with the crowd, who turned tumultuous and harassed him. See "Une manifestation anti-Rom dégénère", *Le Figaro*, 28 October 2012, <http://www.lefigaro.fr/flash-actu/2012/10/28/97001-20121028FILWWW00059-une-manifestation-anti-roms-degenere.php>, accessed 7 November 2012.

<sup>151</sup> Many of the integration villages visited by Amnesty International or discussed with officials were limited to two or three-year timeframes, without guarantees of renewal. One village, in St. Denis, was established for renewable three-year terms. Amnesty International meeting with officials at the Mairie of St. Denis and at the Mairie of Orly, June 2012.

<sup>152</sup> Memorandum by Thomas Hammarberg, Council of Europe Commissioner for Human Rights, following his visit to France from 21 to 23 May 2008.

<sup>153</sup> *European Roma Rights Centre (ERRC) v. France*, Complaint No. 51/2008, (2009), at para. 112; European Committee of Social Rights, Conclusions 2011 (France), p. 28 and 40.

<sup>154</sup> Amnesty International visit of a camp in Ris Orangis, 20 Septembre 2012.

<sup>155</sup> For example, a sous-préfet at the Seine-Saint-Denis prefecture said that if a fire were to start, he would be the one responsible. Amnesty International interview with the sous-préfet chargé de mission et de l'arrondissement de Bobigny, 21st September 2012.

<sup>156</sup> Tribunal de Grande Instance de Bobigny, Ordonnance de Référé du 13 Avril 2012.

<sup>157</sup> The exact location of the hotel where Carmen and her family were sent is unknown, however members of the support committee of Villeneuve-le-Roi indicated that the majority of families evicted from this informal settlement were offered hotel nights in Saint Gratien, Saint Ouen l'Aumône, Aulnay and Provins; and only a minority were offered shelter reasonably close to the Villeneuve-le-Roi in Villeneuve Saint Georges and Bonneuil. Amnesty International interview with Christian Castagna, 8 November 2012.

<sup>158</sup> Contrary to popular stereotypes which depict all Romani people as traditionally nomadic, Romani people who spoke to Amnesty International reported that they had always lived in homes or apartments in Romania, and had never undertaken such frequent relocations until forced to do so as a consequence of forced evictions in France.

<sup>159</sup> Amnesty International interview with Grégoire Cousin, ERRC, 29 October 2012.

<sup>160</sup> Amnesty International interview with Hélène Trachez and Martin Favreau, PU-AMI, 22 September 2012.

<sup>161</sup> The Conseil Général is the deliberative assembly in each department in France. Its competencies range from "social action" (*action sociale*), education, housing and culture to local development and road networks.

<sup>162</sup> Amnesty International interview with Livia Otal, Médecins du Monde, 17 October 2012.

<sup>163</sup> Halfen S., *Situation sanitaire et sociale des "Roms migrants" en Ile-de-France*. Rapport de l'Observatoire régional de santé d'Ile-de-France, 2012, p. 65

<sup>164</sup> Circulaire n°2002-063 du 20 mars 2002.

<sup>165</sup> La Défenseure des enfants, rapport d'activités 2010, p.97.

<sup>166</sup> HALDE, Délibération n°2009-233 of 8 June 2009.

<sup>167</sup> Amnesty International Meeting with Officials in the mairie of St. Denis (Seine-Saint-Denis), June 2012.

<sup>168</sup> Amnesty International meeting with Médecins du Monde, February 2012.

<sup>169</sup> Amnesty International phone interview with Patricia Oreste, 1 October 2012.

<sup>170</sup> La Défenseure des enfants, Rapport d'activité 2010, p. 132

<sup>171</sup> La Défenseure des enfants, Rapport d'activité 2010, p. 132

<sup>172</sup> Amnesty International phone interview with Mathilde Archambault, 2 October 2012.

<sup>173</sup> Amnesty International visit of the informal settlement in La Courneuve, 21 September 2012.

<sup>174</sup> Lettre de mission Alain Regnier, 20 September 2012.

<sup>175</sup> Article L412-6, Code des Procédures Civiles d'Exécution. This provision does not apply where occupants have entered the premises by illegal means or when there are living in a building under an emergency order.



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## **CHASED AWAY**

### **FORCED EVICTIONS OF ROMA IN ILE-DE-FRANCE**

France is no exception to the pattern across Europe of governments forcibly evicting Roma from their homes. Roma present easy targets as they are often poor, socially excluded, and regarded with hostility and prejudice by the societies around them.

An estimated 15,000 Roma live in unauthorized camps in France, mostly concentrated on the outskirts of major cities. They face repeated forced evictions, leaving them homeless or living in equally precarious conditions. The law in France does not provide for genuine consultation, adequate alternatives or information for people facing eviction. Forced evictions also have a direct impact on their access to health and education.

This report focuses on Ile-de-France, the greater Paris region, with testimonies from Roma, primarily from Romania, who live there. The stated policy of the previous French government was openly hostile towards them. The policy of the current government, although less hostile, has had an alarmingly similar result for those living in irregular settlements.

Amnesty International calls on the French authorities to revise their domestic laws on evictions and bring them into line with international human rights standards, and to stop the forced evictions of Roma until there are adequate alternatives available, and genuine consultation with all those affected.

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Index: EUR 21/012/2012  
November 2012

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