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France: Forced evictions add to climate of fear amid alleged hate crimes

Amnesty International today condemned the forced eviction carried out in the biggest Roma informal settlement in Marseille (La Parette), where about 400 people lived. According to the information available to Amnesty International, only 18 families were given alternative housing; many of the 400 inhabitants of the informal settlements, including children, have de facto been made homeless, in contravention with international human rights law.

This forced eviction took place in a context where minority communities including Roma, migrants and asylum seekers are targeted with violence. Amnesty International is concerned that French authorities continue to focus on forcibly evicting these communities instead of counteracting violence and discrimination affecting them.

A 16 year-old Roma boy living in a squatted building in Pierrefitte-sur-Seine (Parisian region) was reportedly kidnapped, severely injured and left in a coma by a dozen people who suspected him of burglary. The police reportedly indicated that he had been found unconscious in a trolley outside a supermarket on Friday 13 June.

On the night of 12 June, two migrants, originally from Sudan and Eritrea respectively, were reportedly shot by a 26 year-old man in Calais (Northern France) with an air rifle.

The victim from Sudan was injured and taken to the hospital where he obtained a prognosis of 7 days. The suspect was reportedly arrested on Saturday 15 June.

Although Amnesty International has not been able to verify this information and cannot draw conclusions on whether the victims were targeted mainly or partially because of their ethnic and/or migrant background, it remains concerned that any alleged discriminatory motive associated with these crimes will not be unearthed during the investigation and prosecution phases. Research undertaken by Amnesty International on violence and threats of violence against Roma communities in France has in fact highlighted the lack of specific investigation procedures aimed at tackling discriminatory violence.

BACKGROUND

In a letter sent to the Prefect of Bouches-du-Rhône (competent for the area of Marseille) on 13 June 2014, Amnesty International France expressed concern that the eviction of the Roma community living in La Parette and carried out today did not respect international human rights law. In a letter sent to the Prime Minister on 27 May, Amnesty International France, together with other human rights organizations, expressed concern that the planned eviction of migrants and asylum seekers in Calais, carried out on 28 May, was not an appropriate response to health concerns and was in breach of international human rights law.

In a press release issued yesterday, the organization expressed concern that French authorities may fail to adequately address the recent violent attacks against migrants, asylum seekers and Roma. The organization called on authorities to investigate any alleged discriminatory motive behind these attacks and to stop forced evictions targeting Roma, migrants and asylum seekers.

Under international human rights law, when an alleged hate crime occurs, states should respond not only by pursuing suspected perpetrators, but also by ensuring that the discriminatory motive underlying such a crime is uncovered during the investigation and taken into account in the prosecution of the crime.

In some instances, perpetrators overtly express the discriminatory motive; in others it is less evident. In addition, individuals and communities can also be targeted on multiple grounds. Whatever the circumstances of the crime, the investigation should aim to unmask any alleged discriminatory motive behind a crime, whether or not this motive has been reported by the victim, witnesses or suspects. International human rights treaties oblige states to protect people from discriminatory violence and harassment.

The European Court of Human Rights has found in several instances that the failure to thoroughly investigate the alleged racist motive for a crime violated the European Convention for the Protection of Human Rights and Fundamental Freedoms, specifically the equal enjoyment of several rights set out by the Convention including the right to life (Article 2) and the right to be free from inhuman and degrading treatment (Article 3).

Under the French Criminal Code, perpetrating a crime or an offence on the basis of the real or perceived race, ethnicity, nationality, religion, sexual orientation or gender identity of the victims constitutes an aggravating circumstance (Articles 132-76 and 132-77). Moreover, the Criminal Code foresees specific penalty enhancements for some crimes, such as murder, torture, rape, violence and threats of violence, when they are perpetrated on the basis of the grounds mentioned above.

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