



EXPULSION OF COMMUNITY CITIZENS

OF ROMA ETHNIC ORIGIN FROM FRANCE



Expulsion of Community citizens of Roma ethnic origin from France

In July of this year, the **French Government** deployed 300 military personnel in a town following an attack on a police station. Apparently, this attack was perpetrated by approximately 50 people identified by several French media as being members of the Roma ethnic group who were protesting against the death of a young person on Friday night who was shot by a police officer (it would appear that the young person died from gun wounds received from an officer during a car chase when the former failed to stop at a police checkpoint set up on a highway, according to official sources¹). Approximately ten days later, Sarkozy announced the dismantling of 100 of the 200 illegal Roma and traveller camps in a span of three months and the expulsion back to their countries of origin of “all nationals of Eastern European countries residing illegally in France”². That same day the French Minister of the Interior underscored those declarations announcing the expulsion of members of the Roma minority who had committed a crime against “public order” and pointed out that 300 of the 600 existing camps would be dismantled. In response to this situation, the **European Commission** declared that the French Government had the competence to decide on the future of the Roma minority in that country: “It is up to France to enact legislation on this matter. We can only state that the expulsion of individuals should be on a case-by-case basis and that the criterion of proportionality should prevail” were the words of the EC spokesperson³. The French Minister of the Interior then circulated an Instruction among the gendarmeries (police stations) ordering the evacuation of illegal camps with the specific objective of eliminating

300 camps within the following three months, prioritising the Roma camps.

In August the Community institutions reacted announcing that they would be keeping “a very close watch” on the deportation of Roma ordered by Sarkozy. Specifically Matthew Newman, spokesperson of DG Human Rights and Justice of the European Commission, said that “if a State deports someone, we must be certain that it is done proportionately. It must be the result of a reasoned decision and not be applied to an entire population. The 2004 Community Directive provides for free movement and residence of citizens in any EU country but also envisages restrictions, one being that people must have “sufficient resources” to provide for themselves in that country.”⁴

Despite the insistence of the **European Commission** on the need to apply expulsion sanctions on an individual basis, on 18 August France began to implement its massive expulsion plan to send Roma back to Romania: 86 people were put on three different flights back to Bucharest. The Minister of the Interior insisted that the repatriations were not directly related to the dismantling of the camps because these flights to deport Roma to Romania and Bulgaria were common practice. In fact, it would seem that during the previous year the French Home Ministry’s Immigration Office organised approximately 44 flights of this sort repatriating some 10.000 Roma citizens. Just this year, a total of 27 flights counting these three most recent ones were chartered according to Home Ministry figures.

As citizens of the European Union since 2007, Romanians and Bulgarians have the right to move

¹ “France deploys 300 military personnel in a town following an attack on a police station”. *El Mundo* (daily newspaper). 18/07/10.

² “Sarkozy announces the dismantling of 100 Roma camps”. *El Mundo*. 29/07/2010.

³ “France “declares war” on illegal Roma living within its borders”. RTVE (Spanish Television and Radio) 29/07/2010.

⁴ “The EU will keep a “very close watch” on the deportation of Roma ordered by Sarkozy”. RTVE 18/08/2010.

- vous m'adresserez cette synthèse à l'adresse
sec.gendarmerie@interieur.gouv.fr

Il revient donc, dans chaque département, aux préfets d'engager, sur la base de l'état de situation des 21 et 23 juillet, une démarche systématique de démantèlement des camps illicites, en priorité ceux de Paris.



MINISTÈRE DE L'INTÉRIEUR,
DE L'OUTRE-MER ET DES COLLECTIVITÉS TERRITORIALES

Paris, le 05 AOUT 2010

Le Ministre de l'Intérieur, de l'Outre-mer et
des Collectivités territoriales

à

Monsieur le Préfet de police
Monsieur le Directeur général de la police nationale
Monsieur le Directeur général de la gendarmerie nationale
Mesdames et Messieurs les Préfets
(pour action)

Monsieur le Secrétaire général
(pour information)

NOR IOC/K/1016329/J

OBJET : Evacuation des campements illicites

Références : - Télégramme en date du 30 juillet 2010
- Circulaire IOC/K/1016329/J du 24 juin 2010

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 avoir été évacués d'ici 3 mois, en priorité ceux des Roms. Dans son discours de Grenoble, le 30 juillet dernier, le Président de la République a demandé de procéder d'ici la fin septembre au démantèlement des camps qui font dès à présent l'objet d'une décision de justice et, lorsque cette décision n'a pas encore été prise, d'engager les démarches pour qu'elle intervienne le plus rapidement possible.

Pour mettre en œuvre ces décisions, dès le 30 juillet, les préfets de zone ont été réunis et ont reçu toutes instructions et informations utiles.

Lors de cette réunion, des objectifs précis en matière d'opérations d'évacuation ont été fixés en fonction de la situation de chaque zone de défense et de sécurité sur la base des états département par département établis aux 21-23 juillet.

Le 30 juillet, suite à la réunion avec les préfets de zone, je vous ai adressé un télégramme d'instructions, et les préfets de zone vous ont réunis pour arrêter les modalités de mise en œuvre de ces directives.

.../...



freely for three months in France except for students. However, there is a moratorium on the right to work renewable to 2014 meaning that Romanians and Bulgarians must apply for a work permit and their access to the labour market is restricted to a list of 150 jobs.⁵

Criticism from international organisations was incessant and the **Council of Europe** spoke out against the expulsions noting that “a policy based on expulsions and incentive to leave France, even assuming that relevant human rights standards are being met, is not a long-term solution”. It also pointed out that declarations such as those made by French government officials contribute to the stigmatisation of Roma immigrants “who, as a group, are blamed for criminal acts”⁶.

In August the UN Committee on the Elimination of Racial Discrimination (CERD) presented its findings from the study of the reports on the French situation submitted by the signatory States in accordance with Article 9 of the Convention. In its report the CERD said that: “*The Committee is concerned about the increase in incidents and violence of a racist nature against Roma in the territory of the State Party. (...) It has been observed that a voluntary return programme has been implemented to send Roma to their countries of origin. (...) there are reports that Roma have been sent home collectively to their home countries without the free, complete and informed consent of all the individuals concerned.*”

The Committee takes note of the declarations made by the State Party and recommends that it makes sure that all public policies concerning Roma fully comply with this Convention, specifically avoiding collective repatriations and employing sustainable solutions to deal with Roma issues based on full respect for human rights (Articles 2 and 5).⁷

⁵ “France initiates the controversial expulsion of 700 Roma.” *El País* (daily newspaper). 18/08/2010.

⁶ “The Council of Europe criticises the expulsion of Roma from France.” *El País*. 24/08/2010.

⁷ “Examen des rapports présentés par les États parties conformément à l’article 9 de la Convention. Observations finales du Comité pour l’élimination de la discrimination raciale.” Comité pour l’élimination de la discrimination raciale (CERD). 27/08/10.

Atger: Francia viola las leyes europeas

La crisis se ha desatado entre París y Bruselas por la circular que cita a los gitanos como objetivo prioritario de las expulsiones.

Anaïs Faure Atger, directora de investigaciones en el Centro de Estudios de Políticas Europeas (CEPS) de Bruselas, buenas tardes. ¿Cree que esta polémica es más bien una cuestión de formas o a una violación real de los textos europeos?

Anaïs Faure Atger: No se trata en absoluto de un simple problema de formulación. Hay una violación evidente del derecho europeo.

Para empezar, la Comisión, como guardiana de los tratados europeos había pedido explicaciones a los ministros Lellouch y Besson que negaron explícitamente la existencia de esa circular. Por tanto han ocultado hechos a la Comisión Europea.

En segundo lugar, la circular era en sí abiertamente discriminatoria, porque se dirigía a un grupo de población, los gitanos. Eso es una violación de la carta fundadora de los derechos fundamentales de la Unión y también de la directiva que estipula la libre circulación de los ciudadanos europeos.

euronews: El texto que cita Bruselas es un artículo, el II 81, de la Carta de los Derechos Fundamentales de la Unión. ¿Es ese un texto vinculante?

Anaïs Faure Atger: Sí, la Carta de los Derechos Fundamentales es vinculante desde la adopción del Tratado de Lisboa, por tanto es de obligado cumplimiento para todos los Estados Miembros y las instituciones de la Unión Europea y sus agencias.

euronews: ¿Qué recursos puede activar el Ejecutivo europeo contra París?

Anaïs Faure Atger: Como anunció ayer la comisaria Reding, la Comisión puede iniciar un procedimiento de infracción, que es un procedimiento administrativo encaminado a rectificar, a presionar a los Estados Miembros para que rectifiquen sus prácticas. Si no es el caso, pueden abrir un procedimiento contencioso, es decir, llevar a Francia ante el Tribunal Europeo de Justicia.

euronews: Y en ese caso ¿Qué podría sucederle a Francia?

Anaïs Faure Atger: Una condena y una anulación de las expulsiones que han sido llevadas a cabo en el marco de esa circular.

euronews: París ha rectificado el tiro con una nueva circular donde no se menciona a los gitanos. Al mismo tiempo, el ministro francés para Asuntos Europeos protesta diciendo que “ya no estamos en el colegio”. ¿Cree que detrás de todo este asunto hay una lucha de poder entre las instituciones europeas y un Estado Miembro?

Anaïs Faure Atger: En efecto, hay una lucha de poder, porque Francia considera que sólo le corresponde a ella juzgar si aplica o no de forma correcta el derecho comunitario europeo.

Pero Francia no puede decidir eso sola, porque los tratados han conferido ese papel a la Comisión Europea.

Por otra parte, las lecciones que el señor Lellouch dice estar recibiendo de la Comisión Europea también se las han dado otras instituciones internacionales como el comité de la ONU para la erradicación de la discriminación, y el Consejo de Europa también ha condenado a Francia.

Si Francia quiere conservar su credibilidad en la escena internacional tiene que cambiar radicalmente de postura.

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In the light of this situation, **social entities** working to promote equal treatment and against discrimination made their concerns public both individually and collectively. The FSG issued a communiqué “condemning the deportation of Roma at the hands of the French Government”⁸ and expressed its indignation at the deportation of Romanian and Bulgarian Roma while urging the French Government to respect international law in the eviction and expulsion of EU citizens. It also stressed avoiding discourse and declarations which stigmatise the entire Roma population

⁸ Available at: <http://www.gitanos.org/servicios/prensa/comunicados/53343.html>

ELMUNDO.es

http://www.elmundo.es/elmundo/2010/09/16/union_europea/1284648027.html

POLÉMICA | Se puso 'muy agresivo' con Barroso

Sarkozy monta una 'escandalera' en el Consejo Europeo por los gitanos



Barroso y Sarkozy, en la foto de familia del Consejo. | Reuters

María Ramírez (Corresponsal) | Bruselas

Actualizado **jueves 16/09/2010 18:36 horas**

Las deportaciones de gitanos de Francia han provocado este jueves un agresivo enfrentamiento (dialéctico) entre **Nicolas Sarkozy** y el presidente de la Comisión Europea, **José Manuel Durão Barroso**, delante de todos los jefes de Estado y de Gobierno de la UE.

El presidente francés defendió su política de expulsión de miles de gitanos, la mayoría rumanos y búlgaros, es decir, ciudadanos de pleno derecho de la UE, en contra del expediente abierto por la comisaria de Justicia, **Viviane Reding**.

Sarkozy sacó el tema en la comida "varias veces", según fuentes diplomáticas, y no dudó en atacar con duras palabras a Barroso. El primer ministro búlgaro, **Boyko Borisov**, definió la agitación en el Consejo Europeo como una "escandalera" (según la interpretación del búlgaro).

"Ha sido un intercambio muy animado", explicó también un diplomático belga, que esperaba que los ánimos se tranquilizaran en las ruedas de prensa después de la reunión. Sarkozy, **según los testigos, se puso "muy agresivo" con Barroso**, que respondió con más moderación.

Francia se defiende

Francia repite desde julio que está aplicando la ley escrupulosamente en las deportaciones, aceleradas después de los disturbios en Saint Aignan, un pueblo en el

and encouraged social inclusion policies instead of promoting mass expulsions and the dismantling of camps. Moreover, in coordination with other national and European organisations, especially the **European Roma Policy Coalition (ERPC)** of which it is a member, it urged the Ministries of Foreign Affairs, Interior and Justice, as well as the European Commission and all other relevant organisations to openly reject these measures perpetrated against the Roma population in France

and to take a more active stance in seeking solutions which give rise to more inclusion policies rather than negating rights.⁹

On 14 September **Viviane Reding, Vice-president of the European Commission and responsible for Justice, Fundamental Rights and Citizenship**, spoke out in no uncertain terms in defence of the Roma community: "Over the past weeks, the European Commission has been following very closely the developments in France regarding the Roma. I personally have been appalled by a situation which gave the impression that people are being removed from a Member State of the European Union just because they belong to a certain ethnic minority. This is a situation I had thought Europe would not have to witness again after the Second World War. (...) Let me be very clear: Discrimination on the basis of ethnic origin or race has no place in Europe. It is incompatible with the values on which the European Union is founded. National authorities who discriminate ethnic groups in the application of EU law are also violating the EU Charter of Fundamental Rights, which all Member States, including France, have signed up to. (...) I am personally convinced that the Commission will have no choice but to initiate infringement action against France:

- Infringement proceedings against France for a discriminatory application of the Free Movement Directive.

- And infringement proceedings against France for lack of transposition of the procedural and substantive guarantees under the Free Movement Directive.

I will of course give the French authorities the right to submit comments on the new developments in the course of the next days. But I make

⁹ Available at: http://www.gitanos.org/upload/67/21/ERPC_Comunicado.pdf



it very clear my patience is wearing thin: enough is enough.”¹⁰

Nevertheless, at the September **European Council** Nicolas Sarkozy had serious words with the President of the European Commission, José Manuel Durao Barroso, over this subject where the French president defended his policy of expelling thousands of Roma, EU citizens with full rights, despite the case opened by the Commissioner of Justice, Viviane Reding. The rest of Europe’s leaders remained divided over this issue: Chancellor Angela Merkel, the Italian President Silvio Berlusconi and the President of Spain, José Luis Rodríguez Zapatero, criticised Reding’s tone while the current EU Belgian Presidency supported the Commissioner. Finally, Sarkozy accepted the enquiry announced by the Commission to gain insight into why and how the expulsions came about but disapproved of the “excessive” force used by the Vice-president.

Given the seriousness of the events, the **FSG** issued a new communiqué¹¹ deeply regretting the stance taken by the President of the Spanish Government whose declarations supported the French President and whose attitude made European Roma the prime scapegoat for the problems affecting France and Europe in general. *“It is no less disappointing that at the time when the Spanish model for the social inclusion of the Roma population is being adopted as a benchmark throughout Europe, President Zapatero and the leader of the opposition party, Mariano Rajoy - whose parties have promoted and supported this model for the last three decades- instead of leading and encouraging a pan-European Roma inclusion strategy as was done during the recent Spanish Presidency of the EU, echo these populist attitudes of the French Government.”* Lastly, the FSG called on the Spanish Government to speak out at once demanding that the French Government immediately halt the expulsions; it called on the European Commission to be effective and diligent in the implementation of an authentic inclusion strategy; and appealed to the civil society as a whole, Spanish and European, to express its re-

pulsion of the measures adopted by the French Government and demonstrate its solidarity with and commitment to the Roma people.

While the European Commission investigated the expulsions, the **director of enquiries at the Centre for European Policy Studies (CEPS) in Brussels** issued the following legal findings¹²: “This is certainly not a simple problem of formulation. **The circular is a clear violation of European law.** To begin with the Commission, as the caretaker of European treaties, had asked for explanations from Ministers Lellouch and Besson who explicitly denied the existence of that circular. Therefore they **concealed facts from the European Commission.** Secondly, the circular itself was openly discriminatory because it targeted a group of the population, the Roma. That **is a violation of the Union’s founding Charter of Fundamental Rights and of the Directive stipulating the free movement of Europe’s citizens.** (...) The Charter of Fundamental Rights has been binding ever since the adoption of the Treaty of Lisbon and is therefore authoritative for all Member States and the institutions of the European Union and their agencies. (...) As stated yesterday by Commissioner Reding, **the Commission can initiate an infringement procedure**, which is an administrative proceeding designed to rectify or pressure Member States into rectifying their practices. If that is not effective, **it can initiate a contentious-administrative procedure, in other words, it can bring France before the European Court of Justice.**” In that case, the Court could **“condemn and annul the expulsions** carried out within the framework of that circular.”¹³

In October the **European Commission** accepted the draft law from Paris to adapt the Directive on the free movement of persons and its implementation calendar thus putting an end to the enquiry initiated and renouncing the sanction procedure against France. “I am happy to see that France has responded to the Commission’s request in a positive and constructive manner within the stipulated time limits”¹⁴, stated Viviane Reding.

¹⁰ Non-official translation from the original into Spanish. See original: Speech/10/428. “Statement on the latest developments on the Roma situation.” Viviane Reding. Brussels, 14 September 2010.

¹¹ “Disappointment regarding the declaration made by Zapatero on the Roma controversy in France.” FSG. 17/09/2010. Available at: <http://www.gitanos.org/servicios/prensa/comunicados/53897.html>

¹² “Atger: France violates European laws.” Euronews. 15/09/2010.

¹³ Available at: <http://es.euronews.net/2010/09/15/pulso-entre-bruselas-y-francia/>

¹⁴ “Brussels shelves litigation concerning the expulsion of Roma from France.” El País. 19/10/2010.

The FSG considers the European Commission's decision to shelve the affair after weeks of conflict with France over the expulsions of Roma thus renouncing the right to bring charges against the Government of Nicolas Sarkozy as a "step in the wrong direction in the defence of the fundamental rights of Europe's citizens." This measure gives "carte blanche to other EU States to take similar measures against the Roma population without any type of consequences".

Members of the ERPC have provided the Commission with clear evidence proving that discrimination played a part in the expulsion of Romanian and Bulgarian citizens belonging to the Roma ethnic group. "The Commission has been far from transparent in reaching its conclusions. Our legal assessment, which we have shared with the EC, shows that the rights of many people were shamelessly violated. Those who were expelled from France had no access to justice. The Commission has let them down".

The FSG is deeply concerned about the discriminatory measures which several Member States have been employing against the Roma population and we feel there is a need for effective measures at the EU and Member State level to combat this discrimination and put an end to the problem of socio-economic exclusion faced by the Roma population throughout all of Europe. This decision taken by the EC is undoubtedly a step in the wrong direction.¹⁵

Once legal channels were closed, associations like ours which work in support of Fundamental Rights had

¹⁵ "The FSG says that the Brussels decision to not press charges against France is a step in the wrong direction". FSG. Available at: <http://www.gitanos.org/servicios/prensa/noticias/54549.html>

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Bruselas da carpetazo al contencioso por las expulsiones de gitanos de Francia

La comisaria de Justicia considera suficientes las garantías aportadas por París

RICARDO MARTÍNEZ DE RITUERTO | Bruselas 19/10/2010

Vota
Resultado ★★★★★ 33 votos
Comentarios - 71

La Comisión Europea ha convertido definitivamente en historia el acre **enfrentamiento con Francia** a propósito de las **repatriaciones de gitanos rumanos y búlgaros** de este verano al aceptar como bueno el proyecto de ley de París de adaptar la directiva sobre libre circulación de personas y el calendario para ello. "Francia ha hecho lo que le pidió la Comisión", ha señalado en un comunicado Viviane Reding, la vicepresidenta del Ejecutivo comunitario que provocó una guerra verbal en la que participaron a fondo José Manuel Durao Barroso, presidente de la Comisión, y Nicolas Sarkozy. "Estoy encantado de que haya triunfado la razón", ha apuntado el presidente francés.

La UE amenaza con sancionar a Francia

Bruselas se pliega a Sarkozy en la polémica sobre la expulsión de los gitanos

Las claves del conflicto entre la Comisión Europea y Francia por la expulsión de los gitanos rumanos

Francia adaptará su legislación a la normativa europea tras la polémica provocada por las expulsiones de gitanos rumanos

El pulso entre la Comisión, como guardiana de los derechos de los ciudadanos, y Francia por las expulsiones de los rumanos y búlgaros se convirtió en algarada diplomática cuando Reding, **sintiéndose engañada por París, declaró que lo ocurrido le retrotraía a escenas de la Segunda Guerra Mundial** que no pensaba volverían a darse en Europa. Un Sarkozy herido por el rejonazo verbal tuvo un intenso intercambio de pareceres con Barroso en el Consejo Europeo de septiembre. Al espectáculo asistieron atónitos los demás jefes de Estado y de Gobierno de la Unión, que puestos en la tesitura se alinearon con su colega en contra de lo que consideraron excesos verbales de Reding.

Colocados cada uno en su sitio, Reding dio a Francia hasta el 15 de octubre para **presentar un proyecto de ley** para adaptar la controvertida directiva de 2004 a la legislación nacional y, con él, un calendario de aplicación. En caso contrario, Francia sería sometida a un procedimiento sancionador.

"Me satisface anunciar que Francia ha respondido positiva y constructivamente, y en los plazos previstos, a la petición de la Comisión", ha señalado Reding en el comunicado en que exponía cómo París ha presentado su proyecto de ley y "un calendario creíble, hasta primeros de 2011", para la trasposición de la directiva.

"Francia, por lo tanto, ha hecho lo que le pidió la Comisión", ha resumido Reding, para subrayar la victoria formal. París ha ganado en el fondo y el archivo de las diligencias abre la vía a la normalización de las relaciones entre Bruselas y París.

Viviane Reding
A FONDO
Nacimiento: 27-04-1951
Lugar: Esch-sur-Alzette

Francia
A FONDO
Capital: París.
Gobierno: República.
Población:
64,057,792 (est. 2008)

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to look for other ways to voice our outrage so that society does not overlook the situation that Roma continue to suffer in France. In this connection, the Fundación Secretariado Gitano (with 67 offices in 14 Autonomous Communities) and the Unión Romaní (a federation of Roma associations with over 90 members) decided to join forces to get third sector organisations involved in what is becoming a growing concern and invite them to join in solidarity with the Roma community. The idea of this initiative is to drum up support and to get the third sector and civil society to take a clear position in putting a social barrier in the path of this increasingly generalised trend of “everything goes against the Roma”, reminding all of elementary principles and values such as the equality and dignity of all persons and shared rights of all citizens.