

# **TOLD TO MOVE ON:**

**FORCED EVICTIONS OF  
ROMA IN FRANCE**

**AMNESTY  
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# GLOSSARY

- AEDH** European Association for the Defense of Human Rights
- AFEJI** An NGO that works to combat exclusion
- ALPIL** *Action Lyonnaise pour l'Insertion Sociale par le Logement* (Lyon), Action for Social Integration through Housing
- AME** *Aide Médicale d'Etat*, State medical care
- ARS** *Agence Régionale de la Santé*, Regional Health Agency
- ASM** *antennes scolaires mobiles*, mobile classrooms
- BAPSA** *Brigade d'Assistance aux Personnes Sans-Abri*, an NGO working with homeless people
- CLASSES** *Collectif Lyonnais pour l'Accès à la Scolarisation et le Soutien aux Enfants des Squats*, Lyon Collective for Access to Schooling and Support for Children in Squats
- CASF** *Code de l'Action Sociale et des Familles*, Social Action and Family Code
- CCAS** *Centre Communal d'Action Sociale de Lille*, Lille Communal Social Action Centre
- CCFD** *Comité Catholique Contre La Faim et Pour Le Développement*, Catholic Committee against Hunger and for Development
- CESEDA** *Code de l'entrée et du séjour des étrangers et du droit d'asile*, Code governing the entry and residence of foreigners and the right of asylum
- CHRS** *Centres d'Hébergement et de Réinsertion Sociale*, accommodation and social rehabilitation centres
- CHU** *Centre d'hébergement d'urgence*, emergency shelter
- CIAS** *Centre Intercommunal d'Action Social*, Intercommunal Social Action Centre
- CMU** *couverture médicale universelle*, universal health care
- CNCDH** *Commission nationale consultative des droits de l'homme*, National Consultative Human Rights Commission
- DALO** *droit au logement opposable*, enforceable right to housing
- DDCS** *Direction départementale de la cohésion sociale*, Regional Office for Social Cohesion

- DIHAL** *Délégation interministérielle à l'hébergement et à l'accès au logement*, Interministerial delegation for accommodation and access to housing
- ECHR** European Court of Human Rights
- ECOSOC** United Nations Committee on Social, Economic and Cultural Rights
- ECSR** European Committee of Social Rights
- ERRC** European Roma Rights Centre
- FNARS** *Fédération nationale des associations d'accueil et de réinsertion sociale*, a national NGO working with socially-disadvantaged people
- Gisti** *Groupe d'information et de soutien des immigrés*, Immigrants' Information and Support Group
- ICCPR** International Covenant on Civil and Political Rights
- ICESCR** International Covenant on Economic, Social and Cultural Rights
- IG** *Inspections Générales*, Inspectorates General (*IGA [administration]*, *IGAS [social affairs]*, *CGEDD [environment and development]* et *IGAENR [national education and research]*)
- LDH** *Ligue des Droits de l'Homme*, Human Rights League
- LMCU** *Lille Métropole Communauté urbaine*, Lille Metropolitan Urban Community
- MOUS** *Maîtrise d'œuvre urbaine et sociale*, a multi-disciplinary programme to provide housing and social support for those most in need
- OFII** *Office français de l'immigration et de l'intégration*, French Office for Immigration and Integration
- OQTF** *obligation de quitter le territoire français*, order to leave French territory
- PU-AMI** *Première Urgence - Aide Médicale Internationale*, a medical NGO
- RSA** *revenu de solidarité active*, earned income supplement
- SIAO** *Services Intégrés d'Accueil et d'Orientation*, Integrated Reception and Orientation Services
- TA** *Tribunal administratif*, administrative court
- TGI** *Tribunal de grande instance*, court of first instance in civil and criminal matters
- TI** *Tribunal d'instance*, lower civil court

# INTRODUCTION

*“I do not want this intolerable situation to carry on. The dismantling [of informal settlements] is more necessary than ever and will continue [...] We will do so with humanity, without failing to provide social support, meet the goal of providing schooling for children and, where possible, afford access to housing and the world of work.”*

Manuel Valls, Interior Minister, interview in *Le Parisien*, 14 March 2013

French President François Hollande had condemned the practice of forced evictions during the 2012 presidential election campaign<sup>1</sup>. In April 2012, when he was standing as a candidate, he had responded to several of Amnesty International's concerns about human rights in France<sup>2</sup>. He had stressed that, *“We must find solutions in order to reconcile the principles of respect for private property, the security of individuals and the force of res judicata with the duty to integrate these populations. I believe that it is essential to avoid putting extremely vulnerable populations out on the street. When an unsanitary settlement is dismantled, I would like alternative solutions to be proposed. Measures to provide social assistance in every area will be necessary so long as these populations live in undignified conditions”*.

Since coming to power in May 2012, the new French government has adopted several measures that seek to regulate evictions from informal settlements, including an interministerial circular “concerning the anticipation of and provision of social assistance for eviction operations affecting unauthorized settlements” (*“relative à l'anticipation et à l'accompagnement des opérations d'évacuation des campements illicites”*). This circular was sent to all Prefects on 26 August 2012, supplying them with optional instructions to follow with regard to dismantling operations. The mission of coordinating government action on this issue was entrusted to the *Délégation interministérielle à l'hébergement et à l'accès au logement (DIHAL)*, the Interministerial delegation for accommodation and access to housing, headed by Prefect Alain Régnier. Within this framework, a practical methodology and reference guide was published for the attention of services at the level of the *départements* [French administrative regions], funds were made available to finance anticipatory and social assistance projects related to the eviction of settlements and squats<sup>3</sup>, and consultations are

continuing to take place regularly with the local non-government organizations (NGOs) and authorities concerned.

However, one year on, despite the measures taken by the government, Amnesty International has found that migrant Roma are still being subjected to forced evictions; they are still being repeatedly chased out of their living spaces without being adequately consulted, informed or rehoused, in breach of France's international commitments. No effective safeguards to prevent forced evictions have been put in place, and the situation on the ground shows that, in fact, the measures taken by the government so far are insufficient to remedy this violation of international human rights law<sup>4</sup>. Furthermore, the government's avowed dual goal of firmness and humanity sometimes leads to inconsistencies, meaning that in some cases efforts to provide support are cancelled out by repeated evictions.

In 2012, according to surveys conducted by the French Human Rights League (*Ligue des Droits de l'Homme – LDH*) and the European Roma Rights Centre (ERRC), 11,982 migrant Roma were driven out of squats and slums where they were living, usually as a result of either an eviction by the authorities, a fire, an accident or an attack<sup>5</sup>. This number increased sharply in the first two quarters of 2013, reaching 10,174, the highest since the surveys started in 2010. While evictions tend to diminish during the winter, they do still take place. The suspension of evictions during the winter<sup>6</sup> is not always applied to the inhabitants of informal settlements, some of whom are still being made homeless in the middle of winter<sup>7</sup>. During July and August 2013, 3,746 Roma were evicted as a result of 39 eviction operations and 320 were evicted following three fires. Of those 42 evictions, affecting 4,066 people in a two-month period, temporary housing solutions were offered in 19 cases<sup>8</sup>.

Forced evictions often take place against a background of discrimination and hostility towards the Roma. This animosity has been evident recently from numerous stigmatizing comments made by political leaders<sup>9</sup> and published in scurrilous press articles<sup>10</sup>, as well as from several attacks and assaults by local residents<sup>11</sup>. As the municipal elections of March 2014 approach, hostile generalizations and comments about Roma and Travellers, sometimes reaching an extremely worrying level of violence, are increasing<sup>12</sup>.

The inhabitants of informal settlements, most of whom are migrant Roma, live in degrading conditions and experience a worsening of their situation as a result of forced evictions which render them all the more vulnerable. Evictions often leave these families and individuals homeless because they are not offered any alternative accommodation, and sometimes the solutions found are inadequate because they are temporary or unsuitable. As a consequence, they are often forced to go and settle elsewhere on land where they can once again put up makeshift shacks to live in until the next eviction. Such repeated evictions often interrupt schooling and health care and can leave people more vulnerable to other human rights violations.

In a report published in November 2012, Amnesty International already denounced the recurrence of forced evictions in Ile-de-France and launched a campaign calling for an end to this practice which constitutes a violation of international human rights law<sup>13</sup>. Nearly one year later, this new report describes the situation of migrant Roma since the introduction of the measures taken by the government and focuses mainly on two metropolitan areas, Lille and Lyon.



## ROMA IN FRANCE

The Roma<sup>14</sup> are mainly migrants from Romania, Bulgaria and the countries of the former Yugoslavia. There are believed to be about 20,000<sup>15</sup> in France, a figure that has remained relatively stable for several years. They are sedentary and have very often fled poverty and discrimination in their countries of origin. In Romania, for example, 75% of Roma live in poverty, compared to 24% for the Romanian population as a whole, and they continue to be subjected to forced evictions<sup>16</sup>.

The Roma community is one of the most important minorities in Europe and continues to face discrimination throughout the continent<sup>17</sup>. Roma are often the targets of racial violence, forced eviction, and ethnic segregation in schools and urban areas<sup>18</sup>.

Travellers are a distinct community and also face significant discrimination. In France, migrant Roma and Travellers (the vast majority of whom are French citizens) are often confused. The particular situation of Travellers in France is not addressed in this report<sup>19</sup>.

## METHODOLOGY

Amnesty International focused its research on the metropolitan areas of Lille and Lyon, while conducting a quick update of the situation in Ile-de-France nearly one year on from the previous report.

Three field research missions were carried out in Lille, Lyon and Ile-de-France in June and July 2013, in the course of which Amnesty International researchers met with Roma people living in 12 informal settlements and one squat<sup>20</sup>, and interviewed lawyers who had defended them in eviction proceedings<sup>21</sup>, mayors and their assistants from the districts in which these people were concentrated<sup>22</sup>, NGOs and activists who were helping them on a daily basis<sup>23</sup>, and authorities from the relevant Prefectures<sup>24</sup>. Amnesty International also visited three living spaces set up in the context of integration projects<sup>25</sup>.

[See Appendix for Maps of Lille, Lyon and Ile-de-France identifying settlements visited by Amnesty International; map prepared by Amnesty International France]

The issues identified in Amnesty International's November 2012 report on forced evictions still persist in Ile-de-France. From the field research conducted during the summer of 2013 and according to NGOs, support groups, lawyers and members of the Roma community the researchers met with, the Roma are still living in degrading conditions and are still being subjected to eviction without adequate consultation, information or being offered adequate alternative housing.

Continuing on from the research work done on Ile-de-France, the metropolitan areas of Lille and Lyon were selected as case studies to illustrate the issue of forced evictions across the country. The significant difference in the way in which eviction operations are conducted between Lille and Lyon shows that the measures adopted by the government are not sufficient to improve the situation on the ground throughout the country.

Nearly a quarter of the Roma population in France are said to live in these two metropolitan areas, and about half in Ile-de-France<sup>26</sup>. According to estimates by the Inspectorates General in January-February 2013<sup>27</sup>, in the Lille metropolitan area around 3,300 Roma were living in

some 40 informal settlements<sup>28</sup>. In Lyon and surrounding area, according to the same study, 1,126 Roma were living in 46 squats and settlements.

This report does not pretend to chart the overall situation or all the forced evictions that have taken place in these two metropolitan areas, and the fact that these two geographical areas were chosen in no way implies a ranking or a denial of the human rights violations that take place as a result of evictions in other cities<sup>29</sup>. The aim of this document is to highlight a few significant cases so that the issues raised by forced evictions and the lack of binding legislation and appropriate policies can be illustrated by focusing on the experiences of the families concerned and the human consequences such evictions have.

# THE LACK OF PROTECTION AGAINST FORCED EVICTIONS

“I don’t know how long we will stay here, as long as possible; I would like to have a more stable life but there’s no chance. I don’t like this kind of life, I can’t work, I can’t find a house; we have no papers. I would just like a normal life.”

Anita, 25, mother of two children aged five and seven, on 2 July 2013. The informal settlement where she lived on Avenue Salengro in Vaulx-en-Velin (Lyon) was evicted on 23 August 2013.

## 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>30</sup>. Not every eviction that is carried out by force constitutes a forced eviction. If all the legal safeguards required under international law were to be put in place and complied with, then an eviction would not breach the prohibition on forced evictions<sup>31</sup>.

According to General Comment 7 by the United Nations Committee on Economic, Social and Cultural Rights (ECOSOC), in order to protect people from forced eviction:

- Evictions should only be carried out as a last resort and only after examining all other possible solutions.
- There must be genuine consultation with those concerned before any eviction takes place and they must be able to put forward alternative solutions.
- The State must ensure that individuals are not made homeless or put at risk of suffering other human rights as a result of an eviction. Where those affected are unable to provide for themselves, it 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.

- The authorities must give adequate and reasonable notice to all affected persons and make information about any envisaged eviction available within reasonable time.
- The authorities should refrain from carrying out evictions in particularly bad weather or at night.
- Any force used must be proportionate and reasonable, and governments do not have the right to take such action for punitive purposes.
- If a forced eviction has taken place, the State must ensure access to an effective remedy prior to eviction and, failing that, legal aid, as well as the right to reparation, which may take the form of restitution, compensation, rehabilitation and guarantees of non-repetition.

These procedural safeguards must be applied in all circumstances and for all individuals present in the country, whether or not they legally occupy or own the land or premises in which they live.

## THE LACK OF LEGAL PROTECTION

The International Covenant on Economic, Social and Cultural Rights (ICESCR) establishes the right to adequate housing (article 11.1), and it is from this that the ban on forced evictions is derived. Indeed the Committee on Economic, Social and Cultural Rights (CESCR) stated that “instances of forced eviction are *prima facie* incompatible with the requirements of the Covenant”<sup>32</sup>. As a State party to the ICESCR, France is legally bound to respect, protect and ensure the realization of the right to adequate housing, and must ensure the full exercise of the rights recognized in the Covenant by all appropriate means, especially including the adoption of legislative measures (article 2.1).

France is also a party to other international treaties that prohibit forced evictions, including the International Covenant on Civil and Political Rights (ICCPR), which states that everyone has the right to be protected against arbitrary or unlawful interference with their privacy, family, or correspondence (article 17). The European Convention on Human Rights guarantees the right to respect for private and family life (article 8). The Convention on the Rights of the Child also guarantees this right (article 16) and reaffirms the right to adequate housing and protection against forced evictions (article 27). Lastly, in the most serious cases, forced eviction may also constitute a violation of the international prohibition of cruel, inhuman or degrading treatment of any kind<sup>33</sup>.

In France, the right to housing is not explicitly protected in the Constitution and is not seen as a fundamental right but rather as an “objective of constitutional value” (*objectif à valeur constitutionnelle*)<sup>34</sup>. By contrast, the right to property is a constitutional right and is defined as “inviolable and sacred”<sup>35</sup>. As a consequence, the right to property takes precedence over the right to adequate housing.

In French law, forced evictions are not prohibited, the procedural safeguards laid down in international law are not established, and the right to security of tenure is not guaranteed. It is possible to appeal against an eviction order but it is not possible to legally challenge whether an eviction operation amounts to a forced eviction. Roma living in informal settlements in France therefore have no legal protection against forced evictions.

Under the international and European treaties on human rights that France has signed, it is committed to respecting the right to adequate housing and preventing forced evictions, without discrimination of any kind<sup>36</sup>. The European Committee of Social Rights (ECSR), which has condemned France on four occasions with regard to evictions and living conditions involving Roma, found that in France violation of the right to adequate housing disproportionately affected Roma<sup>37</sup>. The latest decision by the ECSR, in response to a collective complaint brought by Médecins du Monde, condemns France for failing to respect several fundamental social rights and to comply with the requirement not to discriminate<sup>38</sup>.

As a result of its international commitments, France has an obligation to respect the right to adequate housing and to protect people against forced evictions by setting in place and respecting appropriate procedural safeguards.

## THE LACK OF PROCEDURAL SAFEGUARDS

*“People are living in a state of constant legal uncertainty.”*

Céline Amar, a lawyer at the Lyon Bar

In its November 2012 report entitled *“Chased away – Forced evictions of Roma in Ile-de-France”*, Amnesty International had already denounced the failure to respect the procedural safeguards laid down in international law in relation to evictions<sup>39</sup>. Nearly a year later, and despite the measures taken by the government, these failings persist both in law and in practice. The field research carried out in Lille and Lyon, and to a certain extent in Ile-de-France, showed that such failings are still having serious consequences for the Roma.

## THE LACK OF CONSULTATION

There is no binding provision obliging local authorities in charge of implementing eviction orders, namely the Prefects, to consult the people concerned prior to an eviction operation. One of the procedural safeguards intended to prevent forced evictions is that those affected should be genuinely consulted in advance so that they can inform themselves about the operation envisaged. Establishing a genuine dialogue with them is essential in order to respect the obligation to provide adequate alternative housing and to limit the use of force<sup>40</sup>. The “social assessment” (*“diagnostic social”*) prescribed in the 26 August circular does not amount to the kind of genuine consultation laid down in international law and such assessments are not systematically carried out prior to evictions (see p. 21). Of the Roma Amnesty International met who had been recently evicted, some were aware that their living space was going to be evacuated and some had been interviewed as part of a “social assessment” but none were subject to genuine consultation as stipulated in international standards.

## INADEQUATE INFORMATION

*"I can't see what explanation I need to offer other than the fact that I am implementing a court decision."*

Philippe Galli, Prefect of Seine-Saint-Denis

*"I don't know how long we are going to stay here, I'm afraid because I don't know when the eviction is going to happen. I expect it every day. It's hard for the children."*

Lorena, 24, mother of three children, living in Sampaix, Saint Fons, on 4 July 2013

In Lille and Lyon, most of the people affected seemed to have been informed that a legal procedure was under way to secure their eviction from the land they were occupying. Some people even said they had seen some official documents or had attended court. However, generally speaking, the information provided about evictions continued to fall far short of international standards concerning adequate and reasonable notice periods and adequate information.

Families are never officially informed of the exact date on which they are to be evicted. Eviction orders often give a deadline for implementation of the eviction ruling but the occupants only find out the date of eviction from unofficial sources, sometimes just the day before the operation or on the morning itself when the police arrive. The families concerned therefore live in a state of uncertainty and extreme anxiety, sometimes for several weeks. Since they do not know exactly when the eviction is to take place, they cannot prepare themselves for it and as a consequence sometimes lose property or important documents when they have to gather their belongings together in a hurry. This absence of a specific warning also leaves them more at risk of being ordered around or intimidated by the police or local residents<sup>41</sup>.

Only a few inhabitants of informal settlements were informed of the initiation of eviction proceedings, summoned to appear in court and notified of the eviction ruling. In fact, the inhabitants are not all officially informed because the eviction proceedings concern certain people whose identities have been noted by the bailiff when visiting the site, together with "*les occupants de leur chef*", in other words anyone sharing occupation with the person targeted. For example, in an eviction order dated 4 April 2013, the *Tribunal de Grande Instance (TGI)* of Lille ordered the eviction of 41 people as well as "occupants without title" ("*occupants sans titres*")<sup>42</sup>, from a settlement at Plaine Winston Churchill. Altogether 75 people were evicted from that informal settlement on 5 June 2013<sup>43</sup>, meaning that 34 of them were not explicitly targeted by the legal procedure.

## **FORCED EVICTION OF A SQUAT IN RUE SIDOINE APOLLINAIRE, LYON 9<sup>TH</sup> ARRONDISSEMENT<sup>44</sup>**

The eviction of the squat in rue Sidoine Apollinaire in Lyon's 9th *arrondissement* took place at 7am on 10 July 2013. The authorities said that it stemmed from an eviction order dating back to November 2011. However, that ruling targeted occupants who had left the building in July 2012 and been replaced by Roma families during the summer of 2012. The order justifying the eviction was not therefore targeted at the Roma families who were evicted<sup>45</sup>. The latter did not know whether eviction proceedings had been started or how long they were going to be able to stay in the building<sup>46</sup>. On the eve of the eviction, none of the inhabitants was aware

that the operation was going to take place the following day<sup>47</sup>. An employee from the town hall in Lyon's 9<sup>th</sup> *arrondissement* also said that their office had only been informed of it on the morning it took place. According to the Police Superintendent for the 9<sup>th</sup> *arrondissement*, police support for the operation had been agreed on 5 July<sup>48</sup>.

The Roma families were not consulted by the authorities prior to the eviction and had not received any information about it. No alternative accommodation had been offered to them. The approximately 45 inhabitants, including 14 children and one woman who was about to go into labour, were left homeless.

Once the people had left and the entrance had been walled up, the families moved into a park and then tried to settle down in the same area but the police stopped them. The police station for Lyon's 9<sup>th</sup> *arrondissement* confirmed that, following the eviction operation, police had followed the families to see where they went and to stop them from settling down<sup>49</sup>. The people expelled from the squat on Rue Sidoine Apollinaire mainly moved into other squats or informal settlements in the Lyon metropolitan area, including in some cases the one in Avenue Salengro in Vaulx-en-Velin, which was itself evacuated on 23 August 2013.

#### ACCESS TO JUSTICE: THE RIGHT TO DEFENCE AND THE LEGAL REMEDIES AVAILABLE

In the Lille and Lyon metropolitan areas, lawyers who defend Roma who are the subject of eviction proceedings say that they never succeed in getting eviction orders overturned, obtaining reparation or compensation for their clients or enabling them to return to the same site. According to them, during eviction proceedings, the only acknowledgement that the individuals concerned have rights is that it is possible to secure a postponement of the eviction. A two-month delay between the order to leave the site and implementation of the eviction must be granted to the occupants. However, the judge can shorten or completely remove this time limit and the eviction can be executed immediately<sup>50</sup>. The judge can also extend the time limit if certain elements are taken into account, such as existing contractual obligations concerning the use of the land, the vulnerability of the occupants, or the time of year when the eviction is to take place (during the school year or in the winter)<sup>51</sup>. By contrast, as eviction proceedings target land rather than people, the specific circumstances of individuals, such as their vulnerability, are not sufficiently considered. One lawyer summed it up as follows: "*One thinks in terms of settlements rather than people, that's where the problems come from.*"<sup>52</sup>

Access to legal aid is sometimes difficult<sup>53</sup>. In Lille, according to a lawyer who regularly defends people living in informal settlements in that metropolitan area, legal aid offices sometimes ask for an excessive number of supporting documents, and in recent months many applications had been rejected<sup>54</sup>.

Furthermore, some eviction proceedings authorized under French law are not adversarial, in other words they do not allow the individuals concerned to defend themselves in court prior to the judgement. That is the case for injunctions (*ordonnances sur requête*) and evictions authorized by orders (*arrêtés*). These two procedures are equally problematic because, although legal remedies are available, they do not have suspensive effect, in other words they do not prevent the eviction and do not allow those concerned to return to the site if appropriate. In the case of some procedures, the time limits for submitting an appeal are too short and the order may be executed very soon after a decision is taken. In the case of court proceedings, an adjournment is often secured if an application for legal aid has been filed.

## EVICTON PROCEDURES

- **The référé procedure** (*“procédure en référé”*): an adversarial emergency procedure initiated if the owner can demonstrate that it will not provoke “any serious opposition” and that there is “manifestly unlawful disorder”<sup>55</sup>. This is the procedure most often used.

- **Le référé d’heure à heure**: similar to the above, except that the time period between summons and hearing can be very short. Sometimes the occupants have less than 24 hours to contact a lawyer and prepare their case. In the case of settlements that are not monitored by NGOs or support groups, the occupants often attend court without being properly defended.

- **L’ordonnance sur requête**<sup>56</sup>: a non-adversarial procedure that can be initiated if the bailiff has been unable to identify the occupants. The occupants are not summoned or heard by the judge and often learn of the existence of the procedure on the day the eviction takes place. An eviction operation can be triggered in less than 24 hours. Appeals without suspensive effect are possible but there is no possibility for those concerned to return to the site in question. In the Lille metropolitan area, this procedure is often used and it is one against which it is very difficult to mount a legal challenge<sup>57</sup>. *“The ordonnances sur requête are our cancer at the moment. It is an unfair procedure: in a proper one, you have a judge, a complainant and a respondent. In the case of ordonnances sur requête, you have a judge and a complainant, full stop,”* lawyer at the Lille Bar, Norbert Clément, added<sup>58</sup>.

- **Municipal (and, in the case of Paris, prefectural) orders (arrêtés)**<sup>59</sup>: a non-adversarial procedure, in which an appeal without suspensive effect is possible but an extension to the deadline for eviction is almost never granted. Under mayors’ police powers (public order, safety and health), people can be evicted in between 24 and 48 hours<sup>60</sup>. While few evictions stemming from *arrêtés* have taken place in Lille and Lyon, they seem to be on the increase in Ile-de-France<sup>61</sup>. Furthermore, lawyers and organizations have claimed that *arrêtés* are sometimes issued in order to avoid court proceedings and the provisions of the August 2012 circular<sup>62</sup>. The CNCDH and the Ombudsman have also expressed concern about respect for rights during evictions resulting from *arrêtés*<sup>63</sup>.

## LACK OF ADEQUATE ALTERNATIVE HOUSING AND ACCOMMODATION

*“If there is no possibility of helping us, of finding us alternative accommodation, if they can’t do anything, then why don’t they let us stay here? We have nowhere to go, we can’t sleep on the street like tramps”*

Adela, living in Grigny (Essonne), 10 June 2013 (see p. 33 for further detail about her case)

Under international law, States must ensure that no one is made homeless or put at risk of suffering other human rights violations following an eviction. Those who are unable to support themselves must be offered alternative housing or resettlement. The right to adequate housing should not be interpreted too strictly; it should be seen as the right to live somewhere in security, peace and dignity<sup>64</sup>. Any temporary accommodation offered should be adequate and, in particular, provide sufficient security of tenure to protect those concerned against forced eviction<sup>65</sup>.

In France, according to the Social Action and Family Code, all homeless people in distress have unconditional access to accommodation in an emergency shelter, where they will be



entitled to receive social support and remain until they are offered an appropriate, lasting solution for the future<sup>66</sup>. As a representative of the State, it is the Prefect who is responsible for enforcing the right to emergency shelter<sup>67</sup>.

In practice, this right to shelter can be exercised in France by telephoning 115, an emergency number for homeless people. However, emergency shelters are increasingly oversubscribed, the facilities available are sometimes inadequate for families, and people can usually stay there for just a few days at a time. In the summer of 2013, 76% of requests for shelter in the country as a whole were unsuccessful<sup>68</sup>.

Roma are still encountering the same problems with regard to the type of temporary accommodation the authorities offer them: it often consists of hotels that are unsuitable for families, sometimes people are not allowed to stay on the premises during the day or to cook there, and the hotels are sometimes a long way from where those concerned used to live. As a consequence, some people reject the offers of shelter that are made to them.

There are several means by which this right to shelter can be enforced, including a *référé liberté* or petition for protection of fundamental liberties<sup>69</sup>. This is an emergency procedure which can be set in motion in the event of a decision, action or omission by the State involving a serious and manifestly unlawful violation of a fundamental freedom. Following a Council of State ruling dated February 2012<sup>70</sup>, this procedure can now be used in the event of an infringement of the right to shelter. Some administrative courts have recently ordered Prefects to provide shelter for the occupants of informal settlements who, despite their requests, had not been offered alternative accommodation following an eviction<sup>71</sup>. However, lawyers who obtained shelter orders from the Lyon Administrative Court for ten families said that most of the shelter solutions offered to the families as a result of such orders were inappropriate<sup>72</sup>. Furthermore, in their view, since the issuing of such orders, there has been no increase in proposals of alternative accommodation following evictions in the Lyon metropolitan area.

Other procedures through which the right to shelter can be enforced include a *référé suspension* or interim suspension order<sup>73</sup> or a *recours DALO hébergement*, an appeal for shelter under the DALO law<sup>74</sup>.

The provision of temporary shelter solutions following evictions varies enormously from region to region. In the Lyon metropolitan area, in the majority of cases no alternative accommodation is offered to Roma families who are evicted from the squats and informal settlements in which they have been living, and they are *de facto* made homeless. In cases where there had been fires in informal settlements, either no alternative accommodation was offered by the Rhône Prefecture or if it was, it was inappropriate. On 15 August 2013, fire broke out at the first informal settlement on Avenue Roger Salengro in Vaulx-en-Velin, where over 200 people, including three babies under one month old, were living. No alternative accommodation was provided and the vast majority of the occupants therefore returned to the site where the fire had occurred. On 23 August 2013, the 400 people who were living in two settlements along Avenue Salengro were evicted. Only 57 people were accommodated in hotels on the outskirts of the city. These hotels were difficult to get to by public transport, there was no social support for the families and no meals were distributed, and it was not possible to cook in the rooms<sup>75</sup>. On 13 May 2013, a fire broke out in a squat in Rues

Audibert and Lavirotte, and two women and a child died. Following the fire, 210 people were accommodated in a sports hall for about two weeks but, according to NGOs, they had to leave the premises every day between 10am and 3pm. Once their stay at the sports hall had come to an end, about 60 of the people concerned, as an exceptional measure, entered the Andatu integration programme for Roma (see p. 26) and the remaining two thirds were left homeless<sup>76</sup>.

## THE CASE OF LORENA

Twenty-four-year-old Lorena has been living for about a year in a makeshift home made of recycled materials on a site in Boulevard de Sampaix, Saint Fons (Grand Lyon) together with her husband and three children aged 8 months, 5 years and 6 years<sup>77</sup>. She came to the Lyon area in 2008 and finds it hard to remember all the places she has lived. She remembers having been evicted on five or six occasions, with no alternative accommodation ever being offered to her. Her last eviction was in August 2012, in Saint Priest. Every time she is evicted, she loses some of her belongings because she cannot carry everything as well as her children. She said that every time she phones 115, she is told that there are no places available.

On 23 March 2013, a fire broke out on the Sampaix settlement where over 120 people were living. Following the fire, 120 occupants were reportedly rehoused for three days in a sports hall in the locality, after which only 92 of them were given temporary shelter in the Bellecombe sports hall in Lyon's 6<sup>th</sup> *arrondissement*. According to NGOs, those 92 people were families with children. However, the Rhône Prefecture were reportedly unwilling to comment on the selection criteria<sup>78</sup>. After spending about ten days in the sports hall, only families with children under 3 were offered temporary shelter in a former kidney clinic<sup>79</sup>. Lorena was not one of them because she had been served with an OQTF<sup>80</sup>, an order to leave the country, which was later rescinded. In French law, anyone who is homeless and in distress has the right to be provided with emergency temporary shelter, regardless of their administrative situation<sup>81</sup>.

In Lille, there is little consistency in the type of emergency shelter provided following evictions: in the case of Plaine Winston Churchill all the occupants were given temporary accommodation but, in the case of the gradual evacuation of the informal settlement at Porte d'Arras, of the approximately 800 inhabitants originally there, 15 families at most were rehoused<sup>82</sup>. In addition, the solutions provided were often temporary and inappropriate. According to *Aréas Tsiganes et Voyageurs (Aréas)*, a Lille-based organization specializing in the provision of social support and social health care for Roma and Travellers<sup>83</sup>, people are often put up in hotels in which families are sometimes unable to cook or remain during the day. Furthermore, neither schooling nor health care are considered when putting forward alternative shelter solutions and so schooling, medical treatment and integration efforts are often still being interrupted<sup>84</sup>.

It is very rare for Roma who have been evicted to be accommodated in a suitable medium-term facility where they can receive social support and which will eventually lead to permanent housing (see p.25). In some cases, emergency accommodation is only provided for a limited period and is very often unsuitable. As a consequence, these same people often end up on the street again a few weeks later. In the case of evicted Roma who have not been provided with temporary shelter or rehoused, they are left homeless and usually set themselves up again in other informal settlements within the area.

## THE CASE OF THE INFORMAL SETTLEMENT ON PLAINE WINSTON CHURCHILL

The settlement on Plaine Winston Churchill in Lille was evacuated at 6am on 5 June 2013 following an operation which, according to the Prefecture, complied with the 26 August 2012 circular<sup>85</sup>. This informal settlement had been on Plaine Winston Churchill since September 2011 and between 130 and 200 people were living there a few weeks before the eviction.

Lille City Council, the owner of the site, had started emergency eviction proceedings (*demande d'expulsion en référé*) on 8 March 2013, and on 4 April 2013 the court had set the inhabitants a deadline of 30 April 2013 to prepare for departure. The order from the Lille Administrative Court said that the eviction could be enforced immediately, if necessary with the assistance of the police, between 1 May and 30 June 2013 if the occupants had not left the site by 30 April. Two days before the eviction, *Aréas* submitted a social assessment, which it had been asked to do by the Prefecture and which had taken a fortnight to prepare. The organization was only informed of the date of eviction at 6pm on 4 June, in other words 12 hours before the operation started. The *Aréas* Service Manager reported that her team remained on the site between about 6pm and 11pm to try to explain to the families the different temporary shelter options that were available to them. *Aréas* now insists on the need to receive sufficient advance notice because, in their experience, at least one week is needed to prepare the families and the network of partners concerned<sup>86</sup>.

About 75 people were still living on the site on the morning of the eviction and all were offered a temporary shelter solution. However, for the most part the solutions provided were not appropriate because those concerned were unable to cook there or stay there during the day. According to *Aréas*, 13 people were sent to *Centres d'Hébergement et de Réinsertion Sociale (CHRS)*, accommodation and social rehabilitation centres, in Marquise and Béthune in the neighbouring *département* of Pas-de-Calais (120km and 40 km respectively from the informal settlement). Some 60 people were temporarily accommodated in the Campanile Hotel in Rouvignies on the outskirts of Valenciennes, in other words over 40 km from the site where they had been living. Given how far away it was, schooling was interrupted in several cases. About three weeks after the eviction, this arrangement came to an end for some people and, according to members of NGOs, several families who had been accommodated in this hotel were moved to emergency temporary shelter in the neighbouring *département* of Pas-de-Calais. Some were taken in by the Cambrai Bishopric while others remained at the hotel and others reportedly left the country or moved to other settlements<sup>87</sup>. According to *Aréas*, as of the end of August 2013, half of the 75 people who had been given temporary shelter following their eviction from the settlement on Plaine Winston Churchill were once again living in informal settlements in Lille.

### EVICCTIONS IN WINTER

The suspension of evictions during the winter, between 1 November and 15 March, except when premises have been entered illegally or a building has been deemed unsafe<sup>88</sup>, has not been officially applied to the inhabitants of informal settlements despite requests from NGOs and the Ombudsman<sup>89</sup>. Several cases of eviction were noted by NGOs during the winter of 2012 in particular<sup>90</sup>. The ECSR recently condemned the lack of legal protection for people threatened with eviction because eviction procedures can take place at any time of the year, including winter and night or day. It considered that this situation fails to ensure respect for human dignity<sup>91</sup>.

# INADEQUATE POLICIES TO PREVENT FORCED EVICTIONS

**“Today I am here, tomorrow I don’t know. Here it’s not like a house, it’s a caravan. If they want to smash it up, they will. Here, France, it’s my home.”**

Caroline, 18, has lived in France for three years. She lives with her husband and her one-year-old daughter Lazaredesa, in the P4 parking lot, Quatre Cantons, Villeneuve d’Ascq (Lille)

## THE AUGUST 2012 CIRCULAR AND THE WORK OF THE INTERMINISTERIAL DELEGATION (DIHAL)

*“There is a hierarchy of laws, the circular is not binding. Everyone interprets it differently, I interpret it one way, you interpret it another way.”*

Philippe Galli, Prefect for Seine-Saint-Denis.

The government has adopted several measures concerning migrant Roma since it came to power in May 2012. This report focuses mainly on the measures relating to the conditions laid down for the eviction of informal settlements, such as the interministerial circular of 26 August 2012 “concerning the anticipation of and provision of social assistance for eviction operations affecting unauthorized settlements” and the coordination mission entrusted to the interministerial delegation for shelter and access to housing (DIHAL)<sup>92</sup>.

The interministerial circular of 26 August 2012 establishes a reference framework to guide the actions of French Prefects when dismantling informal settlements. Like most circulars, it is not binding and does not establish new legal or regulatory standards. Rather, it is a memorandum of guidance intended to provide information to the services concerned and clarify the current law in order to ensure that it is correctly and uniformly applied.

The circular states that eviction orders should be implemented, if necessary with the assistance of the police, while applying the provisions of the right of residence and enforcing criminal law where necessary. It also calls for evictions to be planned in advance by

examining any possible difficulties and researching solutions as soon as possible by undertaking a “social assessment” and setting in place support in order to ensure continued access to rights and follow-up work, “by mobilizing all partners”.

The DIHAL, headed by Prefect Alain Régnier, has been given the mission of supporting, facilitating and coordinating the actions recommended in the circular. It has carried out important in-depth work and made genuine efforts to mobilize and consult NGOs, representatives of *départements*, local elected representatives and European partners. A very detailed practical guide has been published to guide the action of Prefects, and includes data sheets and examples of best practice on how to help the populations concerned become integrated into society.

While the circular, and especially the work done by the DIHAL, undeniably represent a step in the right direction regarding increasing respect for the rights of the inhabitants of informal settlements, it is the non-binding status of the circular, together with the imprecise and vague nature of the instructions provided, that makes it insufficient to protect people against forced evictions. These two shortcomings result in a high level of disparity in the way the text is applied and therefore to significant variations on the ground from region to region, as the cases of Lille and Lyon examined here illustrate.

The recommendations made in the circular and by the DIHAL do not meet international standards relating to the protection of individuals during eviction operations and in practice the way in which settlements are dismantled still violates international standards.

#### THE “SOCIAL ASSESSMENT” (LE DIAGNOSTIC)

The circular recommends compiling an “overall and individual social assessment” of the situation of the occupants of informal settlements prior to eviction operations. In collaboration with NGOs, the DIHAL has drawn up a series of recommendations and best practices relating to the terms of reference of the assessment recommended in the circular<sup>93</sup>. These are more detailed and afford greater protection than those in the circular but they are not obligatory.

The aim of the assessment is to provide the Prefect with information to help improve preparation and implementation of the eviction order. According to the DIHAL’s terms of reference, it should therefore include information on the situation of the settlement and on the NGOs and official actors involved, as well as on the “*situation, needs and plans*” of the occupants. The families concerned should “*participate fully in the process*” and the assessment should lead to the drafting of proposals concerning the site and short- and long-term “*sustainable solutions and plans that meet the needs and situation of each family or individual*”.

These assessments are usually carried out by NGOs appointed and paid by the prefectures, in collaboration with State services<sup>94</sup>. In particular, they make it possible to identify the individuals who are most vulnerable as well as those who would consider voluntary return, and to determine what shelter solutions might be set in place.

However, the circular does not order such assessments to be carried out systematically prior to each eviction but just “*whenever possible*” and “*whenever local circumstances permit*”. Furthermore, the assessment does not necessarily have to be comprehensive because it is recognized that there may be time and financial constraints<sup>95</sup>. On the ground, the inconsistency and lack of thoroughness of assessments and the failure to comply with the terms of reference laid down by the DIHAL have been severely criticized by local NGOs<sup>96</sup>.

The assessment is not seen as an essential means of consulting the people affected by evictions. In the circular, it just advises Prefects to be “vigilant about (entering into) dialogue” (“*vigilant au dialogue*”) with the people directly concerned. It raises the option of setting up a monitoring committee (“*comité de suivi*”), made up of the prefecture, local authorities and NGOs, but does not suggest involving Roma from the informal settlements<sup>97</sup>. The interviews conducted in the context of assessments therefore seem to be the only direct communication with the people concerned a few days before eviction. These interviews are inadequate in light of the requirements to conduct genuine consultation laid down in international law<sup>98</sup>. In practice, the assessments are not thorough enough to genuinely gain an understanding of individual situations and needs, they are often carried out in timeframes that are too short, and the proposals drawn up by the assessment provider are not conveyed to the people concerned<sup>99</sup>. There are no public information or consultation meetings during which people genuinely have the chance to ask questions and put forward solutions for themselves.

This kind of social assessment, which has no effect on whether or not an eviction takes place and is just used to identify those who are most vulnerable so that they can be given shelter, is therefore unfit for protecting people against forced evictions.

## THE SETTLEMENT IN RUE DES COQUETIERS, BOBIGNY

On 7 June 2013, the ALJ93, an NGO, conducted a social assessment of the informal settlement located at the end of Rue des Coquetiers in Bobigny. The assessment had been requested by the Prefecture of Seine-Saint-Denis a fortnight earlier. All of the 200-300 occupants, some of whom had lived on the site for over three years, were interviewed in a single day by a team of 8 people working in pairs and made up of social workers and mediator-interpreters who spoke Romanian and Bulgarian. Amnesty International was present when one of the families was interviewed. The interview lasted about 15 minutes and consisted of about 20 questions relating to identity, family situation, health, schooling, work and whether they intended to settle in France or return to Romania. The ALJ93 had visited the site a few days before conducting the assessment to inform the families they would be doing it and they sent a summary and recommendations to the Prefecture on about 17 June.

The settlement in Rue des Coquetiers was partially evacuated on 27 August 2013<sup>100</sup>. The site belonged to three different owners and eviction orders had been issued in connection with two of the three plots of land.

The Prefecture had arranged temporary emergency shelter in a hotel for three of the 12 families who lived on the two plots subject to eviction orders. These three families, who had been chosen on the basis of the assessment, were unable to take up this accommodation because they had not been told that reservations had been made for them. According to the Prefecture, “*it was up to them to make themselves known and turn up there*”<sup>101</sup>. The Prefecture did not know the names of the three families because the assessment was

anonymous. The author of the assessment, the ALJ93, was not on site on the morning of the eviction. On 27 August, all inhabitants of the site were evicted. The 150 or so people who lived there, including some 60 children, slept on the street on 27 August before being able to return next day to the plot of land for which expulsion proceedings had not been initiated. A dozen caravans with registration documents which had been removed during the operation on 27 August had been taken to the pound and had still not been retrieved by 11 September, depriving the families concerned of their homes and belongings. The 35 or so people who lived on the other two plots of land that had been cleared were left homeless as a result of the eviction and later went to live on another site or on the plot that had not been cleared.

The ALJ93, which had already conducted several assessments in Seine-Saint-Denis, confirmed that it is usually only the people it flags as vulnerable in the assessment who are offered emergency shelter<sup>102</sup>. The ALJ93 is never accompanied by health professionals when it conducts on-site interviews. The teams have no medical qualifications and do not see all medical documentation, and yet they are the ones who indicate which people are vulnerable. *“When someone is ill, you can tell,”* one of them said. The ALJ93 regretted the fact that assessments are hurried because of the impending evictions, and that they are not properly planned or thorough enough. In their view, in order to conduct an assessment that seeks to provide genuine long-term care, they would need about three months so that they could build up trust with the families and gain a true understanding of their individual and family situations.

In the Lyon metropolitan area, according to all the actors Amnesty International met, assessments are not carried out in advance of eviction operations. The Prefecture has not set up a monitoring committee to regularly bring NGOs and local authorities together, as recommended in the circular. However, meetings have occasionally been held with some NGOs<sup>103</sup>.

In the Lille metropolitan area, it is mainly *Aréas* which is authorized by the Prefecture to conduct such assessments, which are funded from the DIHAL budget. According to *Aréas*, the timeframe they are given for carrying out assessments is far too short when, to be genuinely thorough and depending on the size of the site, sometimes up to six months would be needed<sup>104</sup>. The interval between submission of the assessment and execution of the eviction order is usually a few days. *“The assessments are often alarming, and sometimes priority is given to looking for housing solutions for the most serious cases,”* the Service Manager added. A *départementale* discussion committee on Roma populations is regularly organized by the Prefecture for the *Département du Nord*<sup>105</sup> but, according to NGOs, no Roma people are invited to attend.

The “social assessment” envisaged in the 26 August circular falls short of the standards on genuine consultation established in international human rights law. At best, it serves to identify those who are most vulnerable and to provide them with alternative accommodation that is temporary and often unsuitable. It is not sufficient for ensuring that there is genuine consultation with all the people affected or that adequate alternative housing is offered following an eviction.

#### “ANTICIPATORY MEASURES AND SOCIAL ASSISTANCE”

The interministerial circular encourages Prefects to anticipate evictions as far as possible in advance and to mobilize local partners (regional authorities and NGOs) as soon as a

settlement is established so that alternative solutions can be found for the inhabitants. However, it should be noted that the provisions of the circular of 26 August 2012 do not apply to situations that call for “immediate action”, in other words emergency evictions carried out in view of “the safety of individuals, including from a health viewpoint”.

The circular recommends carrying out an assessment as soon as possible in order to identify what integration arrangements (*dispositions d'insertion*) might be envisaged. This support, to ensure those concerned have access to the rights to which everyone is entitled, includes matters relating to schooling (access to schooling and help with the material conditions required to attend school), health (access to rights, prevention and care), accommodation and shelter (emergency short-term accommodation and suitable accommodation that is geared towards achieving integration in the medium term) and employability (support to get a job). Lastly, the circular emphasizes the continued access to rights and the monitoring of measures to bring about integration.

These anticipatory and social assistance measures have been shown to be insufficient to protect people from forced evictions. The circular does not explicitly state that no one should be made homeless as the result of an eviction or that people who are unable to meet their own needs should be offered alternative housing or appropriate resettlement. It tells Prefects that “*emergency shelter should be sought where necessary (...) depending on the number of places you have available*”, and on the subject of medium-term solutions it mentions the possibility of temporary shelters, suitable accommodation, the *maîtrise d'œuvre urbaine et sociale (MOUS)*, a multi-disciplinary programme to provide housing and social support for those most in need, and partnerships with NGOs in conjunction with social housing providers.

The intention of the anticipatory and social assistance measures suggested is not to prevent forced evictions but to protect certain vulnerable occupants from suffering other breaches of their rights as a consequence of being evicted, such as having their schooling or medical treatment interrupted. Nevertheless, in practice, such interruptions are common and only a minority of people receive the type of support that enables them to have access to adequate, stable accommodation.

*Aréas*, which works in about 40 settlements throughout the Lille metropolitan area and has a dozen paid staff, explained that some settlements received very little help and that they did not have enough time or resources to provide overall individualized support. It prepares families for eviction “*as best we can*” by trying to keep families together but it expressed regret that it had “*lost track*” and did not know what had happened to some people following eviction, including those who had been temporarily accommodated in hotels outside of their sector. *Aréas* confirmed that evictions in the Lille metropolitan area often result in the interruption of integration efforts, schooling and medical treatment<sup>106</sup>.

As stated earlier, in the Lyon metropolitan area no social assistance measures have been put in place in the context of clearing sites and squats. Only people who have participated in the Andatu programme (see p. 26) receive social support.



## INTEGRATION PROJECTS

The establishment of “integration projects” is encouraged in the interministerial circular of August 2012 and by the DIHAL, and the special funding mentioned earlier is partly used to finance them. Such “integration projects” for migrant Roma have existed under different names and in different forms in several French localities for some years<sup>107</sup>. They consist of medium-term accommodation facilities (*structures d'accueil*) that seek to bring about “social integration” through housing, comprehensive social support and access to “*droit commun*” (in other words, the same rights as everyone else). One or more operators are appointed by the local authorities to take responsibility for providing day-to-day support to those concerned. The beneficiaries are usually housed in mobile homes, caravans and, in some cases, apartments. They are given temporary residence permits and access to health care and schooling. They are encouraged and helped to find jobs and they are able to take language and vocational training courses. The rules of conduct and the contractual obligations of the beneficiaries vary in strictness from one project to another but school attendance is usually compulsory.

Integration projects are not envisaged as providing housing solutions following an eviction<sup>108</sup>. They provide only temporary shelter for a limited number of selected people. The Mayor of the town of Hellemmes opened a halting site (*aire d'accueil*) in December 2012 where five Roma families receive significant support: all the children go to school, everyone has access to medical care and two people have been given permission to work. With regard to the 200 people who live in an informal settlement on the outskirts of Hellemmes, the Mayor said, “*I'm only interested in these five families, the others are not my concern... I have no qualms about evicting these people, I've done my job by doing my bit*”<sup>109</sup>.

The selection criteria for these integration projects are rather vague and arbitrary<sup>110</sup>, and the reasons why people are accepted or not are sometimes not well explained or provided at all, which often provokes significant tensions within these communities.

The fact that some Roma are accepted on to integration projects also in no way discharges the authorities of their obligation to ensure that no one is made homeless as a result of eviction operations and to respect the rights and dignity of all of the inhabitants of informal settlements.

Lastly, it should be noted that even for the people chosen certain barriers in fact remain, in particular with regard to access to employment<sup>111</sup>. To date there has been no comprehensive in-depth assessment of integration projects. Furthermore, if these integration structures that target solely Roma families continue, there could be a significant risk of ethnic segregation.

The families the Amnesty International delegates met in the “integration village” in Faches-Thumesnils in the Lille metropolitan area and those who were involved in the Andatu programme in Greater Lyon (see below) benefitted from housing and support standards that were significantly superior to those of the people they met in informal settlements. According to the operators they met, these integration experiences had already served as a route to employment and independent housing for several people. Since “integration villages” were opened in the Lille metropolitan area in March 2009, 12 families have “got out” of them. Eight gained access to independent housing and four were given places in semi-temporary

reception programmes (3 in emergency shelters (*Centres d'hébergement d'urgence, CHU*) and 1 in a CHRS (Centre d'Hébergement et de réinsertion sociale)). In April 2013, 10 of the 38 adults living in the five "integration villages" within the Lille metropolitan area were in employment<sup>112</sup>.

## THE ANDATU PROGRAMME

Andatu is a programme that seeks to integrate migrant Roma<sup>113</sup> living in informal settlements and squats in the Lyon metropolitan area. It was launched in January 2012 for an initial period of two years<sup>114</sup>. The Rhône Prefecture asked the NGO Forum réfugiés-Cosi to draw up this *ad hoc* programme, and set a maximum quota of 400 participants shortly after the pilot project, which comprised 20 households (100 people), had been in operation for a year<sup>115</sup>. As of 1 July 2013, of the approximately 1,500 Romanian Roma living in the Lyon metropolitan area, 370 had been accepted on to the Andatu programme.

Andatu is in fact an affirmative action programme (*dispositif dérogatoire*), which provides the participants with hard wall accommodation, a one-year residence permit<sup>116</sup> together with a work permit, access to an earned income supplement (*revenu de solidarité active - RSA*), universal health care (*couverture médicale universelle - CMU*) and welfare benefits, and schooling for children. Significant social support is provided by the team from Forum réfugiés-Cosi, and includes in particular help with administrative formalities, French language courses, access to vocational training, and advice workshops on finding work and housing. In return, the beneficiaries undertake to participate fully in the programme, to attend all lessons and activities, make sure that their children attend school, and not to commit a prosecutable offence<sup>117</sup>. The ultimate aim of the Andatu programme is to achieve integration through access to employment and independent housing. As of the end of July 2013, 25 families had moved into independent social housing, spread across 11 municipalities, with a maximum of three families per municipality. Sixteen people were in employment.

The criteria for entry on to this programme are relatively vague, according to Amnesty International's research. Selection takes place at the level of the Prefecture, following recommendations from various public and NGO actors and consultation with a steering committee<sup>118</sup>. The official criteria for exclusion are as follows: being subject to an order to leave the country (*OQTF*), having received help to return to one's country of origin and having a criminal record. One unofficial criterion for exclusion is having initiated proceedings to claim the right to shelter (a petition for protection of fundamental liberties (*référé-liberté*)). According to the Director General of Forum réfugiés-Cosi, from the successive selection processes carried out to date, these criteria would appear to have automatically excluded about half of the target group in the Lyon metropolitan area.

As a special case, some 60 people were admitted on to the Andatu programme following a fire at a squat on Rues Audibert and Lavirote on 13 May 2013 in which three people died. Nevertheless, this programme is not seen as an immediate housing solution following evictions from informal settlements.

All of the Roma Amnesty International met in the Lyon metropolitan area knew of the existence of the Andatu programme and some had even decided for themselves to draw up applications with the help of volunteers, despite the fact that no official application form exists. Most of the families had received no response from the Prefecture but some received a kind of acknowledgement that their application had been received<sup>119</sup>. Both the beneficiaries of the programme<sup>120</sup> and those who had not been chosen said they did not understand the selection criteria, and tensions caused by this lack of understanding were noticeable in the Roma community. The Andatu programme is an interesting example of genuine support measures; however, the considerable contrast between the daily lives of its beneficiaries and the rest of the Roma in the Lyon metropolitan area, created as a result of arbitrary selection, is equally significant

# THE CONSEQUENCES OF FORCED EVICTIONS

**“I don’t stay here because I am all right, it’s because I have no choice. I would like to have a job and a house like everyone else, and not to live in a slum.”**

Adela, 26, who has been evicted about 15 times since she arrived in France in 2002. Interviewed at the informal settlement in Grigny (Essonne) on 10 June 2013. See p. 33 for further detail on her case.

Human rights are indivisible, interdependent and interrelated. Forced evictions, which violate the right to adequate housing, undeniably affect the exercise of other rights such as the right to education, the right to health care and the right to security and a private life<sup>121</sup>.

## PRECARIOUS LIVING CONDITIONS

*“Here it is hard but in Romania it is very hard, that’s why we are in France, otherwise we wouldn’t have come to live like this in a squat.”*

Strugurel, squat on Rue Sidoine Appollinaire, Lyon 9<sup>th</sup> *arrondissement*.

## FROM BAD TO WORSE

The right to adequate housing does not only mean that the house structure must be adequate but includes the need to ensure on-going and non-discriminatory access to adequate services. The occupants must have access to safe drinking water, adequate sanitation, energy for cooking, heating, lighting, food storage or refuse disposal<sup>122</sup>.

Roma living in informal settlements are still living in extremely precarious conditions, often in makeshift homes made of recycled materials, caravans or sometimes just tents or cars installed on waste ground. A minority live in squats, in other words derelict buildings which are often in a state of disrepair.

Access to running water and sanitation remains unsatisfactory and inconsistent. Of the 12 informal settlements and squats visited, there were water points installed in only two of them (the site at the Galon d'eau in Roubaix and the site at the former prison in Loos) and just a few toilets in three of the informal settlements (in Loos, Villeneuve d'Ascq and Roubaix)<sup>123</sup>. In Villeurbanne and Grigny, dry toilets had been built by the Roma and NGOs. Those living in settlements where no water was provided said that they went to look for water in nearby fire hydrants or water pipes, bought bottled drinking water and washed themselves by heating the water and using basins. According to Médecins du Monde, prevention work mainly focuses on access to water and hygiene in order to limit the risk of infection and the spread of contagious diseases.

## THE CASE OF SIMONA

Simona, aged 28, lived in an informal settlement on the verge of Avenue Salengro in Vaulx-en-Velin, within the Lyon metropolitan area, which was cleared on 23 August 2013<sup>124</sup>. She had lived there since October 2012 when she had been evicted from another settlement in Chassieu without being offered any alternative accommodation. Thirteen days earlier Simona had given birth to her second child and she had gone back to live in the settlement five days after leaving hospital. In this informal settlement there was no access to water or electricity and no toilets, and the rubbish was not collected very regularly. *"I came here to this settlement with my baby because I had no other option. There's no running water here, there's a fire pump not far away, that's where we get water. With a baby, it's really hard, especially since I had a caesarean,"* Simona explained. The day before the interview with Amnesty International, she had called 115 to ask for accommodation for her two children, her husband and herself but was told that there were no places. On the day of the meeting with Simona, a 115 operator had told her that there would be no alternative accommodation for anyone before the next "cold weather plan" and that there were no longer any shelters open. She said that *Samu Social* in Lyon, a charity that helps homeless people, received 6,000 calls a week.

Refuse collection was either irregular or non-existent in about half of the living spaces visited and piles of rubbish and rats were evident on some sites. Médecins du Monde systematically calls for refuse collection and access to water to be provided. The coordinator of the Roma mission in Lyon said that in the Lyon metropolitan area these calls achieve very little and that no water points have been installed as a result of the organization's requests<sup>125</sup>. In La Courneuve, requests for refuse collection from the Médecins du Monde team at the Hélène Boucher site have been ignored, despite the warnings put out throughout the year about the catastrophic lack of hygiene facing the approximately 1,000 people living there. This situation almost cost the life of a 4-year-old child who picked up shigellosis, an infectious disease linked to a lack of hygiene<sup>126</sup>.

When they are evicted from the places where they are living, people are often forced to start again from scratch. During eviction operations, which are sometimes expedited extremely quickly, they often have no time to get their belongings together. Once the eviction is completed, they are not allowed to go back to the site to get any belongings they had to leave behind. Sometimes their property is completely destroyed when a site is razed to the ground or a squat walled up. Left homeless, some people sleep in the street, in cars or in tents, sometimes for several days, while waiting to build a new makeshift shack or find another squat. The Roma and the organizations who support them have often alleged that directly after eviction operations, police officers have followed the evicted families, sometimes for several days, to stop them establishing new settlements in the same municipality<sup>127</sup>.

## THE FAMILIES AT ROND POINT PASTEUR

Two Roma families were living for about five days on some derelict land in the middle of Rond Point Pasteur, a roundabout in Lille, near to the entrance of La Madeleine, under a bridge and surrounded by motorway lanes<sup>128</sup>. These 11 people, including seven children, were sleeping in four tents given to them by *Aréas* and had had no hot food for several days because they had no means of cooking.

These families had lived for about two years on the site at Plaine Winston Churchill, where there was no water or electricity and where the rubbish was not regularly collected. The children attended school in an introductory class for non-French speakers (*classe d'initiation pour non francophones - CLIN*). Following their eviction from that site on 5 June 2013, these two families were put up for four days in a hotel in Béthune, in other words some 40 km from the site from which they had been evicted. When their stay at the hotel came to an end, they returned to Lille and set themselves up in the middle of the roundabout.

Florin and Vitcrina explained that after the eviction the children no longer went to school because when they were in the hotel, they could not take them there because it was too far away. They were afraid they would be separated from the children if they ended up being evicted again while the children were in class.

The families were worried because for several days the police had been coming by very regularly to tell them to leave. On 8 July 2013, a volunteer said that the families had left the previous evening following pressure from the police. "*The police forced them to leave at their own initiative,*" he explained. The families went on to set themselves up again in Saint André alongside a railway track<sup>129</sup>.

## AN ENFORCED INSTABILITY

Legal security of tenure is considered to be the cornerstone of the right to housing. Indeed housing is not adequate if the occupants do not have a degree of security guaranteeing them legal protection against forced eviction, harassment and other threats. Lack of security of tenure is furthermore considered to be one of the causes of forced evictions<sup>130</sup>.

In France, the absence of protection against forced evictions condemns the Roma community to a life of wandering, moving from one makeshift settlement to another. This enforced instability and the deterioration in living conditions caused by forced evictions keeps these people vulnerable and marginalized. The different interlocutors Amnesty International met in the city halls all said that the main reason why basic services such as water were not installed was to prevent the continued existence of informal settlements and discourage the establishment of new ones<sup>131</sup>. The Director of the Association of Northern Mayors (*Association des maires du Nord*) also said that it would be "*utopian*" to establish services "*on sites that were occupied in an illegal and unruly way*", and that it would run the risk of encouraging the establishment of further settlements<sup>132</sup>.

In the course of its research, Amnesty International came across alleged cases in which Roma had left the site in which they had been living as a result of pressure and intimidation from the police or local residents. Repeated identity checks and regular visits to the settlements by the police encouraging them or exhorting them to leave sometimes force Roma to abandon the places they are living in<sup>133</sup>. For example, at the site at Porte d'Arras in Lille Sud, by the beginning of September the number of occupants had fallen from about

800 to 500, mainly as a result of four “reduction operations” which reduced the surface area of the settlement from 8 hectares to 1.5 hectares<sup>134</sup>. Members of NGOs also said that there was a climate of pressure and intimidation, including police visits to the site and daily identity checks. On 12 September 2013, the day after the last “reduction operation”, 15 caravans remained on the site at Porte d’Arras. Four families had reportedly been rehoused, and the rest of the occupants had moved to sites in neighbouring municipalities. These forced departures sometimes occur even before there has been a court decision and sometimes before the date set for the eviction operation. Often, when Roma suspect or learn from unofficial sources that an eviction is going to happen, they decide to leave the place where they have been living before the eviction operation starts in order to avoid being moved out by force and so that their belongings are not destroyed during the eviction operation. The consequences of such “self-evictions” are very similar to forced evictions: the people find themselves homeless and see their living conditions deteriorate, and if they do not manage to set up again near to where they lived before, schooling and medical treatment are interrupted.

## MIRON

Miron, aged 70, has lived in France for five years and for the previous ten days he had been living, together with some 15 other people, on a strip of land alongside a main road at Impasse Bloch Praeger, a no-through road in La Courneuve<sup>135</sup>. He left before the start of the operation to clear the settlement where he had been living in Porte de la Chapelle so that his belongings would not get lost or destroyed and because he feared being sent back to Romania. After leaving the informal settlement, he had been sleeping outside for two or three days before finding somewhere new. The site at Porte de la Chapelle was cleared on 29 May 2013 at 7.30am. According to Miron, the police had warned them the day before, saying that they were going to smash everything up. An assessment had reportedly been carried out by the *Brigade d’Assistance aux Personnes Sans-Abri (BAPSA)*, an NGO working with homeless people, but Miron said he was not there when it was done. Alternative accommodation was offered to all of the inhabitants still present on the site, for a period of one month renewable, in four or five different hotels, including one in Meaux (about 50 km away). However, the ERRC pointed out that the inhabitants were only informed of this offer of alternative accommodation on the morning of the eviction<sup>136</sup>. Up to 250 people had been living on the site at Porte de la Chapelle and alternative accommodation was only offered to 60 of them. However, on the morning of the eviction operation, the vast majority of the occupants had already left.

## THE EFFECT ON HEALTH

*“There are no “Roma illnesses”. On the contrary, the illnesses are linked to the living conditions that are imposed on them.”*

Livia Otał, Technical Coordinator, Médecins du Monde, Seine-Saint-Denis

## FACTORS CONTRIBUTING TO A BREAKDOWN IN HEALTH

According to the health professionals Amnesty International interviewed, the conditions in which the inhabitants of informal settlements live have a direct impact on their health. Médecins du Monde in Lyon said that, of the medical conditions diagnosed in squats and slums in 2012, 26.8% were ear, nose and throat (ENT) conditions connected mainly with overheating in the homes, 10% were gynaecological or obstetric, 11.4% were

dermatological, and 8.6% were gastroenterological. The latter two are directly linked to the living conditions (the hygiene problem linked with the absence of water and the difficulty of preserving food)<sup>137</sup>. Stressing the correlation between these conditions and their vulnerability, the Coordinator of Médecins du Monde said, “*given the living conditions, we are surprised that they are not even more ill*”<sup>138</sup>. According to a report by the Regional Health Agency (*Agence Régionale de la Santé - ARS*), in Lyon all people living on the street have a life expectancy of 51 compared to the French national average of 81<sup>139</sup>.

Being evicted obviously has a negative impact on peoples’ health because their living conditions deteriorate, but also because it often results in the interruption of medical treatment as well as follow-up and prevention work. Médecins du Monde in Lyon confirmed that being subjected to repeated evictions enormously complicates the taking of medicines and the monitoring of pregnant women and medical conditions. Health mediation work, which is already complicated in the experience of *Aréas* in Lille and the PU-AMI in Val-de-Marne and Seine-Saint-Denis, often has to be started again because of evictions. In some cases, evictions disrupt or interrupt vaccination campaigns and campaigns to detect contagious diseases<sup>140</sup>

#### A FURTHER OBSTACLE TO ACCESSING HEALTH CARE

Roma living in squats and informal settlements, like all foreigners with residence permits living in France for over three months continuously, are entitled to receive health care coverage known as State medical care (*Aide Médicale d’Etat - AME*)<sup>141</sup>. To obtain it, they must be registered as domiciled at a municipal social welfare centre (*Centre Communal d’Action Sociale (CCAS)* or a *Centre Intercommunal d’Action Social (CIAS)*, Intercommunal Social Action Centre) or an agreed organization, such as certain NGOs. The administrative procedure for achieving this remains one of the main obstacles to the enforcement of this right because some CCAS refuse directly or indirectly to register Roma as domiciled at their address. The town hall in Saint Fons, in the Lyon metropolitan area, has limited registration for AME to families with children attending school within the municipality, despite several appeals from Médecins du Monde concerning families with serious health problems that require hospitalization and thus health care coverage<sup>142</sup>. Lorena (see her case above) had no health care coverage because the CCAS in Saint Fons refused to register her as domiciled there on three occasions. In La Courneuve, Roma are often *de facto* refused registration and thus access to AME because, according to Médecins du Monde, “*eligibility criteria which are impossible for them to meet, such as supplying a tax notice, are imposed on them*”<sup>143</sup>.

A health care mediator from PU-AMI, who said that the CCAS in the Val de Marne *département* often prevents Roma from registering as domiciled with them, expressed his surprise: “*We don’t understand why there is a blockage when it comes to AME, because there is no rush to get care. On the contrary, it is already hard to convince them to go and get treatment*”<sup>144</sup>.

Health care is delayed or cancelled as a result of evictions because AME cards or the documents needed to get one are often lost or destroyed, making it necessary to register all over again. Sometimes people settle far away from the place where the eviction took place, making it difficult for them to get to the health care centres they used to attend and obliging them to re-register in the new municipality.

These delays in medical treatment can have serious consequences. *"We often arrive when it is already too late, when there is already a health problem there,"* the Head of Service for Aréas in Lille complained<sup>145</sup>. *Médecins Solidarité Lille* is the only free health care centre for migrant Roma in the Lille metropolitan area. According to them, evictions are therefore dramatic for people who do not have, or have yet to obtain, an AME card and who have been expelled from the metropolitan area, because they no longer have ongoing health care and face enormous difficulties in obtaining treatment<sup>146</sup>.

## THE EFFECT ON SCHOOLING

*"We would like a better life, I would be ready to go anywhere to get that. I would like a proper job and for the children to go to school. That's why we came to France. We can't afford to buy what the children need to go to school and to ensure their personal hygiene. Our standard of living has dropped too far."*

Elena, mother of six children aged between 6 and 17, Vaulx-en-Velin (Rhône)

The living conditions in informal settlements undeniably affect how often Roma children go to school and how academically successful they are. Teachers in mobile classrooms (*antennes scolaires mobiles - ASM*) in Lille, who give classes to children in the vans they use to drive to informal settlements, explained that the fact that they were unable to wash themselves deterred some parents from sending their children to school. According to them, *"The children do the best they can to appear as clean and well-turned out that they can, sometimes they perform miracles given the conditions they live in"*<sup>147</sup>. The precarious living conditions caused by evictions and the loss of school materials during these operations are further obstacles to ongoing schooling.

Evictions often disrupt schooling<sup>148</sup>. A survey conducted by C.L.A.S.S.E.S, which helps with the schooling of children in slums and squats (mainly Roma) in the Lyon metropolitan area, found that, at the end of the second term of the 2012-2013 school year, 261 children were attending school. According to their figures, 64 children in total had their schooling interrupted because of evictions between the first and second terms, 58 at primary level and six at secondary level<sup>149</sup>.

The ASM teachers in Lille pointed out that the eviction from Plaine Winston Churchill in June 2013 had *"clearly interrupted"* the schooling of a dozen children attending primary school and four attending secondary school. These same children had already been living on the site at the start of the school year but had only been able to start school in May because of delays in offering them places. *"With this eviction everything has fallen apart. You would have thought that having the children attending school would allow stability but nothing of the sort, the fact that they attend school in no way stops evictions,"* teacher Pierre Boisseleau explained<sup>150</sup>.

The teachers in Lille and Lyon also pointed out that children were undeniably traumatised by evictions and that this influenced their performance in school. *"The youngest ones do not*



*necessarily cry because they are with their parents and don't realize what is happening, but it is particularly hard for the teenagers who are well aware of what is happening and value the scant belongings that they are going to lose,"* Odile Sapin, an ASM teacher in Lyon, explained. She also pointed out that regular visits from the police and the anxiety created by the constant threat of eviction adversely affected the children's concentration during class<sup>151</sup>.

Despite the fact that living conditions and repeated evictions pose significant obstacles to schooling, the vast majority of the parents Amnesty International met in informal settlements said that they wanted their children to go to school. ASM teachers in both Lille and Lyon all said that they were unable to meet all the requests they received for children to attend the mobile schools. According to teacher Odile Sapin, *"The arrival of the van is a time for fun for the children, it's a chance for them to get out of the mud, pick up a pencil and become a child again"*.

Lastly, evictions also adversely affect access to schooling in a different way. The families are sometimes rehoused or establish settlements in neighbouring municipalities or *départements* and the distance between the new place and the school previously attended is too great for schooling to continue. It is sometimes necessary to recommence the registration process, which is difficult in some municipalities. Registration of domicile, which is not compulsory for school registration, is still required, for example, in Villeneuve d'Ascq in the Lille metropolitan area<sup>152</sup>. Furthermore, given the delays in offering school places in some cases, children's schooling is sometimes interrupted for several months at a time because of evictions. One teacher in Lille commented that the time it takes to register for school holds back schooling because, in his experience, there was a six to nine-month gap between requesting enrolment and actually going to school<sup>153</sup>.

## THE CASE OF ROSALINA

Rosalina, aged 20, has lived on a site at La Feysine in Villeurbanne for nearly two years<sup>154</sup>. She said that, since arriving in France in 2003, she had been evicted almost 20 times. She attended the same school in Vaulx-en-Velin for four years. *"I always thought that it would be good for me and my family that I went to school because I would be able to work and help them"*. All of the children of primary school age living on the site go in three different school groups to Villeurbanne, where they are given school meals. *"The parents are ashamed of not being able to wash their children, it is hard for them because the others don't play with them. On the bus, people go and sit elsewhere if we sit next to them, it makes us feel like we are dogs in their eyes,"* she said. The day before the interview, there was a storm and water got into her shack. *"We can't go on living like this, we all want our lives to change. I would like to get permission to stay in Lyon and work, we are all ready to work (...)."*

## THE CASE OF ADELA

Adela, aged 26, has lived in Ile-de-France since 2002. She lives with her husband Gheorghe and their three children in an informal settlement in Grigny, and she is about to have a baby<sup>155</sup>. She was evicted from Ris Orangis on 3 April 2013 following a municipal order. According to her, it was the 15<sup>th</sup> time she had been evicted since living in France. *"It was like all the other evictions since I came to France. The police came at*

*7.30am but we had been awake since 5.30am, we had even woken the children. They gave us 15 minutes to get out. You can't do anything, it's their job, we don't have any problems with the police, it's not their fault. There's no point in resisting, you get out like everyone else".*

Following the eviction, Adela was at first put up in a hotel in Nanterre for five days and then spent a week in St Ouen. Her three children attended school in Viry Chatillon where she had lived for two and a half years, the longest period of stability she has known. Because of the distance between the hotels and Viry Chatillon, her three boys, aged 5, 8 and 11, did not go to school until she moved to another informal settlement in Grigny about two weeks after the eviction. She had asked to be accommodated in a hotel nearer to her children's school in order not to have to wake them so early but her request was turned down. *"The children are used to evictions, they know that we never stay very long in one place. We tell them that it is not a proper house."*

# CONCLUSION AND RECOMMENDATIONS

One year after the circular of 26 August 2012 was published, Amnesty International has found that the Roma are still being subjected to forced evictions in breach of the provisions of international human rights law. The measures the French Government has taken are still insufficient to protect migrant Roma against this practice. Furthermore, evictions are on the increase, with record numbers reached for 2012 and the summer of 2013.

The 26 August circular does not prohibit forced evictions and, in practice, one year on from its publication, it has to be said that it has not prevented them from continuing. Despite the fact that there is the will and ability to apply the instructions laid down in the interministerial circular, eviction orders are still being enforced. Yet, complying with court decisions does not mean that the human rights of migrant Roma living in informal settlements cannot be respected.

Many NGOs and independent administrative authorities have complained about the so far inadequate and inconsistent application of the August 2012 circular. In fact, the circular does not have the force of law and the Prefects are free to decide whether or not to apply it. Its discretionary nature has serious consequences for the lives of migrant Roma, whose treatment in the context of eviction operations varies from region to region. Indeed, Amnesty International found that, in terms of compliance with international standards when carrying out operations to clear informal settlements, there was a significant difference between the Lille and Lyon metropolitan areas, which shows that the circular of 26 August 2012 fails to adequately protect the people concerned. Explicit and binding protections against forced evictions must be put in place as a matter of urgency.

Similarly, the recommendations drawn up by the DIHAL in relation to eviction operations are also not prescriptive and are applied very inconsistently on the ground. Amnesty International welcomes the good will shown by Prefect Alain Régnier and his team and the serious work they do. The positive examples of social assistance described show that it is possible to find viable integration solutions. However, the DIHAL's lack of political weight and enforcement power limit its ability to take action to stop forced evictions, and the social assistance and integration projects it recommends conflict with the authorities' implacable determination to enforce eviction orders. In an interview on 8 April 2013, Prefect Alain Régnier expressed his regret that repeated evictions interfered with integration efforts, and said that evictions were sometimes a waste of time, energy and social investment<sup>156</sup>.

Amnesty International recognizes the efforts made by some local authorities at the time of eviction operations since publication of the August 2012 circular<sup>157</sup>. However, respect for the rights of migrant Roma should not depend on the good will of some Prefects and local authorities, it is an obligation incumbent on the French State. Amnesty International

endorses the recommendations made by the Ombudsman in his assessment of the circular's application, and urges the Interior Minister to remind all Prefects that eviction operations must be carried out in accordance with the provisions of international human rights law.

Amnesty International deplores the lack of political will shown by the central government and remarks made by certain government members who have been perpetuating clichés and stirring up animosity and attitudes of rejection. On 14 March 2013, the Interior Minister said in newspaper interviews, "(...) *alas, the occupants of settlements do not want to be integrated in our country for cultural reasons or because they are in the hands of networks involved in begging or prostitution*" and that the families who wanted to be integrated "*are a minority*"<sup>158</sup>.

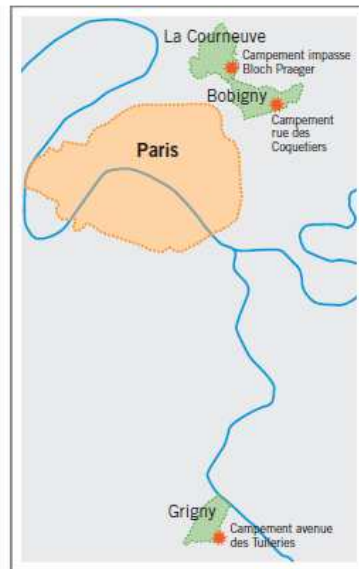
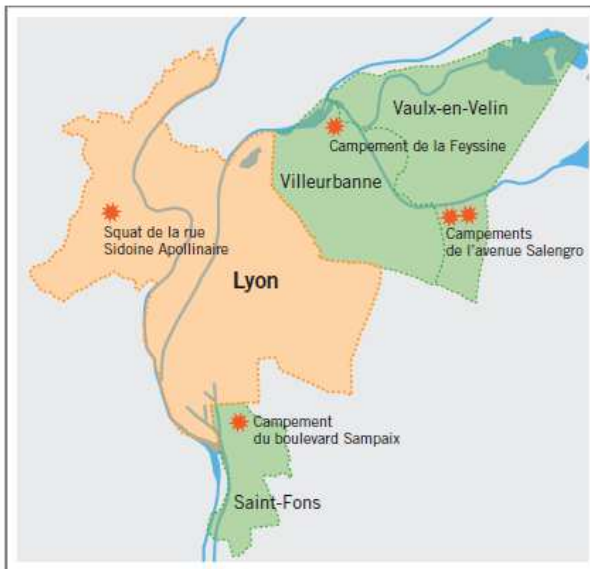
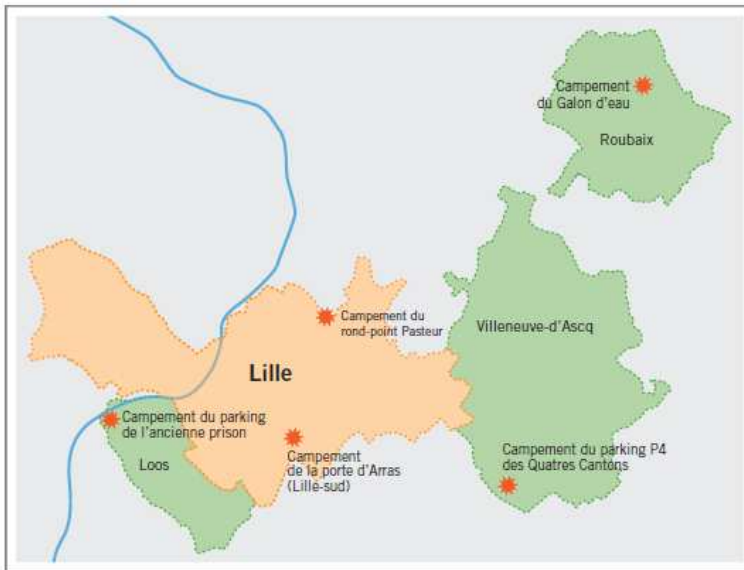
France's international commitments oblige it to ensure the full exercise of the rights it is committed to guaranteeing, to the maximum of its available resources and without discrimination<sup>159</sup>. The French authorities must take immediate and binding measures to put an end to forced evictions. Now more than ever, given the current climate of hostility towards the Roma and the forthcoming municipal elections scheduled for March 2014, Amnesty International is renewing<sup>160</sup> its appeal to the government of François Hollande to genuinely demonstrate its commitment to respect the human rights of migrant Roma living in France.

## RECOMMENDATIONS

### The French Government should

- Set in place effective safeguards to prevent forced evictions.
- Instruct all Prefects to apply the circular of 26 August 2012 and amend the latter to include the following protection measures:
  - Ensure that no one is made homeless as a result of being evicted from an informal settlement and offer all the inhabitants suitable shelter or alternative housing several days before eviction operations are due to start.
  - Ban evictions from informal settlements during the winter break that applies to other evictions (1 November – 15 March)
  - Ensure that there is genuine consultation with the people concerned and that they are able to propose alternative solutions for themselves.
  - Ensure that the people concerned receive adequate information about eviction operations within a reasonable time frame.
- Ensure access to the minimum essential services required to assure the dignity of those living in informal settlements, including a water supply, refuse collection and access to adequate sanitation.
- Ensure continued access to the rights to education and health care.

# APPENDIX



Maps (in French) of Lille, Lyon and Ile-de-France identifying settlements visited by Amnesty International; map prepared by Amnesty International France

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## ENDNOTES

1 In a letter to the *Collectif National Droits de l'Homme Romeurope*, Romeurope National Human Rights Collective, François Hollande had said, “When an unsanitary camp is dismantled, my hope is for alternative solutions to be 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.”

2 On 7 February 2012, Amnesty International France had written to the 2012 presidential candidates asking them to make 10 pledges with regard to human rights in France.

3 In the context of the plan to combat poverty (Interministerial circular of 4 January 2013 concerning the initial provisions for 2013 resulting from the Conference against poverty and for social inclusion in support of shelter and access to housing for homeless and inadequately housed people and regional “end of winter projects” (“*projets de sortie de l'hiver*”), the government allocated 4 million euros for the anticipation of and provision of social assistance for the eviction of squats and slums. This budget is mainly for funding “social assessments” (“*diagnostics sociaux*”) and different housing and support projects, mainly in the six regions where there are a large number of settlements (Ile-de-France, Nord-Pas-de-Calais, Rhône-Alpes, Provence-Alpes-Côte-d'Azur, Languedoc-Roussillon and Aquitaine). In May 2013, according to DIHAL, 2.3 million euros had been distributed between those regions.

4 In early summer 2013, the lack of progress with regard to the situation of migrant Roma and the poor implementation of the circular of 26 August 2012 was denounced in several reports by institutions and NGOs, in particular: *Bilan d'application de la circulaire interministérielle du 26 août 2012 relative à l'anticipation et à l'accompagnement des opérations d'évacuation des campements illicites*, Ombudsman (*Défenseur des Droits*), August 2012-May 2013; *Recommandations sur la mise en œuvre de la circulaire interministérielle du 26 août 2012 et sur l'accès aux droits des populations dites Rom*, National Consultative Human Rights Commission (*Commission nationale consultative des droits de l'homme*, CNCDH), 26 July 2013; *Evaluation des dispositifs d'accompagnement des personnes présentes dans les campements*, mission by the Inspectorates General (*Inspections Générales: IGA* [administration], *IGAS* [social affairs], *CGEDD* [environment and development] et *IGAENR* [national education and research]), May 2013; *Rapport d'Observatoire 2013*, Collectif National Droits de l'Homme Romeurope; *Recensement des évacuations forcées de lieux de vie occupés par des Roms étrangers en France*, 2<sup>nd</sup> quarter 2013, League of Human Rights (*Ligue des Droits de l'Homme*, LDH) and the European Roma Rights Centre (ERRC).

5 These surveys were previously conducted by Philippe Goossens from the European Association for the Defense of Human Rights (AEDH) but since the second quarter of 2013 have been carried out jointly by the LDH and ERRC. Since 2010 they have recorded the total number of evictions per quarter, indicating the cause (namely, an intervention by the authorities, a fire or accident, an attack, pressure or voluntary departure, or repatriation to country of origin), the grounds for the eviction (a court decision [by a *tribunal de grande instance* - TGI, *tribunal d'instance* – TI, or *tribunal administratif* – TA] or an order [*arrêté*] issued by a mayor or prefect), cases in which an OQTF (*obligation de quitter le territoire français*,

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order to leave French territory) has been issued or the person had returned voluntarily through OFII (*Office français de l'immigration et de l'intégration*, French Office for Immigration and Integration); and specifying whether housing solutions had been provided for all those affected by the eviction. See *Recensement des évacuations forcées de lieux de vie occupés par des Roms étrangers en France*, 2011-2013 by quarter, LDH and ERRC.

6 Evictions are prohibited between 1 November each year and 15 March of the following year “*unless those concerned are guaranteed rehousing in adequate conditions that respect the unity and needs of the family*”. This ban does not apply if the people in question entered the premises by illegal means or if they live in a building that has been deemed unsafe. Article L613-3 of the *Code de la construction et de l'habitation*, Building and Housing Code.

7 See, for example, the 1<sup>st</sup> quarter of 2013 and 4<sup>th</sup> quarter of 2012 in *Recensement des évacuations forcées de lieux de vie occupés par des Roms étrangers en France*, LDH and ERRC.

8 Figures from the LDH and ERRC for July and August 2013. Of the 39 evictions in which the police were involved, 35 were the result of a court decision, 3 were justified either by a mayoral order, a prefectural order issued on grounds of unfitness for habitation, or a report certifying that the site had been illegally occupied for less than 48 hours, and in one case those concerned left the place where they had been living on their own initiative. During the summer of 2012, 3,041 people had been affected by 28 eviction operations.

9 In particular, comments made on 27 May 2013 during a public meeting in Roubaix; on 4 July 2013 by Honorary President of the National Front, Jean-Marie Le Pen; on 7 July 2013 by the Mayor of Nice, Christian Estrosi; and on 21 July 2013 by Deputy Mayor, Gilles Bourdouleix.

10 On 21 August 2013, the magazine *Valeurs Actuelles* ran the following front-page headline: “*Roms, l'overdose. Sondage exclusif : le ras-le-bol des français. Assistanat, délinquance...ce qu'on a pas le droit de dire*”, “Roma, overdose. Exclusive survey: the French are fed up. Handouts, crime... what we don't have the right to say”.

11 On 10 August 2013, a Bulgarian man from the Roma community was assaulted by a group of individuals in Villeneuve d'Ascq (Lille metropolitan area), causing him to be taken to Lille Regional Hospital (*CHR*) in a serious condition, suffering from several bruises and contusions. On the night of 26-27 July 2013 in Saint-Denis (Seine-Saint-Denis), fifteen individuals armed with iron bars attacked the Roma camp near the Stade de France. Two people were wounded, one very seriously. On the night of 6-7 June 2013 in Hellemmes (Lille metropolitan area), several Molotov cocktails, bottles and bricks were thrown from a car at caravans on a caravan site where five Roma families were living. In September 2012 in Marseille, some 50 Roma were chased out of the camp where they were living by inhabitants of the northern suburbs, who had set fire to belongings they had left there.

12 On 21 July 2013, Deputy Mayor Gilles Bourdouleix went to a site in Cholet (Maine-et-Loire) where Travellers had set up home. There were lively exchanges between the Deputy Mayor and members of the Traveller community, some of whom reportedly made Nazi salutes and called him “Hitler”. He in turn said, “*Comme quoi, Hitler n'en a peut-être pas tué assez*” (“It just goes to show, maybe Hitler didn't kill enough of them”).

13 “*Chased away*”: *Forced evictions of Roma in Ile-de-France*, Index EUR 21/012/2012, November

2012. A petition containing 13,000 signatures gathered in four months was sent on 28 May 2013 to the Prime Minister in the context of the campaign launched as a result of the report.

14 The Roma community is a heterogeneous ethnic group made up of several sub-groups with distinctive histories and languages, such as the Manush in France, the Sinti in Germany and Italy, the Kale in Portugal and Spain and the Karderash in south-east Europe.

15 According to data obtained from Prefects by the interministerial Inspectorates General mission (IGA, IGAS, CGEDD and IAGENR) in January-February 2013. *Evaluation des dispositifs d'accompagnement des personnes présentes dans les campements*, May 2013

16 See *Pushed to the margins: Five stories of Roma forced evictions in Romania*, Amnesty International EUR 39/003/2013, 18 June 2013.

17 In 2009, on average one in every two Roma was subjected to racial discrimination. In Europe, 8 in 10 Roma live in families exposed to poverty. See *Europe: Human rights here, Roma rights now: A wake-up call to the European Union*, Amnesty International, Index EUR 01/002/2013, 4 April 2013.

18 *Human rights here, Roma rights now: A wake-up call to the European Union*, Amnesty International, Index EUR 01/002/2013, 4 April 2013. 93,245 signatures were gathered for the petition that was part of the campaign accompanying publication of this report.

19 The Traveller community is very different from the Roma community: they are indigenous peoples who have led an itinerant life style for centuries. From an ethnic perspective, Travellers are not Roma. The Traveller community also faces discrimination throughout Europe. See *The situation of Roma in 11 EU Member States – Survey results at a glance*, European Agency for Fundamental Rights, 2012. The people interviewed in France in the context of that survey were Travellers living in caravans on caravan sites. Other data concerning EU citizens from Romania is due to be published shortly. Concerning discrimination faced by Travellers, see, in particular, *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*, CNCDH, 22 March 2012.

20 Ile-de-France: Bobigny (rue des Coquetiers); Grigny (avenue des Tuileries); La Courneuve (Impasse Bloch Praeger).  
Lille: Lille-Sud (Porte d'Arras); Villeneuve d'Ascq (P4 Quatre Cantons); Roubaix (Galon d'eau); Loos (former prison car park); Lille (rond point Pasteur).  
Lyon: Vaulx-en-Velin (site at 1 avenue Salengro); Vaulx-en-Velin (site at 2 avenue Salengro); Lyon 9<sup>th</sup> (squat in rue Sidoine Apollinaire); Villeurbanne (La Feysine); Saint Fons (site on boulevard Sampaix)

21 Norbert Clément (Lille), Julie Launois-Flacelière and Tamara Lowy (Ile-de-France) and Céline Amar, Myriame Matarì and Eloïse Cadoux (Lyon).

22 In Lyon: Olivier Brachet, Vice-President for Greater Lyon; François Rysto, director of the office of the Mayor of Villeurbanne; Gilbert Clavel, Deputy Mayor of Saint Fons.  
In Lille: Michel François Delannoy, First Vice-President, *Lille Métropole Communauté urbaine (LMCU)*, Lille Metropolitan Urban Community; Serges Martin, director of the *Association de Maires du Nord*, Northern Mayors' Association.



23 In Lyon: Médecins du Monde; *Collectif Lyonnais pour l'Accès à la Scolarisation et le Soutien aux Enfants des Squats (C.L.A.S.S.E.S)*, Lyon Collective for Access to Schooling and Support for Children in Squats; *Action Lyonnaise pour l'Insertion Sociale par le Logement (ALPIL)*, Lyon Action for Social Integration through Housing; Forum Réfugiés-Cosi; teachers from the *antennes scolaires mobiles (ASM)*, mobile classrooms; and La Cimade.

In Lille: *Médecins Solidarité Lille*; teachers from the ASM; *Aréas Tsiganes et Voyageurs*; *L'Atelier Solidaire*; AFEJ; *La solidarité de Roubaix*; ATD Quart Monde; and *Comité Catholique Contre La Faim et Pour Le Développement (CCFD)*, Catholic Committee against Hunger and for Development.

In Ile-de- France: Médecins du Monde; *Première Urgence - Aide Médicale Internationale (PU-AMI)*, a medical NGO; Romeurope; ERRC; *Groupe d'information et de soutien des immigrés (Gisti)*, Immigrants' Information and Support Group; the Ombudsman; and PEROU, an NGO.

24 In Lille: Dominique Bur, Prefect for the *Département du Nord*; Pascal Joly, Prefect for Equal Opportunities.

In Ile-de- France: Philippe Galli, Prefect for Seine-Saint-Denis, and Jean-Marc Sénateur, director of the office of the Prefect for Seine-Saint-Denis.

25 On 27 June 2013 Amnesty International visited an "integration village" in Faches-Thumesnils in the metropolitan area of Lille and, in the context of the Andatu programme in Lyon, a social housing apartment in Villeurbanne and the Raby barracks in Bron on 1 July 2013.

26 According to estimates by the mission by the Inspectorates General (IGA, IGAS, CGEDD, IGAENR), *Evaluation des dispositifs d'accompagnement des personnes présentes dans les campements*, May 2013.

27 *Ibidem*, p 18.

28 Some informal settlements are very small, with sometimes only one or two families living in them.

29 Forced evictions in Le Havre, Nice and Marseille, in particular, have been closely monitored through the local Amnesty International groups based in those regions. With regard to the specific situation in Marseille, see also the submission to the Ombudsman by Médecins du Monde concerning violations of the fundamental rights of the Roma in Marseille, May 2012.

30 Committee on Social, Economic and Cultural Rights (ECOSOC), General Comment 7. ECOSOC defined forced eviction as "the permanent or temporary 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".

31 See "Know your obligations. A guide to preventing forced evictions", Amnesty International, Index ACT 35/009/2012, 27 November 2012 .

32 CESCR, General Comment 4, paragraph 18.

33 See, for example, the European Court of Human Rights, *Selçuk and Asker v. Turkey* (1998), paras. 72-80; United Nations Committee against Torture, *Hajrizi Dzemajl v. Serbia and Montenegro*,

communication N° 161/2000 (2002). Article 7 of the ICCPR prohibits cruel, inhuman or degrading treatment.

34 Council of State (*Conseil d'Etat*) ruling N° 325884 of 23 March 2009.

35 *Déclaration des droits de l'homme et du citoyen*, article 17.

36 ICESCR, article 2; ICCPR, articles 2 and 26; International Convention of 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 on Human Rights, articles 2 and 14; European Social Charter (revised), article E.

37 European Committee on Social Rights, Decision on admissibility: European Roma Rights Centre (ERRC) v. France, Collective Complaint No. 51/2008; European Committee on Social Rights, Decision on admissibility: Centre on Housing Rights and Evictions (COHRE) v. France, Collective Complaint No. 63/2010; European Committee on Social Rights, Decision on admissibility: European Roma and Travellers Forum (ERTF) v. France, Collective Complaint No. 64/2011; European Committee on Social Rights, Decision on admissibility: Médecins du Monde - International v. France, Collective Complaint No. 67/2011.

38 European Committee on Social Rights, Decision on admissibility: Médecins du Monde - International v. France, Collective Complaint No. 67/2011.

39 See *Chased away: Forced evictions of Roma in Ile-de-France*, Index EUR 21/012/2012, November 2012, pp. 23-32 .

40 See *Know your obligations : A guide to preventing forced evictions*, Amnesty International, Index ACT 35/009/2012, 27 November 2012, pp. 19-27.

41 Many of the Roma Amnesty International met in informal settlements reported that the police or unidentified individuals often came to their sites to tell the occupants to leave, sometimes apparently without any official authorization.

42 *Ordonnance* N° 1301389 of 4 April 2013, Lille TA.

43 Press release issued by the Prefecture for the *Département du Nord*, "*Evacuation du campement illicite implanté sur la plaine Winston Churchill à Lille*", 5 June 2013.

44 Amnesty International wrote to the Prefecture on 25 July 2013 seeking further information about the execution of and grounds for this eviction operation. As of 3 September 2013, no reply had been received.

45 Amnesty International has obtained a copy of the *ordonnance de référé* (temporary injunction) issued by the *Tribunal d'Instance de Lyon* on 25 November 2011, RG N°12-11-002064. The respondents mentioned in it do not correspond to the occupants of the building in July 2013. The lawyer acting for the respondents named in it confirmed that her clients were not Europeans belonging to the Roma community. Interview with Sophie Hassid, lawyers at the Lyon Bar, 3 September 2013.

46 The Amnesty International delegates visited this squat and interviewed about a dozen of the occupants on 2 July 2013.

47 According to a member of the local Amnesty International group and C.L.A.S.S.E.S, who had visited the families on the evening of 9 July.

48 Interview with the Superintendent of the police station for Lyon's 9<sup>th</sup> *arrondissement*, 22 July 2013.

49 Interview with the Superintendent of the police station for Lyon's 9<sup>th</sup> *arrondissement*, 22 July 2013. Four cases were referred to the Ombudsman involving issues within his jurisdiction relating to the code of conduct observed by security officials, in particular with regard to restrictions on, or detentions related to, freedom of movement following evictions in Ris Orangis, Marseille, Saint-Denis et Massy. The case, dated 3 April 2013, concerns, for example, the eviction relating to the settlement in Ris Orangis, because the families, who had not been offered suitable alternative accommodation, were reportedly followed by gendarmes for a whole day to ensure that they did not establish a new settlement and that they left the city and the *département*. As of 3 September 2013, the four cases were still being investigated. See *Bilan d'application de la circulaire interministérielle du 26 août 2012 relative à l'anticipation et à l'accompagnement des opérations d'évacuation des campements illicites*, Ombudsman, August 2012-May 2013, p. 32.

50 If an eviction concerns premises that are the main residence of the person being evicted or any of the others sharing occupation, a two-month delay is obligatory. The judge can shorten or eliminate this time limit if the occupants entered the premises illegally or if the building has been declared unsafe. *Code des procédures civiles d'exécution*, article L.412-1.

51 *Code des procédures civiles d'exécution*, article L.412-3.

52 Interview with Norbert Clément, lawyer at the Lille Bar, 26 June 2013.

53 See *Chased away: Forced evictions of Roma in Ile-de-France*, Amnesty International, November 2012, p. 27.

54 Interview with Norbert Clément, lawyer at the Lille Bar, 8 August 2013.

55 *Code de procédure civile*, articles 808 and 809. See *Chased away: Forced evictions of Roma in Ile-de-France*, Amnesty International, November 2012, p. 21.

56 *Code de procédure civile*, articles 493-498. Case law stipulates that this procedure should not be abused and should only be used in exceptional cases, particularly because it does not respect the adversarial principle (for example, Paris Appeal Court, 2 March 2012, N° 1110707). The European Court of Human Rights (ECHR) considers respect for the adversarial principle to be a constituent element of fair legal proceedings (ECHR, 24 February 2011, N° 33908/04, Benet Praha, Spol s.r.o. v. Czech Republic).

57 This is mainly due to the complexities of showing that the efforts made by the bailiff to obtain the identity of the occupants have been inadequate. Interview with Norbert Clément, lawyers at the Lille Bar, 26 June 2013.

58 Interview with Norbert Clément, lawyers at the Lille Bar, 26 June 2013.

59 In the context of their police powers (public order, safety, health), mayors can issue orders to force the occupants to leave land or premises. *Code Général des Collectivités Territoriales*, article L2212-1 to L2212-5-1. Under article L1311-4 of the *Code de la Santé Publique*, prefects are obliged to take action if a mayor has failed to comply with his or her obligations under the above-mentioned articles of the *Code Général des Collectivités Territoriales*.

60 For example, about 40 inhabitants (including 20 children) of a site in Parc de la Villette were notified of a prefectural order on the evening of Tuesday, 30 July. Their lawyer, Julie Launois-Flacelière, filed an appeal at the Paris Administrative Court on the evening of Thursday, 1 August. Since the order could be executed within 48 hours, the eviction took place on the morning of 2 August, even though that same morning a judge had set a hearing for the afternoon of 2 August.

61 Julie Launois-Flacelière, a lawyer at the Seine-Saint-Denis Bar who regularly defends cases involving sites inhabited by Roma in Ile-de-France, said that there had been a noticeable increase in the number of evictions resulting from *arrêtés*. In 2012, out of nine eviction cases she worked on, only one concerned a municipal order authorizing an eviction. Out of the 14 evictions she had dealt with between January and July 2013, 4 were the result of an *arrêté*. Interview with Julie Launois-Flacelière, lawyer at the Seine-Saint-Denis Bar, 11 July 2013. For the total number of *arrêtés* issued in the country as a whole, see *Recensement des évacuations forcées de lieux de vie occupés par des Roms étrangers en France*, 1<sup>st</sup> and 2<sup>nd</sup> quarters of 2013, LDH and ERRC.

62 For example, the ERRC reported that for a site at Porte de la Villette owned by Paris City Council on which about 70 Roma had been living for over a year, the Police Commissioner (*préfet de police*) issued a prefectural order on 31 May 2013, even though the TGI had declined jurisdiction on 13 November 2012 and a hearing was scheduled to be held at the Paris Appeal Court (*Cour d'Appel de Paris*) on 25 September 2013. The site was cleared on 12 June 2013. Interview with Manon Fillonneau, ERRC, 4 September 2013.

Lawyer Julie Launois-Flacelière said that in some cases *arrêtés* are issued and evictions enforced while appeals are still pending against TGI rulings. Interview with Julie Launois-Flacelière, lawyer at the Seine-Saint-Denis Bar, 11 July 2013.

According to Médecins du Monde, “*conditions are created so that the sites become uninhabitable and to justify the arrêtés*”. In their view, this practice enables the authorities to “*circumvent the spirit of the 26 August 2012 circular*”. Interview with Jean-François Corty, Director of Missions France and Nathalie Godard, Desk Officer at the headquarters of Missions France, Médecins du Monde, 21 June 2013.

63 The CNCDH has called for an end to the use of administrative eviction procedures such as municipal orders, which make it very difficult to exercise the right of appeal and raise the problem of what constitutes public disorder (*trouble à l'ordre public*). *Recommandations sur la mise en œuvre de la circulaire interministérielle du 26 août 2012 et sur l'accès aux droits des populations dites Rom*, CNCDH, 26 July 2013.

The Ombudsman has called for greater clarification of the notion of emergency that is used to justify immediate action to evict because in such cases the dismantling of settlements is carried out without a court decision, with no advance notice and without ensuring the continuity of rights. He recommended that emergency evictions only be used in the event of exceptional cases, an imminent danger or extremely serious events and not in cases involving a lack of safety or sanitation. See *Bilan d'application de la circulaire interministérielle du 26 août 2012 relative à l'anticipation et à l'accompagnement des opérations d'évacuation des campements illicites*, Ombudsman, August 2012-May 2013.

64 General Comment 4, Committee for Economic, Social and Economic Rights (CESCR).

65 According to General Comment 4 of the CESCR on the right to adequate housing, for housing to be adequate, it must meet the following minimum criteria: legal security of tenure, availability of services, materials, facilities and infrastructure, affordability, habitability, accessibility, location and cultural adequacy.

66 *Code de l'Action Sociale et des Familles (CASF)*, articles L345-2-2 and L345-2-3.

67 In the context of the social monitoring system which the Prefect is obliged to establish in the *département*. *CASF*, article L. 345-2.

68 Of those negative responses, 83% were due to a lack of available places. In July 2012, 70% of requests were unsuccessful. Those most severely affected by this continued to be families (64% of requests were unsuccessful) and migrants (of the requests that were rejected, 72% concerned non-EU citizens, 6% EU citizens and 14% French nationals). *Baromètre 115, Fédération nationale des associations d'accueil et de réinsertion sociale (FNARS)*, a national NGO working with socially-disadvantaged people, July 2013.

In the winter of 2012-2013, 58% of requests were unsuccessful compared to 50% in the winter of 2011-2012. 75% of people from the EU received a negative response, compared to 62% of non-EU citizens and 48% of French nationals. FNARS noted that foreigners were usually people with families, and that people on their own tended to be given shelter more often than families. During the winter of 2012-2013, 53% of those who were unsuccessful were families. *Baromètre 115, Bilan hivernal 2012-2013*, November 2012 to March 2013.

Note: These studies by FNARS were conducted across a sample covering 37 *départements*.

150,000 people are homeless in France, according to *Rapport d'information N° 4221 sur l'évaluation de l'hébergement d'urgence*, by Danièle Hoffman-Rispal and Arnaud Richard, National Assembly, January 2012.

69 *Code de justice administrative*, article 521-2.

70 *Conseil d'Etat*, ruling N° 356456 of 10 February 2012, in which the Council of State recognized the right to emergency shelter as constituting a fundamental freedom.

71 For example, Lyon Administrative Court, 4 April 2013, order N°1302164, order to offer shelter; and Paris Administrative Court, 22 April 2013, order N°1305344/9, order to remain in an accommodation centre.

72 The 12 families they defended were accommodated either in dormitories in the centre of town or in hotels on the outskirts of Lyon, where they were not fed and were obliged to leave the premises during the day. The fact that the hotels were so far away put a stop to schooling because the families had no money or vehicles. In addition, according to the lawyers, some of the accommodation was already crowded and the families were not well received there. Interview with Céline Amar and Myriame Matari, lawyers at the Lyon Bar, 4 July 2013.

73 *Code de justice administrative*, article L. 521-1. This emergency procedure can suspend an

administrative decision and thus allow suspension of the State's (sometimes implicit) decision to refuse to take responsibility for someone who has made a request for emergency shelter or allow them to remain there. The lack of an offer of shelter despite the procedures initiated is deemed to be a refusal. A *recours "au fond"*, appeal on substance, must also be lodged so that the judge can rule on whether or not to overturn the refusal to take responsibility for someone and/or allow them to remain in an emergency shelter.

74 Under the law on the enforceable right to housing ("*droit au logement opposable*") (the DALO law of 5 March 2007), people who have not obtained suitable shelter despite their requests may appeal to an adjudication committee for an out-of-court resolution, and they can also initiate proceedings against the State in the administrative court if they have not been prioritized and have still not been provided with appropriate shelter six weeks after the committee has been informed of the case. Such appeals are rarely successful and the number of favourable decisions relating to shelter has fallen: in the first half of 2012, shelter was provided in 29.3% of cases compared to 38% in 2011.

75 On 30 August 2013, 57 people or 14 families had been accommodated by the *Direction départementale de la cohésion sociale (DDCS)* in Formule 1 hotels in Dardilly, Lyon-Vaise, Saint Priest, Solaize and Vénissieux. At that date, it had not been decided how long they would remain there. Interview with Aurélie Neveu, Coordinator of Missions France – Lyon, Médecins du Monde, 29 August 2013. *La Cimade* in Lyon said that in the case of ten OQTF cases for which it had requested legal aid in order to appeal, those concerned had been ordered to be held under house arrest in those same F1 hotels from 23 August 2013 pending enforcement of the expulsion orders. Interview with *La Cimade*, Lyon, 9 September 2013.

76 2013 Activity Report, C.L.A.S.S.E.S, pp. 8-9.

77 Interview with Lorena, informal settlement, Boulevard de Sampaix, Saint Fons, 4 July 2013.

78 See <http://www.rue89lyon.fr/2013/03/25/apres-incendie-saint-fons-roms-heberges-gymnase-ayon/>

79 This accommodation was offered to about 30 people.  
<http://www.leprogres.fr/rhone/2013/04/04/ancienne-clinique-du-rein-une-trentaine-de-roms-sont-arrives-hier>

80 Nationals of Romania and Bulgaria, who have the right to move and reside freely within French territory in accordance with directive 2004/38/EC, can be served with OQTFs on several grounds listed in article L.511-3-1 of the *Code de l'entrée et du séjour des étrangers et du droit d'asile (CESEDA)*, Code governing the entry and residence of foreigners and the right of asylum. The question of the expulsion from French territory of Roma from other EU countries falls outside the scope of this report. For further information on the issuing of OQTFs in the context of eviction operations, see *Chased away : Forced evictions of Roma in Ile-de-France*, Index EUR 21/012/2012, November 2012, pp. 9-10.

81 According to the *Code de l'Action Sociale et des Familles (CASF)*, Social Action and Family Code, articles L345-2-2 and L345-2-3, entitlement to access a temporary shelter and remain there is unconditional. The procedural safeguards laid down in international law, including the obligation to ensure that no one is rendered homeless following an eviction, apply to everyone under State jurisdiction.

82 According to information supplied by members of NGOs who were at the site on 12 September 2013.

83 *Aréas Tsiganes et Voyageurs* is a project implemented by the NGO *La Sauvegarde du Nord*. In the rest of this report it will be called “*Aréas*”.

84 Interview with Patrick Vigneau, Director of *Aréas*, 24 June 2013.

85 Press release issued by the Prefecture for the *Département du Nord*, “*Evacuation du campement illicite implanté sur la plaine Winston Churchill à Lille*”, 5 June 2013. *Aréas* said that, compared to other eviction operations, such as the one at the school of architecture in Villeneuve d’Ascq in early August 2012 or the one at the IUFM, a former teacher training college in Loos, in April 2013, the operation carried out at Plaine Winston Churchill was the one which had so far adhered most closely to the interministerial circular of August 2012.

86 A meeting to evaluate the operation carried out to clear the settlement located on Plaine Winston Churchill is still supposed to take place at the Prefecture, mainly so that *Aréas* can pass on its observations and identify areas where there is room for progress, such as the need for housing solutions to be planned in advance. Interview with Christine Nieuwjaer, *Aréas* Service Manager, 11 September 2013.

87 Report by the Roma discussion committee (*comité d’échange sur les roms*) of 11 July 2013, approved by the Prefect for the region on 26 July 2013.

88 *Code des procédures civiles d’exécution*, article L.412-6.

89 On 31 October 2012, the Prime Minister refused a request dated 4 October 2012 from the Ombudsman to extend the ban on winter evictions to people affected by operations to clear informal settlements.

90 See *Recensement des évacuations forcées de lieux de vie occupés par des Roms étrangers en France*, LDH and ERRC.

91 European Committee of Social Rights, *Médecins du Monde-International v. France*, Collective Complaint No. 67/2011, decision on the merits, 11 September 2012, para. 79.

92 The bilateral agreements between France and Romania, decentralised cooperation and the measures relating to access to employment for Romanian and Bulgarian nationals have not been analyzed in detail. Only the measures that might directly affect the human rights violations denounced by Amnesty International have been examined in depth.

93 *Recommandations pour le cahier des charges du diagnostic global et individualisé ; Vade-Mecum et Exemples de cas pratiques à l’usage des correspondants points de contact départementaux de la DIHAL*. These recommendations were drawn up by the group responsible for “coordination of anticipatory measures and management prior to an eviction” on DIHAL’s national monitoring committee.

94 The budget allocated to the anticipation of and provision of social assistance for the evacuation of squats and slums in January 2013 was used, among other things, to fund these assessments.

95 "Following the establishment of the assessment, which may be more or less complete depending on the time and resources available, (...)" ("*Après l'établissement du diagnostic, qui pourra être plus ou moins complet en fonction du temps et des ressources disponibles, (...)*". Interministerial circular of 26 August 2012.

96 There was general agreement among NGOs that so far the assessments carried out prior to evictions throughout the country have been neither systematic nor complete, that they sometimes do not result in any support or rehousing proposals and then only for certain people who have been selected on the basis of arbitrary criteria, and that in some cases they have been carried out after eviction. See *Rapport d'Observatoire 2013*, Collectif National Droits de l'Homme Romeurope, pp. 98-104.

97 "You could set up a monitoring committee, in particular involving the local authorities concerned as well as organizations involved in integration programmes" ("*Vous pourrez mettre en place un comité de suivi associant notamment les collectivités territoriales concernées ainsi que les associations engagées dans les actions d'insertion.*") Interministerial circular of 26 August 2012.

98 According to the procedural safeguards established in international law, in order to prevent forced evictions, States should ensure that every possible alternative to eviction is envisaged, in genuine dialogue with those concerned, in order to avoid or minimize the use of force. For a clear description of international standards relating to genuine consultation, see *Know your obligations. A guide to preventing forced evictions*", Amnesty International, Index ACT 35/009/2012, 27 November 2012, pp. 19-27.

99 For example, Amnesty International was able to obtain a copy of the social assessment prepared by *Habitat et Intervention Social* on 6 February 2013 for four settlements located along National Highway 7, Rue Albert Rémy and Avenue Joliot Curie in Ris Orangis. A description of the modus operandi indicates that 12 social workers and 6 managers were mobilized from 8.30am to 9pm on 6 February 2013. The total population of the four settlements was 267. The content of the mission was described as follows: "to gather information on the social, health and professional situation, the schooling of children, life plans, and people's specific requests for service provision". The data presented in the assessment are extremely brief and superficial, and cannot be considered good enough to lead to proposals that are well suited to all of the individual situations in question. The settlement in Ris was evacuated on 3 April 2013. 38 people were selected to join a MOUS (*maîtrise d'œuvre urbaine et sociale*, a multi-disciplinary programme to provide housing and social support for those most in need).

100 See Amnesty International press release French authorities forcibly evict 150 people, including 60 children, 27 August 2013.

101 Interview with Jean-Marc Sénateur, Director of the Office of the Prefect for Seine-Saint-Denis, 23, 27 and 28 August 2013.

102 Interview with the ALJ93, 14 June 2013 .

103 In particular, a meeting was held on 20 August with three members of the group *Roms Solidarité*, and there was a conference call at the end of August involving Médecins du Monde, the Regional Health Authority (*Agence Régionale de la Santé - ARS*), the DDCS and the Regional Council (*Conseil Général*) about the eviction at Vaulx-en-Velin.



104 The “social assessment” for the site at Plaine Winston Churchill was done in a fortnight. In Roubaix, several months was given for assessments. The “social assessment” for the site at Porte d’Arras in Lille Sud, where up to 800 people were living, was done by the *Centre Communal d’Action Sociale de Lille* (CCAS), Lille Communal Social Action Centre, in about three weeks and covered 98 of the approximately 160 families there. NGOs have expressed concern about the objectivity of an assessment conducted by a public body from Lille City Council, since it is Lille City Hall that owns the land and which has asked for the eviction. Amnesty International has written to the Prefecture for the *Département du Nord* asking for further information about the assessment and the forthcoming eviction of the settlement at Porte d’Arras in Lille Sud. As of 4 September 2013, no response had been received.

105 To date three such meetings to discuss the Roma, chaired by the Prefect, have taken place, bringing together, among others, the DDCS, NGOs (*Aréas*, LDH, L’Atelier Solidaire, ATD Quart Monde, etc), mayors and members of the LMCU, the Regional Council (*Conseil Général*), the Prefect for Equal Opportunities, and the OFII. The last meeting was held on 11 July 2013, and the matters discussed included the situation of settlements in the metropolitan area, the funds available to DIHAL, the Franco-Romanian agreement and the possible resettlement of Roma elsewhere.

106 Interview with Christine Nieuwjaer, Service Manager, *Aréas*, 24 June 2013.

107 In Lille, “integration villages” were set up in March 2009. See also, “*Rapport d’Observatoire 2013 Collectif National Droits de l’Homme Romeurope*”, pp.105-108, and “*Etat des lieux provisoires des expériences d’hébergement et de logement d’habitants des squats et des bidonvilles*”, CNDH Romeurope, 30 January 2012.

108 Joining an integration project directly after being evicted would in theory comply with international standards concerning the provision of alternative housing as long as the integration project facilitates transition towards a long-term housing solution that meets international standards with regard to adequate housing. In practice, such a scenario is extremely rare and integration projects are usually an option for only a minority of Roma.

109 Interview with Frédéric Marchand, Mayor of Hellemmes, 26 June 2013.

110 School attendance for children, a good command of French, taking steps to get a job or receive training, a clean criminal record, continuous residence in the country and “willingness to be integrated” are often some of the criteria for entering such integration projects. The criteria of “genuine willingness to be integrated” is particularly subjective.

For example, in the Lille metropolitan area, Roma living in informal settlements can express their wish to be admitted to an “integration village” to *Aréas* on the ground or in the emergency shelters they are directed to after phoning 115. The latter then pass on the requests to the *Services Intégrés d’Accueil et d’Orientation (SIAO)*, Integrated Reception and Orientation Services, which handles all requests for accommodation from all sections of the public. Based on this list of requests, AFEJI, an NGO that works to combat exclusion, then conducts interviews of about one hour with the families in order to make a selection based on pre-established criteria: continuous residence in the country, the expressed wish to live in France, participation in an integration process (school, training, job-seeking), a good command of French, and family composition. This list is then sent to the State services (the DDCS), which checks the criminal records of the pre-selected individuals and their possible eligibility to receive assistance to return to their countries from OFII. The final list is sent back to the SIAO, and those accepted are

validated by the emergency families committee (*commission urgence-Familles*). According to AFEJI, the waiting lists are very long and the mayors of the towns in which the “integration villages” are based have a major influence on the final choice of people. Those admitted to an “integration village” sign a contract committing them to stay there for six months and are provided with individualized support, and an evaluation is carried out every six months.

111 Transitional measures apply to Romanian and Bulgarian nationals until January 2014 and to Croats until 30 June 2015. Under these transitional measures, nationals of those countries have to obtain a work permit to get paid employment and they can only apply for employment from a list of so-called “hard-to-fill” jobs (*métiers “sous tension”*), currently numbering 291. The CNCDH, the Ombudsman and several NGOs, including Romeurope, have regularly asked for these transitional measures to be lifted and denounced the fact that they hold back employment and therefore also access to decent living conditions and integration.

112 *Synthèse de prise en charge dispositif « Les villages d'insertion » depuis l'origine jusqu'au 25/4/2013*, AFEJI. Seventeen Roma families, consisting of 96 people, currently live in the five “integration villages” in the Lille metropolitan area: in Faches-Thumesnil, Halluin, Fives, Roubaix and Lezennes. In Lyon, as of 1 July 2013, of the 370 people who had joined the Andatu programme, 25 families had moved to independent social housing, spread across 11 municipalities, and 16 people were in employment.

113 Andatu is for European migrants from countries that are subject to restrictions on the freedom of movement of EU foreigners (Romania and Bulgaria) and living in settlements or squats in the Lyon metropolitan area. In practice, virtually all the beneficiaries are Romanians from the Roma community.

114 Andatu is funded through the European Social Fund, the Ministry of Housing, DIHAL, Greater Lyon and the Fondation Abbé Pierre. According to Forum Réfugiés-Cosi, the Andatu programme will be extended beyond January 2014 for three quarters of the beneficiaries but “Andatu 1”, the first wave of admissions to the programme will end on 31 December 2013. According to them, from then on the mechanisms of ordinary French law (in particular, the Regional Council (*Conseil Général*)) will take over responsibility. Interview with Jean-François Ploquin, Director General of Forum réfugiés-Cosi, 1 July 2013.

115 A letter asking for further information on the Andatu programme, especially with regard to the maximum quota of 400 participants and the selection criteria used, was sent to the Prefect of the Rhône *département* on 25 July 2013. As of 2 September, no reply had been received.

116 This temporary residence permit is extendable in the context of this programme.

117 A contract (“*contrat de parcours et d'engagement*”) intended to encourage integration in the Lyon region has been agreed for 12 months between the Prefecture, Forum réfugiés-Cosi and the participants.

118 The participants in the steering committee, which is chaired by the Prefect for Equal Opportunities, are: the *pôle HHS* at the DDCS, staff members from the Prefecture attached to the Community Economic Development Program (CEDP), Rhône Regional Council (*Conseil Général du Rhône*), the regional education service (*Direction des services départementaux de l'éducation nationale du Rhône - DSDEN*), the national employment agency (*Pôle emploi*), ABC HLM (representing all the providers of social housing in the Rhône area), ARALIS and ADOMA (shelter providers), DIRECCTE (regional government

offices), Grand Lyon Métropole, a representative of the DCII, and Forum réfugiés-Cosi.

Despite requests sent to the Prefecture, Amnesty International has not received details of the selection criteria for the Andatu programme. During its field research, Amnesty International found that NGOs, lawyers and the people concerned had received inaccurate and sometimes contradictory information concerning the entry criteria. According to the Forum réfugiés-Cosi, the criteria for inclusion in the Andatu programme are that the applicant is living in unsanitary conditions (settlements, squats) or has recently been made homeless ("cold weather plan", "*plan froid*"), has shown that he or she is clearly motivated about achieving the project outcomes and accepts its rules, has lived for several years in the Lyon metropolitan area and has shown a willingness to be integrated into it, especially by sending their children to school and looking for employment.

119 An inhabitant of the site at La Feyssine in Villeurbanne showed this letter of receipt to the Amnesty International delegates on 3 July 2013.

120 On 1 July 2013, Amnesty International met a family of seven people living in social housing in Villeurbanne and several families housed in a former police barracks at Bron (Raby barracks).

121 *The right to adequate housing*, Fact Sheet No. 21, UN-Habitat, Office of the United Nations High Commissioner for Human Right.

122 *Ibidem*.

123 On the site at the Galon d'eau in Roubaix, there were seven toilets for 40 families, about 120 people.

124 Interview with Simona, informal settlement bordering Avenue Salengro, Vaulx-en-Velin, 2 July 2013. This settlement was cleared on 23 August 2013.

125 Interview with Aurélie Neveu, Coordinator, Missions France – Lyon, Médecins du Monde, 4 July 2013.

126 This 4-year-old child was hospitalised with septic shock and suffered cardiac arrest on two occasions. Interview with Livia Otal, Technical Coordinator, Slums Mission, La Plaine-Saint Denis, Médecins du Monde, 10 July 2013.

127 The Ombudsman obtained information about at least six cases in which families were directed by the police to other towns or *départements*. See *Bilan d'application de la circulaire interministérielle du 26 août 2012 relative à l'anticipation et à l'accompagnement des opérations d'évacuation des campements illicites*, Ombudsman, August 2012-May 2013, p. 25. See also *Rapport d'Observatoire 2013 Collectif National Droits de l'Homme Romeurope*, pp. 82- 84.

128 Amnesty International met them on 25 June 2013.

129 Interviews with Father Arthur, Collectif Solidarité Rom et Gens du Voyage Lille Métropole, 8 July 2013 and 18 July 2013.

130 *The right to adequate housing*, Fact Sheet No. 21, UN-Habitat, Office of the United Nations High Commissioner for Human Rights.

CESCR, General Comment 4, The right to adequate housing:

“Legal security of tenure. Legal security of tenure takes various forms, including rental (public and private) accommodation, cooperative housing, lease, owner-occupation, emergency housing and informal settlements, including occupation of land or property. Notwithstanding 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.”

131 Interview with Frédéric Marchand, Mayor of Hellemmes, 26 June 2013; interview with Michel François Delannoy, Mayor of Tourcoing, First Vice-President LMCU, 24 June 2013; interview with Olivier Brachet, Vice-President Greater Lyon, 4 July 2013; interview with François Rysto, Director of the Office of the Mayor of Villeurbanne, 3 July 2013; interview with Gilbert Clavel, First Deputy Mayor of Saint Fons, 5 July 2013.

132 Interview with Serges Martin, Director of the Association of Northern Mayors, 27 June 2013.

133 See, for example, the box about the families Amnesty International met at the Pasteur roundabout in Lille, p 29. See the examples of harassment and intimidation from the authorities and local residents described in the *Rapport d'Observatoire 2013 Collectif National Droits de l'Homme Romeurope*, pp. 71-74.

134 “Reduction operations” in this settlement took place in mid-May and on 25 July, 6 September and 11 September. During each of them, huts were destroyed and caravans moved. Amnesty International's request for further information about these operations, sent to the Prefect for the *Département du Nord* on 7 August 2013, had still not been answered by 6 September 2013. According to a press release issued by the Prefecture on 6 September, police visit the settlement on a regular basis and will continue to do so.

135 Interview with Miron, informal settlement, Impasse Bloch Praeger, La Courneuve, 10 June 2013.

136 Interview with Manon Fillonneau, ERRC, 10 June 2013.

137 *Rapport d'Activité 2012 Lyon Médecins du Monde*, Mission squats et bidonvilles, Table, p. 79.

138 Interview with Aurélie Neveu, Coordinator, Missions France – Lyon, Médecins du Monde, 4 July 2013.

139 Observatoire Régional de la Santé Rhône-Alpes, Study: “*Maladie grave et fin de vie chez les personnes en grande précarité*”. Quantitative data: “*Morbidité et mortalité des personnes en grande précarité de l'agglomération de Lyon*”, May 2011, [http://www.ors-rhone-alpes.org/pdf/Grande\\_precaire.pdf](http://www.ors-rhone-alpes.org/pdf/Grande_precaire.pdf).

140 For example, at the informal settlement in Avenue Roger Salengro, La Courneuve, where about 60 children are living, an immunization session was due to start on 27 August for eight babies. However, the

site was due to be cleared any time after 20 August. Livia Otal, the coordinator of Médecins du Monde in La Plaine-Saint Denis, pointed out that it is extremely complicated for families to attend medical appointments when they face the risk of being evicted any day.

141 See <http://www.droitsdesroms.org/La-couverture-maladie>.

142 Interview with Gilbert Clavel, Deputy Mayor in charge of education, training and extracurricular activities, Saint Fons Town Hall, 5 July 2013. Interview with Aurélie Neveu, Coordinator, Missions France – Lyon, Médecins du Monde, 29 August 2013.

143 Médecins du Monde pointed out that these obstacles concerning registration for AME do not just affect Roma but also other populations at risk. Interview with Livia Otal, Coordinator, Slums Technical Mission, La Plaine-Saint Denis, Médecins du Monde, 10 July 2013.

144 Interview with Martin Favreau, Health care mediator, PU-AMI, 12 July 2013.

145 Interview with Christine Nieuwjaer, Head of Service, *Aréas*, 24 June 2013.

146 Interview with Thierry Hennion, Médecins Solidarité Lille, 27 June 2013.

147 Interview with Pierre Boisseleau, Stéphanie and Claire, ASM teachers in Lille, 27 June 2013.

148 On 4 October 2012, the Ombudsman alerted the Prime Minister to the problem of children dropping out of school because of eviction operations and reported over 50 cases.

149 According to schooling statistics dated 30 April 2013, *Rapport d'activité 2013*, Collectif Lyonnais pour l'Accès à la Scolarisation et le Soutien aux Enfants des Squats (C.L.A.S.S.E.S).

150 Interview with Pierre Boisseleau, ASM teacher in Lille, 27 June 2013.

151 Interview with Yves Fournier and Odile Sapin, ASM teachers in Lyon, 5 July 2013.

152 About 70 children from the Roma community are reportedly attending school in Villeneuve d'Ascq. However, several dozen are not because the town hall is still requiring registration of domicile in advance.

153 Interview with Pierre Boisseleau, ASM teacher in Lille, 27 June 2013.

154 Interview with Rosalina, 3 July 2013.

155 Interview with Adela, 10 June 2013. Adela gave birth to her fourth child at the end of August 2013. As the baby had serious heart problems, as of mid-September she was housed in a hotel.

156 *Les évacuations cassent les processus d'intégration des Roms*, Médiapart, 8 April 2013.

157 See, in particular, examples of eviction operations during which the 26 August circular and the requirements imposed on the authorities have been respected in *Bilan d'application de la circulaire*

*interministérielle du 26 août 2012 relative à l'anticipation et à l'accompagnement des opérations d'évacuation des campements illicites*, Ombudsman, August 2012-May 2013.

158 Interviews in *Le Figaro* and *Le Parisien*, 14 March 2013. On 27 March 2013, Amnesty International France published an open letter condemning the stigmatizing nature of these public statements.

159 Article 2, International Covenant on Economic, Social and Cultural Rights.

160 On 17 May 2013, following a meeting on 14 May 2013 between the government and NGOs during which the Prime Minister promised to ensure the consistent application of the circular of 26 August 2012, the NGOs, including Amnesty International, had issued a joint statement: *"We now expect a strong statement from the Prime Minister and a commitment from the government as a whole to change its attitude, discourse and practice towards those who are most vulnerable, and to set in place a policy that is consistent with the values of our Republic by applying ordinary law"*. When submitting its petition against forced evictions to the Prime Minister's office on 28 May 2013, Amnesty International repeated this call for the Prime Minister to take a strong position in favour of the rights of migrant Roma. Publication of the new national integration strategy, which might have shown what measures the government plans to set in place, has been delayed several times and, as of 2 September 2013, had still not been published.



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