



Civil society monitoring report on implementation of the national Roma integration strategies in France

Focusing on structural and horizontal preconditions
for successful implementation of the strategy

Prepared by:
La voix des Roms
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LIST OF ABBREVIATIONS

CEREMA	Centre of studies and expertise on the risks, the environment, the mobility and the planning
CSA	Superior Council of Audio-visual
DIHAL	Inter-ministerial delegation for emergency housing and access to housing
DILCRAH	Inter-ministerial delegation against racism, antisemitism and anti LGBT hate
ERDF	European Regional Development Fund
ERRC	European Roma Rights Centre
ESF	European Social Fund
HALDE	High Authority on Fighting against Discrimination and for Equality
MP	Member of Parliament
MRAP	Movement against racism and for friendship among peoples
NGO	Non-Governmental Organisation
NRIS	National Roma Integration Strategy

NOTE ON THE VOCABULARY

“Roma” is used in this report as a substantive or as an adjective applied to the group targeted by the policies we monitor, - i.e. the citizens of East-European countries living in “illicit encampments” or squats, whatever their ethnic belonging. The word “Rrom” (“Rroms” in plural or the adjective “Rromani”), refers to the ethnic minority as such, regardless of the social status of the designated person or group. The French expression “gens du voyage” is used in its original language because it refers to a specific French administrative category with no relation with “Travellers”, a distinct ethnic minority not present in France.

EXECUTIVE SUMMARY

The principle of equality and its French counterpart, i.e. the non-recognition of ethnic minorities, is a very important guideline of French policies, including social ones. This option makes it difficult to monitor policies that target ethnic groups, such as "Roma". However, while this ethnic term is used in the EU Framework, as well as on the title of the French NRIS of 2011, its content is actually not considered ethnic in France. One of the main "added values" of the EU Framework is to improve the use of European funds, especially ERDF et ESF. However, the very EU Commission's summary sheet "The European Social Fund and Roma", published a few months before the adoption of the Framework, specifies in this way its scope:

*While recognising the specific cultural identities of all Roma, the EU institutions use "Roma" as an umbrella term that also incorporates other groups of people who share more or less similar cultural characteristics and a history of marginalisation in European societies, such as Sinti, Travellers, Ashkali, Camminanti, etc.*¹

Defined in this way, the target is indeed a social group, determined on social criteria of exclusion and marginalisation. However, the inaccurate use of an ethnonym for this social group displaces systematically the subject of discussions between France and the EU and further ethnicises poverty, neither addressing accurately the aspects of discrimination, exclusion nor marginalisation. Marginalised, the victims of antigypsyism – not all of whom are necessarily ethnic Roma but who are perceived as such – see their marginalisation reinforced and enlarged. Marginalised for other reasons, those who are not perceived as "Roma", feel twice excluded because they have the justifiable impression that "Roma" get the support that they need, but they are refused that support because they do not belong to that ethnic community. This can lead to, and has on occasion led to the development of antigypsyist attitudes.

Governance and overall policy framework

The policy framework of the French NRIS is an inter-ministerial circular of 26 August 2012 on anticipating and accompanying the evacuation of illicit encampments. The Inter-ministerial delegation for emergency housing and access to housing (DIHAL), a body under the authority of the Prime Minister, is in charge of the follow up of this policy's implementation. The DIHAL is also in charge of the secretariat of the National consultative commission of the *gens du voyage*, but these two mandates are clearly separated. Currently, for the circular's mandate, the DIHAL is allocated a yearly budget of 3 million EUR, which represents 170 EUR per person per year for the people targeted by the circular.² Its role is also reduced because it has no hierarchical power over local authorities, who maintain exclusivity over any initiatives concerning the implementation of possible integration projects related to the circular. Only in cases where local authorities approach the DIHAL voluntarily, can the DIHAL contribute financially and/or with expertise.

At the local level, however, most often political will is directed toward evictions. Vested with the competence on public order, mayors and prefects do collaborate actively in this sense, giving it precedence over a voluntary and constructive approach of resorption of shanty-towns and access to fundamental rights for their inhabitants.

Participation of Roma is very weak, as is the entirety of Rromani civil society in France. In the last two years a process of empowerment of Rromani organisations was initiated with

¹ *The European Social Fund and Roma*. Available at: http://ec.europa.eu/employment_social/esf/docs/esf_roma_en.pdf

² *20 propositions pour une politique d'inclusion des personnes vivant en bidonvilles et squats*, Collectif national Droits de l'Homme Romeurope, Rapport 2017. Available at: http://www.romeurope.org/wp-content/uploads/2017/02/Rapport_2017_20-propositions-1.pdf

the *16 May Movement*, a mutual support network of Rromani grassroots' organisations. Although it focuses on inhabitants of shanty-towns, its request of support has been declined by DIHAL.

The budgets allocated especially for both *Roma* and *gens du voyage* are not only too low, but have also declined in recent years. While follow-up bodies exist, such as the national follow-up group on the implementation of the circular of 2012 or the National Consultative Commission on *gens du voyage*, their role is reduced to consultation and is not a guarantee of efficiency of the programs or projects put in place and financed by these budget lines.

Access to funding for Roma inclusion activities is also difficult. In the case where EU funds are concerned, they require a high structural and financial solidity for the applicant to be able to advance the necessary amounts. In addition, their management depends on the political orientation of each region.

Anti-discrimination

The Defender of Rights (French equality body) enjoys a certain prestige which gives strength and authority to his decisions, even though they are soft law. Access to this institution is however difficult for Roma victims of discrimination, due to their very precarious situation. Having in mind this situation, the *16 May Movement* set up in Spring 2016 a Legal Team to provide legal advice and assistance available in the native languages of the victims. It also mediates between them and the Defender of Rights.

Segregation still remains a problem, both for *gens du voyage* and Roma. Traditionally, the caravans' sites are built in remote areas, outside the towns. The same is true also for many locations of integration projects for Roma. A "mental segregation" is also observed among the beneficiaries of such projects in the rare cases when they exist, as social assistance services are provided in a way which does not lead often to the service users' autonomy.

Public authorities' political will is mainly expressed in forced evictions. Adoption of a new law that offered protection to shanty-towns' inhabitants against eviction during the winter time was neither effective nor enforced. To circumvent its enforcement, the pace of evictions was accelerated in the last week prior to the period in which it could be enforced, with 669 people evicted between 25 and 31 October 2017, for a total of 1,490 for the whole month.³ The evictions continued despite the existence of the law during the winter period and 546 more people were evicted before the end of 2017. Only in the half of the cases, some temporary accommodation in social hostels was offered to some of the most vulnerable.⁴ The *gens du voyage* suffer forced evictions especially by municipal orders, despite the lack of available caravan sites being flagrantly in violation of the law, which makes such sites mandatory for all municipalities with more than 5,000 inhabitants.

Police abuse and violence is also observed both towards Roma and *gens du voyage*.⁵ The most recent dramatic example was the case of Angelo Garand, shot dead by elite forces of the gendarmerie (GIGN) on the farm of his parents on 31 March 2016. Angelo Garand was sought by police because he did not return to prison after having obtained permission for this family leave a few months before. While the gendarmes declared that he was shot because threatening them with a knife, family members deny this version. Two GIGN gendarmes involved are still under investigation for assault resulting in death. A police

³ *Recensement des évacuations forcées de lieux de vie occupés par des Roms (ou personnes désignées comme telles) en France*. Available at: <http://www.romeurope.org/wp-content/uploads/2018/02/Recensement-%C3%A9vacuations-forc%C3%A9es-2017.pdf>

⁴ *Ibid.*

⁵ See for example: "We ask for justice" *Europe's failure to protect Roma from racist violence*. Amnesty International, 2014. Available at: <https://www.amnesty.org/download/Documents/8000/eur010072014en.pdf>

source quoted by media did not exclude that this intervention in which Angelo Garand was killed by seven bullets⁶ could have been a training exercise of GIGN⁷ gone awry.

Addressing Antigypsyism

Antigypsyism is not targeted specifically nor named as such by law, regulations or institutions. However, this is not the reason why it is not sufficiently addressed. On one hand, mainstream rules and procedures give enough space for fighting this particular form of racism but victims and Rromani civil society do not take full advantage of them, partly because once again, they are still relatively new and weak. This is further complicated, on the other hand, by antigypsyism being normalized by government officials and the media. For example, as Minister of the Interior, Manuel Valls declared several times that only a minority of Roma could integrate, because their lifestyles are in conflict with the French way of life.⁸ Neither the special court judging ministers, nor the normal court system accepted the filing of a lawsuit by *La voix des Roms* against the minister for inciting racial hatred, and therefore the case has been forwarded to the European Court of Human Rights to challenge the immunity of ministers in such cases and is still awaiting a response.⁹

Textbooks do not mention Roma but very shortly and exclusively as victims of genocide during WWII. The media play a negative role, depicting Roma mainly with exoticism or in situations of poverty and misery. Very few of them offer a balanced image and analysis,¹⁰ and such programs remain exceptional. Although the emerging Rromani civil society tries to counter these narratives, given its means, its impact cannot be commensurable with that of the mainstream opinion makers.

⁶ La Nouvelle République, 30 March 2018, "Il y a un an, la mort d'Angelo Garand". Available at: <https://www.lanouvellerepublique.fr/loir-et-cher/commune/seur/il-y-a-un-an-la-mort-d-angelo-garand>

⁷ Liberation, 27 April 2017, "Emoi après la mort d'un détenu en cavale". Available at: http://www.liberation.fr/france/2017/04/27/emoi-apres-la-mort-d-un-detenu-en-cavale_1565873

⁸ *Propos de Valls sur les Roms: la Cour européenne des droits de l'homme saisie*. Available at: <http://www.leparisien.fr/politique/propos-de-valls-sur-les-roms-le-cour-europeenne-des-droits-de-l-homme-saisie-13-12-2016-6452010.php>

⁹ *Ibid.*

¹⁰ *Les Roms: des citoyens comme les autres?* Available at: https://boutique.arte.tv/detail/roms_citoyens_comme_autres?qclid=EAIaIQobChMIvovWneK02qIVLLvtCh1A0wSNEAAYASAAEgIYaPD_BwE

INTRODUCTION

The French principle of republicanism and interpretation of the principle of equality as traditionally interpreted under the French law currently prevent any policy from targeting a particular group defined on an ethnic basis. This includes affirmative action. While this official position of “ethnic blindness” might sound extreme from the perspective of any other country which formally recognizes minorities and minorities’ rights, the concrete realities of these two political models are in fact much closer than what their apparent opposition may lead one to believe. If the principle of non-recognition of minorities were absolute and rigid, France would not have adopted any strategy on Roma inclusion.

The content as well as the form of the document communicated in 2011 to the European Commission, entitled “An equal place in French society” show that the strategy itself is not the priority of the Government, which is more keen to defend its approach of non-recognition of ethnic minorities, than to actually plan policies for “Roma”, who are nevertheless included in the term of “vulnerable groups”. The real objective of this strategy is rather to apply the policies on these “vulnerable groups” to “Roma”. The most important change since the adoption of the EU framework is the regular channel of communication between the EC and the government, rather than the national policies themselves. It should be noted, that the government elected a few months after the adoption of the French NRIS in 2012 distanced itself from that strategy and adopted a new one on 26 August 2012, under the form of an inter-ministerial circular on “anticipating and accompanying the eviction of illicit encampments”.

The formal positions and changes since the adoption of the NRIS in 2011 should not mislead the analysis of the concrete policies. For this reason, the present report is based primarily on first-hand knowledge, starting from on the ground experiences and the impact of measures and projects on the lives of the individuals concerned. Written during a period when (pro-)Roma civil society was undergoing significant changes, it reflects this process of gradual strengthening of Rromani associations and reinforcement of their role in the civil society landscape.

The methodology used in development of this report combines various tools for gathering evidence: review of existing studies, reports and other tools of communication such as the information thread of the National Contact Point, interviews with stakeholders, observation reports from the organisational members of the coalition, etc. Beyond the coalition itself, personal contacts with other NGOs were taken through telephone or e-mails, as well as on-site study visits (in Bordeaux or in Ivry-sur-Seine, for example).

GOVERNANCE AND OVERALL POLICY FRAMEWORK

Representing the interests of Roma in the parliament

The principle of equality means in theory that all individuals have the same rights and the law applies equally to all, without any distinction on the bases of race, religion etc. However, traditionally interpreted in the light of “republican universalism”, it came to mean that the nation is composed of undifferentiated individuals represented indistinctly. Applied to electoral matters, where it is valid for both electors and elected representatives, this principle excludes any communitarian or “descriptive” representation. The legal recognition of diversity, through the adoption of measures aimed at favouring any minority’s specific representation, is constitutionally forbidden, as the Constitutional Court has repeatedly ruled.¹¹ It is therefore not a surprise that the typical French MP still remains a white man over 50 years old from the upper classes of society. In 2012, only 10 out of the 577 members of Parliament were from visible minorities. After the elections of June 2017, they were 35 in the National Assembly, which represents 6.35% of the lower house.¹² Roms remain excluded from political representation more than other visible minorities as they appear seldom on the electoral lists.

In this context the candidacy for the senatorial elections of September 2017 of Anina Ciuciu, a young French and Rromani woman was the first occurrence in two centuries of democracy. The purpose of this candidacy was to demonstrate that not only French Roma have the capacity to represent their interests but are also able to participate in decisions relating to mainstream issues. However, the effect of the French republican paradox has been to view this candidacy only as a project of *communitarian representation* or the effect of a tacit affirmative action and therefore rejected, even by groups considered to be ideologically pro-Roma. In a country which is in principle blind to differences, when those who are effectively excluded because of their difference appear in spaces of political representation they are seen by the majority only through this difference and therefore are once again excluded.

Mainstreaming Roma inclusion across ministries and other national level public authorities

The Inter-ministerial delegation for emergency housing and access to housing (DIHAL) placed under the responsibility of the Prime Minister constitutes the national contact point which has the responsibility of coordinating the development of the National Roma Integration Strategy (NRIS). The latter consists of applying existing measures of social inclusion and access to mainstream fundamental rights offered by French law without any specific objectives or any extra budget to achieve this. The French Roma integration strategy – published in 2011 by the Sarkozy administration – has had very little impact on national and local level public authorities. On 26 August 2012, seven ministers signed a by-law (known as the circular) regarding evictions of “illicit camps” which is still used as the roadmap for public action today.

However, in reality the most of visible public authorities’ action towards Roma in France are carried out by the services of the Ministry of the Interior in a strictly repressive direction. It takes the form of systematic forced evictions,¹³ abusive use of deportation

¹¹ Décision n° 82-146 DC du 18 novembre 1982, *Quotas par sexe I*. Available at: https://fiches.dalloz-étudiant.fr/fileadmin/contenu_fiches/Public/La_citoyennete/gdcc31.pdf

¹² *Une assemblée aux couleurs de la France de 2017*. Available at: <https://www.franceinter.fr/politique/une-assemblee-aux-couleurs-de-la-france-de-2017>

¹³ *Thousands made homeless in France: will the government cease Roma evictions during winter months?* <http://www.errc.org/press-releases/thousands-made-homeless-in-france-will-government-cease-roma->

orders for EU citizens, police cooperation against itinerant crime aimed specifically against Romanian Roma,¹⁴ discriminatorily resorting to imprisonment of juveniles as the remedy for petty crime¹⁵ or simply police violence. This reality is reflected in the distribution of financial resources. While the annual budget of the DIHAL undergoes a decline of one third to the level of 3 to 4 million EUR, it is 30 to 40 million EUR per year that are devoted to the evictions of slums, a budget ten times higher.¹⁶ In 2014, the High Committee for the Housing of the Underprivileged asserted in a notice that the repressive aspect of the circular of 26 August 2012 on evictions of illegal camps is “blindly enforced”, but the “inclusion” aspect is “rarely or insufficiently followed”.¹⁷ In November 2016, in a report commissioned by DIHAL, the CEREMA (Centre of studies and expertise on the risks, the environment, the mobility and the planning), criticises the circular both in its conception – as it is planned to accompany evictions – and in its application – as the way it is implemented at the local level varies in function of the local contexts but generally, the number of inhabitants of “illicit camps” and squats remains stable at around 18 000 people.¹⁸

Mainstreaming Roma inclusion across local authorities

The local level is where implementation of inclusion policy takes place, but only after the decision to implement is taken. It is often refused. From this point of view, the situation in France is extremely diverse, subject to the political will of local governments and local contexts. While some municipalities choose to take action for integrating inhabitants of shanty-towns first into temporary, and then into regular housing for example, this behaviour remains exceptional. Often it is motivated by civil society intervention, and not regularly supported by the central government. More often, municipalities prefer forced evictions enforced by the State as provided for by the circular of 26 August 2012 rather than offering relocation or taking into consideration other evicted people’s needs, such as continuation of education of their children.

On the other hand, the top-down approach is efficiently used with repressive intent. To illustrate, the prefect of Essonne (Paris region) took the initiative of creating a “Charter of mobilisation and coordination in the framework of preventing and fighting against illegal constructions”, which was signed by ten authorities of the department and has resulted in a strong cooperation among all these local players aimed at preventing and destroying constructions of “*gens du voyage*” on land they own or even preventing them from buying land.¹⁹ Despite their strong local anchoring, the “*gens du voyage*” are only considered in

[evictions-during-winter-months](#) and also <https://www.ldh-france.org/recensement-evacuations-forcees-lieux-vie-occupes-roms-personnes-designees-telles-en-france-en-2017/>

¹⁴ Réseau de pickpockets roms démantelé: la coopération avec la police roumaine saluée. Available at: <http://www.leparisien.fr/espace-premium/seine-et-marne-77/reseau-de-pickpockets-roms-demantele-la-cooperation-avec-la-police-roumaine-saluee-13-02-2016-5541057.php>

¹⁵ Artur Vuattoux. 2015. *Les jeunes Roumaines sont des garçons comme les autres*. Available at: <https://www.cairn.info/revue-plein-droit-2015-1-page-27.htm>

¹⁶ Rapport politique 2015 du Collectif National Droits de l’Homme Romeurope. Available at: http://romeurope.org/wp-content/uploads/2015/09/cndh_romeurope_-_rapport_politique_2015.pdf

¹⁷ Les Roms victimes d’une absence de volonté d’intégration politique. Available at: http://www.lemonde.fr/societe/article/2014/07/04/les-roms-victimes-d-une-absence-de-volonte-d-integration-politique_4450087_3224.html

¹⁸ Anticipation et accompagnement des évacuations des de campements illicites: Applications de la circulaire du 26 août 2012, en 4 cas et 6 questions. Available at: http://www.gouvernement.fr/sites/default/files/contenu/piece-jointe/2017/01/etude_cerema-application_de_la_circulaire_du_26_aout_2012.pdf

¹⁹ Charte de mobilisation et de coordination dans le cadre de la prévention et de la lutte contre les constructions illégales. Available at: http://www.saulx.net/images/cadre-de-vie/Urbanisme/charte_lutte_constructions_illegales.pdf

terms of “hosting” and “travel” by local authorities. This excludes them from all local policies, including those of housing and pushes them to living in dedicated caravan sites or on pieces of land without any legal security or normal conditions of life. The dedicated sites for caravans remain areas of spatial, social and political relegation, disconnected from municipal policies.

Promoting empowerment and participation of Roma

The French State does not implement any policy aimed at strengthening the capacity for action and participation of minorities in general and Roma in particular since it does not recognize any ethnic minority. Consequently, the organizations concerned have only very difficult access to public support and run the risk of being disqualified by the abusive accusation of “*communautarisme*”.²⁰ In this context, the *May 16 Movement* strives to support Roma who suffer daily discrimination with the political tools to access justice and participate in decision making processes, especially through training. The movement is an initiative of *La voix des Roms*, who in 2016 decided to bring together the few Romani organisations involved in access to rights for Roma, in order to cooperate and to mutually strengthen their capacities of action.

Guarantees for the effectiveness of programmes with the largest budgets

As ethnic minorities are not recognised in France, no budget can be specifically allocated to Roma. The national program is simply interpreted as an enforcement of what is known as mainstream fundamental rights or referred to in French as common law (“*droit commun*”). The only specific measure of the NRIS is the circular of 26 August 2012, which addresses the “illegal encampments” often inhabited by Roma. The DIHAL has an allocation of 3 million EUR to fund inclusion projects proposed at the local level. No guarantee exists to ensure effectiveness, projects being evaluated by the implementers themselves. As per the “*gens du voyage*”, the DIHAL ensures the functioning of the secretariat of the National consultative commission, which brings together public authorities and civil society.

As for “*gens du voyage*”, the Finance law includes a budget line “Social action – *gens du voyage*”, which represented 2.7 million EUR per year during the period 2010-2017. Applied to the reasonable estimation of 350,000 people belonging to this community, this budget represents 8 EUR per year per person and about 25,000 EUR for the *gens du voyage*, mainly ensured by associations. Despite this, this budget has never been employed in totality, but reoriented towards other actions. The finance bill for 2018 plans for 2.2 million EUR, i.e. a reduction of 18.5%.

Civil society’s access to funding for Roma inclusion activities

Firstly, it is noteworthy that comprehensive social inclusion activities are not accessible to Romani organizations because of their relatively weak structures. The main players in this domain are those organisations or enterprises that are called “operators,” because they intervene more often exclusively upon the request of public authorities. They have the structural guarantees to manage funding, and more or less the financial capacity to advance the amounts reimbursed after implementation of actions.

In so far as EU funds are concerned, in 2014 their management passed from the prefectures (representing the State) to the regional councils. One consequence of this transfer is that the funding became dependent on the political orientation of each region. Concretely, in Ile-de-France, which concentrates 38% of the whole of people living in

²⁰ In French, the word “*communautarisme*” means the organisation on the basis of ethnicity, as opposed to the national unity. It is opposed to the Republic, which is “one and indivisible” according to the constitution.

shanties and squats,²¹ after the elections of 2015 the new regional council changed the funding policy and decided to drastically restrict access to calls for proposals that were open with the previous majority in power. This call targeted funding integrated projects with ERDF and ESF for the inclusion of marginalized people, including Roma. At first it was open to any association or local authority, but the new majority decided to restrict the call to local authorities only, in a restricted list of cities. This will inevitably lead to a lower use of EU funds and no space for innovative civil society projects.

Quite paradoxically, the situation of "*gens du voyage*", is globally not documented by public institutions, and therefore they are not integrated in programs. The regional executive powers leave a very limited space for improving these situations.

Policies and measures addressing specific needs of Roma women, children and youth

While particularly vulnerable groups within vulnerable minorities need particular attention, the output of this attention can be extremely different depending on what kind of attention is given, who the provider is, as well as how it is provided. The initiatives targeting these particular groups are almost entirely absent. One exception is the association *Les Enfants du canal* which developed a civic voluntary service for Rromani youth a few years ago and is currently trying to extend the model to many areas of the country. This project empowers young men and women who have a very underprivileged background. One part of the project is to help families living in slums to enrol their children in school.

As for the public authorities, in the rare cases they are involved, they are rather clumsy. For example, after a social service provider in region in Ile-de-France detected a single case of early marriage, the DIHAL and the prefecture of the Ile-de-France region established a special working group on early and forced couple unions. Without denying the phenomenon exists, considering real dimensions of the problem, such institutional reaction is exaggerated. Particularly if other problems of youth living in shanty-towns and squats – such as access to education (including awareness of sexual orientations), employment, healthcare (including sexual health and birth control), housing options, and options in life in general – are not systematically considered by authorities. Moreover, the problem of early marriage is a sensitive matter and therefore it should be addressed by actors with certain knowledge and proximity to the families concerned by the phenomenon, in a non-confrontational and progressive manner. The direct intervention of public institutions in what can be perceived as purely family matters risks being highly counterproductive. Last but not least, it is all the more regrettable that sometimes, when public power's intervention into family is urgently needed, as for example to protect young women and men from family violence, the authorities are often absent.

²¹ *Etat des lieux national des campements illicites, grands squats et bidonvilles, Avril 2017*. Available at: http://www.gouvernement.fr/sites/default/files/contenu/piece-jointe/2017/06/recensement_campements_-_avril_2017.pdf

ANTI-DISCRIMINATION

Implementing the Racial Equality Directive

The last necessary measure for the transposition of the directive into French law was a decree adopted in August 2008, more than five years after the deadline.²² True enough, as a democracy with a relatively long tradition, France already met some high standard of equality legislation, prior to the adoption of the directive. However, the transposition of the latter allowed for the extension of anti-discrimination rules into new domains, and for the creation of the HALDE (High Authority on Fighting against Discrimination and for Equality) as an independent Equality Body. Since these reforms, race equality rules which already applied to employment, also apply now to domains like access to health, education and justice. The Defender of Rights, the successor to the HALDE, plays an extremely important role today in anti-discrimination and equality matters.

The Defender of Rights enjoys a certain prestige which gives strength and authority to his decisions, even though they are soft law. He also has investigative powers and can present observations in court cases, a competence that he often used in matters of Roma rights. However, this institution is not sufficiently accessible to Roma in need. In a meeting with La voix des Roms in 2016, the Director of the General Secretariat of the Defender of Rights, said that few complaints were received concerning Roma and that sometimes they lacked the necessary information for being properly processed and investigated. The bottlenecks of Roma's access to the services of the Defender of Rights include the language and social barriers, low levels of education, lack of trust in institutions and lack of confidence in positive outputs.

Having in mind this situation, the *May 16 Movement* set up a Legal Team to provide legal advice and assistance available in Rromani, Romanian or Bulgarian in the spring of 2016. An operational cooperation has been established with the Defender of Rights so that discrimination or violence cases are well documented and transmitted for being processed by the institution. But this non-public service has a very limited personnel capacity, with only one part-time employee and occasional volunteers and covers only the Paris region. Besides case by case work, it aims at obtaining general decisions regarding discrimination cases, as for example the frequently occurring refusal of banks to accept Romanian identification cards for opening an account.

Last, but not least, it can happen that authorities suspend the application of their legal obligations and wait for the Defender of Rights to take a stand. This was recently the case with the mayor of Pavillons-sous-Bois near Paris, who systematically and firmly refused registration at schools to three Rromani children from two different families, under the pretext that although their families lived in the city, they were squatting. Aware of the illegality of this decision, the municipal services always refused to put it in a written form. Even the regional services of the Ministry of Education, solicited by ASET 93 (an association specialised in schooling of children living in slums), refused to intervene and ask the mayor or the prefect to proceed with the registration of the children, unless the Defender of the Rights had taken a decision in this sense. The whole process lasted for four months, from July to October 2017, before the families were finally evicted, creating another interruption of their children's education.

Educational and residential segregation

Public republican school is among the most important institutions of France, as it is supposed to imbue future citizens with the values of the French Republic. Thus, in the logic of republican integration, no segregation is formally allowed, be it racial or of any other nature. However, in reality, as schooling depends on residency, residential conditions have

²² <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000330443>

impact on education of both French citizens labelled "*gens du voyage*" and the EU-mobile Roma.

Part of the *gens du voyage*, use the option of distance learning (or home schooling) for their children (however, no data about the number of share of children from *gens du voyage* families using this form of education are available), especially when they have itinerant jobs/lives during the school year. In this case we cannot speak here of segregation as such, but it is matter of fact that the quality of home schooling depends on the ability of parents to sufficiently support their children.

For both Roma and *gens du voyage* who are sedentary and actually do not move (in 1990 they represented two thirds of *gens du voyage*, and their numbers are certainly higher today), they often live in rather isolated or segregated areas. For French citizens this can often be the authorised caravan sites ("*aire d'accueil des gens du voyage*") or their own personal property. For EU-mobile Roma (as social group – see the Note on Vocabulary) this can be in slums/shanty towns in suburban areas in great poverty. The authorised caravan sites being almost always built in remote areas by public institutions, this shows a deliberate will to segregate this population. As for the slums, they are built by the initiative of the inhabitants themselves, who do not have any other option for housing; thus, in this case the responsibility of public authorities is indirect.

However, even when local public initiatives (inclusion projects) with financial participation from the state are implemented, sometimes they are located in non-urban areas that put the beneficiaries in a segregated situation, as for example in Strasbourg on a former military base outside the city.²³ According to the implementers of such projects, this is due to the scarcity of available space. However, the argument falls short when one observes how the subsequent social assistance services are provided. More often, the implementers do not incite the beneficiaries to become autonomous, but rather keep them in an inhibited state of "mental self-segregation". This method of social work is observed both in authorised caravan sites and on sites of the inclusion projects for EU-mobile Roma. Moreover, in the latter case, the future perspective of definitive relocation into ordinary housing is more or less uncertain according to the region. This uncertainty and lack of confidence leave the beneficiaries in a precarious situation preventing any future projection of "inhabiting the city".

Forced evictions

Beyond public communication, forced evictions remain the guiding principle at the core of public policy on *Roma*. The main evolution in this respect is the transition from an exclusively repressive policy to a policy of "carrot and stick", in which only the repressive part is enforced with determination.

For "*gens du voyage*", a law adopted in 2000 puts an obligation on municipalities with more than 5,000 inhabitants to build a dedicated caravan site. Seventeen years later, only 69% of the necessary sites are built. Moreover, the law facilitates forced evictions: any municipality that has conformed to the law by having built a caravan site has right to evict those who park elsewhere in the city with a simplified procedure, even when the conditions in the dedicated site that was built by the town do not conform to the legal security and hygiene code requirements, which is the case in the vast majority of the cases, as recognised by the Director of Hacienda, the first enterprise of management of such sites.²⁴ Home security laws in 2003 and in 2007 enlarged the simplified procedure of eviction to include mayors whose municipalities are members of groupings to whom they have transferred the competence on dedicated sites and to prefects, after the latter order the

²³ "L'espace Hoche: l'insertion au milieu de nulle part" [Hoche Space: the inclusion in the middle of nowhere]. Available at: <https://www.rue89strasbourg.com/lespace-hoche-linsertion-au-milieu-de-nulle-part-76793>

²⁴ Libération, 26 July 2013, "Le business des aires d'accueil des gens du voyage". Available at: http://www.liberation.fr/societe/2013/07/26/le-business-des-aires-d-accueil-de-gens-du-voyage_920807

occupants to leave by themselves. Whenever changes to the laws on "*gens du voyage*" are discussed, the enlargement of eviction powers is used to convince mayors to comply with the law on caravan sites. The very presentation in the government website dedicated to local powers shows clearly that the priority is not the creation of parking conditions but rather, the eviction. Entitled "Hosting the *gens du voyage*"²⁵ it describes the eviction procedure in greater detail than the legal devices for hosting.

The same eviction priority is found in the policy towards EU-mobile Roma, Romanian and Bulgarian citizens living in slums or squats. Their number has not changed much since the suppression of visas for Romanian and Bulgarian citizens in 2002. It varies between 15,000 and 20,000. Neither the deportations, nor the evictions of the living places ever had any impact on this number. According to a census made jointly by the Human Rights League and ERRC with the participation of CNDH Romeurope, 13,433 people were evicted in 2014, 11,128 in 2015, 10,119 in 2016 and 9,700 during the first three quarters of 2017.²⁶ As since years the number of the inhabitants of slums is stabilised at around 18,000, these evictions show on one hand the reiterative character of the evictions and the total inefficiency of the evictions policy in terms of slums' clearance. These evictions can be based on two different legal grounds: civil court decisions upon the request of land owners, both public or private, or administrative orders taken by mayors or prefects on the basis of risks for safety or health of the occupants. In a few cases, courts have rejected the request of eviction, giving precedence to the right to family life and housing over the rights of property owners, especially concerning property of public entities. These cases remain, however, exceptional.²⁷ Even then, administrative authorities, especially mayors, can neutralize the court decision by an eviction order on the basis of security and health. Half of the evictions in 2017 were processed without any alternative housing solution, while in the majority of the other half of these solutions were a few nights in a social hotel.

In French civil law, it is forbidden to forcibly execute a court decision to evict in winter time, which runs from 1 November to 31 March. First, this prohibition was created only as a protective measure for the tenants who could not pay rent or squatters of "habitable premises." Since the law of January 2017 was passed, this protection has been extended to all "inhabited areas", thus to caravans, makeshift houses, barracks, tents etc. The first months after the entry into force of this law show however a strong will to exclude the inhabitants of slums from the wintertime moratorium. A very complete census of forced evictions in 2017, done jointly by the French "Ligue des Droits de l'Homme" (Human Rights League) and the ERRC states for instance that 45% of the total evictions in October were performed in the last week, just before the moratorium.²⁸ The eviction in this particular period puts the evictees in a very precarious situation, because the recent installations are not covered by the moratorium and nor is there need for a court decision for police to evict immediately. On 3 November 2017 in Lille, the municipal and national police evicted a family from a place they occupied in the past three weeks however, pretending that they were there for less than 48 hours. The family went to court and eventually the municipality

²⁵ *L'accueil des gens du voyage*. Available at: <https://www.collectivites-locales.gouv.fr/laccueil-des-gens-voyage>

²⁶ *Recensement des évacuations forcées de lieux de vie occupés par des Roms (ou des personnes désignées comme telles) en France en 2017*. Available at: <http://www.romeurope.org/2017-annee-marquee-expulsions-intensives/>

²⁷ In Northern France, the Court of appeal of Douai ruled in September 2016 in favour of a family who was occupying public land (see: <http://www.lavoixdunord.fr/47085/article/2016-09-19/le-departement-deboute-en-appel-les-roms-sont-autorises-rester>) or in Bobigny, near Paris, on 14 December 2015, the tribunal refused the request of a public enterprise to evict about two dozens of families living they too on a public land for several years (see: <http://www.bondyblog.fr/201706011047/bobigny-menacees-dexpulsion-des-familles-roms-saisissent-la-justice/#.WqeqIXwiHcs>).

²⁸ Census of forced evictions in living areas occupied by Roma (or people designated as such) in France. Available at: <http://www.errc.org/cms/upload/file/france-evictions-census-2017.pdf>

and the state were condemned to pay the two applicants a compensation of 1,000 Euros each.²⁹

In general, however, despite some exceptional cases when an eviction was avoided or condemned by courts, it still remains the main objective of the public authorities. The local powers are the most active in this policy, with municipal orders of eviction that the State authority, i.e. the prefect, enforces by engaging the police forces. Administrative courts that are competent for judging on the legality of these orders, systematically validate them. The administrative tribunal of Montreuil, near Paris went as far as giving precedence to a municipal police report over a bailiff report, what is in total contradiction with the law. However, this illegality could not be sanctioned in higher courts because the plaintiffs were discouraged by the eviction.

Discriminatory behaviour by police, misconduct by prosecutors or courts

Police violence is also a recurrent problem in France.³⁰ The reinforcement of the repressive policy towards Roma and *gens du voyage* was initiated in July 2010 with the case Luigi Duquet, young father killed by the gendarmerie. Under the pretext of the violence exerted by his family members demonstrating in the streets of Saint-Aignan after his death, the government announced a plan of measures among which included quantitative objectives of evictions of "illicit camps". More recently in March 2017, Angelo Garand, 37, who was also a member of the "*gens du voyage*" community, was killed by the special forces of the gendarmerie (GIGN) while hiding from them in a store room belonging to his father. Imprisoned, he had not returned to prison after a permission of temporary leave was granted. Two of the gendarmes have been indicted, but since the very beginning, the public prosecutor privileged the hypothesis of legitimate defence,³¹ which seems difficult to believe for highly trained military in front of a single man cornered in a closed space.

The legal department of the *May16 Movement* has dealt with some cases of misconduct or violence and noticed that the way in which they are treated differs according to several criteria. First, when the victims are only advised and take the necessary steps by themselves, they are treated with indifference or even with arrogance. The behaviour of the authorities is different when lawyers intervene on their behalf. It also depends on the specific agent that first receives the complaint, and of course, on the determination of the victim to fight for repairing the injustice done.

Concerning the prosecutors and courts as previously mentioned, there is a discriminatory tendency to punish juvenile petty crime more harshly when the perpetrators are Roma, and especially girls.³²

Access to clean water and sanitation

Access to clean water and sanitation, together with measures against fire, are what make the difference between a normal and a risky shanty settlement. The municipalities and the departments share the legal responsibility on these matters of public health. As eviction is the main objective of these authorities, especially mayors, they usually are neither keen to comply with the law nor with international standards by offering this access. Sometimes, mayors or municipality staff openly say that if they offer these facilities, that they can then

²⁹ *Trêve hivernale: la ville de Lille condamnée pour l'expulsion du camp de Roms de l'Esplanade*. Available at: <https://france3-regions.francetvinfo.fr/hauts-de-france/nord-0/lille/treve-hivernale-ville-lille-condamnee-expulsion-du-camp-roms-esplanade-1417765.html>

³⁰ Amnesty International, "We ask for justice" - Europe's failure to protect Roma from racist violence, pp. 15-21 on France, available at: <https://www.amnesty.org/download/Documents/8000/eur010072014en.pdf>

³¹ *Détenu abattu pendant sa cavale : deux gendarmes du GIGN mis en examen à Blois*. Available at: <http://www.leparisien.fr/faits-divers/detenu-abattu-pendant-sa-cavale-deux-gendarmes-du-gign-mis-en-examen-a-blois-26-09-2017-7288200.php>

³² Arthur Vuattoux. 2015. *Les jeunes Roumaines sont des garçons comme les autres* Available at: <https://www.cairn.info/revue-plein-droit-2015-1-page-27.htm>

no longer evict anymore (in the same way as they refer to the inability to proceed with evictions if they offer compulsory education to children).³³ In these conditions, the inhabitants of slums are obliged to go to public parks and transport water in receptacles, but even these public sources are more and more rare and sometimes the only sources remaining are fire hydrants. This situation has already been documented, among others by ERRC, which points that access to water and sanitation is not included in the French NRIS although the majority of the shanty-towns have no access to such basic facilities.³⁴

Some exceptions do exist nevertheless, as in the town of Ile-Saint-Denis, near Paris, where the municipality has installed clean running water and sanitation.

Right to free movement

Both *gens du voyage* and EU-mobile Roma are concerned by this topic. While the former claim it as part of their cultural heritage, their movements are not always voluntary. As the EU-mobile Roma, often *gens du voyage* too are pushed on the road by evictions. In both cases, public policy tends to the contrary of what the wishes of the targeted group are. As Lise Foisneau writes in a recent article "*In another perverse use of language, the health goals associated with the Besson Law – improving the health of gens du voyage thanks to medical services – are an illusion: the reality is that exposing the gens du voyage and their children to environmental toxins serves to curb their desire to continue to live on the road.*"³⁵ As for EU-mobile Roma, the right to free movement has another ground: that given by EU law, and it has changed through the years.

France kept on detaining and expelling EU citizens, and especially Romanian citizens based on their low income or the fact that they do not work, so-called "abuse of rights" to free movement, and a so-called "threat to a fundamental interest of the French society". According to ASSFAM, an NGO providing assistance to retained migrants or non-French nationals, when it comes to poor Romanian citizens, and more precisely to people perceived as Roma, the definition of what is a threat to public order is interpreted widely by authorities.³⁶ Indeed, the *Conseil d'Etat*, the highest administrative court of the country, ruled in a decision of 1 October 2014 on the expulsion of a Romanian citizen that such threat had to be appreciated "in function of her individual situation, especially of the duration of the stay in France, the family and economic situation and her integration".³⁷ This definition of the "threat" would correspond better in fact to the concept of "abuse of the right to free movement", which is lower in gravity. Its accepting as a "threat" shows the wish of the highest administrative court to validate widely the eviction orders, independently of the legal basis used by French administration. In 2016, more than 1,200 Romanian citizens were retained in centres and 85 % of them were forcibly expelled from the country.³⁸ This figure does not include all those who were obliged to quit the territory

³³ Le Parisien, 13 September 2016, "Le maire de Saint-Ouen refuse de scolariser les enfants roms". <http://www.leparisien.fr/saint-ouen-93400/le-maire-de-saint-ouen-refuse-de-scolariser-les-enfants-roms-13-09-2016-6116833.php>

³⁴ *Denied the right to water: the miserable fate of Roma in France*. Available at: <http://www.errc.org/blog/denied-the-right-to-water-the-miserable-fate-of-roma-in-france/101>

³⁵ *Dedicated Caravan Sites for French Gens du Voyage: Public Health Policy or Construction of Health and Environmental Inequalities?* Available at: <https://cdn2.sph.harvard.edu/wp-content/uploads/sites/125/2017/12/Foisneau.pdf>

³⁶ L'Humanité, 26 July 2016, "Roms: l'Etat s'arrange avec la loi pour expulser plus et plus vite". <https://www.humanite.fr/roms-letat-sarrange-avec-la-loi-pour-expulser-plus-et-plus-vite-612551>

³⁷ Conseil d'Etat, N°365054. Available at: https://www.legifrance.gouv.fr/affichJuriAdmin.do;jsessionid=429CD900018A60967F2EDD1DD21AFA20.tpdjo15v_2?oldAction=rechExpJuriAdmin&idTexte=CETATEXT000029589886&fastReqId=945851852&fastPos=14

³⁸ *Centres et locaux de rétention administrative. Rapport 2016*. 2017. ASSFAM, Forum Réfugiés, France Terre d'Asile, Ordre de Malte, Solidarité Mayotte. Available at: <http://www.romeurope.org/rapport-2016-centres-locaux-de-retention-administrative/>

but only those who had been controlled and arrested for not having left the country after the one month period left by the administrative order to do so.

Further supporting the ability to evict, a new law in 2016 gave the prefects the possibility to use a new measure in addition to deportation orders, the ability to forbid EU citizens to circulate on French territory for up to three years.³⁹ This measure can be taken against any EU citizen who troubled the public order or abused the right to free movement. Hundreds of Romanian citizens are currently concerned by such interdictions, which can be applied to include trivial acts like stealing chocolate in a supermarket. In only seven retention centres, out of 24, NGOs La Cimade and ASSFAM have counted 462 Romanian citizens, out of which 130 were subject to an interdiction to circulate in France. In two other centres in Lille and Metz, the Order of Malta counted that from January to November 2017, 68% of the retained immigrants subjected to such a sanction were Romanian (65%) and Bulgarian (3%) citizens.⁴⁰

³⁹ "20 proposals for a policy inclusion of people living in squats and shanty-towns", p. 76. Available at: http://www.romeurope.org/wp-content/uploads/2017/02/Rapport_2017_20-propositions-1.pdf

⁴⁰ Data provided by the NGOs Cimade and ASSFAM to authors of this report.

ADDRESSING ANTIGYPSYISM

Institutional settings for fighting discrimination and addressing antigypsyism

Antigypsyism is not specifically named or targeted by anti-discrimination law, institutions or policies. These traditionally point racism and anti-Semitism and recently anti LGBT hate. In practical terms however, the mainstream rules are sufficient to cover antigypsyism. If antigypsyist acts are seldom brought to courts, this is rather because they affect the most vulnerable and excluded part of the Rromani population. However, including in the very rare cases brought in front of courts, the decisions do not encourage future victims of such acts to denounce them. As an example, a highly educated man was put on trial in Paris in 2014 for having spilled acid over the mattresses and clothes of a homeless Romani family. He was simply acquitted by the court due to lack of evidence.⁴¹

Administrative bodies against discrimination are more or less active in addressing antigypsyism. DILCRAH, the inter-ministerial delegation against racism, antisemitism and anti LGBT hate was founded in 2012 with a special mission to coordinate the national policy on these matters. However, the impact of this institution is very weak. In so far as antigypsyism is concerned, it was limited to meagre financial support of a few thousand EUR to two Rromani organisations. The Defender of Rights (the French Ombudsperson) on the contrary, is much more active and supportive. In many cases this institution has intervened to remind public or private decision makers reluctant to provide services to Roma of their legal obligations to do so.⁴² This includes mayors, banks, public transport enterprises, etc.

Countering hate crime and hate speech against Roma, and antigypsyist rhetoric of politicians, public figures and media

Hate crime by private people is either rare or it goes unrecorded because the victims do not report them. The antigypsyist rhetoric went also unpunished and even unaddressed until relatively recently. Traditional Rromani associations are focused on culture, education etc. but not in fighting racism in courts. Furthermore, this is only possible for those associations whose statutes provide expressly for doing so. It was with the development of a new generation of Rromani associations after the year 2000 that antigypsyist speech started to be challenged in courts of justice. This was also a difficult beginning, especially as the first case brought to courts involved public television (France 5, for the program "Delinquency: the route of the Roma"). Since then, several cases have been brought to courts more or less successfully, depending on the person accused. While Jean-Marie le Pen has been convicted for stating that "Roma are like birds; they steal/fly⁴³ naturally"⁴⁴, Manuel Valls' statement according to which Roma should be sent back to Romania because their lifestyles are "extremely different from ours and obviously in confrontation", escaped any judicial review. The filtering commission of the Court of Justice of the Republic, who have the monopoly of judging any government ministers, dismissed the request of MRAP (Movement against racism and for friendship among peoples). The case was not even

⁴¹ Le Monde, 19 May 2014, *L'homme accusé d'avoir aspergé des Roms d'acide a été relaxé*. Available at: http://www.lemonde.fr/societe/article/2014/05/19/relaxe-apres-l-agression-de-roms_4421092_3224.html

⁴² Défenseur des droits. *Droit fondamental à l'éducation: une école pour tous, un droit pour chacun*. Available at: <http://www.youscribe.com/BookReader/Index/2775790/?documentId=2974839>

⁴³ The whole legal discussion on this case was whether the ambiguous French verb "voler" in this sentence meant "to steal" or "to fly".

⁴⁴ "Comme les oiseaux", *les Roms volent naturellement: Jean-Marie Le Pen définitivement condamné pour ces propos injurieux*. Available at: http://www.huffingtonpost.fr/2016/03/07/jean-marie-le-pen-roms-condamne-propos-injurieux-justice_n_9397918.html

presented to this special court, 80% of whose members are MPs and whose partiality is obvious once we consider that since 1993 it has only pronounced two convictions.

After the rejection of MRAP's application, *La voix des Roms* filed a case in the ordinary courts, arguing that minister of Interior M. Valls could not possibly express the government's view in these ethnic terms, but only his personal opinion. The ordinary courts rejected this argumentation. By the effect of their jurisdictional privilege, the government representatives have a *de facto* immunity for racist statements. For this reason, *La voix des Roms* has filed with the European Court of Human Rights, hoping that a decision could lead to the dissolution of this impartial court and to the avoidance of the consolidation of a dangerous institutional racism.

The Audio-Visual Council (CSA) is an independent administrative body in charge of monitoring of these media. It is vested with recommendations, but also has the power to impose fines. Although the council can investigate on its own initiative, it usually does so upon application. The only decision it has taken concerning antigypsyist speech was an admonition of the public TV channel France 5 in 2005, when Rromani organisations complained about the program "Delinquency: the route of Roma".⁴⁵

Analysing and forming narratives and attitudes towards Roma

Media play an extremely important role in forming narratives and attitudes. The attachment of France to the freedom of speech, media and artistic expressions has undergone under some changes since the 2015 terrorist assault on the satirical newspaper "Charlie Hebdo". Criticism of media has become since then more difficult than before, especially when criticism comes from members of minorities, who can then more easily be accused of "*communautarisme*" and of being against the freedom of expression. Although this mechanism rather affects the Muslim community more particularly, it is working against all minorities, including Roma.⁴⁶

Institutional tools exist, such as the Superior Council of Audio-visual (CSA), which is in charge of the respect of law and ethics in audio-visual media. Since 2007, the CSA has created an "Observatory of the diversity in media", whose role is to follow up the actions undertaken by TV and radio channels to promote the diversity of French society and to fight against discrimination.

However, the depiction of Roma in media, especially in visual terms is characterised by a culturalist approach. This takes two different forms: the exoticism, with Roma who, in front of the cameras offer the image that is expected from them, exaggerating some traditional features, or the poverty, with a systematic association of the name "Roms" to begging, shanties or delinquency. It is to be noticed here that the word "Roms", which only entered into French common usage around the year 2000, is always associated to this dehumanising image, while formerly used names, such as "Tsiganes" or "Gitans" or "*gens du voyage*" have been used and continue to be used in association with both exotic or dangerous images.

In this difficult context, some initiatives from the civil society achieved relative success. One recent example is the release of the movie "*A bras ouverts*", made by a very popular director, who depicted Roma as savages. As a response, the association *Les enfants du Canal* and *La voix des Roms* organised meetings among young Roma who watched the

⁴⁵ *Emission C dans l'air: France 5 mise en garde*. Available at: <http://www.csa.fr/Espace-juridique/Decisions-du-CSA/Emission-C-dans-l-air-France-5-mise-en-garde>

⁴⁶ For example, former Inter-ministerial Delegate against Racism, Anti-Semitism and LGBT Hate, Gilles Clavreul, in his article published on the website of the Think-Tank *Jean Jaurès*, mentions the NGO "La voix des Roms" as a danger, alongside other decolonial groups. Available at: <https://jean-jaures.org/nos-productions/radiographie-de-la-mouvance-decoloniale-entre-influence-culturelle-et-tentations>

movie and journalists, and several criticisms by those first concerned were published by different media.⁴⁷

As for other actors, such as academia, NGOs and others, few initiatives exist on building narratives or attitudes towards Roma and their scope remains extremely limited as compared to mass media. Among them, one can name a few local cultural events, the most known of which is the yearly Rromani Resistance festival⁴⁸.

The education curricula do not address the problem of anti-Roma stereotypes or antigypsyism; school textbooks do not mention Roma other than very briefly and exclusively as victims of genocide during WWII. According to a professor met in 2015, who wished to remain anonymous, the mention of this historical fact with the justifications used by the Nazis can be dangerous as many of those justifications are prejudices still in use daily in public speech: asocial people, reluctant to integrate, criminals etc.

⁴⁷ Le Parisien and Nouvel Obs are two of the many media who published the criticism on this movie. See: <http://www.leparisien.fr/culture-loisirs/cinema/a-bras-ouverts-vu-par-la-communaute-rom-le-film-nous-presente-comme-des-sauvages-05-04-2017-6825396.php> as well as <https://tempsreel.nouvelobs.com/societe/20170406.OBS7679/a-bras-ouverts-vu-par-une-rom-on-n-est-pas-des-sauvages-on-est-juste-des-etrangers.html>

⁴⁸ Site de la Fête de l'insurrection gitane – Rromani Resistance – see: www.insurrection-gitane.com

RECOMMENDATIONS

Governance and overall policy framework

- Adopt a national roadmap with a dedicated budget, involving several ministries, under the form of a binding document for all prefectures and local authorities and aiming at the clearance of all shanty-towns by 2024, with access to fundamental rights (housing, education, employment and health) for all their inhabitants, according to their personal needs.
- Ensure adequate funding for the *gens du voyage* policy and its monitoring by a body composed by a majority of representatives from this population.

Anti-discrimination

- Ratify the Protocol 12 to the European Convention on Human Rights, for discrimination to become a general legal offence, avoiding the multiplication of specific rules.
- Ensure adequate financial and institutional support to civil society's actions aimed at improving access of victims of antigypsyism to the existing anti-discrimination institutions.
- Put in place obligatory anti-discrimination training with a specific view on forms of discrimination suffered by EU-mobile Roma and "gens du voyage" for civil servants, with a special focus on law enforcement and the judiciary.

Addressing antigypsyism

- Assign to a public entity the responsibility to set up a monitoring system of anti-Roma hate speech online and in the media with a yearly publication of findings.
- Encourage public prosecutors to investigate and pursue antigypsyist speech and acts, by specifically pointing these out in criminal policy circulars.
- Train prosecutors and police officers to achieve better work quality in investigating hate speech and crime.
- Encourage a balanced depiction of Roma and gens du voyage by using the mechanism of public financial aid to media also in consideration of how they depict Roma and gens du voyage.

BIBLIOGRAPHY

Books and articles

Daubeuf, Jean-Baptiste – Marchal, Hervé – Besozzi, Thibaut. 2016. *Idées reçues sur les bidonvilles en France*. Paris: Editions Le cavalier bleu.

Fassin, Eric – Fouteau, Carine – Guichard, Serge – Windels, Aurélie. 2014. *Roms & riverains. Une politique municipale de la race*. Paris: Editions La fabrique.

Foisneau, Lise. 2017. "Dedicated Caravan Sites for French Gens du Voyage: Public Health Policy or Construction of Health and Environmental Inequalities?", *Health and Human Rights Journal*, vol. 19., no. 2, 2017, pp.89-98.

Vuattoux, Arthur. 2015. "Les jeunes Roumaines sont des garçons comme les autres", *Plein droit*, vol. 104, no. 1, 2015, pp. 27-30.

Reports

20 propositions pour une politique d'inclusion des personnes vivant en bidonvilles et squats, Collectif National Droits de l'Homme Romeurope, 2017. Available at: http://www.romeurope.org/wp-content/uploads/2017/02/Rapport_2017_20-propositions-1.pdf

Actions de résorption des bidonvilles soutenues par la Dihal. Bilan 2016 et panorama 2017. DIHAL, juillet 2017, Paris. Available at: <http://www.gouvernement.fr/resorption-des-bidonvilles-bilan-des-actions-soutenues-en-2016>

Antigypsyism – A Reference Paper. A working definition of antigypsyism. Building an alliance against antigypsyism. Alliance against Antigypsyism, 2016. Available at: http://antigypsyism.eu/?page_id=17

Centres et locaux de rétention administrative. Rapport 2016. ASSFAM, Forum Réfugiés, France Terre d'Asile, Ordre de Malte, Solidarité Mayotte, 2017. Available at: <http://www.romeurope.org/rapport-2016-centres-locaux-de-retention-administrative/>

Civil Society Monitoring on the Implementation of the National Roma Integration Strategy and Decade Action Plan in 2012 and 2013. Decade of Roma Inclusion Secretariat Foundation, 2014, Budapest.

Countering antigypsyism in Europe, The Greens / European Free Alliance in the European Parliament, Sozialfabrik, 2017. Available at: <https://www.greens-efa.eu/en/article/document/countering-antigypsyism-in-europe/>

Droit fondamental à l'éducation: une école pour tous, un toit pour chacun. Le Défenseur des droits, Rapport droit de l'enfant 2016. Available at: *Etat des lieux national des campements illicites, grands squats et bidonvilles*, DIHAL, avril 2017. Available at: http://www.gouvernement.fr/sites/default/files/contenu/piece-jointe/2017/06/recensement_campements_-_avril_2017.pdf

<http://www.youscribe.com/BookReader/Index/2775790/?documentId=2974839>
Marek Szilvasi, Radost Zaharieva. 2016. *Denied the Right to Water: the Miserable Fate of Roma in France*. Available at: <http://www.errc.org/blog/denied-the-right-to-water-the-miserable-fate-of-roma-in-france/101>

The European Social Fund and Roma, European Union, 2010. Available at: http://ec.europa.eu/employment_social/esf/docs/esf_roma_en.pdf

Legal Documents

Décision n° 82-146 DC du 18 novembre 1982, *Quotas par sexe*. Available at: <http://www.conseil-constitutionnel.fr/conseil-constitutionnel/francais/les-decisions/acces-par-date/decisions-depuis-1959/1982/82-146-dc/decision-n-82-146-dc-du-18-novembre-1982.8008.html>

Directive 2000/43/CE du Conseil du 29 juin 2000 relative à la mise en œuvre du principe de l'égalité de traitement entre les personnes sans distinction de race ou d'origine ethnique. Available at: <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000330443>

Charte de mobilisation et de coordination dans le cadre de la prévention et de la lutte contre les constructions illégales. Available at: http://www.saulx.net/images/cadre-de-vie/Urbanisme/charte_lutte_constructions_illegales.pdf

The European Social Fund and Roma, European Union, 2010. Available at: http://ec.europa.eu/employment_social/esf/docs/esf_roma_en.pdf

Press Articles

"A bras ouverts" vu par la communauté rom: "Le film nous présente comme des sauvages", *Le Parisien*, 5 April 2017. Available at: <http://www.leparisien.fr/culture-loisirs/cinema/a-bras-ouverts-vu-par-la-communaute-rom-le-film-nous-presente-comme-des-sauvages-05-04-2017-6825396.php>

"A bras ouverts" vu par une Rom: "On n'est pas des sauvages, on est juste des étrangers", *L'Obs*, 6 April 2017. Available at: <https://tempsreel.nouvelobs.com/societe/20170406.OBS7679/a-bras-ouverts-vu-par-une-rom-on-n-est-pas-des-sauvages-on-est-juste-des-etrangers.html>

"Comme les oiseaux", *les Roms volent naturellement: Jean-Marie Le Pen définitivement condamné pour ces propos injurieux*, *Huffington Post*, 7 March 2016. Available at: http://www.huffingtonpost.fr/2016/03/07/jean-marie-le-pen-roms-condamne-propos-injurieux-justice_n_9397918.html

Détenu abattu pendant sa cavale: deux gendarmes du GIGN mis en examen à Blois, *Le Parisien*, 26 September 2017. Available at: <http://www.leparisien.fr/faits-divers/detenu-abattu-pendant-sa-cavale-deux-gendarmes-du-gign-mis-en-examen-a-blois-26-09-2017-7288200.php>

Les Roms victimes d'une absence de volonté d'intégration politique, *Le Monde*, 4 July 2014. Available at: http://www.lemonde.fr/societe/article/2014/07/04/les-roms-victimes-d-une-absence-de-volonte-d-integration-politique_4450087_3224.html

Réseau de pickpockets roms démantelé: la coopération avec la police Roumaine saluée, *Le Parisien*, éd. Seine-et-Marne, 13 Feb. 2016. Available at: <http://www.leparisien.fr/espace-premium/seine-et-marne-77/reseau-de-pickpockets-roms-demantele-la-cooperation-avec-la-police-roumaine-saluee-13-02-2016-5541057.php>

Une assemblée aux couleurs de la France de 2017, *France Inter*, 21 June 2017. Available at: <https://www.franceinter.fr/politique/une-assemblee-aux-couleurs-de-la-france-de-2017>

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