



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

*Assessing progress
in key policy areas
of the strategy*

Prepared by:
La voix des Roms
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LIST OF ABBREVIATIONS

ADAV33	The friends of travellers of the Gironde
Aset 93	Association to assist the schooling of Tzigane Children Seine-Saint-Denis
ASM	mobile classrooms
CDERE	Collective for the Rights of Roma Children in Education
CNED	French correspondence school system
DDD	The Defender of Rights
DIHAL	Inter-Ministerial Delegation for Housing and Access to Housing
ECSR	European Committee of Social Rights
ERDF	European Regional Development Fund
ESF	European Social Fund
FNASAT	National Federation of Associations of Solidarity with the Gypsies
INSEE	French National Institute for Statistics and Economic Research
LDH	League for Human Rights
MIPES	Information and study centre on poverty and social exclusion
OFII	French Office for Immigration and Integration
OQTF	Obligations to leave the French territory
PACA	Region Provence-Alpes-Côtes d'Azur
PACEA	Contracted Pathway of Support to Employment and Autonomy
POEC	Operational Preparation for Collective Employment
RSA	<i>Revenu de Solidarité Active</i> (social benefit)
SEGPA	<i>Section d'Enseignement Général et Professionnel Adapté</i> (adapted general and vocational sections in schools)
SPE	The public service for employment
UPE2A	Teaching Units for Allophone Students Arrivals
VAE	Validation of Acquired Experience

EXECUTIVE SUMMARY

Employment

While mechanisms for supporting employability exist in France, the Roma beneficiaries of these measures are often assigned to live in slums, which makes it difficult for them to diligently follow up on available opportunities. It is regrettable that such public measures refrain from offering more comprehensive services, such as offering a type of accommodation that shelters the family of the person in training.

As we know, the path of insertion is mechanically and psychologically complex when it is determined by life in precarious housing (slum, squat, social hotel). This is why at least physical stability is essential when we talk about professional or economic integration. Precarious housing conditions are a key factor that contribute toward creating barriers to access to employment (e.g. absence of administrative domicile, fear of expulsion, no running water for washing).

Many jobs of people living in slums/squats are informal. And without access to declared work, the very precarious "Roma" remain excluded from the social system, the latter being conditioned by resources and social status. To get a job, the person has to have a certain self-esteem, which many people who end up in very precarious place of dwelling lose. Their living conditions (to which they are assigned) have kept them away from many public services.

Housing and essential public services

As France does not have a formal strategy for Roma integration, the policy that is analysed in this monitoring report is that applied to two groups: the "gens du voyage" and the citizens of Romania and Bulgaria living in slums or squats. These two categories being defined precisely by their dwelling places; their housing conditions are not only at the heart of the policies that apply to them but also the source of a series of difficulties that cause them to suffer in other domains, such as health, education or employment. Instead of the usual distinction between "Roma" and "Travellers/gens du voyage", a more relevant one is that between the inhabitants of "managed areas" and the inhabitants of "self-managed areas". Segregation is common in general for both categories. In the case of the managed areas, segregation is due to the choice of the location of the "hosting areas" or of the temporary housing of the beneficiaries of a social inclusion project. This choice is assigned by public authorities. In the second case, segregation is the result of the inaccessibility of adapted housing, in financial and/or legal terms (i.e. price of buildable land, high level of rent, but also complexity of the procedures to rent a flat for EU-mobile Roma).

Essential public services are not at all or not adequately accessible, in both managed and self-managed areas. The managed areas are not properly cared for by the enterprises in charge of them, and essential amenities are refused to self-managed areas, whether or not the people who inhabit them own the property. The refusal of local authorities to intervene to offer the necessary facilities and services, such as water, electricity, waste removal, etc., is motivated by their wish to see these inhabitants evicted. Therefore, instead of creating the necessary conditions for ensuring their health and security, they use the lack of these conditions to instigate eviction orders. In the same way, most often de facto residence is not taken into account by municipal social centres for delivering an administrative domiciliation, which is indispensable for all administrative steps and especially for social rights.

The law on "Equality and Citizenship" that was adopted in 2017 enlarges the scope of housing options for "gens du voyage" and takes into account the need for more stable and small lots, but its implementation is slow and the circular of the Minister of Interior to the prefects with regard to its implementation insists first on the evictions. Also, the law does

not respond to the frequent situation of private non-buildable lands that are occupied for several years, or decades, by “gens du voyage”. A new Government instruction on 25 January 2018 completes the circular of 26 August 2012 and sets as an objective the clearance of slums in five years. This new development is encouraging, but its implementation is very uneven across jurisdictions, and in December 2018 the department with the highest number of slums (i.e. Seine-Saint-Denis) has not started the process of building of a local partnership to achieve the goal fixed by the instruction.

Impact of health care policies on Roma

Health care is, with education, one of the domains that constitute the pride of France. Indeed, although this sector too encounters some challenges, as for example the lack of doctors, overall the health system in France is of high quality and quite accessible. However, some particular difficulties are observed concerning the EU-mobile Roma and the “gens du voyage”. These arise with the process of obtaining health insurance. The lack of domiciliation and the difficulty in obtaining it are obstacles in this respect for people whose dwelling place is not recognized as an official address. This is true not only for caravans or barracks, but also for EU-mobile Roma who squat in flats or houses in referenced addresses. The latter are also confronted with a new difficulty: a centralising centre was created for processing the applications of inactive EU citizens residing in France, as a measure of improvement of service, but in fact this causes longer delays and therefore longer periods during which they cannot properly access health care services. Also, they are requested to provide this centre with proof of non-registration in the health insurance system of their country of origin, which adds both to the time needed and to the complexity of the procedure.

However, the particular health issues among the population considered in this report are not principally related to the health care policies, which in general are not discriminatory. They relate more to the living conditions and to the particular vulnerability of this population with regard to access to health care. Indeed, for years specialised NGOs such as Doctors of the World regularly conclude the link between recurrent evictions and negative impacts on health. In the conditions of severe poverty, low levels of education are also a factor of non-recourse to health services, except in cases of emergency. Non-recourse or late recourse to health services also concerns prenatal health care.

Education

In France Roma children who live in very precarious housing (slum, squat, social hotel) face many obstacles in gaining access to schooling. No exhaustive and accurate study is able to say how many Roma children are not going to school. However, according to a study published in 2016 by the Collective for the Rights of Roma Children in Education (CDERE), conducted among 161 young people living in precarious housing and six different regions, 53 per cent of adolescents interviewed were not in school. The Inter-Ministerial Delegation for Housing and Access to Housing (DIHAL) has also tried to assess the number of children, living in slums, attending school and it estimates in 2013 that a third of these two thousand children are not attending school.¹ A forum published in September 2018 by a collective notes that “80 per cent of children living in slums and squats are not in school”.² These figures, even if they are considered, reveal a worrying reality for these children, their parents and their future in France.

¹ “Moins d’un jeune Rom sur deux va à l’école”, *La croix*, 28/09/2016. Available at: <https://www.la-croix.com/France/Exclusion/Moins-jeune-Rom-deux-lecole-2016-09-28-1200792203>

² “Rentrée scolaire : de trop nombreux enfants à la porte de l’école”, *Libération*, 17/09/2018. Available at: https://www.liberation.fr/debats/2018/09/17/rentree-scolaire-de-trop-nombreux-enfants-a-la-porte-de-l-ecole_1678655

Access to pre-primary and primary education is subject to the prerequisite administrative procedure of registration. Unfortunately, these administrative procedures to register a child at a school are complex especially due to municipal authorities' freedom to create obstacles. The reasons why mayors make such illegal decisions are very often political, i.e. they are a means for re-election. Some mayors openly defend their refusal decisions, as was the case in Saint-Ouen and Maubeuge; where they put forward the notion that educating these children would signal that they tolerate or even legitimize the presence of these illegal dwelling places. School attendance should be a priority and as we have seen, it is not effective in many cases. Nevertheless, when schooling is taking place, it is necessary to redouble attention in order to prevent children from dropping out of school. The work of the school mediators should be able to contribute to this particular issue, but the bulk of their work remains focused on gaining access to schooling because of the many obstacles that continue to be present. Schools should also be vigilant about these issues, regardless of whether the children are Roma or come from other communities.

INTRODUCTION

Because of its political tradition, the French Republic does not recognise ethnic minorities. Based on this point alone, there should not exist any inclusion policy regarding Roma in France. This position is often stated as such by French officials, however they do mention social inclusion policies for particular groups, namely the “*gens du voyage*”, (i.e. people whose real or supposed traditional dwelling place is mobile) and EU citizens living in slums and squats, who during the last three decades have been considered as “Roma” and who still now are referred to as “migrant Roma”, although this is considered an abuse of language officially.

Taking good account of this situation, the present report monitors the policies towards the “*gens du voyage*” and that on “slums” only. In doing so, this report responds to the need of improvement of these policies and there is no real inadequacy or misfitting of the groups referred to by the EU Framework for National Roma Inclusion Strategies 2011 on one hand and the ones referred to by French public policies of inclusion of “*gens du voyage*” and the EU citizens living in slums or squats. In accepting policies too, “Roma” are not conceived of as a cultural or ethnic entity but as an ethnically diverse group formed by a common history of marginalisation. The very EC’s summary sheet “The European Social Fund and Roma”, published a few months before the adoption of the EU 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.”³

The adoption of the EU Framework made possible the use of EU Funds technically for French policies on “*gens du voyage*” and “EU-mobile Roma”.⁴ However, one can say that these funds were not used enough, both because of a lack of will and because of the difficulty and complexity of accessing and managing them.

For the drafting of the report, we used different methodological tools: desk research, interviews, exploitation of data collected by *La voix des Roms* itself in its field work, etc. The diversity of sources was central in this work, and we used both institutional and civil society sources, media reports and also individual interviews. The gathering of information was at the heart of our consultation with other NGOs, but also informal groups of those first concerned by the policies monitored. We say here “information” instead of “data” because this last word would give the impression of some exhaustivity, to which we could not reasonably presume, for two main reasons:

- Firstly, the ambiguity between the social and the ethnic prism of the target group makes it difficult to delimit “Roma” (in the sense of EU Framework) amongst the wider category of excluded or discriminated people who are not perceived as such.
- Secondly, the times and the means at our disposal do not allow an analysis of both the in-depth and overall impact of the existing policies with respect to all those targeted.

³ The European Social Fund and Roma. Available at: http://ec.europa.eu/employment_social/esf/docs/esf_roma_en.pdf

⁴ As requested, and for the sake of simplicity, we will name in this way the EU citizens inhabitants of squats and slums, bearing in mind that they do not represent all EU Roma citizens who have moved to France.

As a consequence, with no possible pretention to be exhaustive, the present report gives priority to mechanisms that affect the most of the impact of these policies according to an overall view and the empirical knowledge harvested by civil society.

EMPLOYMENT

In 2011, a FRA's report made this remark: "Segregation and poor housing conditions are severe impediments for access to employment and affect social inclusion."⁵ In France, "*gens du voyage*" and people living in slums and squats frequently face direct and indirect discrimination when they are looking for a job. And although there are programs for professional integration, their effects often remain limited when they do not provide overall support in other areas such as opening of social rights, access to housing, etc. It is almost impossible to attend a training session when you're living in extreme instability and poverty (slums and squats). Without an integrated approach, these devices are doomed to fail.

Improving access to labour market and effectiveness of employment services

The entry of Romania and Bulgaria into the European Union on 1 January 2007 was accompanied by a "transitional" status which was reflected in the restriction measures concerning the full regularisation of the nationals of these countries. The EU had authorised Member States to "temporarily restrict the access of Romanian and Bulgarian nationals to their labour market for a transitional period of up to seven years".⁶ These measures restricted these people in their freedom to access employment. A list of trades accessible to these nationals was drafted and it defined a hiring procedure that was complex and costly for employers (payment of a tax to the *Office Français de l'Immigration et l'Intégration* (OFII)). In a report published by the EC in 2011 the positive impact in the economy of the host country of these nationals (jobs in abandoned fields) is reported. "*These workers have contributed to the skills mix as well as filling vacancies in sectors and jobs with labour shortages such as in construction and the domestic and food services sectors.*"⁷ The same report highlights evidence that "*also shows the positive impact of the free movement of Romanian and Bulgarian workers on EU GDP in the long term, with an increase of around 0.3 per cent for the EU-27 (0.4 per cent for EU-15). [...] In addition, the report highlights the lack of evidence of misuse of allowances by mobile EU citizens within the Union and shows that the impact of recent inflows on national public finances is negligible or even positive*".⁸ Following the publication of the *Circular of 26 August 2012* and the *Decree of 1 October 2012*, the restrictive measures were eased since the number of jobs available to them was 291 and the number tax had been removed.⁹ This "transitional" status expired on 31 December 2013, making citizens of Romania and Bulgaria citizens "like the others", with full rights in theory.

This derogatory status seems to have had a significant impact on the access of these nationals to employment, which has been opposed by measures restricting (status derogatory) their possible integration into France.¹⁰ Thus, many of these nationals had to wait for the end of these exceptional measures to gain access to a declared and salaried job. During the application of transitional measures Romanian and Bulgarian nationals were thus often assigned to undeclared jobs, and unable to justify "sufficient resources".

⁵ FRA's report (2011), p.27 <https://fra.europa.eu/en/publication/2014/poverty-and-employment-situation-roma-11-eu-member-states>

⁶ Île-de-France regional health observatory, health and social situation of "migrant Roms" in Île-de-France - January 2012 http://www.ors-idf.org/dmdocuments/ORS_Rapport_Roms.pdf

⁷ "Report shows overall positive impact of mobility of Bulgarian and Romanian workers on EU economy" http://europa.eu/rapid/press-release_IP-11-1336_fr.htm?locale=FR

⁸ *Idib.*

⁹ https://travail-emploi.gouv.fr/IMG/pdf/Arrete_du_01-10-212.pdf

¹⁰ <https://hal.archives-ouvertes.fr/hal-01662685/document>

Consequently, they were subjected to eviction orders "*Obligations de Quitter le Territoire Français*" (Obligations to leave the French territory (OQTF)). More broadly, it is the set of opportunities for integration that has been and is still today impacted since employment is an important path that allows the opening of rights (social in particular: RSA, Social Security, family allowances) but also access to housing (requires financial stability), effective and sustainable schooling (requires a stable place of residence) or training. And it is only from this moment that it is possible for these people to plan for the long term.

Today, young people should be a priority for the French government, and this seems to be reflected in the Strategy for the Prevention and Combating Poverty,¹¹ published on 13 September 2018. This strategy is based on twenty one measures of which six fall under the support "towards autonomy and employment" of young people.¹² These measures reflect, in particular, the funding of 100 million EUR for the measures that accompany young people to work or the guarantee of a "public integration service" for benefit recipients. Nevertheless, the majority of "Roma" young people who live or have lived in a squat, slum or social hotel are excluded from school and carry with them the consequences of not attending school.¹³ The majority of children who live in very precarious housing are not educated because of discrimination related to the precariousness of these people (we come back to another part).

In Île-de-France, an emblematic region because it counts 33 per cent of the French slums and squats (5,357 persons),¹⁴ several projects carried by associations show good practices. The association *Les enfants du Canal*¹⁵ carries a project called "*RomCivic*" which is defined as a leverage of integration for young people including young Romanian and Bulgarian who intends to "facilitate the integration of families living in shantytowns thanks to the experience of living in slums of young people".¹⁶ The civic services offered within the framework of this project are all oriented towards missions of accompaniment to the administrative procedures of the people who live in shanty town. Volunteers then receive training and are also accompanied by a socio-educational team that allows them to consider the continuation of civic service (access to housing, employment, care, etc.).

We can also mention another associative project carried by *Secours Catholique*, which is a project aimed at young people (under 26 years old) to help them find employment by learning French. It is entitled "Young Futures Program – Professional Personnel Project" and is intended to prepare young people for their job search, in particular via the local mission – public service – which is a partner in this project. Often the devices in this area exclude people who do not speak enough French – because of the cost it generates. This project, in partnership with a language training centre, allows delivery of French courses, to access internships in companies. Young people are paid up to 300 EUR and benefit from free transport and social security. Nevertheless, as Jean-François Guérin, a member of the association, notes, the beneficiaries of the project are all youngsters who have been to

¹¹ "Stratégie de prévention et lutte contre la pauvreté : les mesures pour la jeunesse", <http://www.education.gouv.fr/cid133971/strategie-de-prevention-et-lutte-contre-la-pauvrete-les-mesures-pour-la-jeunesse.html>

¹² "Le résumé des 21 mesures", <https://solidarites-sante.gouv.fr/affaires-sociales/lutte-contre-l-exclusion/investir-dans-les-solidarites/les-5-engagements-de-la-strategie-pauvrete/article/le-resume-of-21-steps>

¹³ http://romeurope.org/wp-content/uploads/2016/09/etude_cdere_ados_bidonville_ecole_impossible.pdf

¹⁴ https://www.gouvernement.fr/sites/default/files/contenu/piece-jointe/2018/11/recensement_juillet_2018_vweb.pdf

¹⁵ "Les enfants du canal" is an association which help people who live in shantytown - Activity report "Les enfants du canal" (2017) <https://www.lesenfantsducanal.fr/wp-content/uploads/2017/05/Rapport-p%C3%B4le-bidonville.pdf>

¹⁶ <https://www.lesenfantsducanal.fr/nos-actions/romcivic/>

school before, underlining that the lack of schooling is a major obstacle to access to employment for these young people.

The association *Intermèdes Robinson*¹⁷ offers young people living in precarious housing a total immersion through internships, civic services or even Job Future (that were aimed at unemployed or unskilled young people and which have been deleted since 1 January 2018).

The use of validation by experience acquisition (VAE) – a national measure – interesting in this area because it allows the recognition of experiences acquired in the field (becoming a specialised educator, for example). The VAE is relevant because it allows people (regardless of age or nationality) to recognise an empirical experience. However, like all existing devices we regret that it is not known enough by the “roms”. In other words, to seize these levers the majority of very precarious people must be accompanied to subscribe to these devices.

Here, we can emphasize that the removal of certain types of contracts such as “subsidized jobs” (greatly reduced) or “contracts for the future” (deleted) has a major impact on the employment of these young people in sectors such as the associative (already precarious). The voluntary sector is a source of employment for people in extreme poverty, unfortunately, this sector also becomes very unstable. In 2017 the French government sharply reduced the creation of aid contracts to the point where they have become non-existent. Prime Minister Edouard Philippe confirmed by saying that these contracts were “not very effective”. This drastic decline is a constraint for many associations to close their doors.¹⁸ Many associations or municipalities used people through this because it was advantageous for the employer (lower employer costs). These contracts allowed the associative structures to use French or foreign people who do not have many qualifications.

Fight against discrimination in employment and antigypsyism in the workplace

The French state offers some levers – they are thin and unfortunately little known – through the local mission to young people away from employment. Here we can refer to the “*Garantie jeune*” which supports young people living in extreme poverty, this national system (since January 2017) is part of the Contracted Pathway of Support to Employment and Autonomy (PACEA). It allows, through a contract lasting one year and a half (its extension is currently being discussed), to receive an allocation of 480 EUR and to benefit from “scenarios in a professional environment, specific actions in the context of social and professional support, actions carried out by other bodies likely to contribute to support.”¹⁹ Regrettably, these devices are not well known by these young people. To benefit from this guarantee, you have to master French, which is a significant obstacle for some and also it is necessary to have a domiciliation, which represents the most decisive obstacle in the French administrative procedures (we will come back to this later) and a bank account. The opening of a bank account is not easy in France for people who are perceived as “Roma” and/or for people of Romanian nationality. The “*Mouvement du 16 mai*” is a device for advocacy and the fight against discrimination suffered by those perceived in the collective imaginary²⁰ as “Roma”. Many requests from the Legal Centre

¹⁷ See: *Intermediates Robinson*, “Nine years working in slums for and with young Roma. Elements concerning professional integration”, 2017.

¹⁸ Article Marianne “Réforme des contrats aidés : une “mise à mort” des associations et des communes Rurales”. Available at: <https://www.marianne.net/societe/reforme-des-contrats-aides-une-mise-mort-des-associations-et-des-communes-rurales>

¹⁹ <https://www.service-public.fr/particuliers/vosdroits/F32700>

²⁰ The expression “collective imaginary” is deliberately chosen because the overall perception or collective perception of society of who the Roma are has been shaped by media referring to a socially marginalized group of people who recently migrated to France primarily coming from Romania and Bulgaria, and have been

of the *Mouvement du 16 mai*²¹ go in this direction and testify to direct and indirect discriminations at work in this procedure. According to the order of 30 May 2014 (partially repealed in July 2015) relating to the list of supporting documents to be provided to open a bank account at the *Banque de France*, the latter asked for an identity document that was signed.²² However, the Romanian identity document is not signed and it is precisely on this ground that many Romanian people have been denied the right to open a bank account. As such, in 2012 a Romanian citizen appealed to the Defender of the rights (DDD) to denounce the “*violent rejection at the counter in view of [the] Romanian origin and a reflex of stigmatization of the*” *Romanian reputation*”.²³ Thus, it is written in a decision of the *Defender of the rights*, published in 2013, that “*in view of these elements, the control rules issued by bank X result in systematically refusing the Romanian identity card for all financial transactions and appear to be discriminatory under Articles 225-1 and 225-2 of the Criminal Code.*”²⁴ Despite this decision many referrals are made on the same type of discrimination. This explains the publication (November 2016) of a “framework decision”²⁵ relating to the right to open an account. It asserts that an identity document – whether signed or not – is sufficient. Even today many banks are not aware of these decisions and continue to discriminate against the “Roma” and “*Gens du voyage*”. According to the departmental association “The friends of travellers of the Gironde” (ADAV33) travellers are “*particularly represented in certain sectors of independent work: fairground activities, building work, pruning, maintenance of green spaces, reinforcement, traditional crafts, trade (markets and canvassing) at home and in wage labour: seasonal agricultural activities or secondary building work. They often work as sole proprietors. Moreover, access to salaried employment is less frequent because of these independent activities, because of displacements but also the discriminations of which they are the victims*”.²⁶ The DDD is the French institution of reference in the field of defence and respect for rights. The human rights defender is an independent administrative authority, and anyone who thinks he or she has been a victim of discrimination has the right to file a complaint with this branch of the French administration. They have published several reports on discrimination affecting Roma²⁷ and travellers.²⁸ Regularly, this authority distributes reminders of the law (to public and private administrations) and makes recommendations to the State. Thus, the DDD writes that “*Gens du voyage*” are victims of discrimination in the labour market, whether directly or indirectly, because of the stigmatisation associated with the special forms of identification documents they have been required to carry, called circulation books (“*carnet de circulation*” – a special identity document for persons without permanent residence).²⁹ Access to employment has long been difficult for “*Gens du voyage*” because of the “*carnet de circulation*” which was imposed by the law of 3 January

mislabelled by public authorities and major media channels as an ethnic group, regardless of whether the people living in these conditions self-identify as Roma or not.

²¹ <http://mouvement-16-mai.blogspot.com/>

²² Order of 30 May 2014 setting out the list of supporting documents for exercising the right to the account with the Banque de France.
<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000029066593>

²³ Decision of the Defender of Rights No. MLD / 2013-10. https://www.qisti.org/IMG/pdf/jur_ddd_2013-02-28.pdf

²⁴ *Ibid.*

²⁵ Decision of the Defender of Rights MSP-MLD-2016-179, November 24, 2016.
https://juridique.defenseurdesdroits.fr/doc_num.php?explnum_id=15889

²⁶ “Received ideas” <https://www.adav33.fr/23-idees-recues.html>

²⁷ Reports : <https://www.defenseurdesdroits.fr/fr/mots-cles/roms>

²⁸ Reports : <https://www.defenseurdesdroits.fr/fr/outils/gens-du-voyage>

²⁹ “Gens du voyage”, The Defender of Rights,
https://www.defenseurdesdroits.fr/sites/default/files/atoms/files/ddd_fic_gens_voyage.pdf

1969.³⁰ People without a fixed residence had the obligation to show this identity document at the local police station as soon as they arrived in a new town. For example, in July 2010, a French person, in a regular situation, with a job promise, was refused to be registered in *Pôle Emploi* (a public service for unemployed) because she was a "*Gens du voyage*" and had the "*carnet de circulation*".³¹ In June 2015, a law repealed a part of the law of 1969, and it is in a recent law of 2017 (law of 27 January 2017, articles 150, 194 and 195)³² on equality and citizenship, certain provisions such as the obligation to hold a "circulation book", or that relating to the exercise of itinerant activities and the regime applicable to people traveling in France without a home or a fixed residence, have been abolished.

Pôle Emploi which is responsible for supporting job seekers in their research as well as companies that recruit. *Pôle emploi* is a national structure that supports unemployed people by offering them training and putting them in contact with potential employers. *Pôle emploi* is present throughout the French territory with 915 offices.

Employment alternatives in areas with limited primary labour market demand

There are specific public schemes in France that try to overcome the difficulties or even the impossibility of finding a job for people (Roma or not) who live in a slum, squat or social hotel. These systems are part of the two major texts governing policies for people living in slums: The *Circular of 26 August 2012*,³³ and the *Instruction of 25 January 2018*.³⁴

These devices, these levers are carried national, regional, local and are financed by European funds, these are the main financial tools for these services. The landscape of public structures in terms of professional integration is quite complex. Among all the projects in terms of professional integration there is the POEC (Operational Preparation for Collective Employment) which is a device that is aimed at any job seeker, it is implemented for people who live in shanty towns and away from employment. The first edition of this device was held in 2016 and was initiated by the Île-de-France Regional Prefecture and the Inter-Ministerial Delegation for Housing and Access to Housing (DIHAL). The second edition was held in 2017, funded by a training centre (*Uniformation*) whose results posted in a report are "to 06/03, 25 people out of 49 have indeed found a job".³⁵ The 49 people are mostly Romanian and Bulgarian citizens and they all live in slums. This project is funded by *Uniformation* (national training centre for companies and employees of the social economy), the Employment Centre and the Paris City Council (for the Paris session) in partnership with a network of associations and actors of employment and training. A third edition of this project for the year of 2018 is in progress.

Concretely POEC is a device that provides training to groups of people according to their level of French, spread over three municipalities in Île-de-France. The selected people to be part of the device are by recommendation of various associations (*Les Enfants du Canal*, *ACINA*, *Alteralia*, *La Rose des Vents*, etc). Concretely, the POEC consists of 400 hours of

³⁰ Law No. 69-3 of 3 January 1969 on the exercise of itinerant activities and the regime applicable to persons traveling in France without a fixed address or residence
<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000317526&categorieLien=cid>

³¹ <https://www.senat.fr/questions/base/2010/qSEQ100914963.html>

³² Law n° 2017-86 of 27 January 2017 on equality and citizenship
https://www.legifrance.gouv.fr/affichTexte.do?sessionId=69A51C1065CD792EF25D84E2C14921B8.tplqfr34s_2?idSectionTA=JORFSCITA000033934959&cidTexte=JORFTEXT000033934948&dateTexte=29990101#LEGIARTI000033938195

³³ http://circulaire.legifrance.gouv.fr/pdf/2012/08/cir_35737.pdf

³⁴ http://circulaire.legifrance.gouv.fr/pdf/2018/01/cir_42949.pdf

³⁵ Proceedings: POEC 3 launch meeting, March 6, 2018.

training with a refresher course in French as a foreign language (FLE) for professional purposes and a two-week internship. Jobseekers who benefit from this training are paid by *Pôle emploi* during the three months concerned. While the results announced are qualified as “positive” by the prefecture – out of 36 beneficiaries and at the end of the period traineeship: three contracts signed, eight job offers, two potential recruitments – these integration projects do not offer sufficient overall support (opening of rights, childcare, etc.). However social support is necessary and cannot be separated from support to professional integration. Even access to this device is also problematic in that each participant is asked to have a bank account to allow for direct debit for their salary and to be registered with *Pôle Emploi*. We all know that these are complex procedures in which these people encounter barriers – sometimes even of a discriminatory nature.³⁶ Moreover, the beneficiaries of these courses remain assigned to life in a slum which makes their attendance and the smooth running of these complex learning experiences. In fact, training participants have been threatened with eviction while their families are not being housed. It is regrettable that such a device, public in nature, is not more comprehensive and does not offer a type of accommodation that shelters the family of the person in training. As we know, the path of insertion is mechanically and psychologically complex when it is determined by life in precarious housing (slum, squat, social hotel). This is why at least physical stability is essential when we talk about professional or economic integration. Also, it remains to be seen whether the persons who have obtained a work contract at the end of the training are still under contract in the months following the end of the training.

Other specific schemes exist in terms of professional integration; and some offer comprehensive support. The Master of Urban and Social Works³⁷ or the integration villages are initiatives with “integrated approaches” supported by national and EU funds (ESF and ERDF). These programmes are present throughout the territory (Lyon, Toulouse, Strasbourg).³⁸ And as Liliana Hristache, president of the association *Rom Réussite*, points out projects such as MOUS (in Montreuil, Île-de-France, for example) must be based on strong political will. Concerning the support to employment that is proposed in these devices, it can be said that the same administrative obstacles persist even when these projects are supported by public authorities. More generally the success of these programs depends on the choice of the operator (the operator is chosen by the municipality) and the capacity of the municipality to follow what the operator does in the field.

Addressing barriers and disincentives of employment

A big part of “roms” who live in slums or squats work for example as scrap dealers under the status of *auto-entrepreneur* (sole proprietor). It is a status that has the advantage of being able to be created very easily (on the internet or in the Chamber of Commerce) nevertheless it can become complex later also for people who have to change their address regularly and who are no longer able to receive mail or to correspond (exchange) with the services concerned. The advantages of this status, apart from easy creation, is that it opens social rights (like access to social security). It is also a status that is encouraged by some associations who see it as a gateway to common law. Indeed, many activities can be legalised through this status. It becomes binding as the *auto-entrepreneur* must make

³⁶ See: *Libération*, “Roma: integration hindered”, November 8, 2018 and more precisely the paragraph “fight for training”. https://www.liberation.fr/debats/2018/11/08/roms-l-integration-entreee_1690527

³⁷ DIHAL, “Le projet partenarial de MOUS* en Loire-Atlantique visant à une réduction durable des campements illicites et bidonvilles prend forme” https://www.gouvernement.fr/sites/default/files/contenu/piece-jointe/2017/03/fil_info_mars_2017.pdf

³⁸ DIHAL, “Etat des lieux des bidonvilles en France métropolitaine au 1er juillet 2018” https://www.gouvernement.fr/sites/default/files/contenu/piece-jointe/2018/11/recensement_juillet_2018_vweb.pdf

a quarterly resource statement to "Urssa" (administrative body responsible for collecting social security payments).

And to conclude, in Olivier Legros' words (teacher researcher in geography): *"What rights can be claimed by the people in poverty in cities that are shaped by economic interests and in which weakly endowed individuals have fewer and fewer opportunities to live?"*³⁹ If employment has been the cornerstone of integration into French society since the 1970s, we observe that this approach alone no longer satisfies and requires support and overall monitoring based in particular on the stability of housing.

Pôle Emploi is a public organisation that puts jobseekers in contact with employers who want to recruit. Like any French public administration, it requires the individual to provide a domiciliation to attest to his municipality of residence.⁴⁰ As we have already said, and as we will see again, the domiciliation is very difficult to obtain and to validate with these administrations. The complexity of the latter is all the greater and heavier as the "roms" who live in precarious housing are constrained by the frequent change of their place of residence. Also, when people are evicted from their homes, they lose their address and are no longer able to respond to administrative letters – *Pôle Emploi*, for example. However, if the person does not respond quickly to the requests of this administration, it is removed. He will then have to wait two months to make a new registration.

It appears that few people solicit help for their job search, especially because it does not seem to be able to – technically – take into account the specificity of the targeted beneficiary characterised by precarious housing. So that there is no help on what is outside the scope of "employment" even though we all know how much the environment and the context are crucial for a real insertion. It must therefore be emphasized that the language barrier is a major obstacle preventing people (the administrative staff and the applicant) from communicating (the wishes, the professional experience, the commitments that such a job entails, etc.). And unfortunately, it is common that the presence of associative workers during appointments is unauthorized even though their presence would facilitate understanding (both form and substance) of the exchange. It would also seem that "roms", like many people in France, are directly targeting potential employers rather than going through an intermediary structure.

First of all, it should be emphasised that childcare needs are great and shared by a majority of parents in France. And unfortunately, the lack of childcare facilities is a problem that affects all the populations living in France, testifying to the disinvestment of the State in its public service missions. Many "Roma" women are constrained to accumulate several jobs (e.g. housekeeper). These jobs, which are sometimes very far from their homes, are also exercised in staggered hours requiring a complex organisation, especially to bring/pick up children at school or to look after the youngest children.

It can be said that informal employment is the most common form of activity. It can be explained in particular by years of policies aimed at marginalizing the "rom" community (from "transitional measures" to forced evictions). These political practices for people perceived as "Roma" have – voluntarily – led the "Roma" people to marginality and to informal activities that have only reinforced the social, political exclusion of "Roma" in French society. Political measures (such as transitional measures, such as forced evictions

³⁹ "The insertion of Roma migrants in France: false problem, bad solutions?" Olivier Legros - July 2012 Geographer, teacher-researcher at the University of Tours, UMR Citeres (CNRS / University of Tours), member of the Steering Committee of 'Urba-Rom, European Policy Observatory for groups designated as Roma / Gypsies. <https://journals.openedition.org/humanitaire/1401#bodyftn8>

Olivier Legros, "The integration of Roma migrants in France: false problem, bad solutions?", Humanitarian [Online], 33 | 2012, posted on 06 November 2012, consulted on 05 November 2018.

⁴⁰ The domiciliation is the ultimate condition allowing the opening of rights, and conditions all formalities (registration at *Pôle emploi*, AME or CMU, etc.).

and without alternative housing, such as refusal of schooling, etc.) are structural obstacles to access to employment.

The question of informal employment is an important question since it reveals a pernicious situation that has been instituted by the French State and which today, as in the past, turns on the "Roma" and more generally on the all people living in poverty. Informal employment is appealing because it is not part of complex and cumbersome administrative procedures and does not involve any intermediary. Nevertheless, the *Pôle juridique* of the *Mouvement du 16 mai* has been repeatedly called upon in situations of abuse or exploitation. Due to the absence of a contract between the employer and the employee, the employer allows himself what he could not allow himself to do if there were a contract: non-payment of overtime, delay excessive payment, etc. Also, it seems that the employers have taken the "habit" of having recourse only to undeclared workers when it is a question of "Roma" in particular in the BTP. So today, it is difficult to work in a declared way. The employer then refuses to evade a contract of employment to hire "Roma".

To another extent, the work is not declared because it is part of informal activities of recycling objects. In a study conducted by Hugues Bazin, sociologist, for MIPES in 2012, he writes that the "*biffe*" describes a person in a situation of low resources assuming uncertainty management by having as a complementary or principal activity the recycling of objects and used and abandoned materials.⁴¹ These activities, although informal, allow these people to be financially self-sufficient.

⁴¹ "Study on the *biffins* in Ile de France", Stéphane Rullac, Project Manager, Hugues Bazin, Sociologist, Mehdi Semchaoui, Cartographer SIG, Christian Weiss, Biogeographer, May 2012. http://recherche-action.fr/ruesmarchandes/download/etude_sur_les_biffins_en_ile_de_france/Synthese_biffins_lot_2_4_juin_2012-2.pdf

HOUSING AND ESSENTIAL PUBLIC SERVICES

Addressing Roma's needs in spatial planning and access to basic amenities

Spatial planning and access to basic amenities are at the heart of the very definition of the group of people targeted by the public policies monitored in this report. As no formal and distinct strategy exists in France, the only references that allow to somehow identify the "Roma" in the sense of the EU Framework are related to housing. On one hand the EU-mobile Roma, called "migrant Roma" in France, are EU citizens of various backgrounds who are targeted through the policies on "illicit encampments and slums", not ethnic Rromani people per se. On the other hand, the "*gens du voyage*" are also not by definition French citizens of *Rromani* origin or effectively itinerant travellers, but those whose presumed traditional dwelling place is in caravans. In both cases, their housing conditions are in a tense relation with public spatial planning, which results in either total lack or poor access to basic amenities, and consequently seems to be the primary reason linking these two groups to a common "Roma inclusion policy".

A new law on "Equality and citizenship" entered into force in 2017 took into account the growth of local anchoring of the "*gens du voyage*" among others by counting the places of family lands for rent into the counting of social housing that local government have to offer.⁴² In the same period, a report of the French Court of Auditors pointed to the inadequacy of the policy of "hosting areas" that prevails as the institutional response to the housing of "*gens du voyage*". Here are a few findings contained in the report:

- The "hosting areas" are insufficient with regard to identified needs, but even so they are not fully used, because of their location far from urban facilities and because of the poor conditions of hygiene and security.
- Although they are meant for temporary stay, these sites are used more and more often permanently.
- Families in capacity to do so, buy unbuildable land (not zoned for construction) on which they park their caravans and/or mobile homes. As these do not have the necessary amenities, they use also the "hosting areas" where their relatives live and vice-versa.⁴³

The change in perspective introduced with the law on "Equality and citizenship", i.e. the importance given to family lands, is of course welcome, but its impact is not visible so far. In addition, the first chapter of the circular with which the minister of Interior explains the changes to the prefects on 19 April 2017 is entitled "A strengthening of the administrative procedure of formal notice and forced eviction provided for by article 9 of the law of 5 July 2000".⁴⁴ Such presentation, as well as the general tone of the circular, reduces any hope towards an improvement with regard to access for the "*gens du voyage*" to adequate housing.

The situation is worse for those considered visible EU-mobile Roma, who live in slums or in squats. The occupation of these lands or buildings is illegal. As a rule, the authorities

⁴² Law and « Equality and Citizenship » available at <https://www.legifrance.gouv.fr/affichLoiPubliee.do?idDocument=JORFDOLE000032396041&type=general&legislature=14>

⁴³ Court of Auditors report, 2017, available at <https://www.ccomptes.fr/sites/default/files/EzPublish/04-accueil-accompagnement-gens-du-voyage-Tome-2.pdf>

⁴⁴ Official bulletin of the Ministry of Interior, available at the government's website : https://www.gouvernement.fr/sites/default/files/contenu/piece-jointe/2017/06/circ_19_avril_2017_intd1705027c.pdf

refuse to offer the necessary amenities when they do not exist already. The spatial planning is a threat for those who live in such illegal conditions, and indeed the evictions on this basis are frequent, also in cases when no building or urbanisation project is to be implemented in a short time. To take the two most salient examples, no project is implemented on the location of the "Samaritain" slum in La Courneuve city, evicted in summer 2015, nor even on the location of the "Hanul" in Saint-Denis, evicted in summer 2010. These two slums, in the Paris region, were those who lasted the longest (i.e. several years).

Improving access to secure and affordable housing

French law sets an obligation on all municipalities with at least 5,000 inhabitants to build a "hosting area for the *gens du voyage*". These, as well as other facilities for caravans' parking are planned in the framework of a scheme decided at the level of the department, under the supervision of the prefect. Since the reform of territorial organisation in 2015, the competence for creating and managing these areas has been transferred to the Public Establishment for Inter-communal Cooperation, who bears since then this obligation including when none of their member municipalities has more than 5000 inhabitants. Indeed, only 69 per cent of the necessary places were created in 2015 according to the above-mentioned report of the Court of Auditors, which pointed out:

"The main technical barriers that impede the realisation of the hosting areas are the difficulty to mobilise the land in tense housing areas and, since 2008, the termination of financial support from the state, as a consequence of the law of 5 July 2000. But the principal reason invoked by the local mayors – beyond the investment costs estimated between 15,000 and 50,000 EUR per place of caravan, to be supported by the local government – remains the difficulty to make the population accept such a facility, especially in tense urbanisation areas".

The costs announced by the municipalities are indeed considerable, but this is because of the choice of the location, which as a rule is outside the "tense urbanisation areas" and therefore requires prior installation of facilities. For a long time, the main request of the "*gens du voyage*" is having access to lots to share in family groups.⁴⁵ The new law of 2017 mentions explicitly the "local anchorage" among the aspects to be considered during the departmental schemes of "hosting" and lists precisely such lots into the housing options that the communities of municipalities should offer to the "*gens du voyage*". As an incitement measure to apply this new policy, one of the application decrees included these lots into the counting of the social housing that municipalities are supposed to offer according to law.⁴⁶ However, no effects of this change are visible so far. The local powers remain indeed sensitive to the feelings of the majority population who, generally hostile to the "hosting areas", feels also the same for the family lots.

Often, "*gens du voyage*" buy agricultural land, which is more affordable, and install their caravans on them, as well as one or more small permanent structure. Such situations are not legal, but more often they are tolerated. However, they do not survive for a long time as this tolerance can be ended at any moment. This happens when local political power or policy changes and the responsible officials go to court. The courts decide then on the destruction of the illegal buildings and install fines. Such situations, more or less tolerated,

⁴⁵ Terrains familiaux et construction évolutive - pistes de réflexion, ASNIT, 2009, available on: <https://www.lagazettedescommunes.com/telechargements/terrains-familiaux-ASNIT.pdf>

⁴⁶ The law on solidarity and urban renewal, called SRU in French, obliges under certain criteria the municipalities to reach 20% or 25% of social housing by 2025, and if they do not fulfill their objectives they have to pay to the state certain amounts of money. Source: <http://www.cohesion-territoires.gouv.fr/transparence-logement-social>

are quite numerous in France, but as the law is always there, they look like time bombs. If local government has the power to legalise such situations, this almost never happens. At least, no such case is known. On the contrary, applications of "*gens du voyage*" for such legalising are rejected, while their neighbours' are most often accepted. Worse, in Mogneville for instance, about 70 km in North of Paris, the mayor delivered construction permits to families who have been living for a long time on the spot of the municipality, thinking that the revision of the planning would include them into the construction area. However, the revision was never adopted, and the case is pending currently before the court. The owners are requested to demolish their houses and the former mayor can also be punished. In another case, in Campsas, a village in Southern France for example, the municipality installed the necessary amenities, for which the occupants paid, and the lots became serviced. However, the legal status of the lands remains "agricultural" and therefore the installation remains illegal. In another village, La Bastide Saint-Pierre, the mayor exerts pressure on the occupiers to sell the agricultural land to the municipality and in exchange to benefit from family lots on rent. The recent law changes push actually such behaviours and such situations are to become more and more frequent, making families sell their owned land with a low price as it is not buildable, and having to pay a rent on managed family lots or caravans' areas.

In other words, access to secure and affordable housing is not really ensured for the "*gens du voyage*". The rare initiatives on behalf of the government generally meet resistance at the local level where they are supposed to be implemented. On the other hand, the initiatives of the "*gens du voyage*" themselves consist of solutions that are forbidden by law. The tolerance they often encounter on behalf of local authorities is fragile and precarious. This puts the people concerned in legal insecurity with serious consequences, both material and moral ones, as houses can be destroyed and they effectively are, after some years of legal procedures.⁴⁷ Mainstream social housing is generally accessible in the same way as for the majority population, but this option is not always suitable as it represents a too important change for the "*gens du voyage*".

The EU-mobile Roma are in a different situation. The two criteria that define them by the public authorities are their housing modality, slum or squat, and their nationality, citizens of Bulgaria or Romania. While the housing modality makes them both targets of a specific policy and thus, part of the scope of this report, the second one, - their nationality, puts them in a particular situation with regard to housing. Here too, political considerations and interests are central. Indeed, on the contrary of the "*gens du voyage*", the EU-mobile Roma are not culturally attached to any form of mobility apart from that as intra EU immigrants, nor to any particular housing that would distinguish them from the rest of the population. Living in slums or in squats is not a matter of tradition, but rather of affordability and opportunity. This is true also for those, less numerous, who live in caravans, like for instance in Western France (Nantes area). As a consequence, no particular response is needed to their housing situation as for traditional reasons. What puts them in a particular position is their nationality, the fact that they are foreigners.

According to the *Fondation Abbé Pierre*, 4 million people do not have adequate housing in France.⁴⁸ The number of EU-mobile Roma as defined in this report is lower than 20,000, which means that they represent less than 0.5 per cent of this category. However, they are significantly more visible and severely stigmatised. As usually they are found in big cities, in which there is a lack of social housing offer as compared to the demand, the local

⁴⁷ Essonne: nouvelle charge contre les constructions illégales, Le Parisien, 8th December 2016. Available at <http://www.leparisien.fr/essonne-91/essonne-nouvelle-charge-contre-les-constructions-illegales-08-12-2016-6431847.php>

⁴⁸ *L'état du mal-logement en France 2018 – rapport annuel #23*, Available at http://www.fondation-abbé-pierre.fr/documents/pdf/synthese_rapport_2018_les_chiffres_du_mal-logement.pdf

authorities hesitate to promote access to these foreigners for social housing. Most importantly, however, the issue of housing for EU-mobile Roma is treated as a collective one, if it is even considered. It is immediately related to the slums' and squats' evictions policy. Local authorities can decide sometimes to implement a project for the inclusion of some former inhabitants, and the main axe of the project is housing. The initiation of such projects requires certain political will and courage on behalf of the politicians at the local level. In the rare cases when this courage exists, it is limited, as are the possibilities of relocation to social housing. Therefore, access to social housing is not envisaged until after a transition period during which the selected beneficiaries are assisted by the "operators", private or public entities with experience on immigrants' integration that the local powers mandate to implement the projects, like *Adoma*, *Alteralia* but also smaller NGOs.

Until the beginning of 2018, the national framework on EU-mobile Roma was an inter-ministerial circular of 2012 on "anticipation and accompaniment of the operations of eviction of illicit encampments".⁴⁹ It was this circular that was considered as being the national strategy for Roma integration. It still plays such a role, but on 25 January 2018 it was complemented by a new "Instruction of the government for giving a new impetus to the clearance of illegal encampments and slums".⁵⁰ This instruction represents a clear improvement. It took account of the remarks of civil society both in terms of enlargement of the objective to the clearance of slums and in terms of specificity of the actions suggested to the State authorities at local level. It sets as a clear and timely objective: the clearance of the slums within five years, and gives orientations on housing, health, employment and education. The methodology for implementing this national policy is that of local partnerships, under the authority of the prefects. This new framework offers the local authorities a clearer view of the tools they can use for achieving the objective of slums clearance. However, its realisation depends on the willingness of the prefects. While some find new opportunities to improve the housing of slums' inhabitants, like for example the prefects of Isère and of Haute-Savoie, others simply do not use it but continue the repressive policy which has been enforced for years. The prefect of Seine-Saint-Denis for instance, the department with the highest number of slums, has not yet established by the end of the year 2018, the partnership that the government wanted to realise until by end of June 2018.

Effectiveness of housing benefits and social assistance to access and maintain housing

Housing benefits are granted in France according to several criteria with regard to the type of housing, the family composition and income, and for foreigners, depending on their status. The type of housing and the title of residing in the country are the relevant elements are decisive for Roma and the "*gens du voyage*" to access housing benefits.

In fact, anyone living in a caravan is not eligible for housing benefits. In an answer to a Member of the Parliament in 2016,⁵¹ the Minister of Housing and sustainable habitat explained this exclusion for reasons "of certain decency criteria to which the caravan does not respond". This exclusion concerns the caravans that are installed permanently in hosting areas. Other types of benefits exist for "temporary housing". This benefit is granted for caravans who park for limited duration in hosting areas and pay a fee to the

⁴⁹ *Circulaire interministérielle NOR INTK1233053C du 26/08/2012 relative à l'anticipation et à l'accompagnement des opérations d'évacuation des campements illicites*. Available at https://www.gouvernement.fr/sites/default/files/contenu/piece-jointe/2014/09/2_dihal_circulaire_du_26_aout_2012.pdf

⁵⁰ *Instruction du Gouvernement visant à donner une nouvelle impulsion à la résorption des campements illicites et des bidonvilles*, Available at : http://circulaire.legifrance.gouv.fr/pdf/2018/01/cir_42949.pdf

⁵¹ *Questions to the government*, « Aide au logement pour les gens du voyage », Available at <https://www.senat.fr/questions/base/2016/qSEQ160421229.html>

managing enterprises of these areas. Until 2015, its amount was calculated on the basis of the number of places created. Since 2015 however, a part of this cost depends on the occupation rate of these places. In her question to the government, the MP transmitted the demand of local governments and management enterprises of the areas to return to the ancient mode of calculation, as this represents a financial loss for them.

Apart from these benefits, which concern actually the place of the caravan, others concern the purchase of the caravan itself. These are granted by the CAF (family allowances funds), and as these funds are autonomous, their principle as well as their amount depends on the policy of each of them.⁵²

As for the EU-mobile Roma, housing benefit is impossible by definition, as squats and barracks in slums cannot be considered for housing benefits, nor caravans. The only possibility for such aids opens if the families benefit from some integration project and are relocated in a formally regular housing, be it temporary. This kind of benefits, which reduces considerably the rent fee, is crucial for the transition of this public from free housing, though in dire conditions, to a paying one, although the conditions are much better.

Social assistance is more or less accessible and more or less effective, for each of these two categories. Access to social housing for “gens du voyage” is rather facilitated, but the demand for such housing is relatively little. In some cases, families abandon such housing and return to caravans. The main reasons are the difficulty to adapt to this new type of housing and/or the insecurity of the areas where social residences are situated. Social assistance and services are less accessible for EU-mobile Roma, both for reasons of legal status and because of language barriers.

Fight against discrimination, residential segregation and other forms of antigypsyism in housing

Residential segregation characterises not only Roma and “gens du voyage”, but also other visible minorities in France. The slums’ clearance that was performed in the years 1970, which concerned mainly North-African and Portuguese immigrants and their families led to the creation of new residential areas in which they were grouped together. These areas, called “cités”, persist still today and generally they are the most deprived ones. Although the problems that this segregation brings are well known, no consistent policy has been undertaken so far to eliminate this segregation in housing.

It is in this context that Roma and “gens du voyage” are also, directly or indirectly pushed to segregated areas. Although the law requires that the hosting areas be close to public services, such as school, hospitals etc., they almost systematically are built outside the towns, and often in dangerous areas for the health and the security of the inhabitants.⁵³ The private lands that some families buy are also, most of the time agricultural ones, and thus segregated. EU-mobile Roma, on the other hand, most often live in segregated areas too, as slums are built in abandoned areas. Although the intention to offer adapted housing solutions is affirmed in laws and policy documents, such as the law on Equality and Citizenship or the Government instruction of 25 January 2018 on illicit encampments and slums, this intention very rarely translates into effective action. The antigypsyist attitude

⁵² *Les gens du voyage peuvent-ils bénéficier d’une aide financière de la CAF pour l’achat de leur caravane?*, Liberation, 23 August 2018, Available at : https://www.liberation.fr/checknews/2018/08/23/les-gens-du-voyage-peuvent-ils-beneficier-d-une-aide-financiere-de-la-caf-pour-l-achat-de-leur-carav_1673569

⁵³ Foisneau L. Dedicated Caravan Sites for French Gens du Voyage: Public Health Policy or Construction of Health and Environmental Inequalities?. *Health Hum Rights*. 2017;19(2):89-98. Abstract available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5739359/>

is the main cause of this situation, which is created by public authorities' action in the case of hosting areas for the gens du voyage and by inaction in the case of the slums and of private lands unfit for living. Temporary housing offered in the frame of integration projects for people living in slums is often segregated. Strasbourg is regularly cited as an example of achievement, but there, a group of dozens of families were first located in an former military site, called "*Espace Hoche*", isolated in the forest for four years,⁵⁴ before being transferred to a new site closer to the city, in December 2017. The conditions in this new site also seem to be questionable, as nine months after their installation, an accident with the electricity resulted in the death of one young father. Called by the family members, the firefighters could not find the site because it was not referenced on any maps.⁵⁵

Improving housing conditions and regeneration of deprived neighbourhoods

The housing of the population considered in this report is very particular, thus, the improvement of the conditions is specifically problematic. Indeed, one can distinguish here two types of housing: the managed ones and the self-managed ones. The managed ones are constituted of hosting areas for the "*gens du voyage*" and of temporary areas / sites for EU-mobile Roma who are beneficiaries of integration projects. The self-managed ones are constituted of all types of housing, from slums of barracks to squatted apartments and houses. This category includes also the non-buildable parcels that "*gens du voyage*" have bought and on which they have parked for several years, more often decades, but which are illegal because they are in non-buildable areas and even the caravans cannot be parked on such areas for more than three months without authorisation. While one can logically expect the managed housing to offer better conditions, this is not necessarily the case. Indeed, if many hosting areas of the "*gens du voyage*" are not used, it is also because of the bad sanitary conditions that prevail in most of them.⁵⁶ These conditions are generally improved when EU-mobile Roma pass from slums to managed areas in the framework of the rare integration projects. In the case of the managed areas of the gens du voyage, as for the self-managed housing, be this barracks, squats or caravans, including in the cases when the occupants are owners of the land, the authorities do not intervene for improving the housing conditions. Actually, such intervention would give certain legitimacy to the installations, although they would still remain illegal. The case of Campsas, mentioned before, where, - on the charge of the owners, - the municipality installed the services on an agricultural land is exceptional. In the case of the Samaritan slum in La Courneuve, close to Paris, in 2015, the municipality refused any discussion with the promoters of a project consisting of improving the living conditions and a progressive relocation of the inhabitants.⁵⁷ There as elsewhere, before the poor conditions of housing, the authorities prefer to use them as legal justification for eviction orders.

The case of Perpignan is particularly interesting when it comes to regeneration of deprived neighbourhoods. In this city of Southern France, an important *Gitano* community lives in the city centre, in the historical quarter of Saint-Jacques. Although central, the quarter has been neglected for too long and the buildings have become quite insecure in terms of

⁵⁴ L'espace Hoche : l'insertion au milieu de nulle part <https://www.rue89strasbourg.com/lespace-hoche-linsertion-au-milieu-de-nulle-part-76793>

⁵⁵ Electrocution dans un foyer pour Roms à Cronenbourg : les conditions d'accueil en question <https://www.rue89strasbourg.com/electrocute-dans-un-foyer-pour-roms-de-cronenbourg-les-conditions-daccueil-en-question-142270>

⁵⁶ Foisneau L. Dedicated Caravan Sites for French Gens du Voyage: Public Health Policy or Construction of Health and Environmental Inequalities?. *Health Hum Rights*. 2017;19(2):89-98.

⁵⁷ La Courneuve expulse son plus ancien bidonville, Libération, 27 August 2015 https://www.liberation.fr/societe/2015/08/27/la-courneuve-expulse-son-plus-ancien-bidonville_1370611

health and security. In the summer 2018, the municipality has started the demolishing process, but the inhabitants blocked the work. While renovation is needed, groups of preservation of the traditional architecture deem demolition unnecessary. As per the community, they fear to be evicted from this quarter in which they have lived since 1941 and will not to be able to return to the new buildings. The outcome of this situation remains uncertain,⁵⁸ but the years-long neglecting of this quarter of the city centre can hardly be explained by any other cause than the ethnicity of its inhabitants. Given all the diversity of the players and the energies in this case, it is regrettable that the municipality did not coordinate them for a human and responsible renovation of the neighbourhood.

⁵⁸ À Perpignan, l'épineuse réhabilitation du quartier gitan, La Croix, 27th August 2018, <https://www.la-croix.com/France/A-Perpignan-rehabilitation-quartier-gitan-seme-discorde-2018-08-27-1200964143>

IMPACT OF HEALTH CARE POLICIES ON ROMA

Ensuring equal access to public health care services

Despite some challenges, such as the insufficiency of doctors and the difficulties it can cause, the French public health system is known for its quality and its accessibility, in terms of legal framework. Health insurance is general and the most indigent are offered also the supplementary health insurance and can access all the health services for free.⁵⁹ In general Roma have equal access to public healthcare services as non-Roma. Some difficulties might rise with EU-mobile Roma as a consequence of their legal status of residence. Indeed, the health insurance is related to the employment or occupational status and therefore those who have not a regularly declared occupation are not registered as health insurance beneficiaries. However, a special regime exists for the foreigners who live in France with no permit residence or right to stay, called "medical aid of the state", - more known under its French acronym AME (for "*aide médicale d'Etat*"). Under the condition of a residence in France longer than three months and a condition of resources, foreigners can benefit from this regime which covers 100 per cent the expenses of medical care services.

However, despite this rather inclusive legal framework, particular challenges exist both for the EU-mobile Roma and for the national "gens du voyage". These are due to prerequisites, including, but not only insurance. In fact, the domiciliation is one of the conditions for registering with the health insurance system. The gens du voyage and the EU-mobile Roma are in a particular situation in this respect, as they do not inhabit in fixed addresses and therefore need administrative domiciliation. The municipalities have the legal obligation to provide with such domiciliation any person who proves inhabiting in fact on its territory. However, their centres of social action are often reluctant to do so for the "*gens du voyage*" or apply the law strictly and radiate them from the lists if they are absent for three months. Concerning the EU-mobile Roma, the irregularity of their residence is opposed to them as a reason for refusing their right to be domiciled administratively. As a consequence, many are domiciled within associations which are agreed by the prefectures. Lately, the national centre of health insurance created a special centre for inactive EU citizens residing in France. Situated in the city of Nîmes, in Southern France, this centre centralises all the applications of EU citizens with no professional activity that reside in France, which until then were processed by the local centres, in each department. This measure was intended to improve and accelerate the processing of the applications, but it resulted in longer delays.⁶⁰ Additionally, to this change, applicants from EU countries are now requested to provide a written proof of their non-registration in the health insurance system of their countries of origin, which is one more complication for particularly excluded people, as the EU-mobile Roma.

Administrative difficulties due to the generally low level of education among the "gens du voyage" and of EU-mobile Roma are not limited to insurance procedures only. They concern also the recourse to health services and the follow up. The lack of information on these services, as well as on specific health issues, mentioned in a "State of play of the actions undertaken for the health of the 'gens du voyage' in 2012-2013" by the FNASAT

⁵⁹ Presentation de la CMU-C <https://www.cmu.fr/cmu-complementaire.php>

⁶⁰ Observatoire de l'accès aux droits et aux soins dans les programmes de Médecins du Monde en France, Rapport 2017, available at : <http://www.romeurope.org/wp-content/uploads/2018/10/Rapport-Observatoire-acc%C3%A8s-aux-droits-soins-MDM-oct-2018.pdf>

network⁶¹ remains valid five years after its publication, especially in what concerns the role of mediators.

Fight against discrimination and antigypsyism in health care

Health care services are those where discrimination or antigypsyism is the less probable, and as a matter of fact no problem has been signalled. The language barrier can be another obstacle to accessing public health services, but in case of necessity, these use also in-distance interpretation services. Such practices are however rare, as they are costly. The fact that clear discrimination or antigypsyism are not identifiable as no signal reaches the institutional or civil society bodies in charge with these issues should not however be interpreted as evidence that these phenomena do not exist. The precariousness that makes access to health care services difficult is in itself a result of the discrimination against Roma.

Addressing needs of the most vulnerable groups among Roma

The most vulnerable groups in terms of health are usually pregnant women, children and, in some cases, like flu epidemics, the elderly. When it comes to Roma, as considered by public policies, age or pregnancy is not the only factor of vulnerability, and even not the most important. In fact, their living conditions constitute the first factor of vulnerability to illnesses: not only do they act as catalysts to pathologies, but often they cause them. In self-managed areas, access to clean water is often missing and in some cases, people use sources that are polluted with pesticides used in the surroundings. Cancer cases in some locations seem to be directly related to this cause. In other cases, it is the polluted air that causes such serious pathologies.⁶² In a case reported in Northern France, it is in the managed hosted area that the frequency of illnesses makes credible the hypothesis of air pollution as being their cause. This area was built in 2005, for families that were installed with their caravans about forty meters from a cement factory since 2000, without any authorisation but tolerated. The regularisation of this situation meant also installing the families much closer to the cement factory, about ten meters. Since a few years, a group of women among the inhabitants advocate for being rehoused in healthy conditions but their request has not succeeded so far.

As for the around 15,000 EU citizens that live in slums, a report on the programmes led in France by the Doctors of the World in 2017 recalls that half of these slums had no access to clean water nor to waste treatment and that three fourth of them had no electricity.⁶³ The dire living conditions in these sites, combined with the lack of domiciliation and of health insurance, as well as the recurrent evictions make the right to health inefficient for the inhabitants of slums, according to this report. Indeed, this specialised NGO notes a high frequency of digestive, dermatological, respiratory and osteo-articular disorders which reflect the unhealthy living conditions these people are forced to live in.

In addition, the too frequent evictions have an important impact on the health of the EU-mobile Roma who live in slums. Living in constant stress of being evicted, they are put in

⁶¹ Etat des lieux des actions de santé menées auprès des Gens du voyage – Réseau FNASAT 2012 – 2013, available at <http://www.mediation-sanitaire.org/wp-content/uploads/2015/04/%C3%A9tat-des-lieux-sant%C3%A9-gdv-ASAV.pdf>

⁶² Gens du voyage: la relégation des indésirables, La Brique, 19th September 2017, available at <http://labrique.net/index.php/thematiques/droit-a-la-ville/923-gens-du-voyage-la-relegation-des-indesirables>

⁶³ Observatoire de l'accès aux droits et aux soins dans les programmes de Médecins du Monde en France, Rapport 2017, available at : <http://www.romeurope.org/wp-content/uploads/2018/10/Rapport-Observatoire-acc%C3%A8s-aux-droits-soins-MDM-oct-2018.pdf>

the impossibility of going through long term processes, including in terms of health care, including prenatal health care.⁶⁴

⁶⁴ *Ibid.*

EDUCATION

Improving access to quality preschool education and care

At the time of writing this report, education is compulsory in France from the age of 6, that is to say that schooling for children in kindergarten is not a duty for parents. However, if the parents wish to send their child to school from the nursery school, the school must be able to enrol the child provided that the school is able to accommodate him. The President of the French Republic, Emmanuel Macron, announced in March 2018 that as soon as the next school year (September 2019) the obligation of instruction would concern now children from three years old. In parallel, in September 2018 Emmanuel Macron presented a national plan for the prevention and the fight against poverty in which what is of the childhood is central since according to the figures of INSEE (2015) there would be 3 million poor children in France. In this strategy, mention is made of the desire to allow parents to have their children looked after (nursery or maternal assistant) by increasing available places, for example. However, these structures (crèches or maternal assistants) are not addressed to people living in very precarious habitat to the extent that their cost remains high and that taking care of their young children can be assured by the family.

Concerning the enrolment of young children in kindergarten (from 3 to 6 years old) this one (like that of primary and secondary) meets many administrative and political obstacles. The schooling of a child under 6 years is not a parental obligation, the fact remains that the establishment that is requested by the family must respond favourably. According to the *Code de l'éducation*, "every child must be able to be admitted, at the age of three, to a kindergarten or a child class as close as possible to his home, if his family so requests."⁶⁵ If the school refuses to enrol the child in kindergarten for lack of place - this is the only condition - the latter must justify it. However, in the majority of applications for enrolment in kindergarten, the institution refuses in the name of "no obligation to school a child under 6 years" or due to lack of space, otherwise unjustified. Thus, we can note that in a city in the Ile-de-France, Athis-Mons, the mayor implicitly refused the request made in August 2017 for schooling of children (kindergarten and primary). This decision of the mayor was dismissed by the *Tribunal Administratif* of Versailles in March 2018. In the decision made public in March 2018, it is written that:

"Considering that it follows from these provisions and the principle of equal access to the service public, that the mayor of Athis-Mons could not legally refuse to accept a child in a nursery school for a reason based on the mode of housing or the difficulties of adaptation of the children not speaking French".⁶⁶

One can also refer the decision of the *Defender of the rights*, dated 27 March 2017,⁶⁷ on the refusal to enrol children living in a social hotel in kindergarten.⁶⁸ This decision emphasizes that this refusal, formulated in July 2016, constituted discrimination based on place of residence, economic vulnerability and origin. The family had, in fact, made the request for schooling in the municipality where their social hotel was located and not in

⁶⁵ cf. *Code de l'éducation*, article L. 113-1.

⁶⁶ Jugement du Tribunal Administratif de Versailles, datée du 1er mars 2018.
<http://www.romeurope.org/wp-content/uploads/2018/03/TA-Versailles-15-mars-2018-Athis-Mons-refus-maire-maternelle.pdf>

⁶⁷ Décision du Défenseur des droits n°2017-091, datée du 27 mars 2017.
https://juridique.defenseurdesdroits.fr/doc_num.php?explnum_id=16504

⁶⁸ It is stated here that the Defender of Rights has already reminded the law of the same town hall for the same type of refusal for children of Nigerian nationality.

the municipality where it had an administrative domicile. Their application was refused on the grounds that enrolment in kindergarten was not mandatory. The opinion of the *Defender of the rights* reminds that "an administrative domiciliation in an external municipality cannot prevent the school enrolment in the municipality of residence, any more than a school registration in the municipality of residence cannot be subordinated to an administrative domiciliation in this municipality".⁶⁹ Also, this notice emphasises that "without the instruction being compulsory for children under 6 years, the code of education gives them a right to be welcomed in the school closest to their home, if the parents want it."⁷⁰

As we clearly see from these illustrations, requests for schooling very often face refusals from mayors who have the power, given by the state, to educate children present in their municipality. One might think that the new measure, which aims to make education compulsory from the age of three, will have a positive impact on the schooling of young Roma children in kindergarten. Nevertheless, the problem is not so much with the age of these children as with discrimination, particularly based on insecurity and housing.

Concerning the schooling of young children from the community of "*gens du voyage*", it can be said that it is framed by various circulars which aim to ensure, in principle, a right to schooling "under the same conditions as the others, whatever the duration and the terms of parking and housing, and respecting the same rules". Take the example of the circular n°2012-142 of 2 October 2012,⁷¹ which relates to the schooling and schooling of children from homeless families and "*gens du voyage*". The latter repeals circular n°2002-101 of 25 April 2002 and aims "to encourage the regular attendance of a school as early as kindergarten, an essential stage of schooling, to improve the schooling of these students and to prevent drop-out".⁷² It affirms the interest of a school booklet that allows giving continuity to schooling.

Improving quality of education until the end of compulsory schooling

In France the schooling of Romani children who live in precarious housing (slum, squat, social hotel) is faced with many obstacles. No exhaustive and accurate study is able to say how many Romani children are not going to school. However, according to a study published in 2016 by the "Collective for the Rights of Roma Children in Education" (CDERE), conducted among 161 young people living in precarious housing and six different regions, 53 per cent of adolescents interviewed were not in school. The "Inter-ministerial delegation to housing and access to housing" (DIHAL) has also tried to assess the number of children living in slums attending school and it estimates in 2013 that a third of the 2,000 of these children are not attending school.⁷³ A forum published in September 2018 by a collective notes that "80 per cent of children living in slums and squats are not in school".⁷⁴

⁶⁹ *Ibid.*

⁷⁰ *Ibid.*

⁷¹ Scolarisation et scolarité des enfants issus de familles itinérantes et de voyageurs: http://www.education.gouv.fr/pid285/bulletin_officiel.html?cid_bo=61529

⁷² *Ibid.*

⁷³ "Moins d'un jeune Rom sur deux va à l'école", article publié sur le journal *La croix* le 28/09/2016. <https://www.la-croix.com/France/Exclusion/Moins-jeune-Rom-deux-lecole-2016-09-28-1200792203>

⁷⁴ "Rentrée scolaire : de trop nombreux enfants à la porte de l'école", tribune publiée dans le journal *Libération*, le 17 septembre 2018. https://www.liberation.fr/debats/2018/09/17/rentree-scolaire-de-trop-nombreux-enfants-a-la-porte-de-l-ecole_1678655

These figures, even if they are esteemed, reveal a worrying reality for these children, for their parents and also for the future of these young people, who are denied any opportunity to build a future for themselves sustainably in France. Yet on the occasion of an inquiry on this topic of Anina Ciuciu – a young French and *Rromani* woman who ran the senatorial elections of September 2017 – during the 2017 presidential campaign Emmanuel Macron had shown his interest in this issue and more broadly, he had said that primary school would be a priority for him so “that all students know how to read, write and count when they arrive in the sixth grade”.⁷⁵ While the President of the Republic, Emmanuel Macron, has put in place certain measures that show a certain concern for education, the fact remains that nothing concrete has been done to overcome the difficulties faced by the families concerned.

The obstacles are multiple and come from various authorities. The administrative registration at the school is under the authority of the mayor, on behalf of the State (nursery and primary), the *Conseil départemental* (college) and the *Conseil régional* (high school). The conditions that ensure a good reception in the school and a good progress of the schooling are responsibilities that are shared between different actors (director of the school, teachers, mediators, prefect, etc.).

The difficulties encountered by the families and the mediators who accompany them in their efforts are those related to the administrative registration. In fact, in a large number of municipalities, mayors do not respect their obligation to identify the number of children present in their municipality and of school age. This lack has the direct consequence of not meeting the real needs in terms of opening of classes or recruitment of teachers but also in terms of visibility of vulnerable populations present in the municipality. Here the *Defender of the rights* recommends “to specify, by regulation, the operational modalities resulting from the obligation incumbent upon mayors to identify children of compulsory school age, especially the most vulnerable children settled in precarious habitats”.⁷⁶

But where the difficulties are the most significant are those that affect the administrative domiciliation or the completeness of the file. Cases are reported to the *Pôle juridique* of the *Mouvement du 16 mai*, which testify to “counter refusals” on the grounds that the families’ file is incomplete. Sometimes even parents who have filed a file have no response to their request or have no idea why the mayor refused registration. Yet administrations should provide at least a document attesting to the filing and taking into account of the file or even a receipt of refusal of the file, justifying the reasons for refusal. In fact, this is not the norm. Also, the *Defender of Rights* has reminded many (about 16 decisions of the *Defender of Rights* made public between 2009 and January 2018) prefects of their obligation to take the place of mayors who illegally refuse enrolment of children in primary schools. Also, the list of documents to provide makes possible interpretations. If on the website of the public service⁷⁷ it is well written that it is necessary to provide a piece of identity (family record, birth certificate, etc.), a recent proof of residence and a document attesting vaccinations, the information do not specify what is meant by “proof of residence”, and does not say that the child must be admitted provisionally to a school. Regarding proof of residence, people who live in a slum cannot provide proof of home type invoice, receipt of rent. However, many city councils consider that only these documents are true evidence even that “the Ministry of National Education has indicated that the proof of domicile could be established by any means and was therefore not limited to the only

⁷⁵ *Ibid.*

⁷⁶ *Rapport droits de l'enfant 2016 - L'égalité des droits devant l'école*, chapitre 1 : “le droit à accéder à l'école” http://romeurope.org/wp-content/uploads/2017/02/rapport_obligations_des_maires_chapitre_1.pdf

⁷⁷ <https://www.service-public.fr/particuliers/vosdroits/F1864>

administrative domiciliation (OJ Senate of 19/08/2010 page 2127)⁷⁸.⁷⁹ The reasons why mayors make such illegal decisions are very often political and for electioneering purposes. Some mayors “assume” their refusal decisions, as was the case in Saint-Ouen⁸⁰ or Maubeuge and put forward that, to educate these children would be to tolerate or even legitimize the presence of these illegal dwelling places. So that, in the face of this situation, it should be remembered – what the *Defender of the rights* does besides – to the administrations that the prefect must take the place of the mayor when the latter escapes his obligations and that the academic directors (administration of the National Education) and school heads have the obligation to provisionally admit any child to school. What school directors do not know or practice very rarely.

Access to education – kindergarten, primary – is therefore conditioned, in France, administrative procedures. Parents must take these steps with the town hall who will issue them a certificate of registration to present to the sector school. This approach seems simple, but it is not in fact accessible to all, especially those who do not speak French well, or for those who are far from public services and administrative procedures. In this sense, the work of the school mediators, we can here refer to the work that leads the association *Aset 93 (Association pour l'Aide à la scolarisation des enfants tsiganes en Seine-Saint-Denis)*, is essential for these families since it makes it possible to make the link between the families and the institutions concerned. Also, their work of information and sensitization directly on the places of life of the people can arouse desires of school.

We will come back later to the central role of the work of the mediators, relying in particular on the work carried out in the department of Seine-Saint-Denis by the association *Aset 93*.

However, administrative obstacles may be removed and the registration at the school is effective. Nevertheless, the conditions of a good reception for the child are not always met. Indeed, access to school meals (“the canteen”) is not always possible or the rate applied to it is not always adapted to the means of families. On 3 July 2018 the administrative court of Montreuil sentenced the city of Villemomble for “its refusal to enrol three schoolchildren in his commune for school catering services for 2017-2018”.⁸¹ This municipality required in the regulation for access to school meals that families provide a set of supporting documents, which exceed the legal framework and are likely to create discrimination based on their place of residence. However, the adoption of the new article L.131-13 of the Education Code (amended by the Equality and Citizenship Law on 27 January 2017) states that “the registration of primary schools in the canteen, where this service exists, is a right for all schoolchildren. It cannot be established any discrimination according to their situation or that of their family.”⁸² However, the mayor of Villemomble refused to repeal the contentious article of the regulation, which orders him however the court. The *Ligue des droits de l'Homme* (LDH) has therefore seized the administrative

⁷⁸ “Inscription à l'école primaire et domiciliation fictive”, le 8 juillet 2010
<https://www.senat.fr/questions/base/2010/qSEQ100714346.html>

⁷⁹ *Rapport droits de l'enfant 2016 - L'égalité des droits devant l'école*, chapitre 1 : “le droit à accéder à l'école” http://romeurope.org/wp-content/uploads/2017/02/rapport_obligations_des_maires_chapitre_1.pdf

⁸⁰ Rapport du Pôle analyse du Mouvement du 16 mai “Interdits de cité” http://la-voix-des-roms.agence-presse.net/files/2017/01/rapport-ardoin_vs-webcompressed.pdf ”

⁸¹ “Le droit à la cantine de tous les enfants scolarisés sans discrimination confirmé par la justice !”
<http://www.romeurope.org/le-droit-a-la-cantine-de-tous-les-enfants-scolarises-sans-discrimination-confirme-par-la-justice/>

⁸² Loi n° 2017-86 du 27 janvier 2017 relative à l'égalité et à la citoyenneté,
<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000033934948&categorieLien=id>

court of Montreuil and the latter has granted the request of the LDH.⁸³ In the space of three months, this municipality was sentenced twice. The association *Aset 93* works with families and public authorities to overcome the obstacles previously developed. Two school mediators are mobilized with “*rroma*” families who live in a slum, squat or social hotel to raise awareness about the school, support them in their efforts and monitor the progress of schooling. Their work is essential in a department such as the Seine-Saint-Denis where access to public services is very complex. *Aset* is a national association that is located in a number of territories.

The *Rromani* association *Prales* is also a reference in the accompaniment of children in the PACA region (Provence-Alpes-Côtes d’Azur). In particular, it offers a reception centre to provide homework help for children. As for the state, what it offers is financial assistance to offset the cost of supplies: school bags, pencils, clothes, etc. It is necessary to build a file to access these aids that are unknown by most people who are remote from accessing their rights to the following: back to school allowances, college scholarship, high school, etc.

Too many times a thorough work has been done with families and public authorities, which may have resulted in schooling but then, an expulsion is scheduled and ends the efforts of all in vain. The feeling of the school mediators has long been that they are “working for nothing”, because everything is rendered obsolete a few weeks later. Today, France has a text (Instruction of 25 January 2018) supplementing the Circular of 26 August 2012. It is still a little early to assess precisely the scope and implementation of such a document. We civil society, remain attentive to the application of this text which calls for the implementation of working groups including schools.

School attendance should be a priority and as we have seen it is not effective in many cases. Nevertheless, when there is schooling, it is necessary to redouble the attention so that children are diligent in school to prevent dropping out of school. The work of the school mediators should be able to contribute to this particular attention, but the bulk of their work remains on access to school because of the many obstacles. Schools should also be vigilant about these issues in the same way as they are for other communities. So that according to a study⁸⁴ (study of 161 young people living in 34 slums and squats from November 2015 to July 2016) conducted by the CDERE - Collective for the right of Roma children to education *CDERE-Romeurope*) of the study -, 96% of adolescents (16-18 years) are with no schooling. Indeed, if the fight against school dropout has been a national priority incarnated with the national plan “All mobilized against dropping out of school,”⁸⁵ young people living in precarious housing are not part of such a plan. What this situation underlines (absence, discontinuity, failure of schooling) is also the poor coordination or the impossible coordination between the different actors of these situations: children, parents, teachers, public authorities including National Education. This absence - there are counter-examples that could serve as “good practices” – puts individual actions in difficulty and perpetuates a situation of lawlessness.

The schooling of children who do not have a good command of French or have not had prior schooling is affected by specific arrangements: “*Unités Pédagogiques pour Élèves Allophones Arrivants*” [“Teaching Units for Allophone Students Arrivals”, (UPE2A)]. The latter being devices in which these children learn at their own pace with a more individualized pedagogy. They allow these children to access skills that will allow them to

⁸³ Ordonnance du Tribunal administratif de Montreuil datée du 12 septembre 2018
https://www.gisti.org/IMG/pdf/ldh_cantines.pdf

⁸⁴ Report “study on the education of young people aged 12 to 18 years” http://romeurope.org/wp-content/uploads/2016/09/etude_cdere_ados_bidonville_ecole_impossible.pdf

⁸⁵ Dossier de présentation du plan national “Tous mobilisés contre le décrochage scolaire”
http://cache.media.education.gouv.fr/file/11_Novembre/10/9/2014_decrochage_scolaire_DP_369109.pdf

more easily reach their home class. Teachers of UPE2A classes are supposed to benefit from training and have specific skills, however in some French departments it seems that this is really the case. This observation is part of the inequality of territories in terms of access to rights and public services (especially in the department of Seine-Saint-Denis for the Ile-de-France but also in other major cities).

We can also mention the negative representations assigned to these devices that lead to a form of side-lining the teachers who practice in these classes and the students who attend them (the student can attend up to two years this device). Even though this device is a kind of gateway to ordinary schooling, it can also become a "specific education for specific children" which can lead to the stigmatization of these children and their confinement in a category of student. Also, in the school environment children and their Roma parents or perceived as such very often suffer the racist remarks of other parents of students. Even if the children are not always friendly to each other, it is appropriate - which is already the case in some establishments - to be particularly attentive to the remarks made with regard to these children, who say then that they "are not worth anything" and that "their place is not in school", etc. Despite the benevolence of some teachers, "students from homeless families and 'gens du voyage'" also face stigma when they arrive in a new class. Certain measures favouring the inclusion of these children in ordinary classes exist as is the case in the Lille region. "A dozen devices for children of the trip have been set up in the Lille Academy⁸⁶." Another device is frequently used by families of "gens du voyage" wishing to ensure the continuity of schooling: remote support implemented by the "Centre National d'Enseignement à Distance" (CNED) and the reference school. A final measure, which concerns both children of "gens du voyage" and children living in precarious housing, is that of the "Section d'Enseignement Général et Professionnel Adapté" (SEGPA⁸⁷) class. This class is addressed to "pupils with serious and persistent academic difficulties that could not be remedied by prevention, assistance and support".⁸⁸ If this device is part of secondary school education, there may be a focus of the child from the CM1 (primary) class. If such a device works, care should be taken to minimize the stigmatizing character that it conveys. Many teachers are critical of such devices as long as they represent the unique educational future of these children.

The *Antennes Scolaires Mobiles* (ASM) are a vital resource for the National Education, which does not take advantage of the work done by these professionals of education. In the Circular of 2012 on "schooling and schooling of children from homeless families and 'gens du voyage'",⁸⁹ it states that "mobile school antennas assume, where they are present, a temporary mission of schooling and link to the school. school for students and families whose relationship to the school system is precarious". Indeed, the ASMs working with the Aset 93 association⁹⁰ move with a "school truck" on different types of precarious

⁸⁶ Maurine Billet. "La scolarisation des enfants du voyage en milieu ordinaire et la relation école-familles de voyageurs" https://fnasat.centredoc.fr/doc_num.php?explnum_id=817.

⁸⁷ "Classes des sections d'enseignement général et professionnel adapté", arrêté du 21-10-2015 - JO du 24-10-2015 et du 25-10-2015 http://www.education.gouv.fr/pid285/bulletin_officiel.html?cid_bo=94714

⁸⁸ "Enseignements généraux et professionnels adaptés dans le second degré : SEGPA et EREA". <http://eduscol.education.fr/cid46765/sections-d-enseignement-general-et-professionnel-adapte.html>

⁸⁹ Circulaire "Scolarisation et scolarité des enfants issus de familles itinérantes et de voyageurs" publiée le 2 octobre 2012 http://www.education.gouv.fr/pid285/bulletin_officiel.html?cid_bo=61529

⁹⁰ Article du journal Le Monde, le 12 mars 2017 "Le rêve d'école des enfants des bidonvilles de Seine-Saint-Denis", https://www.lemonde.fr/education/article/2017/03/12/le-reve-d-ecole-des-enfants-des-bidonvilles-de-seine-saint-denis_5093263_1473685.html

Business Review of the association "Aset 93", https://docs.wixstatic.com/uqdf5ed89_ef5cf3966bcc41c6be0fa72418a8a382.pdf

habitats in order to offer children a preparation for school (basic knowledge in particular) to give to the child of time to learn to "become a pupil". Thus, the teachers write that "the school truck is not a school, it is a gateway to the school."⁹¹

Support of secondary and higher education particularly for professions with high labour market demand

As you will understand, access to high school and university is not enough for young people living in precarious housing (slum, squat, social hotel) and the number of young people "rroms" who attend these establishments we have no figures (no ethnic statistics in France). According to one estimate, only 4% of young people aged 16 to 18 are in school.⁹² Thus the authors (Collective for the right of Roma children to education *CDERE-Romeurope*) of the study - study of 161 young people living in 34 slums and squats from November 2015 to July 2016 - on the education of young people aged 12 to 18 years, "The lack of diploma and professional training that can be deduced from these data corroborates the idea of sacrificed destiny."

Fight against discrimination, segregation and other forms of antigypsyism in education

The location of precarious settlements (shantytowns, squats, social hotels) is not always located in the "Priority Neighbourhoods of the City" (*Quartiers Prioritaires de la Ville*, QPV) and therefore do not benefit from an inscription in specific city policies. "Reception areas" are also absent from such neighbourhoods. Schools that have a UPE2A class are very often registered in the "priority neighbourhoods of the city" because these classes are related to the location of migration within the city and this is historic.

Recently the mayor of the commune of Saint-André (North) was sentenced by the administrative court of Lille. The judge then, on 27 July 2016, ordered the mayor to proceed to the registration of a nine-year-old child, giving him a period of 15 days.⁹³ However, as the mayor did not execute the order - in other words, he did not proceed to registration - the judge hearing the application for interim relief was seized and then pronounced a penalty of 1,500 EUR per day while the child is not registered.⁹⁴ It is also mentioned that the *Cour de Cassation* issued a judgment on 23 January 2018 concerning the education of children living in slums.⁹⁵ Indeed, the latter is part of a procedure that commits the mayor of the town Sucy-en-Brie and its services and families to which the mayor had refused in 2015 the right to school. Families and their supporters "*Collectif Romeurope 94*" estimated it was a case of discrimination based on the real or supposed origin of these children as well as their place of residence."⁹⁶ While the families had been dismissed at first instance and before the *Court of Appeal*, they appealed on points of law. The order published 23 January 2018 "breaks and cancels the judgment of the *Court of Appeal*, saying that it should have verified whether the refusal to families, on the grounds of lack of proof of residence within the application file, did not constitute discrimination

⁹¹ "Camion école". <https://www.aset93.com/trouver-un-talent>

⁹² Report "study on the education of young people aged 12 to 18 years" http://romeurope.org/wp-content/uploads/2016/09/etude_cdere_ados_bidonville_ecole_impossible.pdf

⁹³ Ordonnance du Tribunal administratif de Lille, datée du 27 juillet 2016. http://romeurope.org/wp-content/uploads/2016/09/decision_ta_lille_27.07.16.pdf

⁹⁴ Ordonnance du Tribunal administratif de Lille, datée du 16 septembre 2016. http://romeurope.org/wp-content/uploads/2016/09/decision_ta_lille_scolarisation_06.09.16.pdf

⁹⁵ Arrêt de la Cour de Cassation en date du 23 janvier 2018, http://www.romeurope.org/wp-content/uploads/2018/02/arret_Cour_Cassation_23_01_18.pdf

⁹⁶ "La Cour de Cassation rend un arrêt positif sur la scolarisation des enfants vivant en bidonvilles !" <http://www.romeurope.org/decision-positive-de-cour-de-cassation-scolarisation-enfants-vivant-bidonvilles/>

based on the children's belonging to the Roma community and their place of residence".⁹⁷ At the European level, France is also condemned concerning the schooling of Roma children living in shantytowns. We refer here to the decision⁹⁸ of the European Committee of Social Rights (ECSR) which, following its referral by the European Roma and Travellers Forum, condemned on 5 December 2017 France for "violation of the Article 17 of the Charter which obliges States to take all necessary measures to ensure the schooling of children and adolescents and the regularity of school attendance".⁹⁹ This decision "also recognises the discrimination suffered by Roma children in addition to schooling, access to adequate housing (Article 31), the right to protection against poverty and social exclusion (Article 31) and the right of children and adolescents to social, legal and economic protection (Article 17), discrimination based on their ethnic origin". The decision highlights, what all the associative actors try to make visible and audible with the French authorities, namely the causal link between expulsions and refusals or breaks in schooling. Indeed, evictions endanger the possibility for families to enrol in a reassuring environment, which is necessary to plan effective and efficient schooling. These evictions are rarely - perhaps more and more thanks to the instruction of 25 January 2018 - accompanied by measures that protect the schooling of children (maintain a correct distance between housing and school, accessibility of public transportation, respectable and dignified accommodation). The decision also highlights that repeated expulsions in a short time "multiply the difficulties for the groups concerned and worsen their situation and living conditions. They contribute to permanent instability, which in turn compromises schooling".¹⁰⁰ Evictions condemn parents and their children to wander. And if remedies like those mentioned above are possible, the majority of families, very vulnerable, are not able to assert their rights even when they are supported by associations.

The issue of discrimination at school and antigypsyism¹⁰¹ is essential. It arises in the relations with the teacher, with the director of the establishment, with other children and with other parents of students. These discriminations are very often based on a lack of knowledge and prejudices and sometimes on very specific racism. Children, whether they are perceived as "Roma" or travellers/gens du voyage, are regularly stigmatized and subjected to age-old stereotypes: thief, dirty, beggar, etc. and if the teacher is not sensitive and vigilant to that, the children reinforce this violence. Sometimes these remarks are also made by adults, parents of students, who then hesitate to continue their children's schooling in this school or in any case make up their dissatisfaction with the management of the school. It is obvious that we must fight against this ordinary racism and that the school must be the first bulwark against this. Taking into account antigypsyism as a specific phenomenon is very recent: it was also the subject of a symposium organised in January 2018 by the Lille Academy.¹⁰² Nevertheless, when publicly these racist remarks are made, we must reiterate how extremely necessary it is to explain to children and to certain parents that these remarks are prohibited and reprehensible by law. To fight antigypsyism is also to take into account the history and the paths of these communities. Failing to read it in textbooks, the association *La voix des Rroms* is running a project called "SYNER-J", the latter is aimed at the youth of the working-class neighbourhoods and aims to fight against racism by including awareness of

⁹⁷ *Ibid.*

⁹⁸ <https://hudoc.esc.coe.int/eng#%7B%22ESCDcIdentifier%22:%5B%22cc-119-2015-dmerits-fr%22%22%7D>

⁹⁹ "La France condamnée par le CEDS concernant la scolarisation d'enfants Roms vivant en bidonville", <http://www.romeurope.org/condamnation-de-france-comite-europeen-droits-sociaux-scolarisation/>

¹⁰⁰ *Ibid.*

¹⁰¹ "Antigypsyism - a reference paper", june 2017. www.antigypsyism.eu

¹⁰² "L'école et les bidonvilles" <http://casnav.ac-lille.fr/documents/flyers-lecole-les-bidonvilles.pdf>

the memory of genocide and in particular the genocide of "Gypsies". Their work is a serious track which allows to transmit, through testimonies like that of Raymond Gurême (a concentration camp survivor), to teach and sensitize, through memorial trips, to fight against antigypsyism. Other initiatives are moving in this direction and some media are seizing these discourses that change what we usually hear about "Roma".

RECOMMENDATIONS

Employment

1. Existing mechanisms for employability should be able to be articulated with overall social support for access to rights.
2. Employment integration schemes should guarantee access to housing in order to be in better working conditions and so that the family is not living with the insecurity of an expulsion.
3. Professional integration schemes should be more comprehensive and offer greater social support.
4. The support by employment centres of people living in very precarious housing should take into account the extreme precariousness of these people (it requires them to be very mobile because of evictions).
5. The arrangements for professional integration should be developed with the first concerned to be closer to their needs and develop French language learning.
6. It would be advisable to ensure a better follow-up of the beneficiaries in order to know their evolution in the search for employment or in the company (if they signed a contract).
7. The existing arrangements for professional integration should be generalised in all French departments across the territory (as "the young guarantee", "POEC", etc.).
8. Equal access to a declared job should be a priority for public authorities.

Housing and essential public services

To national authorities

9. State financial support, available currently only on public land for rent, should be extended to private lands to become serviced, ability; this first step should suspend of any eviction until revision of urban plans to make the lands buildable.
10. Improving the conditions in the existing sites and squats occupied by EU-mobile Roma, as a first step towards their rehousing following the Government instruction of 25 January 2018.

To local authorities

11. Favouring the "evolutionary construction" as a sustainable solution of housing for the "*gens du voyage*", as compared to "hosting areas" or "family lots".
12. State and local authorities should ensure a role for beneficiaries in the design and follow-up of the integration projects and spark a more participatory approach, paying particular attention to the active involvement and the autonomy of the beneficiaries.

Impact of health care policies on Roma

To national authorities

13. Adopt an integrated approach, tackling the global situation of precariousness that gives birth to the health issues encountered by EU-mobile Roma and "*gens du voyage*".

14. Revise the specific device for EU inactive citizens, as it delays considerably the processing of the applications to health insurance and therefore the effective access to health care.

To local authorities

15. Reinforce mediation in the domain of health, intervening both among the professionals involved in the process and among the concerned groups, through information, awareness raising and accompaniment to the services.
16. Prioritising the fight against illnesses, including potential epidemics when evictions are decided.

Education

17. The education of all children is a fundamental right that deserves to be better protected and better supported by the State and the public administrations concerned in view of the large number of out-of-school children.
18. Shantytowns, squats, social hotels assign these children to precariousness and instability. For these reasons, these children should be protected from this precariousness, especially when they are in school. In the event of expulsion, the schooling of the children should guarantee to their family access to accommodation that takes into account the location of the school.
19. The justifications necessary for the administrative enrolment in schooling should be clarified, that, for example, proof of residence in the municipality is no longer assigned to a strict interpretation (administrative domicile, proof of address) but is accepted various certificates (on their honour, hosting, etc.)
20. National Education Authorities should be interlocutors sensitised on the obstacles related to access to school so that each obstacle is lifted quickly and directly by the services of the national education.

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