

21 March 2012

Re: Eviction of Roma in Vaulx-en-Velin, Lyon

The European Roma Rights Centre (ERRC), an international human rights law organisation combating anti-Roma racism and discrimination in Europe, is writing to express concern about multiple forced evictions and attacks on Roma taking place in Vaulx-en-Velin. We are calling on authorities to act immediately to provide safe and secure accommodation for a Romani community who are at immediate risk.

The most recent eviction took place on February 27.¹ A total of 130 Romani individuals (including 35 children) were evicted by the French national police and French border police from a school building.² The families were staying in the school building because their previous accommodation was burnt down on 24 February, 2012.³ The families moved to the school building on 25 February.⁴ Notifications to leave the school were issued to the families on the same day by the Municipality of Rhone.⁵ The police evicted them two days later.

According to statements by municipal representatives, the municipality was not aware of the decision of the prefecture to evict the families. The eviction was performed contrary to the municipality's original plan, which was to request the administrative judge to order an eviction. This would have effectively left people enough time to prepare.⁶

The families are currently staying in an old factory in Vaulx-en-Velin., Avenue Grandclément, which does not provide adequate accommodation, and where they still face a risk of eviction.⁷ These Romani families are also facing violent attacks by unidentified persons.⁸ On Saturday 10 March, a group of young people went to the area where the Roma are living (avenue Grandclément) and threw stones, threatening them. On Sunday evening they threw a Molotov cocktail at a car belonging to one of the Romani community.⁹

According to local activists, authorities have repeatedly evicted these families. On 14 September 2011 they were evicted from St Fons, a village in Lyon. The families settled in another area in Vaulx-en-Velin, in empty buildings. The police tried to evict them again in October 2011. Local activists stopped the operation. Some of the families went to Villeurbanne, where they stayed in an empty building before the police used force and tear gas to evict them once more.¹⁰

The municipality did not provide alternative adequate accommodation for the affected individuals, which is a violation of France's obligations under international human rights law.

¹ According to Romani and local activists testimonials collected by ERRC researcher in Ville De Vaulx en Velin on 26 February 2012

² Eyewitness report and ERRC interviews with two Romani women and three Romani men, Ville De Vaulx en Velin, 27 February 2012.

³ See: http://rhone-alpes.france3.fr/info/vaulx-en-velin---incendie-dans-un-squat--72655593.html?onglet=videos&id-video=LYON_1600784_240220120903 The cause of the fire is unknown. Seven families told an ERRC researcher they lost documents and papers such as identity cards, birth certificates, marriage certificates.

⁴ Arrête Municipal, Ville de Vaulx en Velin, Department du Rhone, DAJ No.1/2012

⁵ Arrête Municipal, Ville de Vaulx en Velin, Department du Rhone, DAJ No.1/2012

⁶ ERRC interview with representatives of the Municipality after the eviction. 27 February 2012

⁷ ERRC phone interview with local activist, Lyon: 27 February 2012

⁸ See: <http://www.lyon-info.fr/?Un-squat-de-Roms-attaque-a-Vaulx>

⁹ See: <http://www.lyonmag.com/article/37503/attaque-contre-des-roms-dans-le-rhone-la-ldh-denonce-leur-stigmatisation-et-accuse-sarkozy>

¹⁰ ERRC interview with local activists, 26 February 2012

French authorities are bound by Articles 3 (freedom from torture or inhuman or degrading treatment), 8 (respect for private and family life and home), and 14 (freedom from discrimination), and Article 1 of the First Protocol (right to property) of the European Convention on Human Rights; Articles 16 (right of the family to appropriate social, legal and economic protection), 30 (protection against poverty and social exclusion) and 31 (right to housing) of the Revised European Social Charter; Articles 5b (right to security of person and protection by the State against violence or bodily harm) and 6 (right to seek adequate reparation or satisfaction for any damage suffered as a result of discrimination) of the International Convention on the Elimination of All Forms of Racial Discrimination, Article 11 (right to the highest attainable standard of physical and mental health) of the International Covenant on Economic, Social and Cultural Rights; and Articles 2 (freedom from discrimination of any kind), 16 (protection against arbitrary or unlawful interference with individual privacy and family) 27 (right to a standard of living adequate for the child's physical, mental, spiritual, moral and social development) and 37 (freedom from torture or other cruel, inhuman or degrading treatment) of the Convention on the Rights of the Child.

Appropriate protection from forced evictions, defined by the UN Committee on Economic, Social and Cultural Rights, in General Comment 7, includes following steps:

1. an opportunity for genuine consultation with those affected [and state officials];
2. adequate and reasonable notice for all affected persons prior to the scheduled date of eviction;
3. information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected;
4. especially where groups of people are involved, government officials or their representatives to be present during an eviction;
5. all persons carrying out the eviction to be properly identified;
6. evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise;
7. provision of legal remedies; and
8. provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.¹¹

In addition, the French government has a positive obligation to ensure that individuals are not rendered homeless as a result of eviction and, where those affected are unable to provide for themselves, to "take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available."¹²

The state has an obligation to provide shelter in anyone in an "extraordinary situation" and that no one can be deprived of the right to stay in this shelter as long as this situation lasts. This refers to any sort of shelter, permanent care, or housing facility adapted to living conditions.¹³

Given that both the municipality and the prefecture failed in providing adequate alternative accommodation or alternative accommodation at all, in line with relevant international standards, the ERRC calls on the relevant authorities to:

- Provide adequate alternative housing for the evicted families
- End the practice of evictions without adequate notification and due process and ensure adequate housing to the Romani families in the area of Lyon and Ville De Vaulx en Velin;
- Ensure that no Romani individual is made homeless in the process of eviction;
- Develop sustainable, adequate integrated housing solutions for all Roma and implement complex employment, education and health projects to promote real inclusion of Roma in Lyon area;
- Investigate the attacks against this community and prosecute those involved.

We respectfully request to be informed of any and all actions undertaken by your respective offices in a timely manner.

¹¹ The right to adequate housing (Art. 11.1): forced evictions: 20/05/97. The Committee on Economic, Social and Cultural Rights, General comment 7, paragraph 15 and 16, available at: <http://www.unhcr.org/refworld/docid/47a70799d.html> (accessed 6 March 2012)

¹² Ibid.

¹³ "Le principe de continuité de prise en charge et de non remise à la rue," edicted by the article 4 de la loi DALO (Loi n°2007-290 du 5 mars 2007 instituant le droit au logement opposable et portant diverses mesures en faveur de la cohésion sociale)

Sincerely,

Dezideriu Gergely
Executive Director

TO

Monsieur Gérard Collomb
Maire de Lyon
Hôtel de Ville – Place de la Comédie – 69001 Lyon

Madame Sylvie Guillaume
Adjointe au Maire de Lyon, Déléguée aux Affaires Sanitaires et Sociales et à la Solidarité
Hôtel de Ville – Place de la Comédie – 69001 Lyon

Monsieur Jean-François Carencó –
Préfet du Rhône
Préfecture du Rhône 106, rue Pierre Corneille – 69419 Lyon Cédex 03 -

Monsieur Jean-Paul Bret
Maire de Villeurbanne
Place du Dr Lazare Goujon – 69100 Villeurbanne

Monsieur Bernard Genin
Maire de Vaulx en Velin
Place de la Nation – 69120 Vaulx en Velin –

Madame Annie Guillemot
Maire de Bron
Place Weingarten – 69500 Bron –

Monsieur André Guérin
Député de la 14^{ème} circonscription du Rhône
5 avenue Marcel Houel – 69200 Vénissieux

CC

MEP, Renate Weber
MEP Livia Járóka
MEP, Kinga Göncz
Council of Europe Commissioner for Human Rights, Thomas Hammarberg
OSCE High Commissioner on National Minorities, Knut Vollebaek
OSCE/ODIHR Senior Advisor on Roma and Sinti Issues, Andrzej Mirga
European Committee of Social Rights President, Luis Jimena Quesada