

29 July 2010

The Honourable Nicolas Sarkozy
President, Republic of France
Palais de l'Élysée
55 Rue du Faubourg Saint Honoré
75008 Paris, France
Fax: +33 1 474-22-465

Naphegy tér 8
Hungary – 1016 Budapest
Office Tel: +36 1 413 2200
Office Fax: +36 1 413 2201
E-mail: office@errc.org
www.errc.org

Dear Mr President,

The European Roma Rights Centre, a public interest law organisation combating anti-Roma and Traveller racism and discrimination in Europe, is deeply concerned about the measures announced by your office on 28 July 2010 which collectively implicate French Travellers and migrant Roma in crimes and call for their eviction and expulsion.

With regard to the measures targeting French Travellers, the ERRC is alarmed at your call for the systematic evacuation of illegal settlements and the involvement of tax authorities in verifying the status of occupants. As noted in your own press release, many local authorities have failed to provide halting sites to meet the needs of French Travellers, despite legal obligations to do so since 2000.¹ For failure to implement its own law, the European Committee of Social Rights found France in violation of the European Social Charter in 2009. It is this failure of the French government to implement its own law which has resulted in Travellers occupying land illegally. In the absence of an adequate number and quality of legal halting sites, clearing illegal sites will only serve to worsen housing conditions of French Travellers and increase tensions between law enforcement and the Traveller community.

We question the connection between tax compliance and the right to residence on a halting site. Rather than focusing on tax issues, we hope that the Government will ensure that all residents on informal halting sites can access legal, adequate and secure housing and accommodation.

With regard to the measures targeting migrant Roma (as per your reference to European Union citizens from Romania and Bulgaria) your blanket characterisation of members of this community as living in a “situation of lawlessness” linked to illegal settlements, illicit trafficking and exploitation of children for begging, prostitution or crime again reinforces discriminatory perceptions about this ethnic group as a whole. The proposal to proceed, within three months, to evacuation informal settlements and reform the law so as to make the process for this “more efficient” is deeply at odds with national and international housing rights provisions, particularly when the process risks rendering people homeless.

Finally, the intention to proceed with the deportation of migrant Roma from other EU countries residing in France and to reform immigration law to facilitate the removal of such persons for reasons of public order may be in violation of France’s obligations under European Union Directive 2004/38/EC on freedom of movement.² This Directive establishes that EU citizens may be deported only if they have been individually considered and found to have exceeded 3 months of residence and are unable to prove sufficient means to stay or pose a “genuine, present and sufficiently serious threat [...] for public policy or public security.” Likewise, the

¹ Law 2000-614 of 5 July 2000 relating to the welcome and housing of Travellers (the Besson Law).

² Directive 2004/58/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the European Union and their family members to move and reside freely within the territory of the EU.

intended action may violate Article 4 of Protocol 4 of the European Convention on Human Rights, which prohibits the collective expulsion of aliens.

The ERRC urges your office to undertake the following measures to promote respect for the rights of French and EU citizens present in your country:

- Refrain from making statements which collectively characterise Roma and Travellers in a negative light and inflame public opinion against them;
- Refrain from evictions of illegal settlements in the absence of legally adequate alternative housing;
- Refrain from collectively expelling EU citizens or other persons from France;
- Guarantee that each individual EU citizen who receives an expulsion decision is notified of the grounds for expulsion, given a minimum of a month to leave the territory and provided access to appeal in accordance with Directive 2004/38/EC; and
- Implement the decision of the European Committee of Social Rights by enforcing existing French law mandating the provision of halting sites and providing adequate financial resources for those sites.

The ERRC would welcome the opportunity to discuss this situation with you and your cabinet and help develop a workable solution which safeguards the rights of all persons present on French territory.

Sincerely

Robert Kushen
Executive Director

CC:
Viviane Reding
Vice-President in charge of Justice, Fundamental Rights and Citizenship
European Commission
BE-1049 Brussels
Belgium
Fax: +32-2 296 07 46

Morten Kjærum
Director of the European Union Agency for Fundamental Rights
European Union Agency for Fundamental Rights (FRA)
Schwarzenbergplatz 11
1040 Vienna
Austria
Fax: +43 (1) 58030-699

Polonca Končar
President of the European Committee of Social Rights
Secretariat of the European Social Charter
Council of Europe
Directorate General of Human Rights and Legal Affairs
Directorate of Monitoring
F-67075 Strasbourg Cedex
Fax. +33 (0) 3 88 41 37 00

Thomas Hammarberg
Commissioner for Human Rights
Council of Europe
F-67075 Strasbourg Cedex, France
Fax: + 33 (0)3 90 21 50 53