

Bernard Cazeneuve
Interior Minister of France
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France

Budapest, 17 March 2016

Honourable Minister,

We are writing to you to express our deep concern regarding the forced evictions of Roma living in slums in France. Your Government is already aware that evicting Roma in these circumstances breaches their rights, notably under the European Convention on Human Rights.¹ The sheer scale of these forced evictions in recent weeks, coming as they are in particular during the winter period, is reaching a point where we must again object and remind your Government of its international human rights obligations.

The regular census conducted by the Ligue des Droits de l'Homme (LDH) and our organisation, the European Roma Rights Centre (ERRC), of forced evictions of Roma (or people identified as such) in France shows that since the beginning of the year, 2,582 Roma have been forcibly evicted. That comes to almost 300 people evicted each week. In the first week of March alone, more than one thousand people were left on the street in Roubaix, Marseille, Nantes, as well as in the Paris region (Île-de-France).

These evictions breach not only Article 8 of the European Convention on Human Rights, but also amount to harassment, a form of racial discrimination defined in EU law.² Your Government's refusal to put an end to these evictions is setting France on a collision course not only with civil society organisations such as ours, but also with the European Union, the Council of Europe, the United Nations, and all of the other guardians of international instruments that ensure respect for fundamental human rights in France, including the right to be free from race discrimination.

¹ The European Court of Human Rights condemned your Government for threatening forcibly to evict Travellers in *Winterstein and others v France* (judgment 17 October 2013). Paragraph 148 of the judgment set out in detail the procedural steps that must be taken before people can be forcibly evicted from their homes. The evictions taking place in recent weeks are blatantly contrary to that part of the *Winterstein* judgment, which we encourage you to review carefully. The Committee of Ministers of the Council of Europe continues to supervise the execution of that judgment by your Government.

² The term harassment is defined at Article 2(3) of EU Directive 2000/43: "*unwanted conduct related to racial or ethnic origin takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment. In this context, the concept of harassment may be defined in accordance with the national laws and practice of the Member States*". All of those elements are met here: the evictions are clearly unwanted by any objective or subjective standard; given the way they target Romani slum-dwellers, they are clearly "related" to racial or ethnic origin; they have the well-documented effect of violating the dignity of those being evicted; and they have created for France's Roma an intimidating, hostile, degrading, humiliating and offensive environment. We have encouraged the European Commission to take action against France for exposing Roma living in slums to harassment.

This recent spate of evictions violates claims you made just weeks ago. Specifically, on 12 January 2016 you wrote to the Council of Europe Human Rights Commissioner, Nils Muižnieks, that “*Efforts are being made to mitigate the impact [of evictions] on schooling, which explains why such a large proportion of evictions take place in summer*”. Does the current trend foretell an unprecedented wave of forced evictions this summer?

In the same letter to the Human Rights Commissioner, you refer to the Circular of 26 August 2012, indicating that it is systematically applied during forced evictions. We have, for years, been documenting just the opposite. For the nineteen evictions we have recorded since the beginning of the year, emergency shelter has been offered in only eleven cases, and, even then, only some of those being evicted were offered some form of shelter. The European Court of Human Rights has nonetheless insisted on the need to provide Roma and Travellers with alternative housing in all cases of forced evictions, except in cases of *force majeure*.³ Your claim that the Circular is being applied in all cases simply does not match up to what the authorities acting under your control are doing on the ground.

Forced evictions of Roma, in France and elsewhere, have been condemned by the Human Rights Commissioner⁴ and the European Commission against Racism and Intolerance. In his letter dated 26 January 2016, Mr Muižnieks was perfectly clear that the situation in France is unacceptable.⁵ France’s reputation in Europe as the “country of human rights” means that these discriminatory actions against Roma encourage other States to behave similarly. Your programme of evictions feeds a cycle of anti-Gypsyism across Europe.

We estimate that one third of the evictees are children. This aggravates the human rights violations taking place in France.

You will be aware that France’s programme of forced evictions is now being reviewed by the European Court of Human Rights, both in relation to Roma and to refugees in Calais.⁶ We will continue to support those challenging the violations of their rights in the French courts, the European courts, and before other European and UN bodies.

In the meantime, we call on you yet again to:

- stop all forced evictions of Roma living in slums;
- ensure the welfare and safety of those living in slums; and
- take steps to ensure that those living in slums are relocated to appropriate, integrated housing.

These actions should be taken through dialogue between local, regional, and national authorities, civil society, and the people directly affected by these evictions.

We are at your disposal to discuss the situation if you require further information, particularly about the behaviour of those carrying out these evictions.

Yours faithfully,

Đorđe Jovanović
President

³ *Winterstein*, paragraph 159.

⁴ Statement available at <http://www.coe.int/en/web/commissioner/-/european-countries-must-stop-forced-evictions-of-roma>.

⁵ Available at:

<https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2890537&SecMode=1&DocId=2359340&Usage=2>.

⁶ The Court has already communicated two other cases to your Government: *Hirtu and others v France* (application no.24720/13, statement of facts available at <http://hudoc.echr.coe.int/eng?i=001-144127>), in which we are acting; and *Balta v France* (application no.19462/12, statement of facts available at <http://hudoc.echr.coe.int/eng?i=001-159145>). We have lodged other cases with the Court which we anticipate will be communicated to your Government in the coming months.