

**Resolution CM/ResChS(2010)5**  
**Collective complaint No. 51/2008**  
**by the European Roma Rights Centre (ERRC) against France**

*(Adopted by the Committee of Ministers on 30 June 2010  
at the 1089th meeting of the Ministers' Deputies)*

The Committee of Ministers,<sup>1</sup>

Having regard to Article 9 of the Additional Protocol to the European Social Charter providing for a system of collective complaints;

Taking into consideration the complaint lodged on 23 October 2007 by the European Roma Rights Centre (ERRC) against France;

Having regard to the report transmitted by the European Committee of Social Rights, in which it concluded:

- (i) unanimously, that there is a violation of Article 31§1 of the Revised Charter;
- a) on the ground of the failure to create a sufficient number of stopping places;

The Committee notes that legislation on stopping places for Travellers was adopted in 2000 (the Reception and Accommodation of Travellers Act, No. 2000-614 of 5 July 2000, called “Loi Besson”). This legislation requires municipalities with over 5 000 residents to prepare a plan for the setting up of permanent camp sites for Travellers. The Committee notes, however, that so far, the act has only been implemented in a minority of the municipalities concerned. The Committee observes that the failure to implement the aforementioned legislation adequately compels Travellers to make use of illegal sites, exposing them to the risk of forcible eviction under the 2003 Internal Security Act.

The Committee notes in this regard that, according to the memorandum produced by the Council of Europe Commissioner for Human Rights following his visit to France in 2008, there is a shortage of available spaces.

The Committee observes that, despite the efforts of central and local authorities in this area and the positive results that have been achieved at times, there appears to have been a long period during which local authorities and the state have failed to take sufficient account of the specific needs of Travellers.

- b) on the ground of the poor living conditions and operational failures at these sites;

The Committee notes that, in theory, the measures taken by the responding government to implement the “Loi Besson” satisfy the requirements of Article 31§1. Decree No. 2001-569 of 29 June 2001 on the technical standards applicable to stopping places for Travellers stipulates the number of sanitary blocks to be provided at sites and also requires them to provide access to drinking water and electricity, together with a management and security system. This decree is supplemented by circulars of 3 August 2006 and 5 July 2001.

---

<sup>1</sup> In conformity with Article 9 of the Additional Protocol to the European Social Charter providing for a system of collective complaints, the Contracting Parties to the European Social Charter or to the Revised Social Charter have participated in the vote: Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Moldova, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Serbia, Slovak Republic, Slovenia, Spain, Sweden, “the former Yugoslav Republic of Macedonia”, Turkey, Ukraine and United Kingdom.

The Committee notes, nonetheless, that not all the stopping places meet the required sanitary norms. In his memorandum, the Council of Europe Commissioner for Human Rights observes that in some cases, sites are created outside urban areas or near to facilities which are major sources of nuisance (such as electrical transformers or very busy roads), making them difficult – if not dangerous – to use, particularly for families with young children. The Committee therefore considers that some stopping places effectively fall short of the statutory requirements regarding sanitation and access to water and electricity as set out in the legislation.

c) on the ground of lack of access to housing for settled Travellers;

The Committee notes that, according to French legislation, caravans are not considered to be housing because they do not require a building permit. Moreover, the fact of living in a caravan which is still mobile does not secure eligibility for housing allowances. Finally, the purchase of caravans does not qualify for a housing loan. It appears from the research conducted by the “Fondation Abbé Pierre” that numerous Traveller families have been prevented from buying because they cannot obtain mortgages and, when they do buy, tend to purchase land in non-building areas, owing to the shortage of family plots.

The Committee notes that although some *départements* have established subsidies to create family home building sites, tangibly their provision remains negligible compared to the demand. The Committee notes that the government declares that the defensible right to housing applies to Travellers wishing to purchase an ordinary dwelling. However, this possibility does not take into account the caravan lifestyle of settled Travellers. Despite the efforts of the state and local authorities and the positive results sometimes achieved, there is a lack of resources mobilised and of accommodation of settled Travellers’ specific needs by the local authorities, as well as by the state.

(ii) unanimously, that there is a violation of Article 31§2 of the Revised Charter on the ground of the eviction procedure and other penalties;

The Committee notes that “illegal occupation of a site or dwelling may justify the eviction of the illegal occupants. However the criteria of illegal occupation must not be unduly wide, the eviction should take place in accordance with the applicable rules of procedure and these should be sufficiently protective of the rights of the persons concerned” (ERRC against Bulgaria, Complaint No. 31/2005, decision on the merits of 18 October 2006, §51).

It further notes that “States Parties must make sure that evictions are justified and are carried out in conditions that respect the dignity of the persons concerned, and that alternative accommodation is available” (FEANTSA against France, Complaint No. 39/2006, decision on the merits of 5 December 2007, §163). “The law must also establish eviction procedures, specifying when they may not be carried out (for example, at night or during winter), provide legal remedies and offer legal aid to those who need it to seek redress from the courts. Compensation for illegal evictions must also be provided” (ERRC against Italy, Complaint No. 27/2004, decision on the merits of 7 December 2005, §41).

The Council of Europe Commissioner for Human Rights observed in his memorandum that evictions are a particularly problematic issue, plunging families into a climate of fear. “Such expulsions often involve brutal methods, tear gas and the destruction of personal property”. Following some evictions, the National Commission for Police Ethics (CNDS) has found that unjustified and disproportionate acts of violence were committed.

The Committee finds that Travellers have been victims of unjustified violence during these expulsions.

(iii) by 12 votes to 2, that there is a violation of Article E taken in conjunction with Article 31 of the Revised Charter;

Article E complements the substantive clauses of the Revised Charter. It has no independent existence as it applies only to “the enjoyment of the rights” safeguarded by these clauses. Although the application of Article E does not necessarily presuppose a breach of these clauses – and to this extent it has an autonomous meaning – there can be no room for its application unless the facts at issue fall within the ambit of one or more of the latter (CFDT against France, Complaint No. 50/2008, decision on the merits of 9 September 2009, §37).

The Committee considers that the situation described does fall within the scope of Article 31, namely the lack of stopping places, the poor living conditions on these sites, eviction procedures and the fact that caravans are not explicitly recognised as forms of housing which entitle their occupants to housing benefits.

Article E prohibits two categories of discrimination. The first is where persons or groups of people in an identical situation are treated differently. The second is where persons or groups of people in different situations are treated identically (Autism-Europe against France, Complaint No. 13/2002, decision on the merits of 4 November 2003, §52).

Under the first category, a difference of treatment between persons or groups being in the same situation is discriminatory if it “has no objective and reasonable justification”, that is, if it does not pursue a “legitimate aim” or if there is not a “reasonable relationship of proportionality between the means employed and the aim sought to be realised” (CFDT against France, Complaint No. 50/2008, decision on the merits of 9 September 2009, §38; see also ERRC against Bulgaria, Complaint No. 31/2005, decision on the merits of 18 October 2006, §40). The States Parties enjoy a certain “margin of appreciation” in assessing whether and to what extent differences in otherwise similar situations justify a different treatment in law (see *mutatis mutandis* European Court of Human Rights, Rasmussen judgment of 28 November 1984, Series A No. 87, p. 12, §40), but it is ultimately for the Committee to decide whether the difference lies within this margin.

Under the second category, the Committee considers that, in a democratic society, human difference should not only be viewed positively but should be responded to with discernment in order to ensure real and effective equality. In this regard, Article E also prohibits all forms of discrimination. Such discrimination may arise by failing to take due and positive account of all relevant differences or by failing to take adequate steps to ensure that the rights and collective advantages that are open to all are genuinely accessible by and to all (Autism-Europe against France, Complaint No. 13/2002, decision on the merits of 4 November 2003, §52).

The Committee considers that in the case of Travellers, merely guaranteeing identical treatment as a means of protection against any discrimination is not sufficient. In the instant case, there is no doubt that Travellers are in a different situation, and that the difference in their situation must be taken into account. It considers that Article E imposes an obligation to take due account of the relevant differences and to act accordingly. The Committee concludes from the foregoing that the specific differences of Travellers are not sufficiently taken into account and that, as a result, they are discriminated against when it comes to implementing the right to housing.

(iv) unanimously, that there is a violation of Article 16 and of Article E in conjunction with Article 16 of the Revised Charter;

The Committee considers that the population concerned by this collective complaint unquestionably includes families. In view of the scope it has constantly attributed to Article 16 as regards housing of the family, the findings of a violation of Article 31 or Article E in conjunction with Article 31, amount to a finding that there has also been a breach of Article 16, and of Article E in conjunction with Article 16 (Conclusions 2006, Statement of Interpretation on Article 16, p. 13 and Conclusions XVIII-1, Article 16, Czech Republic, p. 243-244).

(v) unanimously, that there is a violation of Article 30 of the Revised Charter;

The Committee considers that living in a situation of social exclusion violates the dignity of human beings. With a view to ensuring the effective exercise of the right to protection against social exclusion, Article 30 requires States Parties to adopt an overall and co-ordinated approach, which should consist of an analytical framework, a set of priorities and measures to prevent and remove obstacles to access to fundamental rights. There should also be monitoring mechanisms involving all relevant actors, including civil society and persons affected by exclusion. This approach must link and integrate policies in a consistent way (Conclusions 2003, Article 30, France, p. 214).

Adequate resources are one of the main elements of the overall strategy to fight social exclusion, and should consequently be allocated to attain the objectives of the strategy (Conclusions 2005, Slovenia, p. 674).

Finally, the measures should be adequate in their quality and quantity to the nature and extent of social exclusion in the country concerned (Conclusions 2003, Article 30, France, p. 214-215).

The Committee considers that it is clear from its conclusions under Article 31 that the housing policy for Travellers is inadequate. It accordingly finds that France has failed to adopt a co-ordinated approach to promoting effective access to housing for persons who live or risk living in a situation of social exclusion.

(vi) by 11 votes to 3, that there is a violation of Article E taken in conjunction with Article 30 of the Revised Charter;

The Committee notes that the measures taken to adopt an overall and co-ordinated approach to combating social exclusion must promote and remove obstacles to access fundamental social rights, in particular employment, housing, training, education, culture and social and medical assistance. It should be noted that this is not an exhaustive list of the areas in which it is necessary to take initiatives in order to address the multidimensional phenomena of exclusion (Conclusions 2003, Article 30, France, p. 214). The Committee considers that the reference to the social rights enshrined in Article 30 should not be understood too narrowly. In fact, the fight against social exclusion is one area where the notion of the indivisibility of fundamental rights takes a special importance. In this regard, the right to vote, as with other rights relating to civic and citizen participation, constitutes a necessary dimension in social integration and inclusion and is thus covered by Article 30.

The Committee notes that Act No. 69-3 of 3 January 1969, relating to the exercise of itinerant trades and the regime applicable to persons travelling around France without a fixed domicile or residence, requires Travellers moving around France to be administratively attached to a municipality. The municipality of attachment is chosen for a period of at least two years. The persons concerned may only be added to the electoral roll after three years of uninterrupted attachment to the same municipality. At the same time, according to Article L 15-1 of the electoral code, citizens who cannot furnish proof of an abode or a residence, and who have not been assigned a home municipality by law, shall be included, at their own request, in the electoral roll of the municipality where the welfare provider with whom they have been enrolled for at least 6 months is located.

With regard to the three year period, the Committee notes that the rules that apply to citizens who are identified in terms of their association with the Traveller community are different from those applied to homeless citizens. The difference in treatment between Travellers and homeless people with regard to their right to vote has no objective and reasonable justification and therefore constitutes discrimination in breach of Article E read in conjunction with Article 30. In this connection, the Committee notes that, in the absence of any positive reaction to its recommendations on the situation and status of Travellers, the Equal Opportunities and Anti-Discrimination Commission (HALDE) subsequently adopted a special report, published in the official gazette of the French Republic, in which it held that Section 10 of Act No. 69-3 discriminated against Travellers with regard to their right to vote and recommended that this section should be amended.

As to the quota limit, the Committee notes that under Section 8 of Act No. 69-3, the number of holders of circulation documents without a fixed domicile or residence, attached to a given municipality, must not be greater than 3% of the municipal population. When the 3% quota is reached, Travellers cannot attach themselves to a municipality and do not therefore have the right to vote.

The Committee considers that limiting the number of persons with the right to vote to 3% has the effect of excluding some potential voters. In practice this restriction affects Travellers. The Committee considers that setting this limit at such a low level leads to discriminatory treatment with regards to access to the right to vote for Travellers and, thus, is a possible cause of marginalisation and social exclusion.

(vii) unanimously, that there is a violation of Article 19§4c of the Revised Charter;

In its submissions, the government states that many of the Roma in France are illegal immigrants. The Committee notes that some are indeed in this situation and therefore they do not fall *prima facie* within the scope of Article 19§4c. However, it is also undisputed that this population includes Roma migrant workers from other States Parties who are in a legal situation and therefore enjoy the rights set out in Article 19§4c.

The Committee has already ruled on the housing rights situation of Travellers in this decision under Article 31. Its findings in this regard also apply to Roma migrants residing legally in France. It consequently considers that the findings of a violation of Article 31 amount to a finding that there has also been a breach of Article 19§4c (ERRC against Italy, Complaint No. 27/2004, decision on the merits of 7 December 2005, §35 and §41).

Having regard to the information communicated by the French delegation during the 1077th meeting of the Ministers' Deputies;

1. takes note of the statement made by the respondent government indicating that France will maintain its efforts in the field at issue and undertakes to bring the situation into conformity with the Revised Charter (cf. Appendix to the present resolution);
2. looks forward to France reporting, on the occasion of the submission of the next report concerning the relevant provisions of the Revised European Social Charter, that the measures announced have been implemented, and keeping the Committee of Ministers regularly informed of all progress made.

#### *Appendix to Resolution CM/ResChS(2010)5*

#### **French reply to the conclusions of the European Committee of Social Rights (ECSR) provided by the Representative of France during the 1077th meeting of the Ministers' Deputies (24 February 2010)**

The government notes firstly that, as the European Committee of Social Rights (ECSR) states in paragraph 27 of its report, the complaint submitted by the European Roma Rights Centre (ERRC) "[was] not clearly structured and that the ERRC cite[d] a series of facts without providing specific and sufficient justification for the allegations made". The government is therefore aware that the ECSR made considerable efforts to classify the complaints, but regrets that in doing so it failed to draw a clear distinction between rights falling properly within the scope of the charter and others, such as the right to vote, which are of a political or civil nature and thus fall outside the ECSR's remit. Supervision of the application of charter obligations will be much more effective if it continues to function within a clear and consistent framework, in terms of subject areas.

The government also regrets that the somewhat succinct nature of some of the ECSR's arguments meant that it was not always possible to identify the content of the rights associated with each article of the charter. In particular, the ECSR found that the violation of Article 31 necessarily entailed violations of Articles 16 and 30, without really supporting its contentions on this subject.

Finally, the government is very surprised by the ECSR's treatment of certain factual aspects. For example, in connection with the appeals with suspensive effect to which illegal occupants of land are entitled, the ECSR merely states that "the government argues that [...] any appeal lodged against the decision has a suspensive effect", whereas in fact this suspensive effect is laid down in legislation (cf. section 9 II *bis* of Act 2000-614 of 5 July 2000). It is also regrettable that the ECSR infers from the fact that the government has not explicitly refuted the very general claims made by the ERRC concerning the police evictions that these evictions, and not just some but all, were carried out in a way that failed to respect the dignity of those concerned. In practice the government always takes steps to ensure that the rights of the individuals concerned are respected when such evictions take place.

Otherwise, in connection with the violations identified by the ECSR the government is aware of the progress that still has to be made if it is to comply with the relevant obligations under the charter. These reports will certainly be taken into account in this process. In this context, a distinction needs to be drawn between Travellers who continue to follow an itinerant lifestyle (I) and those who have opted, partially or fully, to settle in one place (II), even though both groups receive close social support (III).

## I. Travellers with an itinerant lifestyle

The government notes that the ECSR “notes that in theory, the measures taken by the responding government to implement the “Loi Besson” satisfy the requirements of Article 31§1”, but it also refers, above all, to “a long period during which local authorities and the state have failed to take sufficient account of the specific needs of Travellers”.

It needs to be emphasised here that the state is now fully active in this area, as part of a government policy that is having tangible results. Bearing in mind the ECSR’s comments on the failure to apply the legislation of 5 July 2000 satisfactorily, it is therefore necessary to report significant progress.

As the following table shows, over the last ten years there has been a steady improvement, quantitatively and qualitatively, in the provision of Travellers’ accommodation and housing under the 5 July 2000 legislation.

Financing of sites	2000-2001	2002	2003	2004	2005	2006	2007
New sites	not known	835 places	1 851 places	2 528 places	3 528 places	3 038 places	5 518 places
Rehabilitated existing sites (brought up to standard)	not known	497 places	611 places	260 places	229 places	376 places	526 places
Total number of places in sites	1 500 places	1 332 places	2 462 places	2 788 places	3 757 places	3 414 places	6 044 places
Large-scale transit areas	10 areas	4 areas	13 areas	12 areas	20 areas	9 areas	16 areas
Small-scale transit areas	71 places	18 places	49 places	254 places	151 places	153 places	48 places
Family plots				17 places	92 places	89 places	76 places
Total committed funding	€6 m	€14.6 m	€23 m	€26.8 m	€42 m	€42.46 m	€64 m

Financing of sites	2008	Total 2000-2008
New sites	4 210 places	21 508 places
Rehabilitated existing sites (brought up to standard)	100 places	2 599 places
Total number of places in sites	4 310 places	24 107 places
Large-scale transit areas	21 areas	105 areas
Small-scale transit areas	33 places	777 places
Family plots	83 places	357 places
Total committed funding	€44.4 m	€263.3 m

Between 2000 and the end of 2008, therefore, the number of places in sites increased by 24 884 and the number of large-scale transit areas by 105. Over the same period the state made available €263.3 m for the provision of sites and family plots, including €44 m in 2008. Moreover a significant number of sites that could not be financed in 2008 were so in 2009, as the Finance Act authorised an additional €30 m of expenditure. The situation will be reviewed in the first quarter of 2010.

It should also be pointed out that, concerning the quality of the areas at offer, the policy regarding Travellers under the Act of 5 July 2000 is to offer state financial assistance to projects for developing sites that comply with certain technical standards that offer the families concerned dignified conditions in terms of sanitation, access to networks and properly laid out areas. Each site must also have proper management and oversight arrangements to ensure that it is run properly. Much attention was paid to this subject on National Travellers' Day on 22 October 2009, where different management arrangements were considered. Finally, section 5 of the Act of 5 July 2000 provides for assistance with the management of sites, the details of which are set out in Article L851-1 of the social security code. In 2008, 14 682 places benefited from management assistance amounting to a total of €22.83 m. These appropriations formed part of programme 177 "preventing exclusion and reintegrating vulnerable persons".

Certain local authorities may offer temporary sites. However, these sites must be approved by the prefect and satisfy a number of conditions relating to accessibility, hygiene, safety, water and electricity supplies and regular waste collection services (decree 2007-690 of 3 May 2007). In practice, the only sites that fail to meet the required conditions of cleanliness are unofficial ones.

Finally, while there is still an uneven distribution of sites by *département*, the review of the *département* plans for the reception and accommodation of Travellers must take account of the existing policy. Under the Act of 5 July 2000, the plans must be reviewed in 2009 and 2010. This is an important procedure because it calls first for an assessment of existing provision, including the operating and management arrangements, occupancy levels and the maintenance of facilities and equipment, and a review of what has been achieved, in order to update each *département's* requirements. A circular to *département* and regional prefects, to be co-signed by the interior and housing and urban planning ministers, is currently being drawn up to remind them of the background to and issues surrounding the revision of *département* plans for the reception of Travellers.

## **II. Travellers who have opted to settle, completely or partially**

The analyses of needs carried in connection with the *département* plans show that many families of Traveller origin have decided to settle in one place, which creates a need for appropriate policies over and above the establishment of new stopping sites.

To meet the needs of Travellers who would like some form of geographical base without giving up travelling for part of the year, the circular of 17 December 2003 on family plots authorises the state to jointly finance rented family plots provided by local authorities. By the end of 2008, a total 357 such places had been financed in a number of *départements*, including Nièvre, Aube, Doubs, Corrèze, Mayenne, Seine and Marne, Vienne, Charente Maritime, Savoie, Haute Savoie and Isère.

Increasing attention is being paid to this sort of need. Local authority initiatives, coupled with central government investment and the active involvement of voluntary associations and the families themselves, are helping to secure outcomes that meet the expectations of settled families. To illustrate the variety of approaches adopted, the government wishes to advise the Ministers' Deputies of a number of recent developments:

- Rented family plots (single room plus sanitary facilities, with a caravan space):  
25 plots in Dax in Landes, 8 in Orthez in Pyrénées-Atlantiques, 12 in Mions in Rhône, 6 in Pignan in Hérault, 2 in Surgères in Charente-Maritime, 1 in Vouneuil in Vienne, 1 in Mamirolle in Doubs, 1 in Jans in Loire-Atlantique, 7 in la Ravoire in Savoie, 3 in Lanester in Morbihan, 2 in Arnage in Sarthe.
- Individual houses for rent, with or without accompanying caravan:  
37 houses in Kingersheim in Haut-Rhin, 6 in Breuillet in Essonne, 47 in Arles in Bouches-du-Rhône, 57 in Rosny sous Bois in Seine-Saint-Denis, 2 in Chambéry in Savoie, 5 in Offranville in Seine-Maritime.
- Accession to ownership:  
One self-built family house in Kaltenhouse in Bas-Rhin, 6 houses in Thenay in Indre.

Many other developments are under way in other *départements*. A guide to specially designed accommodation for Travellers (also in the form of a CD-Rom, which the government is ready to supply to the Ministers' Deputies) was prepared in 2009 to illustrate this process. It has been widely circulated and describes what has already been achieved and is intended to support local initiatives and help project designers and other local participants to develop proposals best suited to the local context and the needs of families, by involving them in the process. It is particularly aimed at local authorities and groupings of authorities, professional practices, management bodies and associations working with Travellers.

The government considers that enabling Travellers to settle and offering them suitable accommodation is both a priority and a major challenge for the coming years and has thus taken account of the needs of this group when making funding available and supporting local authorities.

Finally, although the government regrets that the content of this complaint makes it necessary to equate Travellers and Roma, even though they have quite different characteristics and needs, it is nevertheless the case that Roma families who are lawfully present in the country are just as eligible for housing, including social housing, as any other family. In particular, Roma who are in the country legally are entitled to apply to the "right to housing" mediation committee set up in each *département* under the Act of 5 March 2007. These committees identify priority applicants to whom housing must be allocated by the representative of the state in the *département* concerned. Finally, a number of special social housing projects for this group of the population have already been established in Seine-Saint-Denis and Nantes, and others are planned, particularly in Lille, to take account of their very difficult social circumstances.

So, despite the progress that still needs to be made in a complex area where the state necessarily has to act gradually, the government wishes to emphasise that Travellers' special lifestyles are now taken into account, and this includes the way their accommodation needs are dealt with. The government is committed to the principle of non-discrimination and strives to take account both of the distinctively itinerant lifestyle of this group and of the trend towards a more traditional form of housing for those who have settled, or again of the need for a form of accommodation that combines "bricks and mortar" and caravan dwelling.

### **III. Social support**

Turning finally to the more general social support offered to Travellers, the government is attempting to introduce a more comprehensive and co-ordinated approach to ensuring genuine entitlement to rights.

For example, like all French citizens, Travellers are entitled to the so-called active solidarity income, which under the Act of 1 December 2008 replaced the minimum integration income, in accordance with their family composition and resources. In addition, the status of individual entrepreneur has enabled numerous Travellers to take up new occupations, particularly in the field of commerce. They also receive micro credits, for example through the association for the right to economic initiative.

Public investment in this group also takes the form of grants to the main Travellers' national representative associations, and to certain local ones. The government enters into agreements with these associations to act as rights advisers in such areas as establishing residence rights, information on social and medical rights, helping with drawing up applications, pre-school activities and help with homework, prevention and access to health, diet and participation in representative bodies. Finally, the government is financing several projects concerning Travellers as part of the 2010 European Year for Combating Poverty and Social Exclusion.

In view of all the foregoing, which shows that France has taken full account of the ECSR's conclusions concerning the complaint by the ERRC and has taken steps to continue to improve its policies in this area, the government asks the Ministers' Deputies to adopt a resolution bringing an end to the examination of the ECSR's reports in relation to these complaints



*Addendum of 15 March 2010*

On 23 September 2009, the French national assembly appointed a parliamentary fact finding committee to review the legislation on the accommodation and integration of Travellers. In the course of its work, the committee is interviewing representatives of the relevant ministerial departments (housing and the interior), other administrative authorities, such as the Equal Opportunities and Anti-Discrimination Commission (HALDE) and Travellers' associations, for example the president of the national consultative committee. It will consider a possible revision of the arrangements for implementing the Act of 3 January 1969 relating to travel permits and the arrangements for Travellers' exercise of the right to vote.

The government wishes to emphasise that the committee is concerned with Travellers and not Roma, and that the two groups, with their very different lifestyles and expectations, must not be confused. It also wishes to point out that the forced eviction procedure for the illegal occupants of land, provided for in the amended Act of 5 July 2000, does not cover Roma settlements, which do not meet the criteria for the parking of Travellers' mobile homes. Finally, the government wishes to make it clear that this procedure does not apply to the occupants of properly established sites, so it is incorrect to speak of the eviction procedure from such sites, as in paragraph 63 of the report, and finds it difficult to see how this could count as "racial discrimination" (paragraph 74).

Although it is difficult to be exhaustive on such a vast and critical subject, the French Government hopes that it has supplied the Committee of Ministers, in its previous observations and this addendum, with the relevant information and it will certainly take account of the report of the ECSR in its future activities in this area.