



DECISION ON THE MERITS

19 October 2009

European Roma Rights Centre (ERRC)
v. France

Complaint No. 51/2008

The European Committee of Social Rights, committee of independent experts established under Article 25 of the European Social Charter ("the Committee"), during its 239th session attended by:

Mrs Polonca KONČAR, President
Mssrs Andrzej SWIATKOWSKI, Vice-President
Colm O'CONNOR, Vice-President
Jean-Michel BELORGEY, General Rapporteur
Mrs Csilla KOLLONAY LEHOCZKY
Mr Lauri LEPPIK
Mrs Monika SCHLACHTER
Birgitta NYSTRÖM
Lyudmilla HARUTYUNYAN
Mssrs Rüçhan IŞIK
Petros STANGOS
Alexandru ATHANASIU
Luis JIMENA QUESADA
Mrs Jarna PETMAN

Assisted by Mr Régis BRILLAT, Executive Secretary

After having deliberated on 19 October 2009

On the basis of the report presented by Ms Lyudmilla HARUTYUNYAN

Delivers the following decision adopted on the same date:

PROCEDURE

1. The complaint submitted by the European Roma Rights Centre (“the ERRC”) was registered on 17 April 2008. It alleges a violation of Articles 16, 30 and 31 of the Revised Charter, taken on their own or in conjunction with Article E, on the ground that Travellers¹ in France suffer injustice, social exclusion and racial discrimination in access to housing because of the shortage of halting sites and the substandard nature of these sites, lack of security and forced evictions. It also alleges that there has been a violation of Article 19§4c, taken alone or in conjunction with Article E, on the ground that France has failed to take the necessary steps to improve the living conditions of Romani² migrants from other States Parties.
2. The European Committee of Social Rights (“the Committee”) declared the complaint admissible on 24 September 2008.
3. Pursuant to Article 7§§1 and 2 of the protocol providing for a collective complaints system (“the Protocol”) and the Committee decision on the admissibility of the complaint, the Executive Secretariat sent the text of the decision on 29 September 2008 to the French Government (“the Government”), the ERRC, the States Parties to the protocol, the states that have ratified the Revised Charter and made a declaration under Article D§2 and to the organisations referred to in Article 27§2 of the Charter.
4. In accordance with Rule 31§1 of the Committee’s Rules, the Committee set 21 November 2008 as the deadline for the Government to make its submissions on the merits. At the request of the Government and in accordance with Rule 28§2, the deadline was extended first to 20 December 2008 and then to 9 January 2009. The submissions were registered on 9 January 2009.
5. In accordance with Rule 31§2 of the Committee’s Rules, the President set 27 February 2009 as the deadline for the ERRC to present its response to the Government’s submissions. At the request of the ERRC and in accordance with Rule 28§2, the deadline was extended first to 25 mars 2009 and then to 27 March. The response was registered on 27 March 2009.
6. By letter of 22 July 2009, the Government asked to submit additional observations in reply to the ERRC’s observations. Pursuant to Rule 28§2 of the

¹ The ERRC uses the term “Travellers” to refer to those ethnic groups – including “Gypsies” - who are descended from groups that have long been citizens of France, and who have for many generations played a key role in French society and history.

² According to the ERRC, the term “Roma”, usually preceded by the adjective “migrant”, should be understood as referring to those Roma who migrated to France from other Council of Europe countries, most notably Romania.

Rules, the President granted until 25 September 2009 for the submission of these observations. These observations were registered on 25 September 2009.

SUBMISSIONS OF THE PARTIES

A – The complainant organisation

7. The ERRC alleges that the housing situation of Travellers in France amounts to a violation of Articles 16, 30 and 31, taken alone or in conjunction with Article E of the Revised Charter. In particular, it maintains that Travellers are denied an effective right to housing, leading to social exclusion and racial discrimination, because of the shortage of halting sites, substandard living conditions, lack of access to permanent housing and lack of security of tenure. It further considers that France has failed to take measures to address the deplorable living conditions of Romani migrants from other States Parties, in breach of Article 19§4c taken alone or in conjunction with Article E of the Revised Charter.

B- The Government

8. The Government considers that the French authorities are doing everything possible to ensure that the legislation intended to guarantee access to adequate housing for Travellers grants them effective rights. The Government accordingly concludes that there has been no violation of Articles 16, 19§4c, 30 and 31 of the Revised Social Charter, read in conjunction with Article E, and asks the Committee to dismiss the collective complaint submitted by the ERRC as being unfounded.

RELEVANT DOMESTIC LAW

9. The main pieces of legislation concerning housing to which the parties have referred concern the following issues:

- a) The right to housing
- b) Circulation documents
- c) The establishment of halting sites
- d) Exceptions to the Besson Act
- e) The eviction procedure
- f) Prohibition of discrimination in access to housing

a) The right to housing

10. The Right to Housing Act, No. 90-449 of 31 May 1990, reads:

“Section 1:

Securing the right to housing is a duty of solidarity for the entire nation.”

11. Act No. 2007-290 of 5 March 2007 establishing an enforceable right to housing and introducing various measures to promote social cohesion, known as the “DALO Act”, reads:

“Section 1:

The State shall secure the right to decent and independent housing, as referred to in Section 1 of the Right to Housing Act, No. 90-449 of 31 May 1990, for all persons residing in French territory lawfully and on a permanent basis, as defined in an order of the Conseil d'Etat, who have insufficient resources to obtain or retain such housing themselves.

This right shall be exercised through a conciliation procedure followed, if necessary, by a judicial appeal as specified in this Section and in Articles L. 441-2-3 and L. 441-2-3-1.”

b) Circulation documents

12. 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 reads:

Part I: Exercise of itinerant trades and issue of circulation documents

“Section 2

Persons who have been without a fixed domicile or residence for more than six months in a Member State of the European Union must hold a special circulation booklet issued by the administrative authorities.

Persons accompanying those referred to in the foregoing paragraph, and employees of these last, must, if they are over sixteen years of age and have been without a fixed domicile or residence in France for more than six months, hold an identical circulation booklet.

Employers shall ensure that their employees are actually in possession of this document, if they are so required.”

“Section 3

Persons over sixteen years of age other than those referred to in Section 2 and who have been without a fixed domicile or residence for more than six months must, in order to be able to travel around France, hold one of the circulation documents provided for in Sections 4 and 5 if they live permanently in a vehicle, a trailer or any other form of mobile home.”

“Section 4

Where the persons referred to Section 3 can show that they have a regular source of income such as to secure them normal living conditions, notably through gainful

employment, they shall be issued with a circulation booklet which must be stamped at least every three months by the administrative authority. An identical booklet shall be issued to their dependents.”

“Section 5

Where the persons referred to in Section 3 do not meet the requirements laid down in the foregoing section, they shall be issued with a circulation card which must be stamped by the administrative authority every three months, calculated on a non-calendar basis.

If they travel around without having obtained such a card, they shall be liable to imprisonment for a term of between three months and a year.”

“Section 6

Circulation documents may be issued to persons arriving from abroad only if they can provide firm proof of their identity.

The validity of the special circulation booklet referred to in Section 2 and of the card and booklet referred to in Sections 3, 4 and 5, shall be extended at regular intervals by the administrative authority.”

Part II: Municipalities of attachment.

“Section 7

Anyone applying for one of the circulation documents referred to in the foregoing sections shall be bound to declare the municipality to which they wish to be attached.

Attachment shall be pronounced by the prefect or the sub-prefect after obtaining a reasoned opinion from the mayor.”

“Section 8

The number of holders of circulation documents, without a fixed domicile or residence, attached to a given municipality, shall not be greater than 3% of the municipal population as established at the last census.

If this percentage has already been reached, the prefect or the sub-prefect shall ask the declarant to choose another municipality of attachment.

The prefect may, in the manner prescribed by decree of the Council of State, introduce derogations from the rule laid down in paragraph 1 of this section, notably in order to ensure family unity.”

“Section 9

The municipality of attachment shall be chosen for a period of at least two years. A derogation may be granted where especially serious circumstances so warrant. Any request for a change must be accompanied by supporting documents confirming the

existence of ties which the person concerned has formed with another municipality of his or her choosing.”

“Section 10

The attachment referred to in the foregoing sections shall have all or some of the effects attached to domicile, residence or place of work, as prescribed by decree of the Council of State, with regard to:

the celebration of marriage;

enrolment in the electoral list, at the request of the persons concerned, after three years of uninterrupted attachment to the same municipality;

compliance with tax obligations;

compliance with the obligations provided for by social security legislation and the legislation on assistance for unemployed workers;

compliance with the requirement to perform national service.

Attachment to a municipality shall not be deemed to constitute a specific fixed domicile. It shall not entail a transfer of responsibility from the state to local authorities, in particular as regards social assistance costs.”

13. Electoral Code:

“Article L 15-1

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, officially approved according to the conditions prescribed in Articles L. 264-6 and L. 264-7 of the Welfare and Family Code, is located:

- a. if the provider’s address has appeared for at least six months on their national identity card;
- b. or if it has given them the certification referred to in Article L. 264-2 of the aforementioned Code, confirming their link with it at least 6 months past.”

c) Establishment of halting sites

14. The Reception and Accommodation of Travellers Act, No. 2000-614 of 5 July 2000, known as the “Besson Act”, as amended by the Internal Security Act, No. 2003-239 of 18 March 2003, and the 2008 Finance Act, No. 2007-1822 of 24 December 2007, reads:

“Section 1

I. – Municipalities shall provide facilities for so-called travellers whose traditional accommodation is mobile homes.

II. – Following a preliminary assessment of existing needs and provision, in particular the frequency and duration of travellers’ visits and the opportunities for their children to attend school, for access to care and for paid employment, each *département* shall prepare a plan specifying the geographical location of permanent camp sites and the municipalities in which these must be established.

Municipalities with more than 5,000 inhabitants must be included in the *département* plans. They shall specify the purpose and capacity of permanent sites. They shall also specify the types of social provision made for travellers.

The *département* plan shall identify sites that can be occupied on a temporary basis in connection with traditional or occasional gatherings and shall specify the terms on which the state shall take measures to ensure the smooth running of such gatherings.

An appendix to the *département* plan shall list the permits issued under Article L. 443-3 of the Town Planning Code. It shall also list the plots of land which are to be made available to travellers by their employers, notably in connection with seasonal employment.

The *département* plan shall take account of any listed or classified sites which may lie within the territory of the municipalities concerned. When creating permanent camp sites, due regard shall be had to the legislation applicable, as the case may be, to each of these sites.

III. – The *département* plan shall be drawn up by the representative of the state in the *département* and the Chair of the *conseil général*. On the advice of the municipal council of the municipalities concerned and the advisory committee referred to in IV, the plan shall be jointly approved by the representative of the state in the *département* and the Chair of the *conseil général* within a period of eighteen months as from the date on which this law is published. After that period, it shall be approved by the representative of the state in the *département* and shall be published.

The *département* plan shall be revised according to the same procedure at least every six years as from the date on which it is published.

IV. – In each *département*, an advisory committee, consisting *inter alia* of representatives of the municipalities concerned, representatives of the Travellers themselves and associations working with them, shall be involved in the development and implementation of the plan. It shall be chaired jointly by the representative of the state in the *département* and by the Chair of the *conseil général* or by their representatives.

Every year the advisory committee shall carry out an assessment of the implementation of the plan. It may appoint a mediator to examine any problems encountered in implementing the plan and to make proposals for resolving these problems. The mediator shall report back to the committee on his or her activities.

V. – The representative of the state in the region shall co-ordinate the work in drawing up *département* plans. He or she shall ensure that they are consistent in terms of their content and publication dates. To this end, he or she shall assemble a committee made up of the representatives of the state in the *départements*, the Chair of the *conseil régional* and the chairs of the *conseils généraux*, or their representatives.”

“Section 2

I. – Municipalities referred to in their *département* plan in accordance with paragraphs II and III of Section 1 shall be bound, within two years following the publication of the plan, to take part in its implementation. They shall do so by making available one or more properly equipped and maintained sites for Travellers. They may also transfer this duty to a joint local authority body responsible for implementing the *département* plan or contribute financially to equipping and maintaining these sites under inter-municipal agreements.

II. – The municipalities and the relevant joint local authority bodies shall be responsible for managing these sites or shall entrust a public or private entity with their management via an agreement.

III. – The two-year time-limit specified in I shall be extended by two years, from the date of its expiry, if the municipality or joint local authority body concerned has, within the initial period, demonstrated its commitment to complying with its obligations by:

- sending to the state representative in the *département* a formal decision or letter of intent specifying the location of a site to be established or upgraded for the use of travellers;
- or acquiring land or starting the procedure for acquiring land on which it is planned to establish a site;
- or completing a feasibility study.

The time-limit for granting subsidies, whether unilaterally or subject to an agreement, concerning municipalities or joint local authority bodies meeting the aforementioned requirements, shall be extended by two years.

IV. – Additional time shall be granted, up to 31 December 2008 from the date of expiry of the time-limit prescribed in III, if the municipality or joint local authority body concerned has demonstrated, in the manner prescribed in III, its commitment to complying with its obligations yet has been unable to fulfil them by the end of this period.”

“Section 3

I. – If, on expiry of the time-limits prescribed in Section 2 and after a formal notice from the prefect has gone unheeded for three months, a municipality or joint local authority body has failed to comply with its obligations under the *département* plan, the state may acquire the necessary land, carry out the development work and manage the sites for and on behalf of the municipality or local authority body in question.

The cost of acquiring, developing and operating these sites shall constitute mandatory expenditure for the municipalities or local authority bodies which, under the *département* plan, are required to meet the costs thereof. The municipalities or local authority bodies shall automatically become the owners of the sites thus developed, as from the date of completion of the work.”

“Section 4

The state shall bear the cost, up to a maximum amount set by decree, of the investments necessary for the construction and upgrading of the sites referred to in paragraph II of Section 1, at the rate of 70% of the expenditure incurred within the time-limits prescribed in I and III of Section 2. This rate shall be 50% in the case of expenditure incurred within the time-limit prescribed in IV of the same Section 2.

In the case of large-scale transit areas designed to meet the needs of Travellers travelling in large groups to attend traditional or occasional gatherings, before and after these gatherings, as provided for in Section 1, paragraph II, sub-paragraph 3, the representative of the state in the *département* may, on the advice of the *département* advisory committee, apply a maximum subsidy rate of 100% of the total expenditure incurred within the time-limit prescribed in Section 2, up to a maximum amount set by decree. The state may be responsible for co-ordinating these sites. In that case, the total expenditure that it incurs shall be subject to the aforementioned maximum amount.

The region, the *département* and the *caisses d'allocations familiales* [family allowance funds] may grant additional subsidies for the purpose of establishing the sites referred to in this section.”

15. Decree No. 2001-569 of 29 June 2001 on the technical standards applicable to stopping places for Travellers reads:

“Article 3

The stopping place shall have at least one sanitary block comprising at least one shower and two lavatories for every five caravan spaces, within the meaning of the foregoing article. Each caravan space shall have ready access to sanitary facilities as well as to drinking water and electricity supply.”

“Article 4

I. – As specified in the internal regulations laid down by the manager, the site shall have a management and security system which shall be manned at least six days per week, on a daily, although not necessarily permanent basis, thereby making it possible to:

- 1° deal with arrivals and departures;
- 2° ensure that the site operates properly;
- 3° collect the user charge referred to in Article L. 851-1 of the Social Security Code.

II. – The site shall have a regular refuse collection service.

III. – Following a detailed inspection of the site, the manager shall send the prefect an annual report, prior to the signing of the agreement referred to in Article 4 of Decree No. 2001-568 of 29 June 2001 on assistance for authorities and organisations managing stopping places for Travellers and amending the Social Security Code (second part: Council of State decrees) and the Local and Regional Authorities Code (regulatory part).”

16. Circular NOR/INT/D/06/00074/C of 3 August 2006 on the “Implementation of the prescriptions of the *département* plan for receiving Travellers” reads:

“The site shall be equipped with sanitary facilities including a sanitary block, comprising at least one shower and two lavatories, for every five caravan spaces.”

“While the creation of sites should help to ensure that Travellers are accommodated on a temporary basis in a dignified and decent manner, and facilitate their integration into the urban community, it should not render authorities liable to grossly excessive expenditure, such as has already incurred in some cases. The use of technical design offices, which can significantly increase these costs, should be envisaged only with the utmost caution.”

17. Circular UHC/IUH1/12 No. 2001-49 of 5 July 2001 implementing the Reception and Accommodation of Travellers Act, No. 2000-614 of 5 July 2000, reads:

“Management of the site:

A single system for several sites located in the same geographical area is possible. The site, however, must be staffed for a sufficient time every day, thereby making it possible to receive Travellers and deal with arrivals and departures, and ensure that the user charge is paid and that the regulations are properly complied with.”

d) *Exceptions to the Besson Act*

18. The Orientation and Planning of Municipalities and Urban Renovation Act, No. 2003-710 of 1 August 2003, reads:

“Section 15

Municipalities with fewer than 20,000 inhabitants, half of whom or more live in “sensitive” urban areas as defined by Section 42.3 of the Orientation for Spatial Planning and Development Act, No. 95-115 of 4 February 1995, shall, at their request, be exempted from the Reception and Accommodation of Travellers Act, No. 2000-614 of 5 July 2000, and in particular from the obligation provided for in Section 2 of the said act.”

e) *The eviction procedure and penalties for trespassing*

19. The Reception and Accommodation of Travellers Act, No. 2000-614 of 5 July 2000 (known as the “Besson Act”), as amended by the Simplification of

the Law Act, No. 2007-1787 of 20 December 2007, and the Prevention of Crime Act, No. 2007-297 of 5 March 2007, reads:

“Article 9

I.-Provided that a municipality has satisfied its obligations under Section 2, its mayor or, in Paris, the metropolitan police commissioner, may issue an order prohibiting the parking of the mobile homes referred to in Section 1 in places in the municipality other than properly equipped sites. These provisions shall also apply to municipalities which are not covered by the *département* plan but have a stopping area nonetheless and to those which decide of their own accord to contribute to the funding of such a site or belong to a consortium of municipalities which has given itself the authority to implement the *département* plan.

The same provisions shall apply to municipalities entitled to the extra time provided for in part III of Section 2 up to the expiry of this period, together with municipalities with a temporary site certified by the prefect, within a time-limit set by the prefect which may not exceed six months after the date of certification.

Certification shall be issued subject to the location, capacity and standard of equipment of the site, under the conditions laid down by decree.

Certification of a temporary site shall not release the municipality from the obligations which it is required to fulfil within the time-limit set in Section 2.

II.-Where vehicles are parked in breach of the order described in I above, the mayor, the owner or the person with the right to use the occupied land may ask the prefect to serve the occupants with notice to quit.

Notice to quit may only be served if occupation of the site is likely to jeopardise public health, safety or order.

Notices to quit shall be subject to an enforcement deadline of no less than twenty-four hours. They shall be served on the occupants and published in the form of a notice to be displayed at the town hall and on the site concerned. Where appropriate, they shall also be served on the owner or the person with the right to use the land.

Where a notice to quit is not obeyed within the established time-limit and has not been appealed against in accordance with the requirements set in part IIbis., the prefect may resort to the forced eviction of the mobile homes unless the owner or the person with the right to use the land objects before the expiry of the time-limit set for the enforcement of the notice.

If the owner or the person with the right to use the land impedes the enforcement of the notice to quit, the prefect may ask him or her to take all the necessary measures to remove the threat to public health, safety or order within a time-limit set by the prefect.

Failure to comply with the order issued pursuant to the preceding paragraph shall be punished by a fine of €3,750.

II bis.-Persons served with the notice to quit referred to in II above, as well

as the owner or the person with the right to use the land, may apply to the administrative court to set aside the notice within a time-limit specified therein. Applications of this sort shall suspend the enforcement of the prefect's decision against the applicants. The president of the court or his or her representative shall give a ruling within seventy-two hours of the application.

III.-The provisions in I, II and II bis above shall not apply to the parking of mobile homes belonging to the persons referred to in Section 1a of this act if the following circumstances obtain:

1° The persons own the land on which they have parked;

2° They have a permit issued in accordance with Article L. 443-1 of the Town Planning Code;

3° They are parked on land that has been developed in accordance with Article L. 443-3 of the same code.

IV.-Where occupation of a private plot of land assigned for economic activity continues, in breach of the order described in I above, and the occupation is of such a nature as to hamper that activity, the owner or the person with the right in rem to use the land may apply to the president of the regional court for an order for the forced eviction of the mobile homes to be made. In such cases, the court ruling shall take the form of a summary order and its decision shall be enforceable on a provisional basis. Where necessary, the court may order that its ruling shall be enforceable immediately. In urgent cases, the second paragraph of Article 485 of the Code of Civil Procedure shall be applied."

"Section 9-1

In municipalities not included in the *département* plan and not mentioned in Section 9, the prefect may implement the notice to quit and forced eviction procedure provided for in II of the same section, at the request of the mayor, the owner or the person with the right to use the land, with a view to putting an end to any unauthorised parking of mobile homes likely to jeopardise public health, safety or order.

These provisions shall not apply to the persons referred to in IV of Section 9. Persons served with the notice to quit shall have the remedies referred to in II bis of the same section."

20. Criminal Code:

Article 322-4-1 introduced by Section 53 of the Internal Security Act, No. 2003-239 of 18 March 2003, reads:

"The act of collectively settling with the aim of establishing residence, even temporarily, on land belonging either to a municipality which has complied with the obligations incumbent on it under the *département* plan provided for by Section 2 of Act No. 2000-614 of 5 July 2000 on the Reception and Accommodation of Travellers, or which is not included in this plan, or to any other owner apart from a municipality, without being able to prove the owner's permission or the permission of whoever

holds the right to use the land, shall be punished by six months' imprisonment and a fine of €3,750.

Where the settlement was carried out using motor vehicles, these vehicles may be seized, unless they are designed for residential purposes, with a view to their confiscation by the criminal court."

f) Prohibition of discrimination in access to housing

21. Act No. 89-462 of 6 July 1989 on improvements to tenancy relations reads:

"Section 1 [...] No one may be refused a tenancy on grounds of origin, family name, physical appearance, sex, family situation, state of health, disability, morals, sexual orientation, political opinions, trade union activities or real or supposed membership of a specified ethnic group, nation, race or religion.

In the event of a dispute concerning the application of the preceding paragraph, the person who has been refused the tenancy shall present evidence to support the presumption of direct or indirect discrimination. In the light of this information, the respondent must establish that the decision was justified. The court shall reach a decision after ordering any investigations it may deem necessary."

22. Criminal Code:

"Article 225-1: Discrimination comprises any distinction applied between natural persons by reason of their origin, sex, family situation, pregnancy, physical appearance, family name, state of health, disability, genetic characteristics, morals, sexual orientation, age, political opinions, trade union activities or real or supposed membership or non-membership of a specified ethnic group, nation, race or religion."

"Article 225-2: Discrimination as defined by Article 225-1, committed against a natural or legal person, shall be punished by three years' imprisonment and a fine of €45,000 where it consists:

1° of refusal to supply goods or services [etc.]"

OTHER NATIONAL AND INTERNATIONAL SOURCES

23. Recommendation (2005)4 of the Committee of Ministers to member states on improving the housing conditions of Roma and Travellers in Europe:

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve greater unity between its members and that this aim can be pursued, in particular, by joint action in the field of social cohesion;

Recognising that Roma/Gypsies and Travellers have been contributing to European culture and values, just as other European people, and recognising that despite this asset, Roma/Gypsies and Travellers have been experiencing widespread discrimination in all areas of life;

Recognising that there is an urgent need to develop new strategies to improve the living conditions of the Roma/Gypsy and Traveller communities all over Europe in order to ensure that they have equality of opportunities in areas such as civic and political participation, as well as developmental sectors, such as housing, education, employment and health;

Bearing in mind that policies aimed at addressing the problems faced by Roma/Gypsies and Travellers in the field of housing should be comprehensive, based on an acknowledgement that the issue of housing for Roma/Gypsies and Travellers has an impact on a wide range of other elements, namely the economic, educational, social and cultural aspects of their lives, and the fight against racism and discrimination;

Bearing in mind the under-used potential of Roma/Gypsy and Traveller communities and their capacity to contribute to the improvement of their own situation, especially in the field of housing;

Bearing in mind that some member states do not have, or do not implement, a clearly defined national housing-related legislation, addressing various practices such as housing discrimination, discriminatory harassment in housing, discriminatory boycotts, ghettoisation, racial and residential segregation, and other forms of discrimination against nomadic and semi-nomadic Roma/Gypsies and Travellers, as well as unequal housing conditions and access to housing, such as social housing, public housing, do-it-yourself housing and cooperative housing; (...)

II. General principles

Integrated housing policies

Member states should ensure that, within the general framework of housing policies, integrated and appropriate housing policies targeting Roma are developed. Member states should also allocate appropriate means for the implementation of the mentioned policies in order to support national poverty reduction policies.

Principle of non-discrimination

Since Roma continue to be among the most disadvantaged population groups in Europe, national housing policies should seek to address their specific problems as a matter of emergency, and in a non-discriminatory way.

Freedom of choice of lifestyle

Member states should affirm the right of people to pursue sedentary or nomadic lifestyles, according to their own free choice. All conditions necessary to pursue these lifestyles should be made available to them by the national, regional and local authorities in accordance with the resources available and to the rights of others and within the legal framework relating to building, planning and access to private land.

Adequacy and affordability of housing

Member states should promote and protect the right to adequate housing for all, as well as ensure equal access to adequate housing for Roma through appropriate, proactive policies, particularly in the area of affordable housing and service delivery.

Prevention of exclusion and the creation of ghettos

In order to combat the creation of ghettos and segregation of Roma from the majority society, member states should prevent, prohibit and, when needed, revert any nationwide, regional, or local policies or initiatives aimed at ensuring that Roma settle or resettle in inappropriate sites and hazardous areas, or aimed at relegating them to such areas on account of their ethnicity.

Participation

Member states should, as appropriate, provide Roma communities and organisations with the means to participate in the process of conceiving, designing, implementing and monitoring policies and programmes aimed at improving their housing situation.

Partnership

Moreover, member states should encourage and promote empowerment and capacity-building on a wider basis among Roma communities by fostering partnerships at local, regional and national levels, as appropriate, in their policies aimed at addressing the housing problems facing Roma.

The member states should also ensure that members of the Roma communities are also actively involved in this process.

Coordination

Member states should ensure that proper coordination is provided in the field of housing between, on the one hand, the relevant national, regional and local authorities and, on the other, the Roma populations and organisations who represent the majority active in this field.

24. Recommendation CM/Rec(2008)5 of the Committee of Ministers to member states on policies for Roma and/or Travellers in Europe:

(...) Recognising that Roma and Travellers have faced, for more than five centuries, widespread and enduring discrimination, rejection and marginalisation all over Europe and in all areas of life; and were targeted victims of the Holocaust; and that forced displacement, discrimination and exclusion from participation in social life have resulted in poverty and disadvantage for many Roma and Traveller communities and individuals across Europe;

Recognising the existence of anti-Gypsyism as a specific form of racism and intolerance, leading to hostile acts ranging from exclusion to violence against Roma and/or Traveller communities;

Recognising the role of the media and education in the persistence of anti-Roma prejudices and their potential to help overcome them;

Aware that discrimination and social exclusion can be overcome most effectively by comprehensive, coherent and proactive policies targeting both the Roma and the majority, which ensure integration and participation of Roma and Travellers in the societies in which they live and respect for their identity;

Considering that all human rights are indivisible, interdependent and interrelated and that economic and social rights are human rights, and should be supported by

concrete community and governmental efforts to ensure they are equally accessible to the most deprived and disadvantaged groups and communities; (...)

Recommends that governments of member states:

- adopt, in accordance with the principles and provisions set out in the appendix to this recommendation, a coherent, comprehensive and adequately resourced national and regional strategy with short- and long-term action plans, targets and indicators for implementing policies that address legal and/or social discrimination against Roma and/or Travellers and enforce the principle of equality;
- monitor and publish regular evaluation reports on the state of the implementation and impact of strategies and policies to improve the situation of Roma and/or Travellers;
- bring this recommendation to the attention of and ensure the support of the relevant national and local or regional, self-governing public bodies, Roma and/or Traveller communities and the broader population in their respective countries through the appropriate channels, including the media.

25. Memorandum by Thomas Hammarberg, Council of Europe Commissioner for Human Rights, following his visit to France from 21 to 23 May 2008:

VI. Protection of the fundamental rights of Travellers and Roma

1. Travellers

There are some 300,000 Travellers in France⁷⁰. This community has preserved a traditional culture and lifestyle based on itinerancy. Owing to these distinctive characteristics, the rest of the population generally regards Travellers as a separate group within society. Although the French authorities and French law acknowledge Travellers specific needs, special legislation also tends to be applied to them. In his 2006 report, the Commissioner recommended that the French authorities combat discrimination against Travellers and put an end to the special rules applicable to them.

a. Sites for Travellers

The main problem faced by Travellers is the lack of recognition of their nomadic lifestyle. In order to address the difficulty of parking their caravans, the Act of 5 July 2000 on the Reception and Accommodation of Travellers, known as the Besson Act, requires municipalities with a population of more than 5,000 to provide a site with facilities and access to water and electricity. Local authorities show continued reluctance to implement the Besson Act, resulting in a shortage of available places. Eight years after this legislation was passed, only 32% of the requisite 41,865 places had been created by 31 December 2007. The approaching deadline for a substantial government grant for the construction of sites for Travellers has encouraged local elected representatives to comply with the law over the last two years. This may make it possible to reach a total of 21,165 places in 2008.

In order to meet itinerant Travellers' needs for sites, families are not allowed to stay at a single site for more than a specified length of time. In winter, the maximum stay is usually five or six months. In summer, the authorised duration is often reduced to one month, and may or may not be renewable, depending on the individual site. The maximum stay is stipulated in the various sites' own regulations⁷². Forced to move

on, families do not have any means of finding out which other sites have places available. The Commissioner invites the French authorities to introduce a system, initially at the local level and subsequently nationwide, for informing families about available places.

This requirement to move on causes obvious difficulties insofar as there is a shortage of available places. Given the lack of alternatives, many Travellers are forced to live in caravans that are parked illegally. This failure to comply with the Besson Act exacerbates tensions, since Travellers are not allowed to park at camp sites. Moreover, the penalties for camping on unauthorised sites are particularly harsh.

In exchange for building sites for Travellers, mayors are allowed to prohibit the parking of caravans elsewhere in the municipality, and to have Travellers evicted if they park their caravans outside the designated areas. The Crime Prevention Act of 5 March 2007 makes it even easier to evict Travellers, as it abolishes the requirement for judicial proceedings prior to eviction. Where caravans are parked unlawfully, the prefect, at the request of the mayor, the landowner or the person entitled to use the land, can serve the occupants with notice to leave within 48 hours. An appeal with suspensive effect may be made to the administrative court against this administrative decision.

The Commissioner had the opportunity to meet some mayors who were eager to comply with the Besson Act and provide decent reception conditions. It is disappointing, however, that other local elected representatives are hostile to implement the Act.

In some cases, for instance, 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.

These shortcomings prompted the European Committee of Social Rights to find against France in February 2008. The Committee holds that the deficient implementation of the legislation on stopping places for Travellers is discriminatory and violates the right to affordable housing.

The Commissioner invites the French authorities to ensure the effective application of the Besson Act, reminding them that the problem is not a new one, and that these deficiencies were already pointed out in the 2006 report.

b. Exercise of certain civil and political rights by Travellers

It should be noted that Travellers of French nationality are subject to special legislation that does not apply to other French citizens. Under the Act of 3 January 1969, people over the age of 16 and of no fixed abode must hold a travel permit, of which there are two types, the *carnet de circulation* for those with no regular income, and the *livret de circulation* for those engaged in paid work. For those without a regular income, the travel permit has to be stamped by an administrative authority every three months; the permit for those in paid work has to be stamped every year. If this formality is not completed on time, the Traveller is subject to heavy fines (€ 750 per day overdue). Failure to hold the relevant document carries a penalty of up to one year in prison.

Even if they hold an identity card, Travellers who fail to keep their permit with them at all times risk being fined. Given that most Travellers are of French nationality, they should be subject only to the same requirements as their fellow citizens, so an

identity card should be sufficient. Moreover, this legislation was already criticised in the 2006 report, but no action has been taken on the latter's recommendations.

Another provision of the 1969 Act makes Travellers feel that they are under constant surveillance. They are required to be administratively attached to a municipality. Once this has taken effect, two years must elapse before any change can be made. Reasons have to be given for such an application, which has to be accepted by the prefect. Such requirements are at odds with the very concept of travelling. These provisions consequently restrict the freedom to settle in the municipality of one's choice.

Travellers are not entitled to vote until they have been administratively attached to a municipality for three years, whereas the qualifying period for other citizens is just six months.

Travellers' homes are also subject to special legislation. Their caravans are not considered to be housing units, and they are consequently not entitled to any housing assistance. Travellers also find it difficult to obtain social assistance in general. Nevertheless, the French authorities have decided to make them subject to a special tax. The 2006 Budget Act provided for the introduction of an annual accommodation tax on land-based mobile homes from 1 January 2007. Owing to implementation difficulties, application of this measure has been postponed to 1 January 2010. It is disappointing that the new legislation is not coupled with housing-related social assistance. A caravan is now legally recognised as accommodation, but still not as a housing unit, meaning that it does not confer access to the same rights.

The disqualification of mobile homes makes it very difficult for Travellers to gain access to some administrative services. Government agencies and private bodies hesitate, or even refuse, to offer their services to people unable to provide a permanent, fixed address. This is the case, for example, when it comes to opening a bank account, securing a bank loan or concluding an insurance contract.

It is difficult not to consider this a situation of inequality. The Commissioner considers that the various special measures described give rise to a system that discriminates against Travellers. Most of these recommendations having already been made in the 2006 report, he calls on the French authorities to put a stop to this special treatment immediately, by developing appropriate policies as recommended by the Council of Europe. (...)

2. Migrant Roma

In addition to the Traveller community, a Roma community mainly from Romania, Bulgaria, Hungary and the Balkans has recently settled in France. Its members are in different situations. They may or may not have a residence permit, be asylum seekers or have entered the country without any documentation. There are an estimated 10,000 such people living in France in extremely uncertain conditions. Many Roma camps are comparable to shanty towns. (...)

c. Living conditions

Most Roma groups in France live in squalid, shanty towns, often without access to water or electricity, as the Commissioner found during his visits. Rubbish is collected only sporadically. Hygiene conditions are often deplorable. Some camps do not even have toilets. According to a survey conducted by Médecins du Monde, about 53% of Roma live in caravans, many of which are not mobile, 21% in converted squats and

20% in huts. In his 2006 report, the Commissioner had already voiced alarm about such conditions. The general situation does not appear to have improved. These appalling living conditions must therefore be brought to an end.

Evictions are a particularly problematic issue, plunging families into a climate of fear. Generally speaking, relations between these groups and the police are not always satisfactory. In addition, the Internal Security Act of March 2003 allows the police to intervene within 48 hours, without any need for a ruling by the administrative court or for the landowner's explicit agreement, where such intervention is warranted by "interference with law and order, hygiene or public peace and safety". 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. Evictions are not usually subject to any prior negotiation, and Roma do not receive any warning. The Commissioner wishes to voice his disapproval of such practices.

The action taken by some local authorities determined to rectify this situation of extreme uncertainty by providing such groups with health, social and educational assistance is nevertheless to be commended. Integration-through-housing projects have also been set up, *inter alia* in the Ile-de-France and Nantes areas. Such initiatives are all too rare, however. Accordingly, the Commissioner invites local authorities to follow the example set by these good practices with a view to providing decent living conditions for the groups concerned.(...)

26. High Authority for combating discrimination and for equality (HALDE),
Deliberation No. 2009-316 of 14 September 2009:

The panel of the HALDE, pursuant to the recommendations on the situation and the status of travellers adopted by deliberation dated 17 December 2007, reiterated in Deliberation No. 2009-143 of 6 April 2009, and in the absence of favourable responses to those recommendations, adopts the appended special report. (...)

Access to the right to vote

The great majority of travellers living in France are of French nationality. As citizens, it is inconceivable that, simply because of their origins or lifestyle, they should be deprived of such an important right as the right to vote, which is one of the essential foundations of a democratic society.

However, Article 10 of the law of 3 January 1969 establishing the conditions of travellers' inclusion in the electoral rolls provides that it is only possible after they have been connected with the same municipality for three years without interruption. (...)

The HALDE observes that, in accordance with Article L. 15-1 of the Electoral Code, when persons described as "of no fixed abode" have been domiciled for only six months with a receiving organisation for administrative purposes, they are entered in the electoral roll of its municipality.

In so far as it is neither substantiated nor even alleged that the constraints linked with the proper keeping of the electoral rolls are any different for persons of no fixed abode and travellers, there is no valid ground for applying much more restrictive rules to them.

Consequently, the treatment meted out by the law to this category of French citizens,

identified by their belonging to the community of travellers, directly and unduly impedes their access to the right to vote.

(...)

The HALDE recommends that Article 10 of the law of 1969 be reformed in order to secure non-discriminatory access to the right to vote for travellers.

THE LAW

INTRODUCTORY REMARK

27. The Committee notes that the collective complaint is not clearly structured and that the ERRC cites a series of facts without providing specific and sufficient justification for the allegations made. The Committee examines the allegations according to the following Articles to which they relate:

- Article 31§1: failure to provide a sufficient number of halting sites, poor living conditions and operational problems at the sites, and lack of access to housing for settled Travellers,
- Article 31§2: procedure for eviction from sites and penalties imposed,
- Article E taken in conjunction with Article 31: racial discrimination towards Travellers in access to housing,
- Article 16 and Article E taken in conjunction with Article 16 : lack of family housing for Travellers,
- Article 30: social exclusion of Travellers,
- Article E taken in conjunction with Article 30: discrimination of Travellers in access to voting rights and in terms of social exclusion,
- Article 19§4c: less favourable treatment of Romani migrants in access to housing.

FIRST PART: ON THE ALLEGED VIOLATION OF ARTICLE 31 OF THE REVISED CHARTER

28. Article 31 of the Revised Charter reads as follows:

“Part I: Everyone has the right to housing.

Part II: The right to housing. With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:

1. to promote access to housing of an adequate standard;
2. to prevent and reduce homelessness with a view to its gradual elimination;
3. to make the price of housing accessible to those without adequate resources.

A. On the scope of Article 31

29. As it had already stated in its grounds of defense in the proceedings concerning International Movement ATD Fourth World and European Federation of National Organisations working with the Homeless (FEANTSA), complaints, the Government argued strongly in its written submissions that the Charter’s

provisions on the right to housing, in particular Article 31, only imposed on states an obligation of means. In other words, so long as suitable measures were taken with a view to securing the right to housing, the situation would be in conformity with the Charter.

30. The Committee refers to its earlier interpretation concerning the scope of Article 31. It notes that there is no obligation on states to produce “results”, but their obligation consists in taking effective measures so that results are achieved, qualitatively and quantitatively (International Movement ATD Fourth World v. France, Complaint No. 33/2006, decision on the merits of 5 December 2007, §§ 58 to 67, European Federation of National Organisations working with the Homeless (FEANTSA) v. Slovenia, Complaint No. 53/2008, decision on the merits of 8 September 2009, §§ 28 to 31) .

B. On the alleged violation of Article 31§1 of the Revised Charter by reason of the failure to provide a sufficient number of halting sites

A. Arguments of the parties

a) The complainant organisation

31. The ERRC considers that the French government has failed to adequately implement the Reception and Accommodation of Travellers Act, No. 2000-614 of 5 July 2000, known as the “Besson Act”, as it has not provided enough stopping places and/or transit sites for Travellers. As of the end of 2006, there were 10,553 caravan places available in 441 ordinary halting sites and 8,803 caravan places available in 63 areas for large gatherings. The target number of caravan places in halting sites to be constructed now stood at 41,865, so the completion rate was 25.21%. The ERRC points to a 2005 report by the *Conseil général des Ponts et Chaussées* which states that in the majority of *département* plans, for a number of reasons, the financial contribution in real terms of the state towards the establishment of halting sites was on average within the 35 – 50% range, instead of the prescribed 70%.

32. The ERRC notes, from a table appended to the *Conseil général des Ponts et Chaussées* report, that in at least 31 *département* plans out of the total 96, the main obstacles to the implementation of the plans related exclusively or partially to the “reactions of neighbours” the “hostility of neighbours”, the “wait-and-see attitude of certain elected officials”, “strong reticence on the part of local elected officials” and the “absence of real political will” .

33. The ERRC also considers that under the exceptions to the Besson Act provided for in the Orientation and Planning of Municipalities and Urban Renovation Act of 1 August 2003, more municipalities are being released from their obligations, with the result that the construction of halting sites for Travellers has slowed.

b) The Government

34. The Government considers that the ERRC has painted a biased picture of the domestic law provisions on Travellers, in particular the Besson Act. Since 2000, *département* plans have been adopted in all of France's 96 mainland *départements*. The authorities have been assisted in the implementation of their plans by a growing financial commitment from the state. In 2007, there was a very definite acceleration, as the amount of spending rose to €64M, over a third more than in 2006. By the end of 2007, the number of state-funded spaces at stopping places amounted to 21,165 out of a total of 41,840, or 50% of the total number of spaces provided for by *département* plans.

35. Government policy is therefore to organise local facilities for the Travellers by supporting the authorities concerned and awarding grants. The Besson Act also grants the state certain compulsory powers. The prefect, for example, may take over from a municipality or a public establishment for intermunicipal co-operation (EPCI) that is failing to act and requisition land to create a stopping place. In addition to these coercive methods, the Ministry of Housing and Urban Affairs regularly issues circulars and letters reminding elected representatives that they must comply with the Besson Act and ensure that it is properly applied.

36. With regard to the exceptions provided for by the Act of 1 August 2003, the Government notes that, of the thirty-two municipalities covered by this provision, half did not wish to take advantage of it.

B. Assessment of the Committee

37. As regards housing for Travellers, the Committee interprets Article 31 in the light of Committee of Ministers Recommendation (2005) 4 on improving the housing conditions of Roma and Travellers in Europe, which states *inter alia* that member states should ensure that, within the general framework of housing policies, integrated and appropriate housing policies targeting Travellers are developed (International Movement ATD Fourth World v. France, Complaint No. 33/2006, decision on the merits of 5 December 2007, § 149).

38. 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). 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. In its submissions, the Government acknowledges the delay in implementing the *département* plans for the reception of Travellers and estimates that by the end of 2007, 50% of the total number of spaces were missing. The Committee observes that the failure to implement the aforementioned legislation adequately compels Travellers to make

us of illegal sites, exposing them to the risk of forcible eviction under the 2003 Internal Security Act.

39. It notes in this regard that, according to the memorandum produced by the Human Rights Commissioner following his visit to France in 2008, there is a shortage of available spaces. Eight years after the Act of 5 July 2000, only 32% of the requisite places had been created by 31 December 2007.

40. In the present case, 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.

41. The Committee therefore finds that the inadequate implementation of the legislation on stopping places for Travellers constitutes a violation of Article 31§1 of the Revised Charter.

B. On the alleged violation of Article 31§1 of the Revised Charter on the grounds of the poor living conditions and operational failures at stopping places

A. Arguments of the parties

a) The complainant organisation

42. The ERRC complains that often stopping places do not meet the standards laid down in the Besson Act. Many of them, for example, are located in areas unfit for human habitation and away from the urban fabric. The ERRC refers *inter alia* to a report by the National Advisory Commission for Travellers and notes that by the end of 2004, of the 6,076 caravan spaces available, only 3,500 could be considered as appropriate for halting. Despite the technical specifications for stopping places contained in the decree of 29 June 2008 and the circular of 3 August 2006, a report commissioned by the Directorate General of Social Action shows that many stopping places do not comply with these specifications and lack facilities (e.g. only one lavatory for 100 to 120 people) and basic amenities, such as hot water or garbage removal.

43. Also, although a circular issued on 5 July 2001 requires sites to operate in accordance with internal regulations specifying, *inter alia*, the time when the manager of the site will be present to register arrivals and departures, the period of time when the site will be closed for maintenance, the applicable fees and the general rules to be observed, the ERRC points to numerous operational deficiencies. Managers are often absent. Many municipalities manage their sites themselves and refer Travellers to the town hall to check in and out. Town

halls, however, are closed on weekends and public holidays, with the result that Travellers cannot arrive at or leave on these days.

a) The Government

44. The Government denies the ERRC's allegations and points out that under the arrangements for the reception of Travellers, the grant for developing a stopping place will only be paid if the relevant technical standards are met. It states that each caravan space has access to sanitary facilities, as well as a drinking water and electricity supply. Many authorities, moreover, have chosen to exceed these minimum standards and provide each caravan space with its own individual sanitary facilities.

45. The Government further states that each site has a management and security system to ensure that it is properly run and that, on the whole, users are satisfied with the stopping places. Where associations working with Travellers report anomalies or problems on certain sites, the authorities step in and do what is necessary to rectify the situation.

B. Assessment of the Committee

46. The Committee notes that Article 31§1 guarantees access to adequate housing, which means a dwelling which is sanitary (i.e. it possesses all the basic amenities, such as water, heating, waste disposal, sanitation facilities, electricity); structurally secure; not overcrowded and with secure tenure supported by law (see Conclusions 2003, Article 31§1, France, p. 221, Italy, p. 342, Slovenia, p. 554, and Sweden, p. 650). The temporary supply of shelter cannot be considered as adequate and individuals should be provided with adequate housing within a reasonable period (ERRC v. Italy, Complaint No. 27/2004, decision on the merits of 7 December 2005, § 35).

47. The Committee considers that the effective enjoyment of certain fundamental rights requires a positive intervention by the state: the state must take the legal and practical measures which are necessary and adequate to the goal of the effective protection of the right in question (ERRC v. Bulgaria, Complaint No. 31/2005, decision on the merits of 18 October 2006, § 35).

48. The Committee notes that in theory, the measures taken by the responding Government to implement the Besson Act 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 on technical standards for stopping places.

49. 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.

50. It therefore finds that the situation is in violation of Article 31§1 of the Revised Charter.

C. On the alleged violation of Article 31§1 of the Revised Charter on the grounds of lack of access to housing for settled Travellers

A. Arguments of the parties

a) The complainant organisation

51. The ERRC submits that France has failed to pay particular attention to the tendency of Travellers to adopt a settled lifestyle and is preventing local authorities from creating a sufficient number of family plots. It notes that, by the end of 2005, the French state had financed the establishment of 92 family plots, taking the total number to 199. Not all *départements* had taken an active part in the scheme, moreover. According to a report by the Directorate General of Town Planning, Housing and Construction, entitled “Implementation of the right to housing and of the provisions of the Anti-Exclusion Act”, out of the 90 *départements* contacted by the authors of the report, 20 had not carried out a needs assessment study concerning family plots. Of these, furthermore, only 30 *départements* could provide specific data concerning the number of families involved, which amounted to 5,300 families for all 30 *départements*.

52. The ERRC believes that this lack of interest is in large part due to the fact that the establishment of such sites is not a requirement for municipalities. Also, the concept of family plots rests on two conflicting notions: that of itinerancy and that of permanent residence, making it difficult to implement. While it is acknowledged that the caravan is for Travellers their residence, caravans are not considered as regular, “ordinary” housing. One does not require a building permit to obtain and park a caravan that can be used as a home. According to Article R 443-2 of the Town Planning Code, a caravan is defined as a vehicle or component of a vehicle that is intended for sojourn or the exercise of an activity and has not lost its means of mobility. People who live permanently in a vehicle, trailer or any other form of mobile home must be in possession of a circulation document.

53. The ERRC takes the view that if stopping places are recognised as being a form of social housing, caravans, as the place where Travellers live, should be considered housing. Non-recognition of caravans as a form of housing has particularly damaging consequences as the owners of the caravans are not entitled to various benefits such as Family Housing Allowance (ALF), Social Housing Allowance (ALS) and Personalised Housing Assistance (APL).

54. The ERRC notes that few *départements* have chosen to address the issue of settled Travellers through their *Département* Plan for the Housing of Disadvantaged Persons (PDALPD). According to research conducted by the *Fondation Abbé Pierre*, only in 5 out of the 34 *départements* encompassed by the research have associations working with Travellers been invited to take part in the PDALPDs, even though they were heavily involved in drawing up the *département* plans for Travellers.

b) The Government

55. The Government denies the ERRC's allegations and maintains that France is doing everything within its power to promote the implementation of *département* plans for the reception of Travellers and to cater for the housing needs of groups which have adopted sedentary lifestyles. It points out that, for the most part, the housing needs of settled households, like those of any low-income household, are covered by the *département* action plan for the disadvantaged (PDALPD), under which Traveller families which have adopted sedentary lifestyles must be given priority. Under the Right to Housing Act of 31 May 1990, every *département* is required to draw up and implement a *département* housing action plan for the disadvantaged, and to create a housing solidarity fund.

56. The Government further maintains that promoting family plots is a way of addressing the specific needs of Travellers. This form of housing represents a combination of mobile housing and permanent housing on private land, enabling families to live permanently in their caravans in decent conditions. Several *départements* have already received grants to establish plots for families.

57. Experiments are now being carried out with other forms of intermediate settlement, such as the setting-up of "integration villages". As well as providing accommodation, these schemes make it possible to identify families who agree to take part in an integration programme including social assistance. To date, 3 such villages have been established: one in Aubervilliers for 16 families, one in Saint-Denis for 21 families and one in Saint Ouen for 25 families.

58. It is also possible to find permanent housing solutions. Conventional social housing intended for households experiencing both economic and social problems is financed using assisted rental loans for integration purposes (PLAI). The households concerned may claim personalised housing assistance (APL).

Like any other citizen, Travellers have a right to ordinary housing and so are covered by the new statutes and regulations establishing an enforceable right to housing.

B. Assessment of the Committee

59. The Committee notes that, according to the 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 (Cahiers du mal-logement de la Fondation Abbé Pierre, *Les difficultés de l'habitat et de logement des "Gens du Voyage"*, janvier 2006, p. 18 to 22).

60. 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.

61. The Committee therefore finds that the situation constitutes a violation of Article 31§1 of the Revised Charter.

D. On the alleged violation of Article 31§2 of the Revised Charter on the grounds of the eviction procedure and other penalties

A. Arguments of the parties

a) The complainant organisation

62. The ERRC submits that the legal armoury (Section 9 of the Besson Act and Article 322-4-1 of the Criminal Code inserted in pursuance of Section 53 of the Internal Security Act, No. 2003-239 of 18 March 2003) available to municipalities wishing to evict Travellers has greatly increased and that the penalties for trespassing are too severe: six months' imprisonment, a fine of €3,750 and suspension of the person's driving licence for up to 3 years. The ERRC maintains that these penalties are unfair, as Section 53 applies virtually only to Travellers.

63. According to the ERRC, the eviction procedure is clearly contrary to the principles of presumption of innocence and equality of arms: first, the prefect can take an enforceable decision without calling upon the “defendants” to present their version of events and/or mitigating factors. Second, the procedure is in violation of the principle that a person’s rights and obligations should be determined by a fair and impartial tribunal. Third, the procedure severely curtails the right of Travellers to have access to adequate and effective legal counsel, as the Travellers are given only 24 hours to leave the site. Lastly, any appeal that might be made to the administrative court would have no suspensive effect so by the time it came before the Appeals Court, the Travellers would have already been evicted.

64. The ERRC is also concerned that under the new Prevention of Crime Act, No. 2007-297 of 5 March 2007, the authorities will simply proceed with the collective eviction of Travellers without conducting criminal investigations to establish the liability of individual Travellers, and without due process.

b) The Government

65. The Government argues that an eviction order cannot be enforced until a certain period of time has elapsed and that any appeal lodged against the decision has a suspensive effect. Proceedings before the administrative court are free of charge, adversarial and organised in such a manner as to ensure that the rights of both parties to put forward their case are respected.

66. The Government submits that the eviction arrangements laid down in French legislation do not violate Article 31§2 and are sufficiently protective of the rights of the persons concerned. While the new eviction procedure provided for in the Prevention of Crime Act grants prefects the authority to serve notice to quit on illegal occupants, it may only be applied if the illegal camp jeopardises public health, safety or order. Notices to quit are also subject to certain conditions. They can only be applied if the municipalities concerned have fulfilled their duties to set up and maintain stopping places.

B. Assessment of the Committee

67. 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 v. Bulgaria, Complaint No. 31/2005, decision on the merits of 18 October 2006, § 51).

68. 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 v.

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 v. Italy, Complaint No. 27/2004, decision on the merits of 7 December 2005, § 41).

69. The Council of Europe Human Rights Commissioner observed in his memorandum that evictions are a particularly problematic issue, plunging families into a climate of fear. Generally speaking, relations between these groups and the police are not always satisfactory. In addition, the Internal Security Act of March 2003 allows the police to intervene within 48 hours, without any need for a ruling by the administrative court or for the landowner’s explicit agreement, where such intervention is warranted by “interference with law and order, hygiene or public peace and safety”. “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.

70. The Committee observes that the Government does not refute the complainant’s arguments, which are corroborated by the Commissioner’s findings that the expulsions which the law enforcement agencies carry out are performed under such conditions that the dignity of the persons concerned is not respected. Consequently, the Committee finds that travellers have been victims of unjustified violence during these expulsions.

71. The Committee therefore finds that the situation constitutes a violation of Article 31§2 of the Revised Charter.

SECOND PART: ON THE ALLEGED VIOLATION OF ARTICLE E TAKEN IN CONJUNCTION WITH ARTICLE 31 OF THE REVISED CHARTER

72. Article E of the European Social Charter reads as follows:

“The enjoyment of the rights set forth in this Charter shall be secured without discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national extraction or social origin, health, association with a national minority, birth or other status.”

A. Arguments of the parties

a) The complainant organisation

73. The ERRC considers that the shortage of stopping places and the deplorable living conditions at these sites show that the French state has failed to adequately address the housing problems facing Travellers. This failure,

moreover, is attributable, to a large extent, to the discriminatory attitude of numerous local authorities towards Travellers.

74. The ERRC further considers that the expedited eviction procedure, which is not accompanied by effective legal safeguards, and the criminal sanctions are aimed exclusively at Travellers and thus amount to racial discrimination.

75. The ERRC also contends that the failure of the French state to explicitly recognise caravans as a form of housing and to allow the families living in them to have access to the full range of housing benefits, together with its failure to adopt a uniform policy in relation to the problematic issue of plots located on non-building land, shows that the French state has not taken positive measures to address this situation and has therefore discriminated against Travellers.

b) The Government

76. The Government denies the ERRC's claim that Travellers are subjected to racial discrimination. It points out that in its national policies, the needs of Travellers are viewed as those of a group defined by social, economic and cultural, but certainly not racial, characteristics. The notion of race, moreover, is entirely alien to French domestic law, including notably the Constitution, the only exception being the rule that all discrimination on this ground is prohibited.

77. Looking beyond racial discrimination alone, the Government stresses that domestic law prohibits any form of discrimination in access to housing. Should it nevertheless occur, those responsible can be prosecuted under Articles 225-1 and 225-2 of the Criminal Code.

78. While the general policies which may meet their needs are applied correctly to Travellers without discrimination, the Government notes that there are also particular measures which are designed to meet their specific needs. The Government considers that the recent progress in the implementation of the Besson Act, combined with the efforts to address the problems of settled families, show that France is sensitive to the particular needs of Travellers.

B. Assessment of the Committee

79. 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 v. France, Complaint No. 50/2008, decision on the merits of 9 September 2009, § 37).

80. In the present case, it is for the Committee to determine whether the facts come within the scope of Article E taken in conjunction with Article 31. The Committee considers that the situation described does fall within the scope of Article 31 as the ERRC complains that Travellers are discriminated against in the implementation of certain aspects 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.

81. 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 v. France*, Complaint No. 13/2002, decision on the merits of 4 November 2003, § 52).

82. 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 v. France*, Complaint No. 50/2008, decision on the merits of 9 September 2009, § 38; see also *European Roma Rights Centre v. 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.

83. 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 prohibits also 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 v. France*, Complaint No. 13/2002, decision on the merits of 4 November 2003, § 52).

84. In its submissions, the Government states that the legislation provides adequate safeguards for the prevention of discrimination. The Committee considers, however, 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.

85. The Committee therefore finds that the situation constitutes a violation of Article E taken in conjunction with Article 31 of the Revised Charter.

THIRD PART: ON THE ALLEGED VIOLATION OF ARTICLE 16 AND ARTICLE E TAKEN IN CONJUNCTIN WITH ARTICLE 16 OF THE REVISED CHARTER

86. Article 16 of the Revised European Social Charter reads as follows:

Part I: "The family as a fundamental unit of society has the right to appropriate social, legal and economic protection to ensure its full development.

Part II: With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Contracting Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married, and other appropriate means."

A. Arguments of the parties

a) The complainant organisation

87. The ERRC submits that the Government and local authorities have not taken the necessary steps to provide Travellers with appropriate family housing.

b) The Government

88. The Government maintains that the authorities are doing everything possible to ensure that the legislation secures access to housing for Travellers and their families.

B. Assessment of the Committee

89. 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).

FOURTH PART: ON THE ALLEGED VIOLATION OF ARTICLE 30 OF THE REVISED CHARTER

90. Article 30 of the Revised European Social Charter reads as follows:

Part I: "Everyone has the right to protection against poverty and social exclusion."

Part II: "With a view to ensuring the effective exercise of the right to protection against poverty and social exclusion, the Parties undertake:

- a. to take measures within the framework of an overall and co-ordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to, in particular, employment, housing, training, education, culture and social and medical assistance;
- b. to review these measures with a view to their adaptation if necessary."

A. Arguments of the parties

a) The complainant organisation

91. The ERRC considers that the fact that there is no overall national policy on housing for families which have adopted a sedentary lifestyle contributes to the feeling of social exclusion of Travellers who report that some municipalities and other authorities make significant efforts to help them (e.g. by issuing them with loans in order to buy caravans or regularising their plots), while others are indifferent or seek to evict them.

b) The Government

92. The Government submits that every endeavour is being made to ensure that Travellers are not excluded from society. To this end, it emphasises the need to provide Travellers with the means to participate in the process of conceiving, designing, implementing and monitoring policies and programmes aimed at improving their housing situation. The implementation of national policies in this area is based on the conclusions of consultative bodies working with Travellers. For example, they are involved in the preparation and implementation of *département* plans (*Département* Plans for the Housing of Disadvantaged Persons (PDALPD)) by *département* consultative commissions. In addition, a National Advisory Commission for Travellers was set up in 2003. Its role is to study the specific problems facing this section of the population and to make proposals to the Government to help to improve their integration into the national community.

B. Assessment of the Committee

93. 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).

94. 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).

95. 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.

96. The Committee therefore finds that the situation constitutes a violation of Article 30.

FIFTH PART: ON THE ALLEGED VIOLATION OF ARTICLE E TAKEN IN CONJUNCTION WITH ARTICLE 30 OF THE REVISED CHARTER

A. Arguments of the parties

a) The complainant organisation

97. The ERRC considers that Act No. 69-3 relating to the exercise of itinerant trades and the regime applicable to persons travelling around France without a fixed domicile or residence has a negative impact on the right to housing of holders of circulation documents, in view of the conditions under which they are allowed to exercise their electoral rights. According to the ERRC, it has been established that Travellers who hold circulation documents may exercise their right to vote after a 3-year period of attachment to a given municipality and then only if the number of holders of such documents in that municipality does not exceed 3% of the electorate. This 3-year attachment period is considerably longer than the qualifying period for other French citizens (including even those of no fixed abode) who can vote after six months' residence in a given municipality. Travellers have virtually no political influence. As a result, they suffer discrimination and are not in fact in a position to vote in elections, thereby allowing local authorities to ignore them and perpetuate their social exclusion.

b) The Government

98. As its principal contention, the Government considers that the question of electoral rights is unfounded and has no relevance whatsoever to Articles 16, 19, 30 and 31 on which the ERRC relies. In the alternative it pleads that, regarding the exercise of the right to vote, apart from the arrangements for registration on the electoral rolls laid down by Article 10 of Law No. 69-3, travellers can benefit

from the apparatus prescribed by Article L 15-1 of the Electoral Code. This apparatus, the upshot of the reform introduced by Law No. 2007-290 of 5 March 2007 in consultation with the associations representing travellers, enables them to register in the municipality where the municipal or intermunicipal social welfare centre is, or with a body officially approved for that purpose, with which they have been registered for at least 6 months. These measures enable most persons concerned to exercise their right to vote under the conditions prescribed by ordinary law. The Government also points out that certain implementing measures in respect of Law No. 69-3 are being reviewed and that the 3% threshold as regards the electorate may be reconsidered.

B. Assessment of the Commitment

99. 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 to 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.

100. In the present case, the Committee is required to examine two complaints, namely the matter of the qualification period of three years' attachment to a municipality to be entitled to vote and the consequences of the 3% quota on their voting rights.

101. With regard to the three-year period, the Committee notes that Act No. 69-3 requires Travellers moving around France without a fixed domicile or residence 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.

102. 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 anti-discrimination and equality 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.

103. 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.

104. 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.

105. The Committee finds that the situation constitutes a violation of Article E taken in conjunction with Article 30 for the two complaints.

SIXTH PART: ON THE ALLEGED VIOLATION OF ARTICLE 19§4c OF THE REVISED CHARTER

106. Article 19§4c of the Revised European Social Charter reads as follows:

Part I: "migrant workers who are nationals of a Party and their families have the right to protection and assistance in the territory of any other Party.

Part II: With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake: (...)

4. to secure for such workers lawfully within their territories, insofar as such matters are regulated by law or regulations or are subject to the control of administrative authorities, treatment not less favourable than that of their own nationals in respect of the following matters:

(...)

c accommodation."

A. Arguments of the parties

a) The complainant organisation

107. The ERRC contends that the situation of Roma migrants from Council of Europe and EU member states in terms of access to housing is in breach of Article 19§4c on the ground that these Roma usually visit France for a short period of time, work in seasonal posts and then return to their countries. There are also, however, numerous Roma families who have been living lawfully in France for many years. And yet there is no comprehensive housing plan for these people.

108. The ERRC further contends that the living conditions in the encampments where migrant Roma live are appalling, and that when evictions are carried out, they are often accompanied by acts of police brutality. The French authorities are also said to encourage a policy of “voluntary repatriation” among Roma migrants.

b) The Government

109. The Government points out that alongside the Traveller population, a number of Roma have recently moved to France. It emphasises that those Roma who are nationals of EU member states enjoy the right to freedom of movement and residence in all the member states, provided, as with all nationals of EU member states, that they have sufficient resources and social insurance cover. Legally resident Roma may therefore take advantage of the reception arrangements set up by France on its territory on an equal footing with French nationals.

110. The Government notes, however, that many Roma migrants are present in France unlawfully and as such are liable to be ordered by prefectures to leave the country. When a deportation order is issued, humanitarian and financial support is provided for the individuals concerned. In addition to this repatriation assistance, the persons concerned are informed about the economic reintegration support programme run by the National Agency for the Reception of Foreigners and Migration, which gives migrants returning under the scheme the right to welfare support on their arrival and, for those wishing to engage in an economic activity, financial assistance with setting up and funding microprojects of up to €3,660 per project.

B. Assessment of the Committee

111. 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.

112. 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 v. Italy, Complaint No. 27/2004, decision on the merits of 7 December 2005, §§ 35 and 41).

113. The Committee finds that the situation constitutes a violation of Article 19§4c of the Revised Charter.

CONCLUSION

For these reasons, the Committee concludes:

- 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;
 - b) on the ground of the poor living conditions and operational failures at these sites;
 - c) on the ground of lack of access to housing for settled Travellers;
- unanimously, that there is a violation of Article 31§2 of the Revised Charter on the ground of the eviction procedure and other penalties;
- by 12 votes to 2, that there is a violation of Article E taken in conjunction with Article 31 of the Revised Charter;
- unanimously, that there is a violation of Article 16 and Article E taken in conjunction with Article 16 of the Revised Charter;
- unanimously, that there is a violation of Article 30 of the Revised Charter;

- by 11 votes to 3, that there is a violation of Article E taken in conjunction with Article 30 of the Revised Charter;
- unanimously, that there is a violation of Article 19§4c of the Revised Charter.

Lyudmilla HARUTYUNYAN
Rapporteur

Polonca KONČAR
President

Régis BRILLAT
Executive Secretary