

Integrated Programme for the Social Inclusion of Roma

The situation in France

– Similarities with Greece

The situation in France is very similar to that in Greece as presented in the peer review working paper:

- long-standing presence on French territory; a mixed population (varied residential arrangements, different communities/religions, varying living standards) and a distinction made according to citizenship (French travellers/Roma migrants).
- no legal recognition of minorities in France: apart from issues relating to travel and circulation documents, the general principle applied is that travellers are covered by the ordinary legal framework and mainstreaming policies.
- figures: as French legislation does not allow ethnic statistical data to be collected, the number of travellers is difficult to estimate. NGO sources evaluate the figure at about 300,000 settled, semi-settled and travelling people on the basis of both the ethnic and lifestyle criteria.
- population characterised by difficulties accessing their rights, by discrimination, poverty and exclusion.

– Characteristics specific to France

▪ **Circulation documents**

France has long had legislative and regulatory provisions to deal with itinerant economic activities, with or without a fixed base. These provisions apply to everyone carrying out a mobile activity (site workers, fairground workers etc.), and are not specific to travellers, but in practice travellers are most widely affected.

The anthropometric identity booklets imposed in 1912 gave way in 1969 to more enlightened circulation documents (law 69-3 of 3 January 1969 “relating to the exercise of ambulant activities and the regime applicable to persons circulating in France without a fixed domicile or residence”), which represented a continuing desire to maintain police control over the movement of people carrying out itinerant activities.

Since the enactment of the 4 August 2008 law, people carrying out ambulant commercial or trade activity who have had a fixed domicile or residence for over six months are covered by the ordinary commercial legislation. However, the provisions of **law 69-3 of 3 January 1969**, which require everyone with no fixed domicile or residence living permanently in a vehicle, trailer or other mobile shelter to hold circulation documents, have been retained. At the same time, the conditions under which circulation documents are stamped are being reviewed.

Seen as discriminatory by the HALDE (the French equality body) and several associations representing travellers, circulation documents are also viewed with ambivalence by many travellers as an element of their identity.

- **The 5 July 2000 law on accommodation and homes for travellers:**

Due to travellers' attachment to a nomadic lifestyle, whether or not they practise it, a law covering travelling people was adopted on 5 July 2000 in response to the problems raised by this lifestyle. The law makes it obligatory for *communes*¹ with populations of over 5,000 to provide travellers camps or temporary sites² for people whose traditional homes are mobile.

Policies in place

a. How travellers' issues are generally dealt with in France

In accordance with its general principles, France's policy is to promote the integration of travellers into the national community by providing access to fundamental rights in terms of housing, employment, health, education, justice, family policy, citizenship etc. The goal is for this integration to take place within the ordinary legal framework and mainstreaming policies, completed where necessary by specific measures taking account of the travelling lifestyle.

To achieve this, consultative committees representing travellers were set up at national and local level:

A national committee known as the "**Commission nationale consultative des gens du voyage**" (national travelling people's consultative committee) was set up in 1992. It includes representatives of the government, elected officials, travellers, associations working on behalf of travellers and qualified experts. Its role is to study the specific problems encountered by travellers and make proposals to the government in order to improve their integration into the national community. It is consulted with regard to draft legislation and regulatory texts and on action plans designed to improve travellers integration.

At local level, each *département*³ has its own **consultative committee**, which includes representatives of the *communes* concerned, travellers and associations working on behalf of travellers, and helps to prepare and apply the local travellers' camp plan. The committee is chaired jointly by the government's representative in the *département* and by the president of the district council, or their representatives.

Every year the *département* consultative committee prepares a report assessing how the plan has been implemented. It may appoint a mediator responsible for examining any

¹ Local authorities, lowest level of administrative division in France

² **Travellers camp** (*aire d'accueil*): public land where caravans can be parked for a period of days, weeks or longer, providing the necessary infrastructure (water, electricity, washing machine, sanitation etc.) and managed by or on behalf of the local authority. **Temporary site** (*terrain de passage*): public land where caravans can be parked for short periods, with minimal facilities (water, waste collection)

³ Administrative district

difficulties arising in applying the plan and formulating proposals for how to remedy them. The mediator reports to the committee.

b. Housing: a specific public policy and mainstreaming policies

In response to the problems raised by the travellers' lifestyle, France adopted a law on 5 July 2000 which makes it obligatory for *communes* with populations of over 5,000 to provide travellers' camps or temporary sites according to a schedule included in a *département* plan on travellers' accommodation.

Although all the *départements* have adopted such plans, achieving their stated goals has been delayed in many districts. Faced with discontent from local populations, mayors are often reluctant to provide the facilities specified in the plans in their towns and villages.

To surmount these obstacles, the government has invested €67 million over seven years to fund 21,000 accommodation spaces out of a total target of 42,000. The state's financial support was extended until 31/12/08. The law enables the government to act where local authorities fail to, having first given them formal notice to fulfil their obligations. The costs of acquiring and developing the land and managing the camps are then deducted from the budget of the *département*.

It is also important to note that there is a trend among travellers towards total or partial settlement, as shown by studies and surveys carried out by the Ministry for Housing, information collected from the field and a report by Senator Pierre Hérisson in June 2008. Various forms of "territorial roots", from family, private or rented land to the social housing provision available to everyone, are developing at local level.

As long as they meet quality standards and respect the rights of those involved, these forms of habitation should be encouraged, in that they reconcile mobile housing with fixed housing on private land. This is one route towards better integration into local communities and a better education for children.

Finally, travellers must have access to normal housing. As any other citizens they can claim the enforcement of new legislative and regulatory provisions providing a legally enforceable right to housing. This right has been available, on certain conditions, since 1 January 2008 to people facing major housing difficulties. From 2012, applicants for housing may take action through the courts if their request for housing does not meet with a response corresponding to their needs and abilities.

c. Education: improving access to education

No statistical data are available on the school attendance rate among children from travelling families, because statistics based on "ethnicity" are not allowed in France.

However, there are very real difficulties in providing education for travelling children, which require much greater attention from the public authorities, both central and local, in order to achieve an appropriate response to the situation.

It goes without saying that education remains compulsory for all, and that if a mayor refuses for any reason to register travelling children in a local state school, the people concerned must inform the local education inspector, who can call on the Prefect (the State's representative in a *département*).

The government's efforts in favour of all children with educational difficulties, including travelling children, should also be noted. For travelling children, these efforts include mobile classrooms at travellers camps and dedicated schools, reception centres for children with limited French language skills, extra hours of teaching and educational support, distance learning provided by the national distance learning centre (CNED), specific training for teachers etc. Various examples of good practices have been identified, demonstrating that satisfactory solutions exist. Their dissemination should be encouraged.

d. Employment: adapting policy on access to employment

The traditional economic activities of travellers are gradually disappearing. Many families, unable to continue these activities, now live on minimum income benefits. Lack of qualifications, illiteracy and lifestyle keep a large proportion of them outside the employment market, which needs to be made more accessible through appropriate actions to facilitate professional integration.

The government's reforms to help recipients of minimum income benefits back to work (such as the "back to work" law and the active solidarity benefit – known as "RSA" - Revenu de Solidarité active) encourage means of returning to work that are compatible with the lifestyles of travellers, taking account of their skills and their needs by supporting micro-businesses and access to microcredit.

e. Social services: social support for families in difficulty

In the ordinary legal framework, the responsibility for social support lies with *département* councils. However, given the living conditions and/or the precarious situation experienced by much of the traveller community, the state continues to provide specific social support for this population.

For example, at national level the Directorate General for Social Action (DGAS, Direction générale de l'action sociale) subsidises the non-profit-making networks providing social support for this population, whether or not they use traveller sites. Similarly, the state's regional and local health and social affairs departments provide financial support for local

associations on the basis of the ministerial circular dated 21 February 1990 relating to social and educational activities of NGOs and local authorities targeted at travellers.

The aims of these activities are to:

- promote children's preschool and school attendance, adult literacy, access to healthcare and family health and enable travellers to adapt to economic integration and help them in their dealings with the authorities,
- and to develop a mediation function between families and administrative and social service providers.

Social services for travellers who use the travellers camps are included in the *département* plans (under article 1 of the 5 July 2000 law on accommodation and housing for travellers).

Responsibility for funding these services lies with the State, the *départements* (local authorities) and, where relevant, any social organisations involved through framework agreements between the organisations and the camps managers.

f. Health

As previously stated, many families share the circumstances of low-income populations in general, for whom health inequalities are often most pronounced.

We have little data in the field of health. However, some reports, most of which cover migrant Roma, describe:

- Lead poisoning in children accommodated on land with excessive lead content, or associated with the parents' professional activity (e.g. scrap metal dealing),
- Cardiovascular illnesses due to poor diet, leading to obesity, excess weight and sometimes high cholesterol and diabetes,
- Domestic accidents, which can sometimes be attributed to lifestyle and living conditions,
- Anxiety, for which certain health professionals observe that many children take tranquillisers,
- An increased risk of miscarriage, premature birth, teenage pregnancy etc. with poor monitoring of these pregnancies,
- Genetic diseases linked with parental inbreeding,
- Insufficient vaccination coverage in children.

These are not specific pathologies, but health problems that are overrepresented due to the precarious living conditions of these populations.

Access to preventive healthcare meets the same obstacles as for other vulnerable populations. However, the Roma still constitute a separate community due to the high level of adult illiteracy and their itinerant lifestyle.

The difficulties encountered in France are of three kinds:

- **Difficulty accessing healthcare in France**
Difficulties claiming their rights (universal health insurance cover for French travellers, state medical assistance for illegal immigrants) together with unawareness of the healthcare system and the language barrier for Roma residing in France.
- **Living conditions**
Living conditions aggravate health problems and can even be a trigger for new pathologies: physical hygiene is difficult in the absence of fresh water and clean individual sanitation; exposure to severe weather; muddy, marshy campsites; diet including products recovered from market and supermarket waste; the permanent stress of police harassment that can occur at any time; presence of rodents and parasites on campsites.
- **Interruptions to healthcare**
Uncertain conditions and repeated expulsions from halting sites are considerable barriers to continuing access to local healthcare. Moreover, every change of halting site interrupts the course of medical follow-up.

g. Fighting discrimination

Living conditions for traveller communities are sometimes worsened by racist and discriminating behaviour. Instances of such behaviour, which constitute breaches of the travellers' human rights, can lead to a referral to the competent authorities. The French equality authority, Halde, has issued several recommendations about how to fight discrimination against travellers.

Issues and questions for debate

The constraints underlined by the working paper and the questions it raises also apply in France:

- administrative delay and continuing public prejudice, which slow down government investment; the need for political commitment at all levels and better knowledge of this population and its needs on the part of the administration in particular
- decentralisation, which involves real coordination between the different levels (national government and local authorities) and between local authorities themselves

- what kind of funding is appropriate? Certain funding streams are provided directly by the state, others come from charitable organisations or local authorities, but the question remains of how effective and consistent they are.

Further questions we feel are problematic:

- Migrant Roma and travellers: France treats these two types of communities differently, but the distinction is not always well understood. At the same time, policies or actions aimed at one population may be misunderstood by the others.
- France has always given preference to the policies, actions and measures of ordinary common law, because targeted programmes can often have unintended consequences, such as a stigmatisation of the target population or reactions from other populations. This approach has sometimes been criticised outside France.
- Another issue is how to bring together two types of approaches, the security approach and the social approach.
- Real cultural questions are at stake, particularly with regard to participation: the difficulty of achieving representation; identity issues, such as the circulation documents in use in France; religious questions... These areas, which are rarely addressed by public policy, underline many of the problems that remain to be solved.