



**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX**

30 November 2015

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European Roma and Travellers Forum (ERTF) v. France
Complaint No.119/2015

COMPLAINT

Registered at the Secretariat on 19 October 2015



EUROPEAN ROMA AND TRAVELLERS FORUM
EVROPAKO FORUMO E ROMENGO THAJ E PHIRUTNENGO
FORUM EUROPÉEN DES ROMS ET DES GENS DU VOYAGE

COMPLAINT

Strasbourg, 19 October 2015

COMPLAINT

LODGED BY THE EUROPEAN ROMA AND TRAVELLERS FORUM

AGAINST FRANCE

FOR THE INCORRECT APPLICATION OF ARTICLE 17 OF THE

EUROPEAN SOCIAL CHARTER

The European Roma and Travellers Forum has the honour of presenting you with the following collective complaint, lodged on the ground that because of the situation described by the national associations, French legislation fails to comply with the provisions of the European Social Charter.

The person responsible for this complaint within the European Roma and Travellers Forum is its Executive Secretary, Mr Robert Rustem.

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I. Admissibility

1. Competence of ERTF

The Forum is a non-profit-making legal person governed by the French law in force. Its purpose is to oversee the effective exercise by Roma and Travellers of all the human rights and fundamental freedoms protected by the Council of Europe's legal instruments. It promotes measures to combat racism and discrimination and facilitate the integration of these population groups into European societies and their participation in public life, as specified in Article 2 of its Statute. It pursues its aims by implementing measures at the most appropriate level to improve these people's living conditions. These activities focus primarily on housing, health, education and employment. Additional information on the ERTF is available on its website at www.ertf.org.

2. Applicability to France of the revised European Social Charter and of the 1995 Protocol to the European Social Charter providing for a system of collective complaints

France signed the European Social Charter of 1961 on 18 October 1968, and deposited its instrument of ratification on 9 March 1973. Subsequently, it signed the 1995 Additional Protocol to the European Social Charter providing for a system of collective complaints on 9 November 1995 and the revised European Social Charter on 3 May 1996. It ratified both these instruments on 7 May 1999.

In accordance with the declarations contained in the instrument of ratification of the revised Charter of 1996 deposited by France on 7 May 1999, France considers itself bound by all the articles of Part II of the revised Charter.

3. Compliance by the European Roma and Travellers Forum with the Articles of the Additional Protocol of 1995

a. Compliance with Article 1 (b) of the Additional Protocol of 1995

The ERTF submits this collective complaint to the Executive Secretary, acting on behalf of the Secretary General of the Council of Europe, in accordance with the collective complaints procedure established by the Council of Europe on 9 November 1995 in order to give full effect to the principle of social rights for all.

Unlike the bodies referred to in Articles 1(c) and 2§1 of the Additional Protocol, international non-governmental organisations entitled to submit collective complaints need not necessarily fall under the jurisdiction of the High Contracting Party against which the complaint has been lodged. This means that the ERTF can lodge a collective complaint against any country which has ratified the Charter or revised Charter or both, and has agreed to be bound by the collective complaints mechanism, without prejudice to any other admissibility requirement.

The ERTF has consultative status with the Council of Europe and appears on the Governmental Committee's list of international non-governmental organisations entitled to submit collective complaints.

b. Compliance with Article 3 of the Additional Protocol of 1995

The ERTF's activities assign it the necessary competence for the questions to which the complaint relates.

Article 2 of its Statute reads as follows:

"2.1 The aim of the Forum is to promote the effective exercise by the populations mentioned in Article 1.2 of all human rights and fundamental freedoms as protected by the legal instruments of the Council of Europe and other international legal instruments where applicable. It shall promote the struggle against racism and discrimination and facilitate the integration of these populations into the European societies and their participation in public life and in the decision-making process.

2.2 The Forum shall make proposals to contribute to the improvement of the social conditions of the said populations both sedentary and itinerant."

The ERTF also undertakes to support any legal proceedings brought on behalf of Roma and Travellers. In this way, it aims to protect Roma and Travellers in Europe from discrimination, through respect for their social rights and human rights.

Among the INGOs represented at the Council of Europe, the ERTF plays an active role and is competent in areas of activity connected with social rights and the European Social Charter. Furthermore, the standing of the ERTF before the European Committee of Social Rights is well-established, as it has successfully submitted complaint No. 64/2011 against France, which led to the adoption of resolution ResChS(2013)1 on 5 February 2013 by the Committee of Ministers.

c. Compliance with Rule 1 of the rules of procedure of the collective complaints system

Article 8.3 (i) of the Statute of the ERTF states that the President shall represent the Forum in all its functions, or shall delegate such tasks to other members of the Executive Committee.

II. Subject matter of the Complaint

1. General grounds

This complaint relates to the situation of children and young adults in the Roma community in France and the severely damaging effects of the way they are treated, particularly as regards their access to education and vocational training, despite the fact that this is a prerequisite to bringing an end to their illiteracy and hence fostering the integration of these populations into society through the intermediary of the younger generation.

By ratifying the European Social Charter and its protocols, France has undertaken to apply the provisions enshrined therein. This complaint highlights the violations affecting children and young adults:

- of Article 17§2 of the Charter, which states that it is for the states to take the necessary measures “to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools”;
- of Article 10 on the right to vocational training, particularly paragraph 5b, which calls for financial assistance to be granted in appropriate cases;
- of Article E (Part V) on non-discrimination, read in conjunction with Articles 16, 30 and 31.

The problems highlighted in this complaint with regard to Roma populations are found in many regions of France. To describe them in detail, it has been decided to present the objective facts recorded in the region of Aix en Provence in connection with groups of Roma families who have been monitored for a considerable time by a grouping of associations made up of:

- *Rencontres Tsiganes*, a regional association set up to champion cultures and populations of French Gypsy origin (Travellers) or foreign origin (migrant Roma);
- the *Cimade*, a national association founded in 1939, which deals with foreigners’ and migrants’ problems;
- the Human Rights League;
- *ADDAP 13*, an association of street educators;
- *Médecins du Monde*;
- *Caritas-Secours Catholique*, which has been co-ordinating this grouping of associations since 2008.

In April 2015 for example, the focus was on one of the shanty towns about 15 km from Aix en Provence, which had been occupied since June 2014, following various evictions carried out around that time, by a group of some 130 people, of Romanian origin, all illiterate and mostly adult, made up as follows:

- Children under the age of 3: 10
- Children of nursery school age: 15
- Children of primary school age: 15
- Children of lower secondary school age: 13
- Young adults under the age of 26, practically all living as couples: 28
- Adults (over the age of 26) fit for work: 35
- Elderly adults (around 60): 10.

Most of them live in caravans, the majority of which are in poor condition, or in shacks made from salvaged wood and plastic sheeting, with no sanitary facilities save for a stream in which the water is highly polluted, no electricity save for a few “improvised” connections and no refuse collection, the adults’ main livelihood being scrap metal dealing for those with a vehicle, foraging in bins for others and begging for the women.

An eviction order was issued in January 2015, to be enforced at the end of the school year on 30 June 2015 (document 36).

2. Violation by France of the right to education (Article 17§2)

a. Reminder of the relevant French law

In France the right to education is a constitutional principle: “The Nation shall guarantee equal access for children and adults to instruction, vocational training and culture”; and Article 131-1 of the Education Code provides that “education is compulsory for French and foreign children of both sexes between the ages of six and sixteen”.

b. The facts

Quite clearly, these fundamental principles are not respected in respect of Roma children, either in the example described above (where only 14 of the children attend school, 3 at nursery level, 8 at primary level and 3 at lower secondary level) or in other cases, as was demonstrated when the Samaritain camp was closed.

It should be noted that in his report of 2014, the Council of Europe Commissioner for Human Rights stated as follows:

“It is ... essential to give priority to access for all Roma children to school. It is unacceptable that in a camp like the one I went to in Marseille, none of the 25 children who had been living there for nearly two years attended school”.

c. Investigation of the objective causes of this lack of access to standard, regular schooling

The main causes are as follows:

- repeated evictions;
- certain instances of discrimination by the public authorities;
- insecure living conditions, particularly with regard to housing;
- a lack of classes geared to these children's specific problems;
- transport difficulties.

Repeated evictions

This is most certainly the main cause of this failing. For example, since 2010, 22 eviction orders have been issued against populations residing in the Aix en Provence area, 18 of which were issued at the request of the City of Aix en Provence or the Greater Aix Community of Municipalities (CPA) and four at the request of other mayors concerned (see file attached).

Regular school attendance, as required by Article 17§2, is impossible in a context of insecure housing. When a new site is occupied, usually in July, school enrolments are closed. Parents have to start over again in September, reconstituting administrative files (from papers that it is difficult to find again) and find schools that are close enough to the site.

Children therefore join classes very late (two to six months late). In April 2015, some teenagers were still not attending school and in reality, not one child had been able to complete a full school year. In addition, their integration as foreigners had been made all the more difficult by the fact that they had joined a class that was already well established, where lessons had already been given before their arrival. Teachers themselves complain that these "interruptions disrupt the educational process" and "undermine the initial stages of integration" (see the report of the hearing of the "Opinion Tribunal" of 27 June 2015, presided by Ms Simone Gaboriaux, honorary judge).

The grouping of associations in Aix-en-Provence points out that it has been noted that once the date of an eviction has been announced in an administrative order or court order, even if it is still some months away, this has an immediate demotivating effect on pupils, causing them to lose interest in school. This is particularly true of adolescents, who question what the point of school is when this happens.

It should be noted that these procedures and the evictions themselves give rise to enormous costs, in no way comparable with the cost of the minimum amount of conversion work that would make it possible for the persons concerned to stay on sites that are not generally used after they are cleared (see the article in La Provence). For a much less substantial sum it would be possible, if no immediate rehousing solution can be found, to do what a large number of NGOs cited by the Human Rights Commissioner in his last report recommend and to “make sites safe, especially in terms of sanitary facilities, so as to ensure the dignity of the persons who live there” and then start work on their social integration.

In fact, no such measures are taken. Since the shelters consist of shacks or, in many cases, the remains of caravans which can no longer be moved, the upshot of every eviction is that these shelters are flattened and destroyed together with much of the furniture and fittings which the inhabitants cannot take away with them (press file, documents 54, 55 and 59).

The violence that is exercised against them in this way is particularly harmful to the children who witness it and feel it through the distress of their parents.

Certain instances of discrimination by the public authorities

Sometimes refusals to enrol children in schools are direct and sometimes they are concealed.

In the village of Velaux near Aix-en-Provence the mayor and member of the National Assembly has categorically refused to allow children to attend the local school. This refusal was stated clearly to the sub-prefect at a consultation meeting despite the assurance given by a representative from the regional education authority that there were enough places in the school. It was repeated in a letter to the Prefect of the Bouches du Rhône (“schooling” file, document 37).

Having been evicted from Velaux, the same group arrived later in Coudoux. At this point there were three months left in the school year but everything was done to delay enrolment up to the summer, with the result that not a single child was able to attend school (“schooling” file, document 61).

Insecure living conditions, particularly with regard to housing (in breach of Articles 30 and 31 of the Social Charter)

Among the objective causes of lack of access to schooling, living conditions have a key impact. Elementary needs such as water and electricity are not satisfied. Associations highlight the fact that despite their responsibilities in this respect, elected representatives oppose measures to meet the minimum requirements for decent living conditions in their constituencies.

It should be pointed that Article L210-1 of the Environmental Code provides that “the use of water belongs to all, and all individuals have the right, for their sustenance and hygiene, to access to drinking

water under economic conditions acceptable to all". According to the associations working in the field, this right is rarely respected.

The grouping of associations states that on one site, water was provided initially through an agricultural standpipe in the neighbour's field but this was closed by the neighbour at the beginning of the year. Currently, it is transported in containers, which are filled either in the stream or, for those with vehicles, at a village fountain or a fire hydrant. According to water quality tests, the water from the stream (which is used for hand washing, baths, washing up and to wash vegetables) is very dangerous (document 69). Bottled water is purchased for drinking (from a large food store about one kilometre away on foot).

The grouping notes that no arrangements have been made for the removal of household refuse and waste despite repeated requests to the municipal authorities and the CPA. At everyone's personal initiative, they are transported by the residents to a public refuse site (the closest, about 1 km away) either on foot or, for those that possess one, by car. The Sub-Prefect of Aix claims that he has repeatedly asked the city to arrange for waste collection, but to no avail.

Electricity: the Conseil d'Etat has found (13) that if a new illegal camp is established, the authorities cannot refuse to provide a temporary connection to the electricity network. This temporary connection would add to the uncertainty caused by the authorities' reluctance to propose social support measures. However, in view of the Conseil d'Etat's case law and the authorities' clearly excessive zeal in issuing eviction orders, such measures are unlikely to be applied.

Yet, in ratifying Article 30, the French state made a specific undertaking to take all appropriate measures to effectively combat situations of poverty (particularly extreme poverty) and social exclusion which undermine human dignity, and the living conditions described above quite clearly constitute such a situation.

The associations and social workers emphasise that these poor living conditions have a direct impact on the children's education:

- the housing itself (cramped, poorly lit or unlit shacks or caravans) makes it difficult for pupils to do any homework. The absenteeism referred to above is also linked to these precarious conditions;
- it is difficult to find decent clothes (particularly shoes) and to keep them clean because of the water supply problems (clothes are washed in the cold stream);
- it is difficult to make children wash in the morning (in the cold) before they go to school.

A lack of suitable classes

Article 30 of the Social Charter requires those parties which have accepted it to “to take measures within the framework of an overall and co-ordinated approach to promote the effective access [to education] of persons who live or risk living in a situation of social exclusion or poverty, as well as their families” and “to review these measures with a view to their adaptation if necessary” and the Council of Europe has regularly called on contracting states to cater for the distinctive cultural and social features of these populations and their economic vulnerability.

It is true that there are classes for newly arrived pupils and language classes that are reserved for foreign pupils. However, they are very inadequate in number and most are full already at the beginning of the school year.

It was as a result of this that, up until 2012, Roma children in the Aix-en-Provence camp were able to attend two schools which were assisted by teachers in charge of “newly arrived pupils”. However, as a result of successive evictions, the pupils ended up living very far away from these schools and this seriously undermined their primary education. Children of lower secondary school age often arrive too late to all be enrolled in schools where such support can be provided. One such child, who was particularly keen to gain access to school in this way was only able to join a class three weeks before the end of the school year and hence at almost exactly the same time as the camp was cleared, despite the many approaches to the authorities made by the associations.

Problems for parents in transporting their children to school

Local councils fail to organise school transport for settlements which are rendered impermanent by evictions. Regular bus routes and timetables are sometimes unsuited to school hours and the cost of this means of transport is made all the higher by the fact that on these lines, parents must accompany their children, which not only increases the cost of travel but also prevents them from working during this time.

In its statement of 5 September 2012 the Human Rights League quite rightly pointed out that court eviction orders sending Roma groups out of towns caused a related problem, which was the transport of the children in these groups to school.

d. Violation of the requirement to provide young adults with vocational training

In breach of Article 10.3.a and 5.b, vocational training for young adults is ill-suited in the rare cases it is provided at all.

Most young Roma or Traveller people between the ages of 16 and 26 already have family responsibilities. They are often illiterate so they choose their work accordingly (in sectors such as scrap metal dealing and construction) and take jobs that are likely to provide them with a minimum income rather than accepting the training courses proposed by the local employment services, for which the allowance of €300 is not enough to cover their family costs. In addition, for the rare young people who are admitted to a training course, the prospect of a forthcoming eviction often prompts them to drop out.

This context does not predispose them to take up offers of literacy courses, especially as their activities give them very little free time. The result is that there are major obstacles to integration for men.

3. Violation by France of its obligation to provide special protection for children and young persons against the physical and moral hazards to which they are exposed

In a report in 2012, the Ile-de-France regional health monitoring centre highlighted the fact that the repeated evictions to which the Roma community was subjected significantly undermined their state of health, particularly that of their children.

Several organisations including the monitoring centre point out that recurring emergency evictions affect the mental health of the Roma population, especially Roma children. The fear of eviction offers fertile ground for somatisation and places children in an emotional and mental state of distress.

Evictions can result in the interruption of ongoing treatment or of individual medical supervision.

For healthy development, children need not only the presence of their family and their social entourage but also a stable environment, a setting in which they can find benchmarks. It is clear therefore, as has been shown above, that the French state has failed to fulfil its obligations and has adopted a position which undermines children's stability. In the first quarter of 2015 the Human Rights League and the European Roma Rights Centre published a report showing that France clears three camps per week while failing to pursue any kind of support policy for those evicted.

4. Violation by France of its obligation not to discriminate (Article E) and the effects of this on children

On the whole Roma families wish to integrate and stay in France. Many parents consider that their children's future lies in France. In point of fact they are already partly integrated into the region in which they find themselves and they wish to stay there. There are many other forms of discrimination apart from the one related to schooling described above which can help to cause the integration process to break down.

Social discrimination:

Contrary to the repeated recommendations of the Council of Europe, no action is taken by the authorities, particularly the local authorities, to try to counter the social rejection of these communities, which continue to suffer from considerable stigmatisation, based in most cases on prejudices.

There have even been regular instances of statements made by persons in positions of public responsibility demonstrating an Anti-Gypsyism at variance with fundamental rights. For example a representative of the Municipality of Aix-en-Provence was heard to state in a consultation meeting at the sub-prefecture that "if we keep making their life impossible here, there is a hope that they will eventually go back to Romania". Various newspaper articles reflect this situation (press file, documents 43, 44, 46 to 52, 56 and 57).

The Roma are victims of clear administrative and police harassment, which are mentioned in statements and in a medical certificate relating to a child, drawn up following a brutal operation early one morning on one of the shacks (file of "reports of exclusion and harassment", documents 60, 39, 62 and 63).

The children live in this climate of permanent hostility, which they sometimes experience at school, and cannot develop relationships of trust with adults or children outside their own living environment. Like their parents, they are stigmatised and discriminated against because of their Roma origin.

Economic discrimination:

For parents, access to the ordinary labour market is difficult. No public measures are taken to remedy this problem. On the contrary, the authorities' recurring discriminatory statements encourage employers to avoid recruiting Roma. When they are taken on, it is most often on a daily basis with no employment contract. The mothers engage in begging, most often with their younger children by their sides. The older children, some very young, help to sort through scrap metal at the camp. The children work alongside their parents at a very early age.

Refusal of access to social housing. Families are not entered on waiting lists, as the authorities ask to be presented with employment contracts. One sub-prefecture refused to grant social housing from its own

contingent (“reports of exclusion and discrimination”, document 70). Yet, regular school attendance by children depends on access to housing.

Banks repeatedly refuse to open bank accounts for Roma on the grounds that there is no signature on their identity papers whereas a signature is not required on Romanian identity cards. This deliberate exclusion makes their situation all the more insecure and makes the task of managing their daily subsistence all the more difficult for these families, which are often very large. The children are the first to suffer from the resultant shortages.

These refusals, which are cited as examples, constitute a violation of Article 16 of the European Social Charter, which establishes the “right of the family to social, legal and economic protection”.

Administrative discrimination

Roma families do not have the same access as other families in difficulty to forms of support which should help them to defend the rights of their children to education and a healthy life.

Among the problems they encounter are:

- difficulties in gaining access to legal aid (“legal aid” file, documents 40 to 42), ostensibly because a tax exemption certificate must be provided and a sworn statement is said not to be sufficient, whereas in most cases it is;
- difficulties in gaining access to family allowances, which they should have been entitled to from 1 January 2014 onwards, when the residence permit requirement was lifted for them because of their newfound status as EU citizens, and unreasonable delays in the issue of a registration number giving them access to housing benefits undermining their chances of getting into the rental market.

Conclusion

This collective complaint, lodged by the European Roma and Travellers Forum, argues to the Committee that through its repeated evictions France violates Articles 17§2 and 10 of the European Social Charter, read alone or in conjunction with Articles 16, establishing the right of families to social, legal and economic protection, Article 30, establishing the right to protection against poverty and social exclusion, Article 31 on the right to housing and Article E (Part V), stating that “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”.

The Forum’s argument is that the State does not offer suitable protection for Roma children, either of their development or of their rights.

The activities and reports of associations and studies carried out by public and private bodies show that France has committed multiple offences through its repeated evictions and hence repeatedly failed in its duty to protect children. The increasing obstacles to access to education and vocational training seriously compromise the future of Roma children and their integration into European society.

The legal and political position of the French state with regard to the situation of the Roma is still ambiguous. The state has helped to frame a European Union strategy for the integration of Roma populations and takes part in the Council of Europe’s work to promote the fundamental rights and freedoms of Roma. However, despite the existing legal provisions, its elected representatives take discriminatory positions of which the children of the Roma community are, directly or indirectly, the first victims.

France is not only in breach of the texts it has signed but it demands at the same time that Roma families should integrate in order for their needs to be catered for. However, at the same time it issues repeated eviction orders against them which nullify any possibility of integration either in the immediate future or in the long term because of their effect on the younger generation.

The children are excluded from the education to which they are entitled and excluded from any social interaction with other children.

To combat this situation, proceed with due respect for the relevant articles of the European Social Charter and tackle the humanitarian emergency, it would be desirable initially for medium-sized plots of land to be proposed where about a dozen families could settle, making use of their own accommodation (caravans) but being provided with the minimum amenities needed for a decent standard of living: access to water, electricity, basic sanitation and household waste collection.

Subsequently, it should be possible to consider granting these families access to social housing.

In its capacity as the complainant organisation, the ERTF asks the European Committee of Social Rights to find that:

- the compulsory education of children and young people is severely compromised by the permanent instability and living conditions of these communities;
- the access to social rights, which should be guaranteed to all Europeans, is impeded by administrative discrimination;
- current housing conditions fail to respect human dignity or children's elementary needs;
- successive evictions prevent any integration into the social fabric or any consistent schooling.

III. Account of the movements of the various groups in the Greater Aix Community of Municipalities (CPA)

(see "eviction procedures" documents, 1-36)

The people currently living at Luynes-Trois-Pigeons, which is the camp to which we refer in this complaint, originally settled in three different locations:

- Some of the families (just over one hundred people in total) first settled in 2008 on various plots of waste ground alongside a motorway and a railway. They formed various groups but were united by their common geographic origins in Romania. These families are covered by the court documents referring to the sites, "Les Flâneurs", "Vasarely", "Valcros" or "motorway verges".
- Another three groups (totalling about 80 people) settled on the other side of the town at the end of 2011 on the sites of Trois Sautets, Luynes-Centre and Châteauneuf le Rouge.
- Lastly, a very large group (exceeding 500 people in 2012) settled on the Arbois plateau; we will describe its movements below.

1. The first group of families

The first eviction order dates from 16 February 2010 (document 1), and was followed by two summonses on 18 May and 16 June (documents 2 and 3) and, lastly, another order, on 6 July. The eviction of one of the groups served with a summons was carried out on 19 August in the presence of the press, who had been invited to witness the event. It took place shortly after the speech given by the French President in Grenoble, calling for Roma sites to be cleared (La Provence, 20 and 21 August 2010, press file, documents 43 and 44).

The same people were evicted again one year later from the Chemin des Piboules (a plot of wasteland between the city and the industrial area of Aix) (summons of 29 September 2011 (document 4), order of 25 October (document 5)).

A further summons was served on the same groups, who had settled at Chemin des Flâneurs (between a railway line and a motorway, close to the site cleared on 19 August), on 4 April 2012 (document 6). They settled on an embankment for some months but were evicted from here and returned to Chemin des Flâneurs.

A further summons was served on them on 4 December 2012 (document 9). They moved to another embankment (on Avenue St John Perse) 500 metres away.

Yet another summons was served on them on 22 April 2013 (document 11). They were evicted again (by an order of 28 May 2013) (document 12) and moved to another sector of the Chemin des Flâneurs as the previous site had been ploughed up.

They were required to leave by an order of the Administrative Court of 23 July 2013, which was enforced at the end of September.

Some of these families (it should be recalled that this group was made up of several families) settled alongside the motorway, 500 metres from the others. They were evicted by an order of 8 October 2013 (document 14).

The final small group received a summons to the Administrative Court on 6 November (document 15) and an eviction order on 25 November (document 16).

They all joined up again on two other sites a little further away (in the Valcros neighbourhood). The first were summonsed on 4 December (document 17) and received an eviction order on 14 January 2014 (document 18).

The second were summonsed on 19 February (document 19) and were evicted under an order of 25 March 2014 (document 20).

Some of them moved to the Luynes-Trois Pigeons camp (where the families mentioned in the description below of the third group had already settled), while the others gathered on the Chemin des

Flâneurs. They received an eviction order from the Administrative Court on 26 November 2014 (document 21). They still reside here but the sub-prefect has announced that they will be evicted (with no rehousing solution) at the end of June 2015.

This group of families has therefore been served with twelve eviction orders since 2010, and eleven of these have been implemented while the twelfth is to be applied in June 2015. At least two further evictions of small groups took place in 2012 (from Chemin d'Antonelle et Tubet) but we learnt of this only when these people arrived later at the Valcros site. It is worth noting that none of these sites have been used since they were cleared. Only one (the one on avenue St John Perse referred to in the fourth paragraph) could be said to have caused a real problem because it was insanitary and adjoined municipal facilities.

2. The second group of families

One group arrived at Aix-Trois-Sautets after being evicted from a site in Marseille in December 2011. They were evicted from Trois Sautets in April 2012 under an order of 10 April 2012 (document 7) and joined the families referred to in section 1 above.

On the same day, 10 April 2012, an order (document 8) called for the eviction of a small group which had taken shelter in an abandoned building in the centre of Luynes (in the municipality of Aix). They also formed a new group revolving around the Chemin des Flâneurs.

A third group settled in Châteauneuf le Rouge (a few kilometres to the east of Aix) in October 2011. It was evicted at the beginning of January 2013 under an order of 18 December 2012 (document 10).

In six months these three groups were subjected to three evictions, one each. The sites on which they settled have not been used since.

3. The third group of families

Following their eviction from sites in Marseille, a first contingent of Romanian Roma arrived on the Arbois Plateau (municipality of Aix-en-Provence, 15 km from the city centre) and settled not far from a long-established group of Serbs (present since 2006). This group grew quickly, sometimes reaching 500 individuals (Romanians, a few Croats and the fifty or so Serbs already there).

They were summonsed on 3 May 2012 (document 22), served with an eviction order on 19 June (document 23) and left the site on 25 July. There were still about 300 of them at that time; the others had returned to Marseille. They divided into two groups – Serbs and Croats in Vitrolles, Romanians and a few others in Velaux (about 20 km from Aix).

They arrived in Velaux in late July 2012 and settled on a huge remote, abandoned site owned by a property company (an SCI), which hoped to obtain building permits later (the site has still not been used to this day). A summons was served on them on 3 August 2012 (document 24) and the subsequent court order from the Tribunal de Grande Instance (document 25) gave them three months to leave. Half of them left after the three months for Marseille, from where they would be evicted after six months, moving on to Marignane. The other half were granted a further three months to leave (confirmed by a decision of the Enforcement Judge on 31 January 2013 (document 25bis)) and left on 15 March for the nearby village of Coudoux (located within the CPA). The new site was over one kilometre away from the village, with no private homes nearby.

Following a summons served on 2 May 2013 (document 28), an order of 4 June 2013 compelled them to leave the site during July. They then moved to an old car park in the municipality of Vitrolles (belonging to the CPA), next to a disused concert hall known as “the Stadium”. The car park is very far away from any homes (several kilometres) and cannot be seen from the road so the Mayor of Vitrolles decided to leave them be.

A summons was served on them as soon as they arrived at the request of the CPA, which has a right to use the land. The Tribunal de Grande Instance issued an eviction order on 1 October 2013 (document 30). The Court granted a nine-month period of grace (up to 1 July 2014) to allow the children to complete the school year.

The Mayor of Aix and President of the CPA appealed against this decision (document 31) but the appeal only came before the court on 3 July 2014 (document 32), when they were already leaving.

They moved to the site of Luynes-Trois Pigeons (municipality of Aix-en-Provence), occupying two plots, one of which belonged to the CPA and the other to a private owner. On 11 July 2014 they were served with an initial summons (document 33) from the President of the CPA and Mayor of Aix-en-Provence to vacate both plots. By order of 29 July 2014 (document 34), the Court ordered the immediate clearance of the plot belonging to the CPA so they all grouped together on the second, private plot.

This is a piece of wasteland owned by a person living 50 km away. The association Secours Catholique wrote a letter to the owner to notify him of the situation and ask whether it would be possible to make some form of arrangement, including the possibility of a rental agreement. There was no reply to this letter but a further summons from the Mayor of Aix-en-Provence (evoking a legitimate interest to act because she wishes to purchase the land) and from the owner was served on 2 December 2014 (document 35). The order which followed on 27 January 2015 (document 36) again granted a period of grace until 30 June (2015).

In the meantime the people who had settled on the pavements of an industrial area in Vitrolles were issued a summons on 13 August 2012 (document 26). In its order of 4 September 2012 (document 27) the court found that it did not have jurisdiction to hear the case and referred it to the Administrative Court. Vitrolles Municipality merely moved these people on several times over and did not seek a full eviction until April 2015, when a judgment was handed down in its favour, allowing it to evict some of the inhabitants.

Since 2012 therefore there have been seven court orders followed by evictions and a final order which is to be enforced in June 2015. The Luynes site, which is due for clearance on 30 June 2015, has been earmarked for use afterwards to construct sports facilities. All the other sites are still waste land.

In total therefore since 2010, 22 eviction orders have been issued (plus two which we learned about later), 18 of which were issued at the request of the City of Aix-en-Provence or the CPA and four at the request of the municipalities concerned.

Content of the appendices

- I. Eviction procedures: documents 1 to 36
 - a. Sites around Aix: documents 1 to 21
 - b. Arbois and following sites: documents 22 to 36
- II. Housing conditions: document 69
- III. Schooling: documents 37, 61, 61bis and 67bis to 68bis
 - a. Letter from the MRAP and the Human Rights League to the Principal State Prosecutor: document 39
 - b. Medical certificate: document 60
 - c. Statements: documents 62 to 64 and 70
- IV. Reports of exclusion and harassment: documents 39, 60, 62 to 64 and 70
- V. Legal aid: documents 40 to 42ter
- VI. Press file: documents 43-59