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**International Movement ATD Fourth World
v. France**
Complaint n° 33/2006

**SUBMISSIONS OF THE INTERNATIONAL
MOVEMENT ATD FOURTH WORLD**
In response to the observations of the French Government

registered at the Secretariat on 16 November 2006

International Movement ATD Fourth World

107, avenue du Général Leclerc
95480 Pierrelaye (France)

Tel: 01-30-36-22-11

Fax: 01-30-36-22-21

E-mail: thierry.viard@atd-quartmonde.org

MEMORIAL
OF THE INTERNATIONAL MOVEMENT ATD FOURTH
WORLD
IN RESPONSE
TO THE OBSERVATIONS OF THE FRENCH GOVERNMENT
ON COLLECTIVE COMPLAINT No 33/2006

To:

Secretariat of the European Social Charter
Directorate General of Human Rights
DG II
Council of Europe
67075 Strasbourg Cedex

Tuesday 14 November 2006

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APPENDICES

SUMMARY

This document follows the request to ATD Fourth World from the European Committee of Social Rights to reply to the French Government's response to Collective Complaint No 33, registered on 1 February 2006.

The complaint asks the Committee to find that France has failed to fulfil its obligations under Articles 16, 30 and 31, in conjunction with Article E, part V, of the revised Social Charter, concerning the right to housing of persons in extreme poverty (Article 16: right of the family to social, legal and economic protection; Article 30: everyone has the right to protection against poverty and social exclusion; Article 31: everyone has the right to housing; Article E, part V: principle of non-discrimination).

Since the Act of 31 May 1990 and subsequent legislation, France has had the means to secure the right to housing. However, the legislation is not applied. In practice, the most deprived members of the community are not granted their legal right to priority and are not therefore allocated the social housing to which they are entitled, as shown by the specific examples we have gathered across France. These examples are quoted, together with relevant comments.

In its response, the French Government mainly rests its case on the so-called National Housing Commitment Act of 13 July 2006, which came after the collective complaint was lodged.

ATD Fourth World welcomes this legislation, which shows that the Government acknowledges the shortcomings of French housing policy.

However, although it is still difficult to determine what impact the new law will have on the poorest families' access to accommodation, we must again deplore the lack of any means of enforcement.

How will the new act offer the most deprived members of the community genuine entitlement to housing when it contains no obligation to show results and several weaknesses of the existing system have still not been rectified? The same applies to the shortcomings of the statutory local town plans and the division of responsibilities for applying the law.

From the comments that appear in this document, it is clear that the French Government has only offered a partial response and that, despite the stated objectives of the 1990 Act, it cannot guarantee that those living in extreme poverty will be properly housed.

This constitutes discrimination linked to social exclusion: discrimination that restricts or prevents access to housing and discrimination concerning the exercise of other rights, which is reinforced by non-access to housing. The accounts of the families interviewed for the purposes of this memorial underline this point.

On the basis of the collective complaint and this memorial in response to the observations of the French Government and its attachments, ATD Fourth World asks the European Committee of Social Rights to:

- Find and conclude that current practice and the application of French regulations on housing is deficient.
- Allow the previous requests formulated in the collective complaint.

These requests are:

to introduce an enforceable right to housing, since the only way of ensuring that the right to housing is effective is to make it obligatory. This in turn requires central government, or the state, to accept final responsibility. It must appoint an appropriate political authority with the necessary powers and offer citizens effective remedies against authorities that fail to meet their responsibilities.

The following proposals would also help to fill certain gaps in French law and its application:

1. In relation to the housing action plans for the disadvantaged:
 - Take proper account of the needs expressed by individuals and families, both quantitative and qualitative;
 - Ensure that central government monitors the preparation and implementation of these plans more effectively so that the objectives reflect real needs, particularly by giving priority to the most disadvantaged persons and families and authorising prefects where necessary to require action to be taken.
2. Prohibit any evictions, from rented or other dwellings, unless appropriate rehousing has already been arranged.
3. When central government delegates the prefectoral right of reservation, or housing allocation, ensure that this delegated power is properly and appropriately exercised.
4. Do not apply the principle of social mix if it conflicts with priority criteria.
5. Strengthen mediation committees' powers.
6. Make the process by which applications are presented to and considered by letting committees totally transparent.

I. France's failure to comply with its undertakings in the revised Social Charter concerning the right to housing of persons in extreme poverty

1. The supply of social housing

Personal experience

Chantal Blanc 14 October 2006
Esc 12 HLM route de Roujan
34120 PEZENAS

STEPS TAKEN TO FIND ACCOMMODATION

Mr H. and Mrs B. have been living in Pézenas (Hérault) since 2001. Initially, they lived in a hostel managed by an organisation to help the homeless. The organisation closed on the death of its founder.

The steps taken by Mr H. and Mrs B. to find accommodation of which I am aware include:

- repeated requests for housing (at least in 2003 and 2005) to local authority social workers;
- in 2002 and 2003:
several meetings in Pézenas with the organisation, *Trait d'Union*, which assists disadvantaged persons; the organisation submitted an application for social housing;
- * meeting with the chair of the social housing office (*Hérault Habitat*) and the local solidarity network (*ATD Fourth World, Emmaüs, Secours catholique, Secours populaire, Restaurant du Cœur*); the chair made promises but no accommodation was forthcoming.
- visits to camp sites such as one at *Fontès* that take families on a round the year basis. € 510 per month for a mobile home was too expensive.
- Mr H made unsuccessful requests to an individual who rented low cost studio flats.

During this time, Mr H. and Mrs B. successively occupied (non-exhaustive list):

- a garage measuring about 8 m² with a corrugated iron roof;
- a building under construction;
- a tent in the woods;
- living with another family for several weeks;
- a partly ruined cabin in a vineyard;
- squatting in a house with no water or electricity;
- a cabin.

• **The social cohesion plan**

The Government acknowledges the delay in building social housing and refers to the social cohesion plan of June 2004 and the Social Cohesion Programming Act of 18 January 2005 as means being used to remedy the situation.

ATD Fourth World welcomes the Government's new-found awareness of the shortage of social housing and the announced construction of new units.

However, the social cohesion plan and programming act relied on by the Government were both in force when the complaint was lodged. The aim of the complaint is to highlight their inadequacies in comparison with the needs of families in poverty and their difficulties in obtaining such housing.

For example, the Government announced the funding of 81 000 social housing units in 2005, but these are of several types, with the type of loan varying according to tenants' income:

- PLAI: loans to assist reintegration of tenants with a maximum taxable income of € 9 861 (single person in Paris);
- PLUS: social usage loans, for a maximum income of € 17 927;
- PLS: social loans, for a maximum income of € 23 305.

Clearly only the first, so-called "very social" category of loans, for "households with a range of financial and social difficulties", are aimed at the poorest households. Since 2000, article R 331-12 of the House Building Code has stipulated that at least 30% of the units financed by the second, social usage, category, must be occupied by households whose income is not more than 60% of the normal maximum for this category. Even so, this does not allow these loans to be described as "very social" since the lower ceiling - € 10 756 for a single person in Paris - is still well above the guaranteed minimum income (RMI - € 5 196 per year from 1 January 2006 for a single person).

These extreme conditions were accompanied by serious health problems:

- summer 2003: Mrs B. admitted to hospital during the heat wave for a lung disorder and dehydration;

- autumn 2003: Mrs B. became thin and lost her hair, which persuaded another family to take in the couple;

- July 2006: Mrs B. suffered accidental burns and was hospitalised until early September, when the couple separated;

- September 2006: Mr H. admitted to resuscitation unit in Béziers hospital: serious neurological and respiratory disorders and is still on resuscitation today.

According to appendix 2.1 of the report on strategies for social protection and social inclusion in France 2006-2008, only 9% of the social housing units built in 2005 were in the first, reintegration, category, compared with 12% in 2000 and 30% in 1998. If one adds in 30% of the second category, the percentage of new social housing reserved for persons on low incomes was 26% in 2005, compared with 35% in 2000.

Clearly, therefore, although the policy of building social housing has been given fresh impetus, it is aimed less and less at those living in extreme poverty.

Additionally, the statistics supplied by the French Government on the construction of social housing give no indication of how this accommodation is allocated in practice. There is no answer to the key question of whether families in extreme poverty benefit from such housing. There are no practical measures to ensure that real priority is given to persons and families without housing or threatened by eviction, without rehousing them in slums or otherwise insanitary or makeshift accommodation, in accordance with section 4 of the Act of 31 May 1990.

- **The National Housing Commitment Act**

It is reasonable to think that the French Government drafted this new law because it considered that existing legislation to apply the right to housing was inadequate.

Although the new act reflects the Government's concerns about housing, its enactment does not mean that the most disadvantaged members of the community will enjoy effective access to housing. The European Committee of Social Rights can only judge on the basis of results, not promises.

- **The interministerial delegation for an increase in housing supply**

Finally, the Government refers to the interministerial delegation for an increase in housing supply, established in October 2005.

Under this arrangement¹, the state releases its own land and land controlled by public bodies answerable to it to allow construction to start on 20 000 new dwellings in three years. The 20 000 dwellings will include social housing, student accommodation, intermediate housing for rent and low cost housing for purchase.

As with the previous measures, there is nothing to ensure that any of the 20 000 new units will benefit the most disadvantaged.

¹ Extract from a leaflet entitled "Housing, the Government take action", published by the Ministry of Employment, Social Cohesion and Housing, November 2005.

2. The allocation of social housing

Personal experience

Chantal Cassard 10 November 2006
ATD Quart Monde
39, rue du Général Conrad
67000 Strasbourg

Seven years to get decent housing! A case known to all those active in the social housing field

1996-1999: a young couple, Mrs A and her partner, and their daughter, moved into a two family home with Mrs A's parents. Each family has its own apartment.

Mrs A had never had her own flat before and had lived away from home so this was a new experience and a new learning process. She learnt how to cope with heating and electricity bills and village life, placed her child in school, and so on.

During the same period, her two brothers set up households and had their first children. As neither had his own home, they moved in with their parents and their sister.

The parents agreed to take them in, because they would never have left their own children with young grandchildren homeless.

Following storm damage in 1999, the four families had to be rehoused. The sons were housed in temporary emergency and then rented accommodation, pending a long-term solution.

Mrs A and her partner, who had two children when the damage occurred, decided to live in a particularly unsuitable dwelling, verging on unfitness for habitation, offered by a member of the family.

Another household was about to begin a long period of unsettlement. The last household moved in close to Mrs A, also in precarious conditions.

In the village, the social worker secured a tenancy contract from the owner for Mrs A and asked the family to apply for social housing, which it did.

At the same time, her brothers received regular social work support, linked particularly to their minimum income entitlements and the births of their children. Mrs A did everything possible – successfully – to make her accommodation habitable.

Over the next four years, the three young households continued to live in unsettled circumstances. At least one was always cohabiting with the parents, who still had eight dependent children and a flat that was already too small for them.

• **The prefect's quota**

In its observations (p. 4) the Government states that "*the prefect may make reservations, but the decision is taken by the landlord's allocation committee*".

This point has been made both by ATD Fourth World and in official reports of the high level committee on the housing of disadvantaged persons and the French social and economic council, namely that the final decision to allocate social housing rests with the letting organisations' allocation committee, in which "local protectionism" plays a very strong role. Prefects themselves have no means of imposing allocations in what they deem to be priority cases.

This deficiency in practice is illustrated in this complaint by the example of the *département* of Bas Rhin. More generally, the malfunctioning of the prefect's quota system is visible throughout the country:

- In the Nord *département*, accommodation forming part of the prefect's quota that should be available is in reality already occupied. It is impossible to allocate it to priority cases.
- In the Pas de Calais *département*, the prefect's quota has been simply handed over to a social housing organisation and has never operated as such.

The prefects of these *départements* have no authority over social letting organisations.

Each year, the interministerial social housing inspectorate checks 200 of the 1041 social housing agencies. In its 2005 report, it stated that malfunctioning or shortcomings had been identified in 13 organisations, concerning their failure to identify accommodation for inclusion in the prefect's quota or to notify the prefect when dwellings in the quota become vacant.

• **The *département* collective agreement**

The Government does not deny the difficulties the co-signatories to the *département* collective agreements have in meeting their objectives, since it states (P. 18) that they are "systematically called to the DDE".

Since 1999, the housing needs of the three young households had been known to all the housing services: the relevant departments of the prefecture and sub-prefecture and of the département of Bas Rhin, alerted at the co-ordinating meetings called to discuss rehousing, and by the social workers on the ground.

In 2002, discussions started with the département on Mrs A's rehousing, under the auspices of the local urban and social renewal programme (MOUS), though subject to mayors' approval, according to the person in charge of the case. By October 2006, no offer of rehousing had been made.

In 2003, the département considered the possibility of rehousing Mrs A in the place where she already had a tenancy. Another proposal concerned the neighbouring village. Neither suggestion came to anything.

A few months later, there had been no reply to the request for social housing but the social worker asked her to register with a local voluntary social services organisation, which she did.

She was required to phone once a week to keep in touch. This she did for a certain time, but grew tired of the lack of response and gave up calling. She was removed from the waiting list.

In December 2005, a fourth child was added to the family. In the absence of any other prospects, she re-registered with the voluntary organisation in late 2005 and began to telephone again every week.

At a co-ordinating meeting in April 2006, the sub-prefect and the département representative promised to ask for assistance from all the social letting organisations in the département but excluded the prefect's quota of housing from this process, because it was already too heavily subscribed. The family thought there would be a response in a matter of days.

The timetable for rehousing is still not known, and the fact that Mrs A and her family do not know how their case is progressing makes life extremely difficult for them. The situation is becoming increasingly difficult for all the occupants of the flat.

Not a word until October 2006, when, following the recent appointment of a sub-prefect, the social worker informed Mrs A that a house would be made available to her in a village in the département. She will believe it when she can be sure that the house is intended for her family.

It is not only in Bas Rhin that this occurs. According to its 2005 report, the social housing inspectorate examined the allocation procedures of 124 agencies. Nearly half of these failed, to varying degrees, to comply with the allocation rules laid down in the Building and Housing Code, either because they asked applicants for unnecessary documentation or, more fundamentally, because they allocated accommodation irregularly.

- **The selection criteria applied to those who have priority**

The Government notes that "social mix is a general objective" that "takes no precedence whatsoever over the priority criteria".

In practice, social mix is often given more weight than the right to housing of persons in extreme poverty. This practice has been criticised not only by ATD Fourth World but also in official reports (see p. 8 of the collective complaint).

- **Appeals against social housing allocations**

- Appeals against the social housing allocation process

In its previous submissions, ATD Fourth World has drawn attention to the absence of judicial remedies for applicants for housing who are not on the lists submitted to the allocation committees (p. 9 – I.B.2.g).

In its reply, the French Government refers to appeals to the administrative courts, bodies that are particularly difficult for homeless disadvantaged persons to get access to and which are even less likely to overturn a decision not to allocate housing, as the limited number of positive decisions cited shows.

Moreover, the procedure does not reflect the urgency of the situations in question.

Before cases can be taken to the administrative courts, a number of steps must be completed, in particular the issuing of a formal refusal to allocate housing.

Personal experience

Françoise Deldalle
ATD Quart Monde
11, rue Barthélémy Delespaul
59000 Lille

A powerless mediation committee

Mrs H A lives alone with her two children in a private three roomed flat, which is unsuitable. Her income comprises family benefits plus € 600 earned as a social assistant. Two social housing organisations have been asked to rehouse her and the case was referred to the mediation committee in November 2004. It was re-referred to it in May 2005, without success.

Mrs H and her four children have a two room dwelling in the private sector. The family depends on family benefits and the lone parent allowance. Three social letting organisations in the region have been approached. The case was referred to the mediation committee on 15 April 2003, and was re-presented in June 2003, September 2005, October 2005 and June 2006, but the family has still not been rehoused.

The couple D live with their three children (16, 14 and 2) in an old two-roomed dwelling in a close, and live off the guaranteed minimum income (RMI) and family benefits. The family has applied for a four-room flat from two letting organisations in the city. The case was referred to the mediation committee on 15 March, and re-presented in November 2004, July 2005 and December 2005, with no success. The family's situation is unchanged.

In this respect, the case quoted by the Government in the Versailles administrative court of 6 July 2001, *Mr Taga Fosso v. HLM Versailles Habitat*, is a particularly good illustration of the inappropriate nature of the proposed remedy, given the urgency of the situation.

According to the court, "*it emerges from the case documents that Mr Taga Fosso and his family, comprising three adults and five children, were lodged in a flat measuring 30 m², which was damaged in a fire on 31 August 1999. ... the public health department of Versailles municipality ruled that the property was manifestly overcrowded and that the premises were dangerous; moreover, his wife's forthcoming confinement offers additional proof of the urgent nature of his request ...*"

Despite the specific circumstances, which were sufficient to make rehousing a matter of urgency, the Taga Fosso family's experience can be described as follows:

- request for housing informally refused;
- intervention of the Versailles public health department to show that the request was justified;
- submission by the prefect of a request for a tenancy to be allocated from his prefect's quota;
- allocation committee's refusal to grant a tenancy on 5 January 2001, that is sixteen months after the fire;
- lodging of appeal to the administrative court followed by a favourable decision, implemented eight months later.

In other words, in a particularly serious situation, and despite the exceptional strength and energy of which the entire family proved capable, it took *two years* from the date of the fire to the implementation of the administrative court's decision to finally secure their actual rehousing in decent conditions.

➤ Appeals against excessive time taken

Pursuant to the case-law of the European Court of Human Rights, the French Government acknowledges that it is incumbent on it to ensure that legal remedies are available in the event of excessive waiting times, and considers that it has fulfilled this obligation by setting up the mediation committees (Act of 29 July 1998).

To constitute a real judicial remedy, these committees must be established in every *département* and actually hold sittings, and there must be a reasonable definition of what constitutes a manifestly excessive waiting time.

Personal experience

Gérard Lecoïnte 9 November 2006
Inhabitant of a social housing scheme
3, allée du Languedoc
95310 St Ouen l'Aumône

***A man's efforts to help a lone neighbour
maintain his dignity***

Mr L was raised by foster families. All the time the local social services authorities paid the foster families, he was looked after, but once they ceased to pay the families, he was on the street and no one took an interest in his problem of illiteracy. He worked as a street cleaner when needed.

I knew Mr L when he was 19. He was in a dreadful state and on the point of taking his own life, so I took him into my home. He stayed with me two years. From the day he arrived, I knocked on many doors, with no results. He asked for assistance to enable him to lodge with a nun from the neighbourhood, and was forced to accept a room in a youth hostel. I prepared all the necessary papers to prove that he was living with me free of charge. Every request for him to be allocated a small flat was unsuccessful because, as we were informed, an advance was needed to guarantee payment of the rent. He was always worn down and fragile, and no longer able to bear the humiliation of being constantly reminded of where he came from and that he had no right to complain. He remained in the hostel for five years. Once he started to suffer health problems he could no longer pay the rent. He was put out of his room and has never received any social work support. At that time, my health was declining. He found himself in a pitiless world of exclusion and was rejected by society.

He returned to the street. He and a friend shared their RMI, which enabled them to pay for a hotel room a few nights each month. He died in the hotel three weeks ago, aged 39. He would have lived ten years in the streets.

I am convinced that if the social services had done their duty as they should have, this young man could have had a reasonable life.

As far as I am concerned, and based on my experience, the right to housing is simply empty words.

This does not appear to be the case.

In the *département* of Meurthe-et-Moselle, the mediation committee was established by the prefect two or three years ago but has never met and the members have never been convened.

In the Ile-de-France region, according to an appendix to the regional prefect's report of 22 November 2005 to the regional housing commission, entitled "housing the most disadvantaged", two mediation committees have been established, in Val d'Oise and Seine et Marne, but have not met.

It also emerges from this document that manifestly unreasonable waiting times for the offer of housing have been laid down in collective agreements: 3 years in Ile-de-France and 6 to 10 years in Paris.

The Government itself recognises various gaps in the system (p. 6 of its response). For example, it acknowledges that when the collective complaint was lodged the mediation committees set up under the Act of 29 July 1998 did not offer a proper legal remedy.

It said that these committees were to be reformed under the National Housing Commitment Act.

- It is difficult to speculate on the future of such a recent reform, but it can be pointed out that mediation committees have no more powers than in the past. They are still purely advisory bodies.
- Questions also remain about prefects' real power of constraint over lettings organisations, given the difficulties referred to concerning prefects' quotas.
- Finally, the right to apply immediately to committees in cases of urgent need offers no guarantee that housing will be allocated.

3. Departmental housing action plans for the disadvantaged

The Government recognises the central role of such plans in a successful housing policy. "Since they were introduced, departmental housing action plans, although there have been definite difficulties, have been the only institutional measure enabling the most disadvantaged persons' and families' housing needs to be taken into account." (p. 8 of the French Government's observations).

The 2004 and 2006 acts merge the various financing arrangements and strengthen the machinery for monitoring the implementation of these plans, but do not in any way change the way the plans are drawn up.

Improved co-ordination of financing and the monitoring of plans will do nothing to alter disadvantaged persons' access to housing if the plans fail to identify – as the law requires them to – the needs of these persons and if these needs are not then given priority when the plans are drawn up.

The Government's response remains silent on his point and confines itself to pious hopes. As we noted in the complaint (p. 8), only a quarter of the *départements* undertook priority needs assessments in 2004. In its response, the Government offers no up-to-date figures, which suggests that the proportion has not improved since.

4. Evictions of tenants

Personal experience

Françoise Ferrand 30 October 2006
ATD Quart Monde
57, rue de Venise
51100 Reims

Consequences of eviction on a family's life

Mrs J occupied a five-room dwelling with her four children from 1987 to 2001. She fell behind in her rent and therefore requested smaller accommodation, particularly as three of the children had left home. The request was not granted. She was evicted for rent arrears. Before her eviction, she placed her youngest son, aged 12, with her elder brother. She was placed under supervision. After several months of moving around, the supervision authorities found her a furnished room and then two furnished rooms (€ 475 per month), where she is currently living, but without her son as there is no room for him. Mrs J works as a cleaning lady for € 300 per month. She applied several months ago for a three-room dwelling to CORAL, which comprises the letting organisations Foyer Rémois, Effort Rémois, OPAC, but CORAL turned down her application because of her previous rent arrears. She does not know whether the supervision authorities have drawn up a debt repayment plan because the supervisor says nothing to her on the subject, despite repeated requests.

Mrs J has very close relations with her son, who is now 17, and keeps track of his schooling. But she still cannot live with him because her accommodation is unsuitable. She has had numerous contacts with associations concerned with the right to housing but so far with no success.

Despite the French Government's efforts, not enough is being done to prevent evictions. In 2005 and 2006, increasing use was made of the police to carry out evictions, as noted by both the Fondation Abbé Pierre and the newspaper "Le Monde" in its editions of 26-27 March 2006 and 23 August 2006.

This acceleration is evident throughout the eviction process and highlights the ineffectiveness of the prevention machinery. Landlords' complaints of non-payment are followed by court eviction orders, requests for police assistance and, finally, an increasing level of police intervention.

The Government refers to the difficulties of preventing evictions.

However, while acknowledging that their contribution cannot be assessed, it considers that the establishment of the specialised committees responsible for co-ordinating preventive action on tenant evictions, under the Act of 13 July 2006, will be effective in reducing such evictions.

Once again, though, such committees are optional and only have advisory powers.

5. The specific issue of travellers

- **Itinerant travellers**

Although this is not the specific purpose of this complaint, reference must be made to the gap between objectives and reality. According to the Government's response, in late 2005 only 18% of the camp facilities provided for in *département* plans had been created.

- **Settled travellers**

The Government refers to the provisions applicable to settled travellers:

- "Generally speaking, settled households' housing needs, like those of any household of limited means, are a matter for the departmental housing action plan for the disadvantaged.

- To enable these families to integrate, "funding has been provided for local authorities to set up family plots for rental" (p. 12 of the French Government's observations).

Making funding available for family plots is not enough. It requires a commitment from local authorities to establish such plots.

For example, since July 2000, when the law gave this authority to municipalities, not a single family plot has been established in Ille-et-Vilaine.

In the 2004-2007 Val d'Oise housing action plan for the disadvantaged, no funding has been set aside for family plots. In Herblay, for the time being it has been decided to establish just one family plot with eight places, even though the needs concern 500 caravans, four-fifths of which, according to the French Government's statistics, are in breach of the local land use plan.

In Bas Rhin, page 33 of the 2005-2009 housing action plan for the disadvantaged states that at least 400 families inhabit 73 settled sites in more than 50 municipalities. To meet the needs of those families that wish to live on family plots, the objective laid down in the 2005² review of the planes to "study the feasibility of establishing at least one family plot per year".

² Bas Rhin housing action plan for the disadvantaged (2005-2009). 2005 review. Plan steering committee of 21 November 2005.

While more and more settled families wish to live on rented family plots, there is a real shortage of such sites. It would have been interesting for the Government to produce a statement of the number of family plots actually created, something it fails to do.

In its circular implementing the Travellers Act of 5 July 2000 (UHC/IUH1/12 no 2001-49 of 5 July 2001), the Government states: *"Settled or semi-settled life styles require what is generally referred to as appropriate living space. This covers both living environments where caravans can be maintained alongside a dwelling and properly equipped family plots with no fixed dwelling. These arrangements have cultural, occupational and family justifications. They also sometimes reflect various constraints, such as insufficient means to continue the practice of travelling or the wish to educate their children. The département schemes prior to the Act, the debates in parliament and various eye witness accounts have shown that for some ten years these groups have been finding it increasingly difficult to find satisfactory accommodation adapted to their life style. These difficulties are accentuated when the families live on low incomes."*

In other words, these families are entitled to a settled dwelling in a living environment chosen by them from a range of options: family plots, collective sites or appropriate accommodation.

In the absence of resources, over the last few years we have seen the establishment of new makeshift camps and dwellings in which the occupants are forced to settle, abandoned to their fate.

Families from the travelling world who have been forced to settle have been joined by families and individuals evicted from their homes or already homeless, who were not travellers but had no other choice but to live in caravans or sometimes makeshift shacks or even tents. These families and individuals continue in this way, abandoned or ignored, year after year. Then one day – because of public works, planning regulations or new local plans, new neighbours or other circumstances – they are faced by eviction.

The Government maintains that "*de facto* settling for many years", as in Kaltenhouse and *the Bois du Trou Poulet*, "on plots not destined for such use makes complex the task of creating appropriate housing".

It is hard to follow this line of reasoning. There is no cause-effect relationship between long-term *de facto* settlement and difficulties in creating appropriate housing.

The settlement of families in Kaltenhouse has not complicated the provision of appropriate accommodation. Indeed, what has made their rehousing complicated is the fact that these families have been abandoned.

Two generations of children have been born in sordid conditions under the eyes and ears of all. These families first individually requested rehousing from the local authority, and then when their requests were ignored they appealed to local associations.

In 1996, ATD Fourth World supported their applications for rehousing, with no more success. The "Kaltenhouse, human rights" committee met about every six weeks from March 2000 until finally the families were listened to in late 2005.

The Government also notes that "local solutions are sought, with central government support, but implementation may prove very difficult".

Such an admission of failure reveals the state's impotence. It lacks the legal means to impose solutions in response to municipal unwillingness to act. This was the case in Kaltenhouse.

Finally, while acknowledging the inadequate link between departmental plans on facilities for itinerants and departmental housing action plans (p. 13), the Government offers no answers and simply states that "proposals are being studied".

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6. The situation of the travellers in the municipality of Kaltenhouse and access to housing in Bas-Rhin

- **The groups settled on the airfield in Kaltenhouse**

The Government retraces the history of the families settled in Kaltenhouse since 1964, and says that ways of rehousing them have been under consideration since 1998. It concludes (p. 15) that "this solution, the planning, technical and financial feasibility of which has been proven, could have been implemented in late 2004."

In fact, this conclusion fails to take account of reality.

Firstly, a study of the attempt to rehouse settled gypsies in Kaltenhouse, produced for *Ava habitat et nomadisme* in 2004 by Nicolas Bachet, shows that the option chosen by the municipality had been received unfavourably by the representatives of central government.

According to this report, at its meeting on 10 July 2003, the Kaltenhouse municipal council maintained that the Rosenfeld site should not be excluded for this purpose. The government representatives' arguments that it should be abandoned for reasons of lack of privacy, insecurity and even risk of incidents should not be allowed to conceal the project's favourable financial aspects.

Secondly, it should be emphasised that the families of gypsy origin on the airfield and at Rosenfeld were excluded from the negotiations about their rehousing. They were simply invited to hear what had been decided on their behalf, accompanied by the injunction to "take it or leave it", a statement repeated many times to the families until the arrival of a new sub-prefect in August 2005.

In other words, the so-called solution that "could have been implemented in late 2004" was doomed to failure from the outset. It failed to take account of the families' needs or of the conditions they required to settle properly. The government representatives were well aware of this but did not oblige the municipality to reach a decision that took these factors into account.

ATD Fourth World wishes to point out here that if considerable progress has been achieved in Kaltenhouse, it is mainly the result of the personal commitment of the new sub-prefect, who treated this difficult case as a human rights issue and gave it absolute priority

This commitment allowed progress to be made on a situation that had been stalled for many years, and in which the various parties denied responsibility for the delays and attributed them largely to the families themselves.

A change of personality led to a new commitment to a group of families, but we are a long way from securing an enforceable legal commitment applicable throughout the country.

- **The Bas-Rhin housing action plan for the disadvantaged: Information on the clientele and on housing demands and needs**

- Information on the clientele

In its collective complaint, ATD Fourth World states that the 2005 assessment of the Bas Rhin housing action plan makes no reference to any progress on the plan's "information on clientele" objective.

In late 2005, no quantified assessment was available.

The Government fully agrees with the complainant since it refers to "a qualitative and quantitative assessment of needs", to be produced in November 2006.

To retrace the steps taken to identify the plan's clientele:

- In 2004, an official was appointed to assess needs.
- In 2005, he realised that he lacked the right tools to carry out the task.
- In 2006, he stated that he was now able to carry out an assessment.

In other words, if the official respects the deadlines he has set himself, it will have taken two years to have achieved the "information on the plan's clientele" objective. Two years is an extremely long time for families who have been waiting in difficult conditions for an offer of housing.

- The problem of unfit, unsuitable or substandard housing

The Government cites various schemes (DDELIND³, MOUS - special social and housing plan, PIG⁴) and assessments, which it considers add up to a very thorough and ambitious plan for the *département*.

³ Scheme to eradicate unfit and sub-standard housing.

⁴ Public interest project

The housing action plan has identified 64 unfit and substandard dwellings. However, this does not mean that the 64 families concerned have been rehoused, thus enabling them to leave this unsuitable accommodation.

In other words, the current schemes may be thorough and ambitious but unfortunately there is a lack of quantified objectives, a failure to reflect the scale of the need and, above all, a lack of real knowledge of the needs of these families in Bas Rhin.

- **The prefect's right of reservation**

The Government criticises ATD Fourth World for relying on the perception of those involved, without taking account of "some fairly encouraging figures".

However, the criticisms levelled at the right of reservation by those assisting families are solidly based and need to be discussed. Despite what the Government calls "encouraging" figures, there is a real shortage of accommodation available under this scheme, to such an extent that at a consultative meeting in April 2006, a sub-prefect advised a family not to apply for right of reservation housing because the waiting list was so long that there was no possibility of responding.

- **The collective departmental agreement**

The Government's figures do not offer a clear picture of the situation regarding the rehousing of families under the Bas Rhin collective agreement.

According to the Bas Rhin housing action plan for the disadvantaged (p. 57),

44 persons or families were rehoused in 2004 and 50 would be in 2005; 74 applications were pending at the end of 2005, of which 22 were submitted in 2001 or 2002 and 24 in 2003 or 2004.

There was thus a significant increase in needs between 2001 and 2005.

It should be noted that families registered with the collective agreement also appear on the lists of other schemes, such as the housing action plan and the special social and housing plans.

p. 17:

Regarding the Government's reference to families on social and housing plan lists, the situation in late 2005 was particularly gloomy.

p. 60:

The *département* special social and housing plan launched on 27 May aimed to produce 127 dwellings over three years. According to the report, this objective turned out to be too ambitious, on account of political, financial and/or technical difficulties.

Since 1999, there has been an average of one local special social and housing plan per year.

p. 61:

The following points emerge from the assessment carried out by ARIM on 17 May 2005:

- there remained a considerable "stock" of families requiring rehousing, for whom there was currently no solution in sight (55% of the families registered).
Fourteen families had been or were being rehoused in 2005.

- **The Bas-Rhin mediation committee**

The Government criticises ATD Fourth World for describing the mediation committee as ineffective when its effectiveness was demonstrated by a constantly rising number of referrals between 2003 and 2005.

In fact, the rising number of referrals simply reflects the increasing scale of the housing problem, with no indication of how well the scheme is working.

The following procedure still applied in the Bas Rhin mediation committee in 2005:

- The committee first asked applicants to supply evidence that they had been awaiting housing for at least two years, in other words had lodged an application for social housing and renewed it one year after the first request.
If the relevant documentation had not been kept and could not be produced, the committee would not register the case.
- Secondly, once cases had been opened, the committee would select the candidates for presentation to a letting organisation. The latter would be free to allocate as it chose.

In other words, appeals to the committee offered no assurance of a positive outcome.

In its response (p. 7), the Government cites the National Housing Commitment Act, which provides for urgent cases to be referred to the committee.

However, the urgent situations in Bas Rhin of which ATD Fourth World is aware are not being dealt with now any more than in 2005.

7. The situation of travellers in the municipality of Herblay and access to housing in the Val d'Oise *département*

• The Herblay travellers and action taken

- The municipal decree prohibiting itinerant travellers from stopping

On 14 February 2006, the national association of Catholic travellers (ANGVC) wrote to the French high authority to combat discrimination and promote equality, complaining that the municipal decree (of 17 January 2005, not July 2003 as the Government states) prohibiting itinerant travellers from stopping was discriminatory and asking it to take action on it.

The decree clearly constitutes discrimination, since section 1 bans the parking anywhere in the municipality of mobile homes belonging to "so-called itinerant travelling persons".

One particular effect is to prevent certain families from sending their children to school.

Moreover, the municipality of Herblay has no lawful right to prohibit parking, when it has not fulfilled its own obligations concerning the introduction of family plots.

- The census of "persons of no fixed address" conducted between April 1986 and February 1987 (p. 19)

The way this census was conducted is partly responsible for the current difficulties. It did not take account of all the families, in particular those living in the *Bois du Trou Poulet*.

- The revision of the land use plan in 1991

According to Gadgé, the local travellers' association, three privately-owned sites have been officially recognised.

However, the 2003 local town plan takes no account of this group of settled travellers who have been living in Herblay for dozens of years, despite the requirements of Articles L 110 and L 121-1 of the Urban Code.

- The 2000 special social and housing plan

In late 1997, Herblay expressed a clear commitment to consider the needs of all the families living in caravans. A list of 85 families was submitted by the municipality to the regional union of gypsy and other travellers' associations and the local travellers' association for the conduct of a preliminary survey. The municipality intended to give this matter priority, with implementation in stages.

In a long letter dated 23 June 1998, the new mayor, Mr Jean-Pierre Lechalard, informed the Val d'Oise ATD Fourth World representative, Mr Dominique Béchet, of the steps he proposed to take to integrate travellers into the community. In a letter dated 27 August 1998, Mr Béchet asked about the precise situation of families living in the chemin de l'Emissaire and the chemin de l'Epinemerie (in the *Bois du Trou Poulet* area). He said that some of these families were very poor. Like the others, they had been there for many years. Their children were at school. As far as his association was aware, they had never been recorded or consulted. Some of them lived on the course of the planned 11th avenue.

In a letter of reply dated 17 September 1998, the mayor said that as already stated, the families to be taken into account in the first place were those living in Courlains and the owners. He said that the former municipality had undertaken to rehouse the Courlains families on rented family plots. The current municipality had accepted this undertaking but did not know what precise selection criteria had been applied. Nevertheless, it was true that all of these families had been living in Herblay for 20, 30 or 40 years and that many were disadvantaged.

A meeting would then be arranged with the families living in the *Bois du Trou Poulet* area, and with all others without authorisation from the municipality, and their situation would be considered case by case.

In 2000, the municipality introduced a new special social and housing plan.

The following year, the new municipality decided to continue with the plan. A pilot committee was set up in which the local travellers' association and ATD Fourth World were represented. It met for the first time on 6 July 2004. The proposals concerned four plots that could accommodate a total of 26 households.

The highly vulnerable families from the *Bois du Trou Poulet* were excluded from the outset from the special social and housing plan because of the area's bad reputation and the wish to evict them from the municipality, with the help of a court order under the urgent procedure on 21 May 2004. Only one household was excluded from the order because it had a child with cystic fibrosis.

In response to the prefect's insistence that the first social and housing plan gave priority to the most vulnerable families, the municipality decided to review the list of 85 families drawn up by its predecessor, on which it had asked the local and regional travellers' associations to carry out social inquiries. Three households from the *Bois du Trou Poulet*, including the one with the cystic fibrosis child, were finally included in the first stage of the plan, designed to house eight families. ATD Fourth World's request for a preliminary study of all the families in the *Bois du Trou Poulet* so that the final selection could be made on the basis of full information was rejected.

➤ The preparation of four sites to provide 26 family plots

Despite the insistence of the *département* works department that work on the four sites should start simultaneously since dealing with them one at a time would entail additional costs, the municipality opted to start on just one site, in order to assess the operation before deciding whether to continue.

Such a decision was regrettable given the urgency of the situation, since during the additional period families were forced back on to the road and left even more vulnerable.

Moreover, in connection with the *chemin de la Croix-des-Bois* site, on which, according to the Government (p. 20), "the start of development works is scheduled for July 2006", it is interesting to note that although two billboards announce the establishment of family plots with a delivery date of October 2006, the land remains totally untouched and so far no work has started.

This example illustrates perfectly how slowly the process operates.

The other three sites will only come into use when the first site has been assessed. The rehousing of families is therefore far from assured.

➤ Implementation of the eviction order

The Government states in connection with the collective complaint that the prefect decided not to call in the law enforcement agencies before the end of winter and the mayor decided not to enforce the € 70 a day penalty fine pending the results of the social inquiry.

It is a pity that these decisions were not announced publicly and were even contrary to what happened on the ground, since a municipal official constantly appeared on the scene to remind the families that they had to leave the site.

Certain families felt sufficiently distressed and pressurised as a result that they left and now live on the move.

At social and housing plan meetings, the mayor assured the prefect's representative that he was committed to avoiding calling in the police. This was repeated to family representatives when they met the prefect. However, they did not find this credible given the municipality's determination to force them out. Nor was there any public statement in the press or anything in writing to confirm this promise.

This unbearable uncertainty, in the face of penalty fines, led to the departure of a second group of families, including some of the most disadvantaged, on 10 January 2006, before the ultimatum expired.

- The second special social and housing plan and the social inquiry (p. 21)

The decision to commission a social inquiry into the situation of each household, coupled with at least the possibility of rehousing, awakened real hope and was very well received by all the families.

However, for reasons that were never explained the organisation charged with undertaking the social inquiry, SONACOTRA, did not reply to ATD Fourth World's request for a meeting.

Although the latter had supported the introduction of the second social and housing plan at the meeting of 16 December 2005, it was excluded from the steering committee on the conclusions of the inquiry on 6 June 2006. Successive letters to the sub-prefect on 16 January 2006, and to the prefect on 3 February and 15 June remained unanswered.

ATD Fourth World again wrote to the prefect of Val d'Oise, on 23 October and 3 November 2006, in response to the French Government's observations on the collective complaint, to establish what had actually become of this study, particularly in view of the urgency of the situation for those who were once more on the move and those occupying sub-standard accommodation that was deteriorating by the day. On 10 November 2006, the sub-prefecture invited ATD Fourth World Val d'Oise to a meeting in Argenteuil on Friday 17 November at 10 am, attended by the sub-prefect, SONACOTRA and the *département* works department, to review the situation concerning the *Bois du Trou Poulet*.

As of the date when we are required to submit our memorial in response, we are therefore unable to confirm all the French Government's claims.

For the families concerned, the lack of communication and the resulting uncertainty have had dramatic consequences. At the start of this inquiry two groups of households were forced out against their will:

- A first group of five households left the *Bois du Trou Poulet* in May 2005, not "of their own accord", as the Government states in its observations (p. 21), but because of progress on the work on the new 11th avenue.

This work was started without warning and no preventive measures were taken to protect them. The families' dwellings encroached on the works. They were asked to move their caravans. The felled trees, which burned throughout the day, the constant movement of lorries and the attendant dust and the noise posed a threat to those in poor health, as well as to children who, through lack of space and natural curiosity, naturally gravitated towards the works sites to play.

The result was the forced departure of a first group of ten adults and 17 children who, having nowhere else to go, finally set up camp on the side of the road.

This led to extreme tensions within families: how to choose between staying and going. Fathers and grandfathers felt humiliated by their inability to offer something better to those they loved. A one-page article in the Gazette, dated Wednesday 11 May 2005, painted the portrait of one of them with great finesse. This grandfather had just had a triple heart bypass in the Lariboisière hospital, in Paris. At the same time the doctors discovered that he had leukaemia, identified in time, and diabetes. He could not remain in this dust.

Yet his numerous requests to the municipality to be housed remained unanswered. The main concern was to dig up the site so that he could not return.

- A second group of families left on 10 January 2006, in anticipation of the application of the court of appeal decision, but they took care to leave a few caravans visible to signify their presence. They will travel back from Avranches (Manche), where they have found refuge, to meet the person conducting this inquiry. They also did not want their children to witness the humiliating arrival of the police to force them out. None of these families would ever have chosen to leave, other than to escape the unbearable daily humiliation affecting every aspect of life, be it their children's relations at school, dealings with officialdom or whatever. They only went because they were forced to and saw no other way out.

Who will forget the scene of children tearing up books at a street library⁵ after learning of the appeal court decision: "You tell us that school will help us to build our future, but they don't want us."

Even though the same families have lived in the *Bois du Trou Poulet* for many years and their children have been educated there, none of them knows whether they have been included in the social inquiry. They do not know what will become of them, and the wait is unbearable.

In other words these families have the feeling that they count for nothing. Their return to the misery of moving from place to place is a response to the humiliation they have suffered and to the absence of communication. The authorities have never come to meet them on the spot to judge the situation for themselves. Under these circumstances, how can families believe that the authorities are taking their situation into consideration?

➤ The twelve households seeking rehousing on family plots

The Government cite the establishment of a working group.

As we have already stated, the principle of this group was accepted by the prefect on 15 February 2006, but no further action has been taken since then, despite the registered letter with acknowledgement of receipt sent to the prefect on 2 June 2006 by the group of associations set up to defend and support the travellers of Val d'Oise.

Finally, although the proposal to install these families on temporary family plots is well intended, there is a danger that they will become permanent because it will appear that a solution has been found.

Finally, ATD Fourth World wishes to emphasise here that very poor families are calling for the same rights to be applied to every citizen.

⁵ A cultural activity organised by ATD Fourth World

Once again, they are being offered something incompatible with the law. The circular of 17 December 2003 requires housing action plans for disadvantaged persons to create "family plots" to meet existing priority needs. It is therefore regrettable that the shortage of such plots has led to the introduction of a category "temporary family plot", for which there is no provision whatever in the legislation.

* * *

To summarise, the experience of families in Kaltenhouse and the *Bois du Trou Poulet* highlights the arbitrary treatment to which very poor families are subjected.

This arbitrary treatment may operate positively or negatively according to circumstances.

The previous mayors of Herblay stated their intention of taking account of everyone living in caravans and envisaged their rehousing in stages. Following the election of a new mayor, these people's family lives were totally torn apart.

A letter dated 14 May 2004 from a municipal councillor, Mr Loeiz Rapinel, to one of the families clearly shows the distress that several of them were suffering: "*... We have been very surprised by these proceedings, which have been under way for several months and of which the mayor has not thought it necessary to keep us informed, despite our participation in the special social and housing plan. After receiving a copy of the court eviction order, I asked to see the mayor. At this meeting, at which I was accompanied by André Roques, who was deputy to Jean-Pierre Lechalard from 1995 to 2001 and who had worked on the plan, I expressed my surprise that proceedings had been started without any consultations and that no serious consideration had first been given or proposals made concerning rehousing.*"

In contrast, the Kaltenhouse families were given fresh cause for hope when a new sub-prefect was appointed.

This arbitrariness, an everyday feature of poor families' lives, shows that the practical application of housing law in France is greatly at variance with the rights embodied in the revised European Social Charter. The latter is intended to establish rights and obligations, and not to allow groups of the population to be subject to arbitrary local government decisions.

Plans to build new houses, even social housing, and all the accompanying machinery, will not be enough unless we establish a proper timetable for the introduction of an enforceable right to housing.

II. Forms of discrimination that prevent the application of the law and force the families concerned further into poverty and illegality

What we see on the ground is at variance with the Government's claims. ATD Fourth World maintains its allegations and offers certain practical examples of discrimination.

<p>According to the inhabitants of the <i>Bois du Trou Poulet</i> in Herblay:</p> <p><i>"Why do we need a travel permit when we no longer move about?"</i></p> <p><i>A travel permit does not serve as an identity card.</i></p> <p><i>You can't do anything without an identity card, whether it be find a job or accommodation, go the post office or open a bank account, without the authorisation of a social worker ...</i></p> <p><i>The travel permit is simply intended to keep check on us and that gives us fewer rights than others – fewer rights to vote and even to travel about.</i></p> <p><i>I wanted to get a large-family card. The SNCF⁶ employee refused my request because the travel permit was not recognised as an identity card. Why don't we all have the same identity document, one single card the same for all French people?"</i></p> <p><i>"The travel permit has to be stamped every three months, or you face a € 150 fine or even imprisonment.</i></p> <p><i>Reporting to the police station is for persons who are being sought or who are under court supervision.</i></p> <p><i>Once I went to get my permit stamped and the policeman said that this shouldn't exist. You're being treated like the Jews when they had to wear the yellow star. He didn't understand why we didn't all have the same identity card."</i></p>	<p style="text-align: center;">• Identity cards</p> <p>The Government states (p. 23) that eight persons hold identity cards. It is pointless to draw attention to the derisory figure quoted by the Government. Most of those concerned do not have identity cards.</p> <p>According to the inhabitants of the <i>Bois du Trou Poulet</i> in Herblay: <i>"Not having an identity card is the greatest form of discrimination. We are told we don't have an address. But we do have an address on our site! The proof is that we have a letter box where the postman delivers our correspondence from the electricity board, the tax authorities and even the courts, ordering our eviction."</i></p> <p>Even the minority that do have one are discriminated against because they do not have a national identity card like everyone else, since the address is not recognised. There is no address on the card, just the name of the municipality and the number of the travel permit.</p> <p>Similarly, driving licences that are accepted as identity documents do not record an address but simply <i>SDF</i> and <i>CC</i>⁷, plus the travel permit number and the name of the issuing sub-prefecture.</p> <p>This means that from the very first, any individual, public official, bank employee, employer, police official or whatever automatically identifies the holder of such an identity card as a traveller, with all the stigma and discrimination that so frequently goes with it.</p>
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⁶ SNCF: French railway company

⁷ SDF: *sans domicile fixe* – no fixed abode; CC: *carnet de circulation* – travel permit

- **The housing shortage has an impact on families and their access to rights**

Discrimination in the supply of water

A female inhabitant:

"On the path there is a fire hydrant where we all used to fetch water. The previous mayors installed it, many years ago, so that we could get water. Last August (2005), the town hall changed the nozzle, and suddenly we could no longer use it. How can you leave people without water?"

Discrimination in electricity supply

Female inhabitants (24 October 2006):

"I've been asking for housing for years (11 times). We were refused an outside meter. And now they've cut the electricity from 21 November (2006) because they are burying the lines and we can't connect up. They don't want to give us a meter. Without electricity we can't pump water from the tank and there is no hot water. This means that the children can no longer go to school. It is unhygienic. The children get spots. There are rats"

"A man from the town hall told us this year that there would be no more current. At first we were told we could have electricity and then when the subject came up again the electricity board said that they had lost the file."

"I'm looking for work. How can I do that when they cut off the current? No water, no electricity, people can't imagine the conditions we live in. I have been struck off the unemployment insurance register. I registered in late August. I was struck off on 30 September because I hadn't attended a forum. But I was supposed to go on 8 September, the day after the children returned to school! They don't want to understand.

I was getting € 427 unemployment benefit. How can I feed the children on just the family allowances?"

"It just goes on getting worse. We are beginning to live just like those who live under the bridges have to. How can we bring up our children correctly? You can't raise children in these conditions. Soon, we will be relying on candlelight."

The worries and uncertainty as an obstacle to schooling

In our discussions, the mothers of the *Bois du Trou Poulet* asked why their children were all having difficulties in school when they attended classes regularly. In response, ATD Fourth World called on various partners, including the schools inspectorate, the local school, municipal officials, local associations, the employment centre and social workers, to discuss this matter. The team based their approach on the experimental local families programme (interministerial directive of October 2004), which forms part of the prevention of illiteracy and support to parents scheme. The aim was to encourage contact between families, institutions, schools and associations, to achieve better mutual

understanding concerning the success or failure of children at school. As the threat of eviction became too heavy a burden to bear, the families were no longer able to take part in these meetings, although we know that they were willing to make great sacrifices to help their children at school. The work undertaken showed what everyone had to do to establish dialogue with the parents, in an atmosphere of mutual confidence, to ensure that each child was given an opportunity to learn, in the knowledge that 10% leave school without being able to read or write. The motivation and determination of several of the partners left room to hope that these efforts would one day come to fruition. Better mutual understanding is naturally to everyone's benefit, and to that of their joint activities.

Discrimination in renting plots:

A female inhabitant:

"One day, without warning, I was told I was to be evicted.' When she found this plot to lease, 17 years ago, Michelle P thought she was settled for good. 'I paid my small annual rent to an old lady who sent me the bills, until last year the municipality asked her to stop sending them.' What this mother wants now is a small affordable plot of land to settle on with her four children and six grandchildren. 'But we are rejected everywhere. Where do we go from here?' she asks". (La Croix, 17.2.2006, Settled travellers in Val d'Oise (Herblay) fear being made homeless.

Another inhabitant:

I had found a plot to rent in Herblay. The owner agreed to let it to me, I paid him and I settled there with my family. Forty-eight hours later the deputy mayor came to threaten me. "We don't want any caravans. The land is not suitable for building and the neighbours don't want you." He sent a police car, so we left for the chemin de l'Épinemerie (the Bois du Trou Poulet). For how long?

Other inhabitants:

"At the other end of Trou Poulet, other families living in cabins would agree to leave in exchange for a right to housing., 'We always wanted somewhere of our own but it is too dear', says Jean Marc, who has been 12 years in Herblay. 'We are not thieves. We just want accommodation. Stability for our children. We would even accept a run-down council house or flat. We have applied but have still received no offers. I want to escape from poverty'."

L'Humanité, 25.2.2006

"Altogether, there are four families seeking accommodation. One of them is Catherine, a lone mother with three children: 'I've no driving licence or vehicle so I am completely settled, but I've always lived in a caravan. My mother Solange arrived here in 1967. We are in an illegal dwelling, but we are forced to remain outside the law', explains this shop assistant, currently on parental leave. She has also applied for social housing. However, she has never received an acknowledgement: 'They told me to leave my application with the office, but I was never given a file number.

'I can't leave, I have a cabin. They didn't want to give me a flat but I want a flat. The last thing I want is to go back to a caravan. I have four children, and I will do anything for those children; even before I arrived here, I had already applied for housing. That was years ago. I lived in a flat until I was 14. Why can't I have one today.'"

An inhabitant adds: *"We are being evicted, even though this is where we have our lives, our school, our dead!"*

And according to another inhabitant:

"My grandmother was in Auschwitz. Our family went through the war like everyone else. Now they want to put us out.

Our lives are an insult to any human being ... We no longer have a life. We are afraid... What is to become of us?" (Mrs P., 18 October 2006)

- **Refusal to grant a request for financial assistance**

In 2004, Mrs H asked the municipality of Herblay for financial assistance to enable her to stay with her five children in a holiday home belonging to ATD Fourth World.

The municipality replied in a letter of 16 June 2004⁸:

Herblay-Centre Communal d'Action Sociale

16 June 2004

to ATD Fourth World Val d'Oise, 95120 ERMONT

Subject: request for financial assistance for family H.

Dear Madam,

I wish to inform you that at its meeting of 15/06/2004, the social services board considered the above request.

It has not been possible to respond favourably, because the application does not satisfy the necessary legal requirements.

The family is currently settled on land that it does not own and of which it is not a tenant, which means that it is not possible to grant assistance, since this would not be consistent with the current proceedings to settle the question of unlawful occupation of land in Herblay.

Yours etc.

The Chair

Mayor of Herblay

Councillor for the Département

pp. Patrick Barbe

⁸ Letter from the municipal social services department.