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**EUROPEAN COMMITTEE OF SOCIAL RIGHTS  
COMITÉ EUROPÉEN DES DROITS SOCIAUX**

7 April 2025

**Case Document No. 9**

**European Roma Rights Centre (ERRC) v. France**  
Complaint No. 230/2023

**ADDITIONAL INFORMATION FROM ERRC**

**Registered at the Secretariat on 6 February 2025**



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## **European Roma Rights Centre (ERRC) v. France Complaint No. 230/2023**

Prepared by: Observatory for the Rights of Itinerant Citizens (L'Observatoire pour les Droits des Citoyens Itinérants – ODCI) and the Association Sociale Nationale Internationale Tzigane (A.S.N.I.T.)

### **1 - School mediation program**

#### **Government response:**

53... “as part of the Solidarity Pact, DIHAL has put forward proposals for the development of a school mediation program for itinerant or semi-itinerant Travellers, based on the model of the program already developed by DIHAL for populations living in squats and shanty towns. The school mediation program will be effective from the start of the 2024 school year, with the deployment of the first 10 posts in 5 départements. Deployment will then continue in 2025, 2026 and 2027, at a rate of 10 additional positions per year, to reach 40 positions by 2027.

#### **Our comments**

At the last National Commission (8th January 2025), we did receive confirmation that the school mediation program is financed and launched. However, discussion between the Traveller organisations present and representatives of the French Ministry of Education revealed that the program fails to provide education adapted to the mobility of itinerant populations. The stated aim of the Government is to accompany the children of itinerant and semi-itinerant families towards school. However the program is essentially aimed at schooling in school structures and implying a “stabilization” (sedentarization) of the families.

Representatives of Traveller organisations and the FNASAT reacted strongly, pointing out that this program did not meet the needs of itinerant families, nor did it take into account the obstacles created for children's education by repeated expulsions. The school policy underpinning this program is not adapted to children who travel.

Although it is legally possible to travel and enroll children in primary schools in stopover locations as and when they travel, parents report increasing pressure on the families to keep pupils in the same school for the year round. At secondary school level, it is impossible to change schools (collège) during the year.

Distance learning programs do exist (CNED). To enroll your children in these programs, you need to obtain authorization from the Departmental Directorate of the French Ministry of Education (DASEN). Since the law *La loi anti-séparatisme du 24 août 2021* came into force almost all requests from itinerant families have been rejected. Furthermore, no measures are envisaged to improve CNED's support for distance-learning students.

The right to education through the CNED (distance learning) and to follow a schooling adapted to

the itinerant nature of families is essential to the right to maintain the culture and nomadic way of life of Travellers.

At all levels of the « *Education Nationale* », from most teachers up to the Ministry of Education, it seems difficult to accept that effective education can be provided outside the mainstream concept of the full year in one same school. Mobility is seen as an obstacle to academic success. There is no real willingness to develop teaching methods and tools that are compatible with the mobility of pupils.

## 1-2 Recommendation of the Committee of Minister (CoE) (april 2024)

**CM/Rec(2024)1 and CM(2024)43-add2final of the Committee of Ministers to member States on equality of Roma and Traveller women and girls.**

The following recommendations concerning education concern, of course, all Traveller children and adolescents, girls and boys included:

### **CM/Rec(2024)1**

25. *Member States should ensure, including through an appropriate design of school arrangements and curricula, that the diverse traditions and ways of life of Roma and Traveller girls, including nomadism, are accommodated, accepted and respected and that these girls have adequate educational environments to preserve their culture, on an equal footing with Roma and Traveller boys and other children with a minority background.*

### **(CM(2024)43-add2final**

129. *With regard to Roma and Traveller girls who live a nomadic lifestyle, which is protected under Article 8 of the Convention, member States should, with due regard to their positive obligations under this provision, allow and respect the right to mobility for nomadic and semi-nomadic families even during the school year and develop adequate educational settings (e.g. distance learning programmes or the short-time enrolment of children from nomadic communities at their halting sites) and pedagogical tools and mechanisms to ensure their continuous, successful and quality education*

## 2 - Concerning halting sites (Aire d'accueil, Terrains familiaux locatifs)

### **Response of ERRC (page5):**

*The Committee recommended that France take effective measures to improve housing conditions for Travellers and address the issues with halting sites. It also suggested recognizing caravans as dwellings to ensure that living arrangements do not obstruct access to rights.*

### **Our comments**

**2-1) We insist that should be stressed more clearly that the system of halting sites as ruled by the Besson law is inappropriate for family life and is discriminating.**

The Besson Act, the French policies, and urban regulations, all lead to legally ostracize and contain the Traveller population in a limited number of—and inadequate—public accommodation (aires d'accueil and terrains familiaux locatifs) ; and aim, at end, to inhibit nomadic way of life.

When addressing the Government, our organisations point the inadequacy of the system of halting sites as ruled by the Besson Act, the return answer of the Government is to systematically encourage local authorities to pursue the application of the Besson law!

We recall that to “*guarantee protection, propose sufficient accommodation and to take in account the needs [of the Traveller population.]*” (FERGGV c France ( decision 24 jan 2012 prag143); FIDH c Belgique (décision 21 march 2012, para. 111) “*guarantee this community adequate*

accommodation, improve their living conditions according to their specific needs”(Comité des droits économiques et sociaux E/C.12/FRA/CO/5 ) the prerequisites are:

- **Establish the status of the mobile accommodation (caravane)** recognized as dwelling(lodgment)
- **Do away with the overall off-limit policy** by ensuring the right of mobile accommodations to dwell in every municipalities whether for temporary halting, or installation on one’s own private property.

## **2-2) The Besson Act leads to illicit haltings**

The blatant lack of authorised sites for Traveller mobile accommodations is organised and legally supported by the law of 5 July 2000. This policy has led to establish vast areas off-limit to Travellers. Travellers are therefore deprived of the right to freely choose their place of life and residence.

The *January 10, 2022 circular* on the “revision of Departmental Plans” (circulaire N° NOR: INTK2200421J du 10 janvier 2022), encouraging EPCIs (e.i.the public body for inter-municipal cooperation) to fulfill their obligations concerning the building of sites for Travellers (aires d’accueil), does not lead to better consider Travellers' needs as far as temporary halting or more permanent installations on one’s private property are concerned. It does not, and can not, do away with the systemic shortage of authorized sites for Travellers' mobile accommodation for the following reasons:

- No obligation for communes with fewer than 5,000 inhabitants, whereas it would have been necessary to enshrine in law that “*a mayor may not take police measures that would make it impossible for nomads to park for the minimum time required*” (Conseil d'Etat ruling of December 2, 1983);

- For municipalities of 5,000 inhabitants or more, there is no obligation to have a site (*aire d’accueil*) on their own territory, but there is only the obligation to contribute to the creation of an “inter-municipal” site within the framework of an EPCI, whereas EPCIs cover increasingly vast territories.

In certain cases, the law allows an EPCI not to have a site on its own territory as long as it contributes financially to a site on another EPCI's territory. Once a “site” has been established, municipalities and/or EPCIs can prohibit the rest of the territory to Traveller mobile accommodations;

- The law authorizes Travellers' mobile accommodation, but only in public facilities (halting sites (*aires d’accueil*), and family rental plots (*terrains familiaux locatifs*));

- Although the law authorizes mobile residence on building land, in practice the majority of urban regulations (PLU) prohibit mobile residences even in building zones: as a result, Travellers are deprived of the right to live in their mobile accommodation on their own property

**Virtually the entire French territory remains therefore off-limits to Traveller mobile residences, apart from a very limited number of authorized sites known as “aires d’accueil” (although these are most often unsuitable for living and family life) and “terrains familiaux locatifs” which characteristics are identical to the “aire d’accueil” with the adjunction of a one room fixed abode (Décret n° 2019-1478 du 26 décembre 2019 relatif aux aires permanentes d’accueil et aux terrains familiaux locatifs destinés aux gens du voyage)**

**2-3) On the French translation of “halting sites and encampement areas” as noted in european recommendations, and erroneously translated by “aires d’accueil”**

The english terms express a general notion, open, with no specified form or type of organisation of the site or encampement, whereas the french term “aire d’accueil” is attached exclusively to the concept ruled by the existing governmental decree related to the Besson Act( *Décret n° 2019-1478 du 26 décembre 2019 relatif aux aires permanentes d'accueil et aux terrains familiaux locatifs destinés aux gens du voyage et pris pour l'application de l'article 149 de la loi n° 2017-86 du 27 janvier 2017 relative à l'égalité et la citoyenneté*)

**In French:** Except when speaking specifically of the Besson “aires d’accueil”, when and if speaking of alternative solutions to the Besson Act sites, please prefer the French equivalent of the english terms: “lieux de halte ou d’installation.”

**3 - In regards to the Fixed tort fine and laws unfavourable to nomadic way of life**

In Recommendation **(CM(2024)43-add2final)** of the Committee of Ministers to member States on equality of Roma and Traveller women and girls:

*93. Based on the case-law of the Court (see above in § 3 of the Explanatory Memorandum), the ECSR highlights that Roma require special protection as regards the area of housing, as they are a disadvantaged group and vulnerable minority, due to their history. Special consideration should be given to their needs and their different lifestyle both in the relevant regulatory framework and in reaching decisions in particular cases (ECSR, COHRE v. Italy, cited above, §§ 39 and 40). To this end, legislation that has a detrimental effect on Traveller women and girls, and that is unfavourable to a nomadic way of life, such as trespassing legislation, should be reviewed.*