

An equal place in French society:

French government strategy for Roma integration within the framework of the Communication from the Commission of 5 April 2011 and the Council conclusions of 19 May 2011

The European Commission has asked the Member States to draw up national Roma integration strategies. In this exercise, the term 'Roma' encompasses various groups of people, such as the Sinti (gypsies), Travellers and Kalé, who face the same integration challenges. Each of these groups has its own culture, history, lifestyle and specific social and economic problems. Some groups are sedentary while others are not. However, the consultations conducted by the French authorities have revealed that this all-encompassing approach could in some cases contradict the very objective pursued by the conclusions adopted by the Employment, Social Policy, Health and Consumer Affairs Council (EPSCO) on 19 May 2011.

There are two main problems. The first is that this assimilation can contradict one of the objectives of integration policies, which is precisely to recognise the cultures and identities of the various groups that make up French society so that they can find their place on a basis of equal rights. If we fail to look in detail at the specific aspects of each group, we will not have effective methods for building a strategy.

The second problem is that the term 'Roma' refers to a concept of ethnicity, which cannot be used under French law to construct public policies. The French republican tradition, which involves a strict interpretation of the principle of equality, does not allow measures to be specifically targeted at a particular ethnic group. Article 1 of the Constitution of 4 October 1958 states that the Republic shall ensure equality before the law, without distinction in terms of origin, race or religion. The French government therefore firmly refuses to allow any differentiation of rights based on belonging to a community defined by its origin, and will continue to do so in the context of national, Community and international processes. Likewise, with regard to monitoring the policies to be presented within this strategy, it will scrupulously comply with the constitutional provisions, as recently clarified by Decision No 2007-557 DC of 15 November 2007 of the French Constitutional Council. As underlined by the President of the Republic in his Palaiseau speech on 17 December 2008, 'meeting the challenge of diversity by resorting to ethnic or religious criteria would run the risk of setting rival communities against each other and, ultimately, of trapping each of them within their identity'. It is precisely the opposite approach that is behind the actions to be conducted by the French government.

However, it is also true that the new European framework defined on 19 May 2011 may allow coordinated responses to be developed by the various EU Member States in order to tackle the social and societal problems that we are clearly all facing and that we have so far failed to solve separately. The social and economic situation of those populations to which the European Commission is drawing attention is marked by poverty, lower than average life expectancy, discrimination in access to the labour market, difficulties in accessing rights, low levels of school attendance, and even, in some countries, clear infringements of fundamental rights.

France has long adopted ambitious measures to encourage integration in the French Republic of those who live there, particularly in terms of housing and education. It has also developed a legal framework specific to travellers in order to take account of the particular aspects of their itinerant lifestyle. Specific measures have been developed since the end of the 1990s to encourage schooling of children, literacy among adults, access to healthcare and health promotion among families, as well as to ensure the economic adaptation of travellers, help them with administrative formalities to access rights, and develop mediation between families and social, administrative and benefit services.

This approach remains compatible with the common law treatment of those travellers who so wish¹. Clearly the aim is to ensure integration within the framework of common law policies, supplemented, where appropriate, by specific measures to take account of their lifestyle².

Progress still needs to be made in France, as in all the Member States. The commitments made by the French government in the context of the Council conclusions of 19 May 2011 provide the opportunity for this. Based on the proposals put forward by the European Commission on 5 April 2011, a European intervention framework is taking shape, which should allow significant challenges to be tackled. Ensuring the social and economic integration of European Union citizens is primarily a responsibility of each Member State. However, the European Union has various legal and financial tools at its disposal, which could prove effective in encouraging the social integration of Roma and ensuring strict respect for their fundamental rights, which is one of the inherent obligations of membership of the European Union, as provided for by the Treaty. The French government welcomes the action being taken to use these tools within a European strategy, which should more effectively complement the action of the Member States. Furthermore, in-depth analysis of the various national strategies pursued by the Member States should reveal examples of best practices, which could usefully be developed into Community joint actions in the near future.

This forms the context, as determined by the conclusions of the European Council of 23 and 24 February 2011, for the measures in this document. The aim of this contribution is to respond to the desire of the Member States and the European Commission to exclusively develop national and Community tools that may be used to ensure successful social integration.

These measures cover the period up to 2020. They will therefore help to achieve the objectives laid down by the French government in the context of the Europe 2020 strategy, particularly the objectives of poverty reduction, increased employment and prevention of early school leaving.

In line with the poverty reduction objective included in the Europe 2020 strategy and the national approach to this objective, France is pursuing a policy of ensuring the social integration of the most vulnerable in society. This policy is benefiting European citizens of all origins.

The measures presented here are viewed as a **comprehensive strategy**, covering all the areas concerned, particularly access to education, employment, healthcare and housing, which are considered to be priority areas in the Commission's communication and in the Council's conclusions on 'an EU Framework for National Roma Integration Strategies up to 2020'. **The policies presented are specific in some cases, which means in France that they take account of particular aspects of lifestyle. However, the most effective driving force of integration in France is the common law measures or those measures designed to allow the most marginalised groups in society to access common law policies.** Accompanying measures are planned to overcome the specific difficulties associated with accessing rights. This general framework is needed to give a balanced view of the actions taken and ensure the link with the National Reform Programme (NRP) expected by the Commission.

¹ The title of a recent report submitted by the Chairman of the National Consultative Committee on Travellers to the Prime Minister illustrates this approach: 'Gens du voyage: pour un statut proche du droit commun' [Travellers: towards a quasi-common-law statute] (Pierre Hérisson, Senator, July 2011).

² The itinerant lifestyle of travellers raises the important issue of their permanent address, which is necessary to maintain their links with public authorities and services. The Act of 3 January 1969 on the pursuit of itinerant activities allows people to be linked to a commune of their choice. This link is approved by the prefect, following a reasoned opinion from the mayor, subject to the presence of travellers in the commune not exceeding 3% of the registered population. In derogation from the provisions of the 1969 Act, since 2007 travellers have been able to choose their permanent address either through a local social welfare centre (*centre communal d'action sociale* – CCAS) or through a body approved for that purpose, under the conditions laid down by Article L.264-1 *et seq.* of the Social Welfare and Families Code, in order to receive social benefits. Associations specialising in supporting travellers generally offer the choice of permanent address service as one of a whole series of support services.

This strategy is binding on the French State, but cannot be implemented by the State alone. Given the itinerant or semi-itinerant lifestyle and precarious situation of some of the travelling population, the State is financing social welfare measures aimed at this group. Its actions must be closely coordinated with those of the local authorities, in particular the regional councils, which are responsible under common law for social measures. The local authorities were consulted on the initial version of this national strategy on 6 January 2012. Some made comments whilst others decided to send written contributions to the French government, or directly to the European Commission.

Community associations were also consulted on 25 January 2012, through the two main consultative councils. They will also be vital partners in the implementation of these measures. Part of the national financial support is being made available through the heads of associations, who are responsible for organising the actions of the various local associations on the ground, providing legal support and promoting access to rights and prevention of discrimination and exclusion of travellers, particularly by disseminating best practices (training, information, citizen participation). This is being supplemented by financial aid for initiatives organised by local associations, which provide social support on the ground aimed at encouraging the social and professional integration of travellers and facilitating their access to rights and social benefits.

In accordance with the information provided by the French government during the EPSCO meeting on 19 May 2011, the first priority of this strategy is to ensure the schooling of children. Based on the work undertaken at European level, the work will continue in the next few years, in liaison with the European Commission as well as local players and associations, in order to expand this programme of actions and develop best practices. This document therefore defines the priorities and describes new methods of working.

I - PRIORITIES FOR ALL MARGINALISED POPULATIONS, INCLUDING ROMA

1. GIVING EVERY CHILD THE CHANCE OF QUALITY SCHOOLING

Strategy guideline: Education forms the foundation of optimum social integration. Precarious family finances, segregation in schools and early school leaving are all obstacles to this. The counterpart to access to education, which is a fundamental right of children, is that their parents must comply with the obligation to send their children to school. That is why the French government will make this its number one priority, by paying greater attention to projects aimed at the education of these children and by allocating, as a priority, existing resources to these projects in order to ensure the successful social integration of this group.

1.1. General measures applying to everyone under the principle of equal opportunities

Schooling is intended to ensure equal opportunities and, as far as possible, to correct the effects of social and economic inequalities on academic success. In accordance with French republican tradition, schools adopt measures that equally target all disadvantaged young people (personalised learning paths, individual support, grants and financial aid, etc.).

In the context of France's objectives under the Europe 2020 strategy, measures will be adopted to try and achieve an early school leaving rate of 9.5%. The French government has already presented an initial set of measures within its national reform programme 2011-2014.

At the same time, specific measures will focus on:

- primary and secondary schools located in disadvantaged areas (see below);
- non-French-speaking newly-arrived immigrants so that they can move into a normal class as soon as possible.

The four main lines of the support action, as set out below, particularly apply to Roma:

a) Acquiring basic knowledge must be an absolute priority: a plan to prevent illiteracy

In France, 3 100 000 people are illiterate, i.e. 9% of the population aged 18 to 65. In view of this figure, the illiteracy prevention plan presented in March 2011 by the Minister for National Education, Youth and the Voluntary Sector aims to:

- take action at the nursery stage, which is the age at which children appropriate language and discover writing;
- work throughout the school years to ensure that reading, in all its forms, is perceived as a pleasure.

This plan involves mobilising everyone involved in primary school: families, teachers, supervisors, and community and institutional partners.

In this respect, 30 academic correspondents for illiteracy prevention, who have already been appointed, will be particularly responsible for organising academic conferences on illiteracy prevention. They will therefore be required to relay national actions and contribute to the pooling of initiatives and resources.

b) Personalised support throughout the school years

Primary school and first stage of secondary school

Personalised support already exists in various forms at all educational levels because it is regarded as a fundamental lever for reducing early school leaving, which particularly affects marginalised populations, notably the Roma.

It is accompanied by closer monitoring of student progress at key moments of their schooling (national assessments at the end of the second and final years of primary school, new skills assessment at the end of the second year of secondary school, which will become universal in 2013).

At primary school, personalised support consists of two hours of help per week, as well as refresher courses during the school holidays for every student whose schooling may be hindered by insufficient knowledge in terms of reading, writing and arithmetic. This measure is reinforced in priority education systems where educational support has been introduced that involves assistance with homework, sports, and artistic and cultural activities (two hours/day, four days/week, assisted by external participants under agreements with recognised institutions or associations). Particular emphasis is placed on the primary school-secondary school link:

- development of the ‘*PPRE passerelle*’ (*Projet Personnel de Réussite Educative* or Personal Plan for Educational Success) by primary school teachers and by secondary school French and mathematics teachers;
- refresher modules which start at the beginning of the first year of secondary school.

Teacher training can also be accompanied by a reminder of Roma traditions and art and by answers to the practical questions of teachers. Accordingly, in February 2010 the Bordeaux academy offered such training on the schooling of Roma children. Similar actions will be undertaken in other academies.

Second stage of secondary education

The reforms of the second stage of secondary education, which came into force in 2009 and 2010 (<http://www.education.gouv.fr/pid23519/la-reforme-lvcee.html>), provide for measures aimed at reducing early school leaving, by improving student orientation/reorientation, reinforcing personalised support, personalising school learning paths and creating bridges between different disciplines.

c) Using measures to prevent early school leaving: monitoring and support platforms

Article 36 of Act No 2009-1437 of 24 November 2009 on lifelong vocational guidance and training reinforced the obligation to monitor young people who leave school without any qualifications, by extending this obligation to all basic training institutions. Together with the measures implemented under the NRP to achieve France’s commitments under the Europe 2020 strategy, these measures will be at the heart of the national measures to reduce early school leaving among Roma children.

Partnership platforms are being organised between those involved in education, training and integration throughout the territory in order to find solutions for young people who leave the educational system without any qualifications, so that they can be re-engaged through training, support or activities designed to better prepare them for working life.

Several experimental measures designed to help each student succeed can be mentioned:

The *Eclair* programme (primary and secondary schools for ambition, innovation and success)

At the beginning of the 2011 academic year, the *Eclair* programme (primary and secondary schools for ambition, innovation and success) brought together 297 lower secondary schools and 28 higher secondary schools facing the most serious socioeconomic difficulties, as well as primary schools in their sector with similar populations (over 2 100). Through academically-guided 'school success networks', this programme is intended to help each student succeed, by encouraging them to acquire a common foundation of knowledge and skills and to develop their educational and professional ambition, as well as to ensure a peaceful school environment.

The *Eclair* programme is innovating:

- in the field of teaching: it is encouraging innovation and experimentation in the areas, for example, of organising interdisciplinary work, carrying out projects, organising school time differently, and regularly participating in physical, sporting and artistic activities;
- in the field of school life: a more comprehensive and personalised approach for each student is developed through close links between the areas of teaching and education. In addition, families are encouraged to become closely involved with the life of the establishment and benefit from support actions such as the 'mallette des parents' (measure for improving dialogue with parents).

In the same spirit, the national project '*Ouvrir l'École aux parents pour réussir l'intégration*' (Opening up schools to parents to ensure successful integration), which was started at the beginning of the 2008 academic year in certain establishments (Circular No 2011-123 of 11 July 2011), is designed to allow parents who are foreign nationals or immigrants to master the French language, to gain an understanding of the principles and values of the Republic, and to become familiar with the school institution.

All these programmes will be fully utilised for the benefit of Roma children.

Residential schools for excellence

As educational institutions aiming to encourage the school success of motivated students from disadvantaged backgrounds, including Roma, girls and boys, the residential schools for excellence use a structured teaching and educational plan and offer a complete school path from lower secondary school to university preparation classes or advanced technical colleges for all disciplines. A target of 20 000 places at residential schools for excellence was set by the President of the Republic. For the year 2011-2012, 10 300 places are on offer, either in newly created residential schools for excellence (a total of 26 in 19 academies) or in traditional establishments which reserve residential places for students who meet the residential school for excellence standard.

Micro-upper secondary schools

The European Commission has noted the difficulties faced by Roma children, who leave the school system too early and do not have sufficient basic training, in integrating in the world of work. In terms of preventing early school leaving, the creation of 'micro-upper secondary schools', which involves the dual approach of second-chance measures and experimental school structures, also represents an appropriate solution for early school leavers in terms of resuming general studies after a few weeks or even years away from school. The aim is to establish at least one micro-upper secondary school per academy.

Second-chance schools (EC2)

The network of second-chance schools in France aims to ensure the social and professional integration of young people who leave the educational system without any qualifications. These schools are being developed as a priority in the most problematic districts, with the aim of accommodating up to 12 000 young people by 2012. These programmes will fully benefit Roma children.

d) Grants and financial aid

An extensive financial aid mechanism (to which certain local authorities also contribute) benefits low-income families whose children go on from primary to secondary school.

As an example, a school return allowance is granted every year to over 3 million families and covers over 5 million students aged 6 to 18 (at the start of the 2011 academic year, this amounted to EUR 285 per child from 6 to 10 years, EUR 300 per child from 11 to 14 years, and EUR 311 per child from 15 to 18 years).

In addition, students from disadvantaged backgrounds can benefit from various types of grant (such as secondary school grants or merit grants), and also from aid offered by the social fund for canteens or by social funds for secondary schools.

Roma children as well as other children benefit from these programmes.

2. TARGETING THE INSTRUMENTS OF ACTIVE LABOUR MARKET POLICY AT POPULATIONS EXCLUDED FROM EMPLOYMENT

Strategy guideline: The precarious economic and financial situation often faced by most marginalised populations, including the Roma, means that, when searching for a job, they frequently struggle to pursue lengthy vocational training and instead favour short training.

Taking better account of the current level of training and vocational skills, at the same time as improving participation in programmes aimed at acquiring new vocational skills, would allow these populations to improve their integration in the labour market. In this regard, apprenticeships must be developed as a priority.

Overall, employment policy and its associated measures implemented in France are not aimed at any particular ethnic community, but respond to the specific needs of people who are excluded from the labour market or struggling to access employment (need for qualifications, long-term unemployed, older job-seekers, young people under 26, people living in urban policy districts, etc.). In France there is no 'ethnic' approach within the employment integration measures, but rather an approach according to the needs of those individuals who are excluded from the labour market, aimed at preventing labour market discrimination. All the existing vocational integration measures – supported contracts, access to integration measures by economic activity – are therefore open to any 'marginalised' person.

Together with contributory unemployment and social security benefits, the particular feature in France is that it has long-established statutory minimum wages, paid on a means-tested basis and specifically aimed at ensuring a minimum income. These measures are being developed in line with the European Union's recommendation on active inclusion so as to better ensure the link between the guarantee of a minimum income and access to employment. The risk stemming from prolonged unemployment for the most vulnerable is that they will be permanently excluded from the labour market. An effective social inclusion policy must therefore simultaneously involve both statutory minimum wages and return to employment.

As described in its NRP 2011-2014, France is engaged in a process of rationalising and simplifying social benefits in favour of those who are most disadvantaged. In 2009 it introduced the earned income supplement (*revenu de solidarité active* – RSA), which allows work income and benefits to be received concurrently on a long-term basis. This approach aims to find a balance between securing the necessary means of living and encouraging beneficiaries to start or return to a professional activity in order to ensure their social integration.

One fundamental challenge in future years will be to ensure full access for everyone, particularly Roma, to their social rights. To that end, the French government will pay particular attention, in liaison with local authorities, to allowing the recognition of these rights through appropriate procedures for choosing permanent addresses.

Vocational integration measures are being consolidated in a context of increasing unemployment. It is for that reason that personalised support actions, where necessary within adapted structures, constitute a pre-employment stage for those facing the greatest difficulties. The single integration contract (*contrat unique d'insertion* – CUI) introduced in 2010 is a reworking of the previous supported contracts. It is used in both the retail and non-retail sectors.

Personalised support for young people who are excluded from employment is also being heavily advocated. This is being implemented by the network of local missions, which are present throughout the territory, in partnership with the Employment Centre (*Pôle Emploi*). A huge range of integration tools aimed at young people, and in particular the offer of training developed with the regions and training/work experience contracts, are also being used.

By 2013, several approaches will have been used to facilitate the vocational integration of these groups. As a result, the development of new qualitative measures aimed at improving the performance of the single integration contract in terms of sustainable integration in employment is being studied. Developing the plan to modernise the integration sector by economic activity, implementing the framework agreement signed in 2010 on priority groups, as a result of the reform of vocational training, and promoting the policy aimed at the unemployed who could create or rescue a business are also possible routes for reinforcing the support of these groups of people.

3. PROMOTING PUBLIC HEALTH PARTNERSHIPS IN LIAISON WITH COMMUNITY ASSOCIATIONS

Strategy guideline: The French government will encourage the emergence of new health programmes to boost the level of vaccination, develop quality food and promote treatment based on trust between health professionals and patients.

3.1 The regional programme for access to prevention and healthcare for the most disadvantaged (*programme régional d'accès à la prévention et aux soins* – PRAPS) will form the preferred instrument for undertaking innovative public health programmes aimed at the Roma.

As part of the structural reform of the health system, regional health agencies are to adopt the regional health plan (*projet régional de santé* – PRS). This mainly consists of three mandatory programmes, including the regional programme for access to prevention and healthcare for the most disadvantaged.

Initially drawn up in 1999 and confirmed by the Act of 21 July 2009 on hospital reform and patients, health and the regions (HPST Act), the regional programme for access to prevention and healthcare is intended to allow the most disadvantaged to access the common law health and social welfare system. It forms a response to the priority objective of reducing health inequalities and to the second of the nine principles in the Public Health Act of 9 August 2004, according to which the definition of objectives and the development of strategic plans must take systematic account of the most vulnerable groups due to their exposure to specific determinants.

This year, in March 2011, a methodology guide was provided to regional health agencies (*agences régionales de santé – ARS*) to help draw up the regional programme for access to prevention and healthcare. This guide defines the common framework and suggests methodological references. It highlights the importance of correctly linking policies with health and social measures aimed at the most disadvantaged as a guarantee of the success for this programme which involves cross-cutting challenges.

This regional programme for access to prevention and healthcare for the most disadvantaged will form the preferred instrument for undertaking innovative public health programmes aimed at the Roma. In this context, the French government will particularly encourage actions aimed at boosting the level of vaccination, developing quality food and promoting treatment based on trust between health professionals and patients. Support and education of teenage mothers is, for example, an issue where more in-depth work may be undertaken.

3.2 The French government will support local community programmes involving health mediation or the production of information guides

The Ministry of Health is financially supporting associations in their implementation of specific health mediation actions and the promotion of health among disadvantaged groups, including the Roma. Health mediation has sometimes been specifically targeted at women and young children living within French territory in squats and shanty towns.

As an example, four sites have benefited from these actions supported by local associations since 2009: Bobigny, Nantes, Lille and Fréjus. In this context, a specific methodology has been developed to train and recruit local mediators. In the long term, the actions carried out among women and children, Roma in the main, which are aimed at health professionals and government officials, must:

- facilitate access to healthcare and medical treatment for these people through common law health services and local health policies;
- reduce the gap between the medical offer and the real life of these people by making sure that health professionals have a better understanding of the target public;
- encourage access to prevention and health education for these people.

4. DEVELOPING MEASURES SO THAT THE HOMELESS AND THOSE LIVING IN POOR HOUSING CAN ACCESS AND KEEP HOUSING

Strategy guideline: Continuing the action started in 2007, by developing innovative tools for the reception, accommodation and integration of the homeless, is a priority for public authorities in coming years.

The Act of 5 March 2007 establishing the statutory right to housing (*droit au logement opposable – DALO*) and implementing various measures for social cohesion marked a significant turning point in the housing access policy aimed at the lowest income households. The effectiveness of the DALO depends on a policy of increasing the offer of social housing stock and efficiently managing this stock. This legislative foundation was supplemented by the Act on housing and prevention of exclusion of 25 March 2009, and then by the national strategy for the accommodation and access to housing of the homeless (2009-2012).

In the context of this strategy, new tools will be deployed between now and 2013 in order to restructure the reception, accommodation and integration of the homeless. The first tool that can be mentioned is the creation of an integrated reception and guidance service, which will coordinate, in the *départements*, all those involved in accommodation and housing. Likewise, regional development of the reception, accommodation and integration offer for the homeless, which started in December 2009, resulted in 2010 in Departmental plans for the reception, accommodation and integration of the homeless or those living in poor housing (*Plans départementaux pour l'accueil, l'hébergement et l'insertion* – PDAHI), in coordination with local players. The PDAHIs are naturally organised around the three fundamental guidelines of the national strategy for accommodation and access to housing: commit to the housing objective; organise the offer to take better account of the needs of the disadvantaged; improve guidance and ensure continuity and care for people needing housing.

The lessons learned from this initial work include the partnership approach and the regional breakdown of the national strategy in terms of local needs. In 2011, more in-depth work is aiming to draw up a roadmap for all the players at regional and departmental level for the coming years (prioritisation of the actions to be undertaken, definition of quantified and attainable objectives).

Certain voluntary groups have found a solution to the precarious situation in which EU citizens, usually of Roma origin, find themselves when they settle, without authorisation, on land without any facilities.

In the Ile-de-France region, the *département* of **Seine St Denis**, which contains several camps built spontaneously by mainly Roma families, has encouraged the development of **integration villages** for those who need to live long term in France. The very precarious living conditions of families have posed not only security and public order problems, but also lack of hygiene and public health issues. Several integration villages have been opened at Saint Denis, Aubervilliers, Saint Ouen, Bagnolet and Montreuil. This has required significant investment from the State in cooperation with the local authorities concerned. This cooperation has allowed several projects to be developed in order to ensure the sustainable integration of families in both economic and social terms and in relation to housing (see also paragraph 1.1 of Annex II). The necessary first stage was to ensure their temporary reception. The State became involved by financing 'Urban and Social Project Teams' (*Maîtrises d'Œuvre Urbaine et Sociale* – MOUS) to conduct social assessments of families and find long-term housing solutions. In 2010, six MOUS were set up in Seine Saint Denis for these integration villages, at a total cost of EUR 844 000.

Also in 2010, 40 wooden chalets were financed in Bordeaux to rehouse marginalised populations, including Roma, and an urban and social project team was appointed at a cost of EUR 150 000 to assess an estimated population of 400 to 600 people. Two ERDF finance applications, with a total budget of EUR 470 184, were approved during the Regional Programming Committee meeting on 8 April 2011 for the financing of 40 chalets.

The cities of Lille, Marseille and Lyon are also involved in establishing integration villages.

5. BETTER DEFENDING THE FUNDAMENTAL RIGHTS OF POPULATIONS SUFFERING DISCRIMINATION

5.1. Pursuing the objective of combating human trafficking

The protection of individuals' fundamental rights is both an objective and a function of public policies: accordingly, the French legislation resulting from the 2006 transposition of Directive 2004/81/EC of 29 April 2004 on the 'residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities', created the possibility of allowing foreign nationals to reside in France in the context of the fight against human trafficking. This particularly concerns victims of prostitution, domestic slavery, forced labour, organised begging or organ trafficking. This measure is particularly focused on protecting minors and defending the rights of women.

Accordingly, where foreign nationals have been identified as victims by the police, where they agree to cooperate with the administrative and judicial authorities, by giving evidence or making a complaint against the alleged offenders, and where they have broken off any ties with the alleged offenders, they receive a *temporary residence permit bearing the words 'private and family life'*, which allows them to work. This permit can be renewed throughout the duration of the legal proceedings. It can be withdrawn if victims resume contact with the people who exploited them. If the offenders are convicted, the prefect can issue the victim with a *full residence permit*. Minors who are foreign nationals and victims of offences benefit from the same residence conditions when they reach the age of maturity. The temporary residence permit can also be issued to those aged under 16 years where they want to engage in paid work or pursue vocational training.

In addition to the help provided by victim assistance associations, victims holding 'private and family life' temporary residence permits are entitled to social welfare, interim allowances, social support, access to accommodation structures and police protection during the criminal proceedings.

These provisions apply to nationals of Member States subject to transitional arrangements, without the Roma being the subject of special provisions or measures.

5.2 Reinforcing the fight against discrimination, particularly involving the Human Rights Defender.

The President of the Republic wanted scientists to be consulted in order to propose a method for measuring the diversity of origins, which would be broadly accepted and allow the progress made in the fight against discrimination to be monitored, without any ethnic emphasis. François Héran was entrusted with forming a committee to measure diversity and discrimination (Comedd), which delivered its report on 5 February 2010³.

This committee consisted of 25 experts in a wide variety of areas: social sciences, public statistics, judiciary, trade unionism, community movement, journalism, human resources management, administration of social housing, and cultural administration.

This committee suggested setting up a discrimination observatory within the High Authority for the Fight against Discrimination (*Haute autorité de lutte contre les discriminations – Halde*), which was an independent body set up in France under the European directives on the fight against discrimination. It has now been replaced by the Human Rights Defender, which is an independent constitutional authority created by the Constitutional Act of 28 July 2008, supplemented by the Framework Act of 29 March 2011. The

³ Rapport Héran, *Inégalités et discriminations, Pour un usage critique et responsable de l'outil statistique* [Héran report, *Inequalities and discrimination, Ensuring critical and responsible use of statistics*], 5 February 2010.

Human Rights Defender has now taken over all the tasks of the Halde⁴ as well as those of the National Ombudsman, Children's Defender, and National Commission for Professional Ethics in Security (*Commission Nationale de Déontologie de la Sécurité – CNDS*). It has increased powers to ensure the protection of rights and freedoms and to promote equality.

5.3 Action incorporating the fight against social inequalities

The aforementioned committee for the measurement of diversity and discrimination (Comedd) has also proposed expanding existing surveys by conducting research into the nationality and country of birth of parents. Other additional research – specialised surveys, surname testing, experimental observations in situ, research into the feeling of belonging – must be conducted under the control of the French data protection authority (*Commission nationale de l'informatique et des libertés – CNIL*) and subject to solid guarantees (consent, strict anonymity). As **discrimination must be measured in connection with social inequalities**, representative data must be obtained on the social path of the children of immigrants within each employment area. Furthermore, a specific tool for businesses and local authorities must be created. As regards the model 'comparative situation report' introduced by the Act on professional equality between men and women, the report recommends defining a 'standard' questionnaire, to be completed by employees of businesses, national administrations and local authorities with at least 250 employees, 'with an absolute guarantee of anonymity'.

In fact, **objective ethnic data** cannot be collected in France for statistical purposes.

The Constitutional Council decided that collecting objective ethnic data was contrary to Article 1 of the Constitution⁵. The collection of personal data is regulated in France by the Act of 6 January 1978 on information technology, files and freedoms, as amended in 2004. This Act was largely inspired by **Convention 108 of the Council of Europe** of 28 January 1981 'for the Protection of Individuals with regard to Automatic Processing of Personal Data'.

It has also served as the basis for **European directives** on the subject, particularly in terms of the recognition of certain categories of 'sensitive' data. Data 'directly or indirectly revealing racial or ethnic origins' (Article 25 of the 1978 Act, as amended in 2004) or 'revealing racial or ethnic origin' (Article 8 of Directive 95/46/EC) are included in this category. Exemptions exist in the limited number of cases listed in Article 8 of Directive 95/46/EC of 24 October 1995. Collection for statistical purposes is not one of the ends justifying an exemption. Linking this collection with other cases seems to be contrary to the letter of this text. Paragraph 4 of said Article 8 provides that 'Member States may, for reasons of substantial public interest, lay down exemptions in addition to those laid down in paragraph 2'. However, it can be legitimately considered that, as this text is intended to adequately protect individuals, the concept of 'substantial public interest' must be interpreted strictly and does not include collection of statistical information.

⁴ It should be noted that, unlike the Halde, the Human Rights Defender does not have to obtain authorisation from the magistrate for custody and release at the regional court in order to conduct on-the-spot inspections if the urgency and gravity of the events prompting the inspection or the risk of destruction or concealment of documents justifies this.

⁵ In 2007 an amendment to the draft immigration act was proposed by two members of Parliament in order to include, in Article 25 of the 1978 Act, a new exemption for 'studies on the measurement of the diversity of origins, subject to authorisation from the CNIL, given that processing personal data can "directly or indirectly reveal racial or ethnic origins".' In its decision No 2007-557 DC of 15 November 2007, the Constitutional Council censured this provision on the basis that it was unconnected with the subject of the legislation. In passing (paragraph 29), it also indicated the constitutional framework applicable to the collection of ethnic data in France: 'Whereas, although the processing required for the purpose of conducting studies on the measurement of the diversity of origins of individuals, discrimination and integration may involve objective data, it cannot, without ignoring the principle laid down by Article 1 of the Constitution, be based on ethnic origin or race'.

This is the interpretation accepted by the CNIL in France, under the aforementioned Act of 6 January 1978⁶. The CNIL therefore seems to allow surveys, which, because they are immediately made anonymous, guarantee the confidentiality and anonymity of the people questioned (in such cases, the data are no longer personal data and are therefore not covered by the scope of the 1978 Act and Directive 95/46/EC). However, it still requires a number of guarantees to be given.

⁶ On two occasions, in 2005 and 2007, the CNIL published ‘recommendations on the measurement of diversity and the protection of personal data’. In the area of employment, the CNIL highlighted that ethnoracial data cannot be included in employers’ files. As regards surveys, which the CNIL carefully distinguishes from employers’ files, it underlines the guarantees that must surround such surveys within businesses and that can only allow the comparison of data on different sources of discrimination. In other areas, the CNIL has encouraged the ‘development of studies into the “feeling” of discrimination, including gathering data on the physical appearance of individuals’. It has ‘allowed, under certain conditions, the analysis of forenames and surnames in order to detect any discriminatory practices’. However, it has also ‘refused to allow, at the present time, the creation of a national “ethnoracial” reference system’.

II - SPECIFIC MEASURES FOR TRAVELLERS

Travellers do not form a homogenous section of the population. Some of them have integrated into the general population without any particular difficulty.

However, some individuals and families experience varying degrees of difficulty in accessing their rights. These difficulties mainly stem from a dual phenomenon:

- discrimination, which they too often still suffer due to their lifestyle;
- economic and social difficulties in terms of employment, housing, education, health and citizenship.

In line with the principles of the Republic, France has a policy aimed at encouraging the integration of travellers into the national community through a **policy of access to fundamental rights** (in terms of housing, employment, health, education, justice, family policy, citizenship, etc.). The aim is to ensure integration **within the framework of common law policies, supplemented, where appropriate, by specific measures to take account of their lifestyle.**

The responsibility under common law for social support rests with the regional councils. However, given the itinerant or semi-itinerant lifestyle and/or precarious situation of some of the travelling population, the State is financing social welfare measures aimed at this population.

These actions are particularly aimed at:

- encouraging schooling of children, literacy among adults, access to healthcare and health promotion among families, as well as ensuring the economic adaptation of travellers, helping them with administrative formalities to access rights; and
- developing mediation between families and social, administrative and benefit services.

This national financial support is being made available through the heads of associations, who are responsible for organising the actions of the various local associations on the ground, providing legal support and promoting access to rights and prevention of discrimination and exclusion of travellers, particularly by disseminating best practices (training, information, citizen participation).

This is being supplemented by financial aid for initiatives organised by local associations, which provide social support on the ground aimed at encouraging the social and professional integration of travellers and facilitating their access to rights and social benefits. The main areas of intervention are schooling of children, access to rights, mediation, training of those involved and guidance of this group of people towards appropriate training.

The itinerant lifestyle of travellers raises the important issue of their permanent address, which is necessary to maintain their links with public authorities and services.

The Act of 3 January 1969 on the pursuit of itinerant activities allows people to be linked to a commune of their choice. This link is approved by the prefect, following a reasoned opinion from the mayor, subject to the presence of travellers in the commune not exceeding 3% of the registered population.

In derogation from the provisions of the 1969 Act, since 2007, travellers have been able to choose their permanent address either through a communal social welfare centre (*centre communal d'action sociale* – CCAS) or through a body approved for that purpose, under the conditions laid down by Article L.264-1 *et seq.* of the Social Welfare and Families Code, in order to receive social benefits. Associations specialising in supporting travellers generally offer the choice of permanent address service as one of a whole series of support services.

2.1 Targeted measures to ensure access to education for travellers, given their particular situation

In accordance with Article L.111-1 of the Education Code, access to education is guaranteed for all. The national education system therefore works to ensure schooling for travellers' children in accordance with this right.

Children of non-sedentary parents are, like other children, obliged to attend school between the ages of 6 and 16 years. The fact that the family may only live on a temporary basis in the area of a commune is irrelevant with regard to the right to schooling.

France therefore has a policy whose essential objective is to ensure access for travellers' children to common law school measures. To achieve the best results, specific actions or temporary arrangements can be planned to take account of specific situations.

In particular, under the responsibility of the academic inspector and director of departmental education services, a coordinator ensures that national services, associations and academic centres for the schooling of new entrants and travellers' children (*centres académiques pour la scolarisation des nouveaux arrivants et des enfants du voyage* – CASNAV) liaise with each other. These centres use educational tools as well as advisory and training measures. Non-French-speaking travellers' children are enrolled in the usual classes for their age and level but are looked after, at the same time, by teachers trained in teaching French as a second language, according to the methods appropriate to each level of education.

In **primary schools**, two main methods exist:

- initiation classes (*classes d'initiation* – CLIN), which involve daily group sessions lasting several hours during which children receive intensive French lessons appropriate to their situation, in a group with a maximum of 15 students;
- intensive French lessons (integrated catch-up lessons or *cours de rattrapage intégré* – CRI) taught by an itinerant teacher to small groups of students at the school, as and when necessary.

In **all types of secondary school**:

- reception classes (*classes d'accueil* – CLA), which are provided in certain voluntary schools according to academic regulations allowing needs to be met, offer students specific lessons in French as a second language. Since 2005 the Ministry of Education has offered an official school diploma in French as a foreign language, which is known as the *diplôme d'étude en langue française* (DELF);
- measures can also include **specific classes** within a district close to the place where travellers are parked, where this is remote from any school structure.

Use of school lorries/itinerant schools also allows children to be reached at parking areas, where their parents are highly mobile.

Example: The Haute-Saône *département* is committed to schooling travellers' children as it has equipped three school lorries since 1992. These itinerant classes have formed a bridge between the school and families to help with the schooling of children. A coordinator, appointed by the Haute-Saône academic inspector, has boosted the measure by bringing together aid for the schooling of gypsy children (*Aide à la scolarisation des enfants tsiganes* – ASET) with the France-Comté association for travellers (*Association franc-comtoise des gens du voyage*) and Gadjé, which work to help both itinerant families and schools that may receive travellers' children.

Educational support for travellers' children

Absenteeism is a major obstacle to the schooling of travellers' children, particularly at secondary school level. Parents play a role in the limited presence of their children. Although the CASNAV have introduced, together with local inspectorates and establishment heads, systematic measures to identify and control attendance, the social and cultural dimensions specific to travellers shape the perception that parents have of the school institution. As a result, dialogue with families and their reception within the establishment are essential to ensuring long-term school attendance. In the academies of Nancy-Metz and Clermont-Ferrand, for example, teams of teachers have managed to build relationships of trust, which have resulted in improved nursery and primary schooling.

The issue of adapting methods to the specific situations of those students suffering from both schooling problems and poverty is integrated into the academic action programmes, such as that in Montpellier. Educational tools have been created to better respond to the needs of travellers' children and to prevent school absenteeism and early leaving.

Examples: Most academies have produced welcome and monitoring booklets for travellers' children and teenagers in relation to primary and secondary school. Accordingly, the Nantes academy issues an 'education monitoring booklet for travellers' children', which is both administrative and educational in function. This tool promotes the continuity of education and indicates the main skills acquired by the student. This is also the case with other academies in Bordeaux, Toulouse or Besançon for example.

Training and support for teachers are particularly targeted by academic and departmental policies, with the active assistance of national education inspectors.

Significant efforts have been made locally to adapt teacher training to the needs of travellers' children.

Actions are carried out as part of 'Academic training plans' (*Plans académiques de formation – PAF*).

- Within the Aix-Marseille academy, for example, training on the theme of 'travellers' codes and values' and 'knowledge of the public and educational responses' has been offered in recent years at secondary school level, in partnership with the CASNAV.
- A training action entitled 'schooling for gypsy children' designed for primary and secondary school teachers and including social workers and families was developed by the Hérault academic inspectorate in 2008.
- Under the joint coordination of the CASNAV for Loire-Atlantique and the Academic resource centre for priority education (*Centre académique de Ressources pour l'Éducation prioritaire – CAREP*), a resource file has been created, intended for teachers, to facilitate individual monitoring of the schooling of travellers' children.

2.2 Targeted measures to ensure access to employment

Having given priority to the education of young people, all the work carried out must facilitate successful integration into the world of work. Although, as regards access to employment and given the difficulties associated with the continuing high unemployment rate in the national labour market, France is trying to encourage policies aimed at all groups excluded from employment, particularly young people, whether or not they belong to the travelling community. However, certain targeted actions may be envisaged to tackle specific situations or constraints.

For example, the State is supporting the Association for the right to economic initiative (*Association pour le droit à l'initiative économique* – ADIE) in order to help develop its work aimed at travellers.

The ADIE, which funds and supports people facing hardship so that they can create their own job, currently grants around 1 500 professional microcredits per year to travellers.

Having been represented on the National Consultative Committee on Travellers (*Commission nationale consultative des gens du voyage*) since June 2010, the ADIE has managed to adapt its financial tools to the needs of travellers, and offers them successive loans of progressive amounts: in 2010, 1 221 loans – i.e. nearly 10% of the professional lending activity of the ADIE – were granted to this group, with a rate of repayment of 92.38%. These loans have helped to finance the creation of a business (around 20%), the maintenance of an existing business (41%) and the development of a business (26%).

This programme will continue to be supported under the Social Cohesion Fund.

2.3 Priority measures for public health: better identifying the particular health challenges faced by travellers and developing local mediation

The Ministry of Health supported the production of a specific guide to travellers entitled 'Understanding and working for the health of travellers', within the partnership with the WHO's French Network of Healthy Towns and Cities (2009). The French Network of Healthy Towns and Cities forms part of the international movement of Healthy Towns and Cities and is trying to reduce inequalities in terms of life expectancy and health between the various population groups. Within the framework of this move towards a system of health values for all, the French network specifically wanted to address the problem of travellers' health in its fourth guide, which was supported by the Ministry.

In France, travellers are one of the groups that tend to fall outside the health system in terms of prevention, healthcare and even average life expectancy, which is below that of the general population. **The partnership between the Ministry of Health and the French network, through the publication of a specific practical guide on travellers, has proved a useful way of raising awareness among towns and cities and mobilising them in order to implement the health policy in the regions.** The guide has shown the importance of a cross-cutting approach that takes account of the local contexts which play a role in the state of health of the population. The regional health agencies (ARS) created by the HPST Act have provided, together with the interregional health area that they define, a local framework for coordination and planning, which is both more coherent and more connected in terms of enhancing local health dynamics. In order to respond to the issue of itinerancy, it has been important to clarify the relationship between travellers and the local area. This work will be disseminated and best practices will be encouraged. Assistance and education of teenage mothers is also a subject on which more in-depth work may be undertaken.

2.4 The exercise by travellers of their housing rights forms the subject of an ambitious policy to be consolidated

Since the beginning of the 1990s, France has been pursuing a unique policy in Europe to ensure that the housing rights of travellers are recognised under conditions appropriate to their situation. The Act of 31 May 1990 requires each commune with over 5 000 inhabitants to set aside land for the temporary and permanent residence of travellers. The Act of 5 July 2000 on the reception and accommodation of travellers recognises the itinerant lifestyle of this population. It also reinforces this approach by promoting permanent reception areas for travellers as one of the main tools of this policy. In order for communes to meet their obligations, departmental schemes must be adopted, jointly developed by the prefect and the president of the regional council. The State has already significantly supported investment in and operation of these areas and will consolidate this policy up to 2020.

France has developed an ambitious approach to the reception of travellers.

The Act of 31 May 1990 requires each commune with over 5 000 inhabitants to set aside land for the temporary and permanent residence of travellers. The Act of 5 July 2000 on the reception and accommodation of travellers recognises the itinerant lifestyle of this population. It also reinforces this approach by promoting permanent reception areas for travellers as one of the main tools of this policy. In order for communes to meet their obligations, departmental schemes must be adopted, jointly developed by the prefect and the president of the regional council.

The State has significantly supported investment in and operation of these areas. In terms of investment, new developments or renovations of existing areas have benefited from 70% subsidies. In terms of operation, flat-rate aid for the management of reception areas was introduced by the Act of 5 July 2000, cofinanced in equal parts by the State and credits from the family branch of the social security system. In 2010, 1 047 registered areas (i.e. 18 815 places) benefited from management aid.

The introduction of departmental schemes should, in the long term, allow 41 589 places to be created in parking areas. However, obstacles still remain in terms of both the development of travellers' areas and the provision of places. The needs of sedentary travellers indicated in an appendix to the scheme must be taken into account in the departmental action plan for the housing of disadvantaged groups (*plan départemental d'action pour le logement des personnes défavorisées* – PDALPD). A circular of 28 August 2010 from the Minister for Housing and the Minister for the Interior, Overseas Territories, Local Authorities and Immigration indicates the principles that should guide prefects when evaluating needs and reviewing the objectives of the initial scheme.

Discussions are ongoing with a view to optimising the approach so as to increase the number of available places and the quality of reception areas, and also to take better account of the changing housing needs of travellers (increasing sedentarisation of travellers).

In order to meet the needs of travellers who want to have 'roots in the land', the State may be called upon to co-finance the development of family land leased from local authorities.

The 2012 Finance Act indicates the government's desire to improve the living conditions of travellers as it includes commitment appropriations (EUR 5 million) exclusively intended to subsidise mobile housing projects. These involve reception or long-stay areas for travellers and leased family land projects in accordance with Article L.444-1 of the Regional Development Code.

Where the mobile housing becomes secondary, adapted housing projects consist of housing which, being mostly arranged around a common space and adjacent to a parking area, allows a life away from the site to be maintained. The installation of caravans adjacent to the housing becomes marginal. These projects are supported through subsidised housing loans to promote integration (*prêt locatif aidé pour l'intégration* – PLAI). These subsidised loans give entitlement to personal housing aid for households on a means-tested basis.

At the end of 2010, 600 places on family land were financed in several *départements*: Nièvre, Aube, Doubs, Corrèze, Mayenne, Seine et Marne, Vienne, Charente, Charente Maritime, Savoie, Haute Savoie, Isère, Gironde, Yonne, Val d'Oise, Moselle, Mayenne, Oise.

Furthermore, as the departmental action plan for the housing of disadvantaged groups (PDALPD) aims to take account of the needs of disadvantaged families, priority must be afforded to these sedentarised families by developing an action for adapted housing, with recourse to 'Urban and Social Project Teams' (*Maîtrise d'Œuvre Urbaine et Sociale* – MOUS), in order to better understand the expectations of those concerned.

It is therefore possible to mobilise common law measures to finance projects such as the subsidised housing loans to promote integration (PLAI), which is a preferred tool. Housing policy can only be developed in association with the traveller reception policy. It is therefore essential to manage the link between the departmental scheme and the PDALPD in all *départements*.

An operational guide on adapted housing for travellers was published at the end of 2009. This guide is intended to provide information on existing developments, encourage initiatives and help project initiators.

2.5 Defending fundamental rights and consultation with public authorities

The National Consultative Committee on Travellers (*Commission nationale consultative des gens du voyage* – CNCGV) is responsible, together with the Ministers for Social Affairs and Housing, for studying the specific problems experienced by travellers and for making proposals to improve their integration into the national community. It may be consulted by the Prime Minister on draft laws and regulations and on action programmes allowing better integration of travellers. It may also be asked for an opinion by members of the government within the area of their specific responsibilities, by its chairman or by one-third of its members with regard to any issue falling within its competence.

Likewise, at local level, departmental consultative committees on travellers are required by law to be involved in the development and implementation of reception area schemes. Chaired by the state representative in the *département* and by the president of the regional council, these committees consist of representatives from the communes and representatives of travellers and associations working with travellers.

In the call for proposals of the PROGRESS programme entitled ‘Support to national activities aiming at combating discrimination and promoting equality’,⁷ two projects were proposed by the national authorities and selected by the European Commission for cofinancing, illustrating the desire of the French authorities to emphasise awareness-raising activities on the subject of discrimination aimed at travellers. One of these projects, developed by the *Observatoire des inégalités*, **aims to develop a series of educational tools aimed at teenagers**. It responds to the priority for awareness-raising actions aimed at young people on the subject of discrimination as a whole. **The other project**, developed by the **Fédération nationale des associations solidaires d'action avec les Tsiganes et les gens du voyage** (the FNASAT, which is the largest federation of associations supporting travellers), in partnership with the Human Rights Defender, involves a **wide-ranging approach to raise awareness among travellers and inform them**.

This project has been conducted in close collaboration with the national travellers’ associations, evidencing their desire to improve awareness and develop their representation. It covers a very broad public (general public, travellers, local authorities) and includes a wide range of actions (Web publication, free tools, conferences, contacts between associations, dissemination to the public authorities concerned). It offers real potential for dissemination beyond the borders.

⁷ Call for proposals JUST/2011/PROG/AG/D4.

III - IMPLEMENTING AND MONITORING ARRANGEMENTS

3.1 CONSULTING ASSOCIATIONS AND CIVIL SOCIETY

1- Ensuring that the whole population has access to all common rights is a priority challenge, which involves clearly identifying the obstacles to their use.

By way of an extension to the discussions on access for the poor to essential goods and services (energy, telephone, internet, etc.), discussions will be held on the concept of 'living expenses'. Discussions have already been initiated, at the government's request, by the *Conseil national des politiques de lutte contre la pauvreté et l'exclusion sociale* (CNLE) and the *Observatoire national de la pauvreté et de l'exclusion sociale* (ONPES). Furthermore, the reasons for not exercising these rights, in the various fields, will be analysed. This will particularly require support for structural reforms, such as those in 2009 involving the local health system, so that the problems of access to healthcare and prevention for people in precarious situations can be taken into account. As revealed by the exchanges with all stakeholders in the context of the 2010 European Year for Combating Poverty and Social Exclusion, although the core rights in France are sufficient, it must now be ensured that these are fully effective.

2- The government has consulted all stakeholders on the implementation of this action programme.

The measures to involve people in poverty situations in the definition and evaluation of public policies having an impact on their living conditions will therefore be reinforced.

The associations of local authorities met on 6 January 2012. Accordingly, the representatives of the regions, *départements*, communes, large cities, average cities, French association of the Council of Communes and Regions of Europe and the *Maison européenne des pouvoirs locaux français* particularly stressed the prevalence of common law and underlined that travellers and Roma were finding themselves in different situations with regard to social inclusion, with the former being taken into account based on their itinerant lifestyle.

The associations representing those concerned were consulted on 25 January 2012: the chairpersons of the CNLE and CNCGV particularly highlighted the need to clearly enhance existing measures for travellers and Roma.

This consultation is intended to form the starting point for in-depth and regular work on the implementation of these measures.

3.2 NATIONAL CONTACT POINT

The Minister for Social Affairs
72 rue de Varenne
75007 Paris

ANNEX I

MOBILISATION OF STRUCTURAL FUNDS FOR THE BENEFIT OF SOCIAL INCLUSION

Marginalised populations can access or benefit from projects financed by European funds. The goal of better social inclusion, although broad, has served in the past and can serve in the future as the basis for these cofinanced projects, particularly through Axis 3 of the ESF national OP 'Competitiveness'.

Any ethnic targeting of beneficiaries of European funds would be contrary to French constitutional law.

In this context, the French government will mobilise the European funds as follows:

a) Use of the European Social Fund will be favoured through the dissemination of best practices and innovative programmes

The European Commission and the Member States have so far favoured a policy of removing all Community obstacles to the use of the ESF and ERDF for the Roma, by avoiding the concept of a dedicated instrument and instead favouring the principle of explicit but non-exclusive targeting of this group.

Unlike other Member States (notably Spain and Romania), France has not chosen to specifically target the Roma, who can benefit from ESF support under common law.

The *Présage* information system does not allow actions conducted to assist the Roma to be specifically identified, notwithstanding their eligibility for the operational programme (OP). Only a survey conducted among the planning services of the State and intermediary bodies could exhaustively identify those projects to assist the Roma benefiting from ESF support.

Although the number of actions specifically targeted at this group (as also the ESF amounts allocated) is relatively modest, it is not possible to precisely know how much support is provided to Roma from Bulgaria or Romania, who may, for example, participate in integration actions without being counted.

The entire Axis 3 of the ESF operational programme 2007-2013, which is intended to 'reinforce social cohesion, encourage social inclusion and combat discrimination', may be targeted at marginalised communities. The total amount of ESF appropriations allocated to this axis is EUR 1 669 035 966 for the whole model, i.e. 37% of the whole programme.

In terms of employment, travellers come under the same policies as described above, even though targeted actions may be envisaged. However, with regard to the ESF contribution to the integration of travellers, it must be noted that actions can be targeted at this group without the title of the action indicating as such.

As an example, the regional councils can finance, within their Departmental Integration Programmes (*Programme Départemental d'Insertion* – PDI) and with ESF support, assistance actions for social and professional integration intended for travellers who receive minimum incomes (RSA in particular).

The French government has conducted an initial assessment of those actions already undertaken with the support of the ESF (see Annex II). An assessment of the titles of actions in the *Présage* information system reveals 46 professional integration projects (for 14 regions and the central part of the programme) cofinanced by the ESF and intended for travellers or Roma, at a total cost in excess of EUR 4 million. These best practices will be developed.

b) New legal opportunities for mobilising the ERDF in the context of the integration programme for marginalised communities will be fully utilised

Regulation (EU) No 437/2010 of the European Parliament and of the Council of 19 May 2010 amending Regulation (EC) No 1080/2006 on the European Regional Development Fund opens up new prospects for economic and social cohesion by allowing, through the mobilisation of the ERDF, housing to be financed for vulnerable groups in order to combat exclusion. This new regulation extends the scope of the ERDF by taking on board the housing finance logic and aims to correct disparities between the ERDF's current opportunities and the living conditions of marginalised communities.

The Interministerial Circular of 16 March 2011 was issued to help those authorities managing the ERDF programme to apply Regulation (EU) No 437/2010 of 19 May 2010 on the eligibility of ERDF housing interventions in favour of marginalised communities. It particularly aims to define the criteria for marginalised populations and the types of action eligible in terms of housing. It also aims to use this opportunity to mobilise funds in order to renovate housing or change the use of buildings in favour of those groups in the most precarious situations.

It therefore clarifies:

- the definition of 'marginalised communities';
- the ERDF areas of eligibility with regard to the type of housing concerned and the possible intervention methods;
- the conditions required with regard to the obligation that the project supported must involve an integrated approach including other types of intervention in the areas of education, social inclusion, security and employment.

According to this circular, 'marginalised communities are those people or groups of people who are vulnerable and who face serious housing problems in a given area, as well as many other difficulties (in areas such as health, employment, training, schooling, transport, etc.), and whose inclusion in society requires appropriate support within an integrated approach.'

The goal will be to support national social welfare and poverty reduction policies by targeting financing at projects that speed up development, promote equal opportunities and improve the quality of life of marginalised communities.

Access to housing is a vital part of the fight against exclusion, but it must be integrated within a comprehensive approach that takes account of the many available integration tools.

c) In the context of the integrated approach, complementarities are sought between the ERDF operational programmes and the ESF operational programmes (national and convergence) in the definition of interventions benefiting marginalised populations.

The integrated approach is one of the forms of intervention under Article 34(2) of the General Regulation, which allows up to 10% flexibility between the ERDF and the ESF.

Such measures represent an opportunity in terms of building personal paths for accessing and returning to employment. They offer the possibility, where required, of exceeding the 3% rate per ERDF Operational Programme and can guide the integrated approach concept, within the meaning of Regulation (EU) No 437/2010, towards measures specific to social cohesion.

As a result, although included in Regulation (EU) No 437/2010 only through the concept of flexibility, the ESF aims to ‘improve employment opportunities for workers’⁸. In this respect, it particularly aims to reinforce social cohesion, encourage social inclusion and combat discrimination.

As an example, under measure 332 of the national operational programme entitled ‘acting in favour of inhabitants of sensitive urban areas’, the ESF cofinances an action aimed at a migrant public previously living in shanty towns or squats, none of whom were employed at the start of the action. This involves bringing into employment or training all the beneficiaries concerned within a period of 36 months (see Annex II, paragraph 1.2).

As a result, the reality of this integrated approach should be measured not only in terms of the current consumption of the ESF in Axis 3, but also through the initial appropriation reservation figures in those regions having decided to mobilise the ERDF in order to finance housing for marginalised populations. It can be seen that most of these regions do not reach the 3% ceiling recommended in their financial model. Furthermore, Axis 3 of the ESF national operational programme ‘Competitiveness’ currently has a programming rate of over 86% for the 2007-2011 period.

The regions will therefore focus much more on the capacity to mobilise both dedicated ERDF appropriations (on account of which support actions are eligible because the integrated approach can be financed through this measure) and ESF appropriations mobilised on the basis of previously delineated general policies.

⁸ Article 162 of the Treaty on the Functioning of the European Union.

ANNEX II

Examples of cofinanced projects (ESF operational programme 2007-2013, Competitiveness and employment objective)

The following annex presents examples of projects cofinanced by the ESF and intended to encourage the social inclusion of Roma⁹ populations

The titles of the actions in the *Présage* information system reveal 46 professional integration projects (for 14 regions and the central part of the programme) cofinanced by the ESF and intended for travellers or Roma, at a total cost in excess of EUR 4 million. Some examples of these are presented below.

1. Integration path to professionalise Roma populations

1.1 *Pact Arim* association (project managed by the Ile-de-France regional directorate for business, competition, consumer affairs, work and employment (DIRECCTE)) 1 January 2010 - 31 December 2011

During 2006, two camps were identified in the town of Saint-Ouen, where around 700 people were living in worrying conditions of hygiene and safety. An intervention project was therefore instigated by the State and the town of Saint-Ouen, in the form of an urban and social project team (*maîtrise d'œuvre urbaine et sociale* – MOUS) managed by the *Pact Arim 93* association. The intervention project involved responding to the needs of people, mainly Roma, particularly in terms of schooling, education, and access to healthcare, work and housing. *Pact Arim 93* started to work at the Saint-Ouen integration site on 1 September 2008 in order to provide comprehensive social support to those people and families covered by the project.

The main objectives of this project are integration through work and access to independent housing. These objectives cannot be achieved without specific support in terms of the appropriation of the French language and French social and cultural standards. The anticipated results are, for all families, the possibility of integrating socially and professionally in France, regularising their administrative situation (residence and work permits), and gaining access to healthcare, training, employment and common law bodies (employment centre, family allowance fund). Eighteen family groups live in the Saint-Ouen integration village, which corresponds to 34 adults, 7 young adults and 31 children. The total estimated cost of the project is EUR 641 912.

1.2 *Association Logement Jeunes 93* (ALJ93) 1 January 2010 - 31 December 2011

This project, which involves migrants previously living in shanty towns or squats in Montreuil, none of whom were employed at the start of the project, aims to bring into employment or training all 118 beneficiaries within a period of 36 months. To that end, a team specialising in professional integration has been set up, consisting of two full-time integration officers, a project manager and two mediators/interpreters. The team is responsible for running CV-writing workshops, organising work evaluations in businesses and working groups on presentation and how to express yourself in front of an employer, defining professional French language needs by type of trade, and creating a company file in open trades in order to develop a job collection dynamic aimed at the public concerned. A language-based approach to the integration project is essential to ensure its success, by giving each person the information needed to assist their integration, with the support of the selected service-provider association '*Coup de Main*'. As a result, the individual evaluation of the French language needs of the 118 beneficiaries, the

⁹ The term 'Roma' should be understood in the broad sense insofar as the annex presents the context for using the ESF. Accordingly, the annex includes illustrations of the use of the ESF for travellers.

development of professional French language tools, small group and individual courses, and support within the business, if necessary, have contributed to the success of this integration project. The total cost of the action was around EUR 250 000 for 2010.

1.3 Professional integration of people excluded from employment

The people targeted by the project were mainly Roma migrants from Romania who were excluded from employment in the cities of Grenoble and Nantes. These people face numerous obstacles when it comes to finding employment: lack of training, poor or basic knowledge of the French language, and lack of understanding of the French administrative system. The groundwork conducted by the *Habitat-Cité* and *Roms Action* associations as from 2003 revealed that the specific needs of these people were being taken into account only to a very limited extent. The project, which was carried out in 2010, involved monitoring and supporting these people with a view to ensuring their social and professional integration in France. The transnational nature of the project allowed certain innovative tools and practices to be shared between the two countries, as well as joint discussions to be held on professional integration practices for people excluded from employment. The total cost was EUR 236 279 for 2010.

2. Supporting the creation and consolidation of businesses run by itinerant populations

2.1 The project instigated by the *APPONA 68* association (Haut-Rhin) is managed by the Alsace DIRECCTE. It continues from year to year. It specifically involves setting up a single-contact-point-type workshop to allow travellers to become professionally integrated through self-employment – by creating a sole trader business – and to find the support needed for their development:

- before the business is created: evaluation of the entrepreneur's motivations and start-up conditions (existence of potential market and confirmation of approach) for creating the business, and specific support in terms of commercial, administrative, legal and financial formalities, and for the promotion of their business;
- after the business is created: monitoring of its management and operation.

As a result, 125 people were assisted in 2010 through the single contact point offered by *APPONA 68*. The total cost over three years is EUR 115 000.

2.2 The regional council of Yonne together with the Social action service for the self-employed (*Service d'action sociale des travailleurs indépendants*) offers tailored support to travellers who receive RSA, who live in Yonne and who are self-employed, by using all available means to make their activities official and grant them access to the associated rights. The total eligible cost is EUR 60 000 for the period from January 2010 to mid-June 2012.

2.3 The regional council of Morbihan supported a project, implemented by the *Sauvegarde 56* association, costing EUR 215 000 over three years (January 2008 to December 2010). The project sought to encourage the professional and economic integration of members of the travelling population. The team consisted of social workers from the supported contracts service and two experts on micro-enterprises and professional activities. The team's organisation enabled joint monitoring by the social worker and the person responsible for professional and economic integration during the creation of the business.

The action involved several aspects:

- evaluation of the projects proposed and assistance with setting them up;
- organisation of training actions (individual or collective);
- mediation links with the authorities;
- secretarial support for beneficiaries.

2.4 Carried out in 2007 and 2010 by the Association d'aide à l'insertion des gens du voyage, supported by the *département* of Tarn-et-Garonne and with a total cost of EUR 100 000, the project aimed to help travellers to become self-employed. This involved helping them to register with the Trade and Companies Register so that they could carry out these activities. The project manager was responsible for administrative monitoring, updating various documents to be provided to the authorities, ensuring access to their rights, and ensuring compliance with the requirements of the various bodies responsible for control (tax and social security obligations etc.).

2.5 The Relais Accueil gens du voyage association, under the aegis of the regional council of Seine-Maritime, launched an action costing EUR 117 000. This involved individually meeting with travellers in 2008 and 2009 in order to: inform them about the principles of creating a business; helping them to finalise projects; supporting them in all the necessary formalities; providing administrative assistance; and helping them with financial diagnoses and any financial aid applications.

3. Integration of young people

3.1 The Association Départementale des Gens du Voyage Citoyens was set up in 2005, in Loire-Atlantique, on the initiative of travellers, in order to become the spokesperson for the promotion and defence of their rights. It consists of numerous families who are faced with the problem of unemployment among young people aged between 16 and 25, who have left school or never been to school, who have no job and/or who are disengaged from the public employment services. At a cost of EUR 22 500 and supported by the Pays-de-la-Loire regional chamber for the social and solidarity economy (CRESS), the 'one step towards work' project was carried out in 2011 and involved three actions:

- identifying unemployed young people and guiding them towards the association;
- working on their projects;
- guiding them towards the appropriate services and making partners aware of the travelling world.

3.2 Community car school and garage

The Association pour les gens du voyage in the Cognac region has set up a community car school and garage in order to help with the social and professional integration and re-integration of young people and/or adults facing difficulties, reduce inequalities associated with mobility problems and combat discrimination in access to employment. The community garage therefore lends out vehicles. The action supported by the regional council of Charente cost a total of around EUR 550 000 for the years 2008, 2009 and 2010.

ANNEX III

Survey on the implementation of the 'ERDF housing finance for marginalised communities' circular

A questionnaire was sent to the regions concerning the implementation of housing finance for marginalised populations, as referred to in Regulation (EU) No 437/2010 of 19 May 2010 amending Regulation (EC) No 1080/2006 on the ERDF and also in the DATAR (Delegation for territorial planning and regional action) circular of 16 March 2011.

1) The initial responses of the **22 regions out of 26 surveyed at this stage** reveal that:

- Six regions are discussing the issue but quite clearly do not envisage immediately implementing the measure. For these regions, as a top-end estimate, the mobilisation of the ERDF could amount to around EUR 7 million.

- Seven regions (Basse Normandie, Lorraine, Rhône Alpes, Corsica, Nord Pas de Calais, Aquitaine, Ile de France) have integrated the measure, either by amending their OP or by integrating the circular's provisions in an existing measure, with the total amount being around EUR 9.2 million.

2) As a guide, the most significant projects under discussion or that have been confirmed at regional level involve urban measures, integration villages, etc.

- **Nord Pas de Calais**: measure integrated in the amended OP. EUR 1 million estimated to date. Actions in the process of being developed (DREAL – Regional directorate for the environment, planning and housing): one important example is the integration village project run by the LMCU (Lille Metropolitan Urban Community), which is scheduled for December 2011, start of 2012.

- **Corsica**: measure integrated in the OP as part of the ongoing review. It has not been integrated as a separate measure, but has been included in a sub-measure estimated at EUR 12 million from the ERDF. 10 projects already surveyed, including the following: *Furiani hostel: restructuring and creation of 15 places (total cost of EUR 72 000); halfway house (25 places): renovation of a former convent (EUR 3 million); night-time accommodation for marginalised populations (EUR 80 000); renovation of apartments by a social landlord in order to rehouse very disadvantaged people + monitoring and determination of personalised support programmes (EUR 3.6 million).*

- **Centre**: urban project yet to take shape, involving an envelope of EUR 1 million.

- **Basse Normandie**: the next review of the BN OP (currently being prepared) will include the circular's provisions, by introducing a specific measure under Axis 3. It is planned to allocate EUR 1 million from the ERDF to this measure. As a result, there is currently no effective programming, but projects are in the process of being submitted.

- **Aquitaine**: estimated EUR 1.7 million and two actions already planned: **DomoFrance** (social landlord) involving the renovation of an abandoned building and the construction of wooden chalets: the funded project exclusively involves the construction of a boarding house consisting of 10 wooden chalets and the renovation of a hostel at a total cost of EUR 1.294 million with ERDF cofinancing of EUR 396 180 (30.6%); **Emmaus Gironde** involving the construction of wooden chalets to accommodate marginalised communities: innovative action in both social and environmental terms, allowing the closure and replacement of squats in Bordeaux with 'wooden chalet' structures or halfway houses. The subsidy application exclusively involves the construction of wooden chalets in a Bordeaux district at a total cost of EUR 189 900 with ERDF cofinancing of EUR 75 960 (40%).