



France

An equal place in French society: French government strategy for the inclusion of Romani peoples under the terms of the communication of the Commission of 5 April 2011 and the conclusions of the Council of 19 May 2011

A Study of National Policies

Michel Legros

Course advisor – EHESP

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Summary

This document presenting French government strategy for the inclusion of Romani peoples is currently 19 pages long with two appendices. The first appendix is three pages long and gives ten examples of projects jointly financed by the French Social Fund (FSE). The second appendix is just over one page long and gives a brief summary of the response from the regional councils relating to the implementation of funding for housing in favour of marginalised communities, within the recommendations of the EU Council conclusions of 19 May 2011.

The body of the document gives a two page introduction summarising the principles of intervention by the French authorities with respect to Romani peoples. The first part covers priorities and sets out the following four priorities:

- No child should be deprived of the opportunity of attending a good quality school (5 p.);
- The measures taken to encourage employment should be targeted at groups that are furthest from the labour market (2 p.);
- Joint public health actions should be encouraged in collaboration with charity organisations (1.5 p.);
- The ambitious policy that has been in force since the early 1990s should be consolidated to allow Romani travellers to exercise their rights as regards housing.

The second part presents the resources for this policy. It is 6 pages long and is divided into 3 parts:

- The use of structural funds (2.5 p.);
- The upholding of fundamental rights (2.5 p.);
- The involvement of charity organisations and civil society (1 p.).

Finally, the document gives the national point of contact as the Ministry of Solidarity and Social Cohesion.

Although this document meets the European Commission's deadline for replies, it is far removed, both in form and in basic content, from strategic documents such as the "National Reform Programme" or, before that, "National Inclusion Plans".

This document goes beyond defining a strategy: it presents, justifies, expands and discusses the consequences of the principles adopted by the French government regarding the Romani peoples which, it will be remembered, were adopted following measures taken by the French government with respect to Romani travellers and Roma during summer 2010.

This position, expressed in a document that remains at the draft stage, leaves considerable scope for European intervention and is set out in the form of a syllogism. Like all syllogisms, the document leaves aside many aspects which might cast doubt on this strategy.

1. The French syllogism

Without falling into the trap of caricature, the French position regarding the Romani peoples could be summarised by the following syllogism:

- “All Romani peoples living in France are French citizens and EU citizens.
- All these citizens benefit equally from the policies encouraging inclusion.
- Therefore, all Romani peoples benefit from policies encouraging inclusion.”

The preamble to the strategic document states that the situation in France is different from that in many European countries as France “introduced ambitious republican measures many years ago to encourage integration of persons who live on French soil”. This affirmation is repeated several times. It is supported by reference to a speech by the French President on 17 December 2008, a speech which is quoted in preference to that delivered in Grenoble on 30 July 2010, to which no reference is made in the document. In his speech in Grenoble, the President undertook to dismantle half of the illegal traveller encampments within three months, to make the Prefets responsible for the decision to evacuate encampments and to reform the policy on illegal immigration to prevent Roma from returning to France each year and claiming state repatriation aid.

The document stresses several times that everyone is equal in the eyes of the law and policies that are considered to be high priority. It refers to general measures to ensure that “no child is deprived of the opportunity of attending a good quality school”, to provide individual assistance through schooling, to encourage children not to drop out of school, to set up experimental programmes such as the Eclair programme, boarding schools of excellence, grants and funding, as well as to provide access for all to employment, and stresses nearly 10 times that the “*Romani peoples are particularly concerned*”, that these measures concern “*marginalised communities, in particular the Romani peoples*” and that all “*these programmes will be fully implemented to benefit Romani children*”.

In an interview published in *Dépêches Tziganes*, on 30 November 2011, Senator Pierre Hérisson, President of the National Consultative Commission for travellers stated that: “*France is not directly concerned by a strategy for the Romani peoples as the French constitution does not recognise minorities...*” The strategic document limits itself to elaborating this principle within the outlines set out by the EU Council, at the risk of annihilating the very concept of a French strategy for the insertion of Romani peoples. Although this approach has the undeniable advantage of considering Romani peoples to be citizens of France and Europe with the associated principle of equality that this entails, there are at least five limitations.

- On the pretext of rejecting ethnicity, it plays down the difficulties encountered by the communities owing to specific characteristics and behaviour such as, for example, the practice of an itinerant way of life. In other sectors of the population, measures have successfully been adopted to make it possible to ensure equality, without compromising the notion of equality of citizenship. This is the case, for example, in legislation on people suffering from disabilities or, in the non-social domain, policies to provide aid to farmers in mountain regions. Thus, no in-depth mention is made of the way in which these priorities presented by the French government may be implemented satisfactorily, or at least effectively, among the groups concerned.

- Although the document covers Romani peoples who live permanently in France, the French strategic report does not cover the aspect of migrant Roma most of whom come from Romania and Bulgaria. Although it is generally estimated – although not in a particularly scientific way – that there are around 15,000 such Roma living permanently in France, their living conditions, particularly housing conditions, are absolutely disgraceful. Their situation questions European values for free movement and non-discrimination. With regard to their situation, the Nord Pas de Calais council, reflecting the voice of local charitable organisations, urges that the measures restricting free movement should be lifted and the policies of aid for voluntary repatriation be re-examined.
- Regarding access to housing, schools and forms of work, all the organisations and academics emphasise the difficulties encountered primarily by these migrant Roma as well as, more generally, by travellers. With particular reference to the setting up of encampments, although the process began in the 1990s, measures to provide satisfactory, above all diversified, conditions for these encampments are very behindhand. On this aspect, the strategic report is a long way from responding to the requirements and does not define targets.
- Regarding the fight against discrimination, an important step could have been taken in providing better measures for registration on electoral roles before the end of 2011. In a decision last November (n° R -2011-11), the Defender of Rights formulated the following recommendation for the attention of the Prime Minister: “It is necessary to reform law n° 69-3 of 3 January 1969 relating to the exercise of itinerant activities and the regulations applying itinerant persons moving around France without a fixed address or fixed abode by removing the special regulations regarding registration on electoral roles applicable to “travellers” which requires an uninterrupted period of three years’ residence in a given commune, as opposed to the usual period of six months.” The strategic plan does not give any response to this point.
- More generally, apart from simply revising the conditions for registration on an electoral role, a general reform of the status of travellers should be undertaken, a task that is regularly deferred. This review of the legislation on the status of travellers was scheduled for the end of 2011 but will not take place before the election of the President and members of Parliament. “There is no time in the Parliamentary schedule between now and the end of the legislature, in February, to tackle this subject. However, I undertake to propose a draft law when Parliament reconvenes,” stated Senator Pierre Hérisson, President of the National Consultative Commission for travellers. When submitting his Parliamentary report in July 2011, he expressed his hope that the government would submit a draft law based on the proposals he had drawn up based on the reports from the National Assembly. “We will tackle the issue of the right to vote, movement permits, sedentary lifestyles and family sites. We will also consider regulations covering mass gatherings,” affirmed the President of the Commission. Again, no progress has been made and no reference is made to the text of the French strategy.

2. A proposed strategy of words rather than actions

The status of the document presented by the French government in its present form is very imprecise. It is presented as a “draft” but it has not been debated in the various committees and has not been subject of debate with the organisations in the sector. This lack of discussion has caused the charitable organisations and local authorities to take initiatives, as was the case in the Nord Pas de Calais region, leading to the drawing up of a submission to the European Commissioner for Justice, Fundamental Rights and Citizenship. Furthermore, the National Council of Policies against poverty and Exclusion (CNLE) and the National Observatory of Poverty and Social Exclusion (ONPES) were not asked for information on the situation of poverty of the Romani peoples.

However, this report has drawn on information in the most recent report from the Travellers Representative Commission which meets on an ad hoc basis and whose reports over the past ten years have regularly contained very similar proposals.

Given that the strategic document strongly affirms the principle of equality of rights for all European citizens, it should have been able to bring together all the firm proposals relating to housing, education, residence conditions, access to work, to movement and health of the Romani peoples and incorporate them in targets for employment. This is not the case.

A strategic project should have been able to define targets, objectives, means to be implemented and monitoring and evaluation tools. The document does not apply the usual methodology for setting up a project but rather gives an overall summary of the objectives for reducing poverty without indicating whether this global strategy will have any effect on the Romani peoples. The argument that it is not possible to have statistical information on the Romani peoples because ethnic statistics are not available is not totally admissible: the research reported regularly in the *Etudes Tsiganes* journal shows that considerable sources of information are available. Moreover, more information about people living in mobile accommodation could be gathered through surveys dealing with styles of living rather than ethnic practices.

Finally, the document often confounds the priorities that apply to future measures, in particular within the framework of the EU2020 strategy - priorities aimed at reducing poverty – with actions that were implemented in the past which started in the 1990s with the application of the law requiring communes to set up encampments.¹

3. Primarily European orientation

The Strategy for the Inclusion of Romani peoples is without doubt one of the most Europeanised National Action Plans for Social Inclusion and National Recovery Plans that we have received for comment during recent years. Its aims, its plan and the means presented (an aspect that is less common in French documents) are exactly as ordered by the European Union. The presentation justifies this approach by stating first that although Romani peoples in the European Union “*often experience difficulties in integrating European society... France introduced ambitious republican*

¹ It is surprising to find on page 10 of the document the discriminatory, pejorative expression “filles mères” [unmarried mothers] which has not been in common use for nearly 40 years. Has it come back into use for Romani peoples?

measures many years ago to encourage the integration of persons who live on French soil, including the Romani peoples". This is a common point of view in France, as stated by Senator Hérisson, "the economic situation implies that each State should take care of its own nationals. It is not a question of giving money to all and sundry but of helping the insertion of the Romani people and, if they have emigrated, to help their insertion in the countries of which they are nationals. The Roma are, above all, citizens of a particular State. The situation regarding the Romani peoples who have French citizenship cannot be fully compared to the extreme misery experienced by Romani peoples from other States which sometimes extends to child malnutrition, as has been notified by UNICEF."

This close correspondence with European requirements is reflected firstly by meeting the priorities that must feature in the strategic plans: importance is given to education, the policy of encouraging employment for groups that are furthest from the labour market, the promotion of public health actions and, finally, access to housing rights.

The most important correspondence lies in the great interest shown by France in having recourse to the use of structural funds. So far as the Social European Fund is concerned, the French project states that some 46 actions listed in the PRESAGE database concern professional insertion for Romani travellers and Roma, amounting to a total of over 4 million Euros. As for FEDER regional development European funds, France refers to the interministerial circular of 16 March 2011 relating to the problems of housing marginalised communities although the French text does not explicitly define the actions taken with respect to Romani peoples and travellers.

The French report refers to two projects selected within the framework of the PROGRESS programme: one from the Observatory of Inequalities and one from the French National Federation of Associations of Solidarity Action with the Gypsies and Travellers (FNASAT). These are both projects designed to raise awareness regarding travellers.

Although this French approach of seeking links with the European Union is generally supported by charitable organisations which find that the position adopted by the European Union supports their concerns to provide assistance for Romani peoples and travellers, local authorities appear to be less enthusiastic. They even express fears on the subject of the management of European funds aimed at the insertion of the Romani peoples. *"It would be totally unacceptable for the State to use European funds to reduce its own funding,"* states the report from the Nord Pas de Calais. Many of those involved in the social action field fear the development of competition between the measures aimed at groups in difficulty and a reduction in the commitment of the French State justified by the increase in intervention by the European Union.

4. An "exemplary" strategy

In the absence of links between the overall priorities relating to poor populations and the situation of the Romani peoples, the French document gives many examples of actions. From this point of view, this document is quite close to the many reports that have been produced on this subject. It talks of a global strategy: "an equal place in French society" and, given the failure to implement tightly targeted policies, it gives examples of what could be good practices even though these practices have not yet been specifically evaluated.

Many examples are given in the document covering most of the priority fields. In most cases, these are experiments set up by charitable organisations and local authorities.

The appendix gives eleven examples or groups of examples:

- Mobile schools set up in Haute Saône from 1992;
- The attendance and monitoring records for children of travellers in the national education offices in Nancy, Metz, Clermont-Ferrand, Nantes, Toulouse, Bordeaux and Besançon;
- Training for teachers on the subject of travellers;
- The creation of a guide for teachers in Loire Atlantique to improve individual progress monitoring;
- Support for an organisation that provides microfinance for travellers (ADIE);
- Support for local organisations providing health advice since 2009 in Bobigny, Nantes, Lille and Fréjus;
- Production of a special guide on health of travellers;
- Setting up transitional camps in Seine Saint Denis and proposals for similar camps in Lille, Marseille and Lyon;
- Funding within the framework of FEDER of wooden chalets in Bordeaux;
- Funding for 600 places in family sites in eighteen departments;
- Producing a working guide for housing suitable for travellers.

Although these examples show measures taken to deal with the problem, it is regrettable that the role of the State as controller, assessor and promoter of exchanges of practices is not more prominent in a document whose purpose is to set out strategy.