

Bucharest, July 30, 2010

Respond to the “immediate” expulsion: immediate public condemning the French Government fundamental rights violations!

HISTORY REPEATS: FINGERPRINTING, COLECTIVE EXPULSION OF ROMA, PUBLICLY ANNOUNCED BY FRENCH GOVERNMENT

The signatory organization and individuals are strongly and unequivocally protesting against the recent initiative of the French Government to stigmatize, collectively deport and unlawfully limit the fundamental rights of the Roma and Travelers, particularly the freedom of circulation.

On July 21, 2010, the French President announced a reunion with the Ministers was to be held on July 28 on “*the problems created by the behavior of certain Roma and Travelers. The meeting will assess the situation in all the counties and it will be decided to deport all irregular settlements*”.¹ This followed an earlier riot in Saint Aignan by members of the Traveler community due to a 22 year old man being shot dead by police for not stopping at a checkpoint.

Following the reunion, the French Presidency announced that the Government was asked to take all measures necessary to ensure the severe sanctioning of all involved in the riots and to prevent such irresponsible actions from taking place in the future. The illegal camping sites are to be systematically evacuated and the fiscal agency will control the ones who live there. The situation of the Roma from Eastern Europe was deem one of “non-law” and “unacceptable”. 200 verified camps were considered sources of illicit trafficking, inhumane lodging, child exploitation, begging and prostitution. The camps are to be evicted in the next three months the inhabitants will be deported following the current legislation. In parallel, the law will be changed to make it easier to deport groups such as Roma for security reasons. France will strengthen police cooperation with Romania and a convention will be concluded on the readmission of unaccompanied minors.² Moreover, the French Ministry of Interior has announced a fingerprinting system will be activated, so that the expelled Roma won't return to France.

We strongly resents the approach the French authorities chose in dealing with this issue which we find to be governed by cheap populism, diversion and archaic revenge. We stress that the riot in Saint Aignan is a singular case. Neither Roma from Eastern Europe nor Travelers have done this before. We believe such events should be handled according to the existing legislation and only the individuals responsible for breaking the law should be punished. Not their families, not children, not their community. Under no circumstances should such events serve as an excuse for the French government to design and implement racist laws and regulations aimed at punishing entire groups, based on their ethnic appurtenance. Therefore, we strongly condemns the administrative, fiscal and legislative initiatives of the French Government aimed at punishing the Traveler community – made up of French citizens – as a modern-day Soviet-inspired form of reprisal.

¹ See Liberation.fr, «Gens du voyage, parfois même français...» [Travelers, Sometimes Even French . . .], available at <http://www.liberation.fr/politiques/0101648801-gens-du-voyage-parfois-meme-francais>

² See French Presidency, Press release, available at <http://www.elysee.fr/president/les-actualites/communiqués-de-presse/2010/juillet/communique-faisant-suite-a-la-reunion.9381.html>.

This assertion is further supported by the fact that the so-called reunion resembled a “charade-meeting”. The French Presidency did announce in advance the measures which were to be decided in the reunion. Thus, it was made clear, one week before the reunion started, that the main conclusion would be that the camping sites would be evacuated. The decision to evacuate the camps was not the result of careful and objective analysis of the concrete situation. The fact that the Government convened a “charade-meeting” which concluded what was already decided in advance is particularly telling of their true animation of the French authorities: revenge, diversion and cheap populism.

The French authorities followed the bad example of Italy in dealing with the Roma from Eastern Europe, condemning them as a whole as being criminals, beggars, etc. We stress the fact that such an approach is racist, stigmatizing and demeaning. It is also unlawful, both under the French Constitution as well as under EU and international law. Moreover, we remind the French authorities that the criminal responsibility is strictly individual. It is not to be expanded to the ethnic communities; nor to other groups and individuals. To sum up, the existing crime in camping sites should not be used to depict the Roma ethnic group as a whole, not to justify reprisal and deportation of all Eastern European Roma from France. Communities free of criminality are yet to be identified in Europe and elsewhere. It is embarrassing for the French Government to need to be reminded that criminals must not be punished according to their ethnicity, but rather according to their behavior and that such punishment should be administered individually and not collectively.

We condemn the fact that the deportations that will follow in the next three months are racially-motivated and are decided collectively, with no respect for the rule of law, which violates the European Convention of Human Rights. Indeed, the announced decision of the French authorities to initiate a campaign to deport Eastern European Roma casts a great shadow on the legality of the process, particularly in terms of ensuring accurate, objective and individual assessment of each case and no racist bias.

We are equally concerned by the proclaimed intentions to adopt legislation aimed to make deportation of Roma easier. All changes should be in accordance with the legal guarantees set forth by the French legislation as well as by EU and international law. The right to free circulation of EU member states citizens cannot be limited in a manner which is inconsistent with the EU Directive on freedom of movement. We particularly stress that the legal standards set forth by the Directive and further developed by the European Court of Justice follow the principle of proportionality and personal responsibility.

The policy of “immediate” expulsion of Roma accused of disturbing public order adopted by the French Government is in clear violation of the EU legislation. The EU Directive on freedom of movement prohibits such an approach. The directive states that the personal conduct of the individual concerned must represent a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society. Further, discrimination in the exercise of the right to free circulation is prohibited. The “immediate” expulsion policy undermines the very spirit of the EU directive, which is that the situation of any person will be assessed thoroughly, objectively and individually not collectively and superficially. Further, Roma are singled out as the one group to serve as the main target of legal and policy changes which violated French, EU and international law and that is discriminatory in itself.

We are equally concerned by the reaction of the European Commission, which has announced through the spokesman of the DG Justice, Fundamental Rights and Citizenship. He has announced that the EC is not to assess each individual case of the Roma being expelled and that the decision to expulse lies with the national Governments. Whilst such statements are true, they do not accurately and entirely respond to the actual situation. The EC should not turn a blind eye to the racist motivation of the deportation policy of the French government.

We strongly believe that the EC does have the legal obligation and the necessary means to act in situations in which EU legislation is being violated. Therefore, we consider that the EC must closely scrutinize the policies and legislation to be adopted by the French authorities to make sure that it complies with the *acquis communautaire*. Further, we recall that the EC that it was the only international body to condone the Italian *pacchetto sicurezza*, which served as a catalyst for the French and other governments to adopt anti-Roma policies and laws in violation of EU legislation. For three years, the European Commission did not make public the reasons that lead to its decision. We strongly feel that the European Commission must not once again escape from its fundamental duty to act against discrimination pursuant to art. 6 and 7 of the EC treaty in accordance with its legal attributions.

Taking into consideration, the serious violations of fundamental rights:

We urge the French government to refrain from undertaking racially-biased collective deportations as a means of reprisal;

We call upon the French government to refrain from adopting pieces of legislation that are inconsistent with EU law and the European Convention of Human Rights;

We call upon the French public officials to stop the hate speech and racist remarks against Roma community;

We call upon the Eastern European Governments, particularly Romania and Bulgaria to refuse the bilateral agreements in relation to Roma expulsion in their origin countries and denounce and reject any form of “bribe” offered by the French government in exchange for unlawfully curtailing the fundamental rights of their citizens;

We call upon the European Commission to take a pro-active stand and to monitor the French authorities to ensure they respect EU legislation, pursuant to its legal attributions.