



Romani CRISS
Roma Centre for Social
Intervention and Studies

Romanian citizens's situation in other states **The case of Roma in France**

Report of the delegation of Romanian Roma Associations (Romani CRISS and Aven Amentza) regarding the monitoring of the camps situated in Ile de France - Paris, Lyon, Lille districts between the 13th and the 20th of January 2003

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I. Introductive Data

Romani CRISS – the Roma Center for Social Intervention and Studies – based in Bucharest, signed together with OMI (Office for International Migration) the “Convention for informing Roma citizens in France”, as part of the humanitarian repatriation program of the OMI.¹ According to this convention, valid starting with the 13th of January 2003, Romani CRISS has the task to visit the camps where the target groups can be found and to inform about the help that can be provided for them in Romania in terms of socio-professional reintegration and educational programs.

Romani CRISS should offer all explanations necessary for them to understand all useful provisions, keeping in mind their status in France and the administrative and judicial procedures that involves them.

Based on the results of this program a final report will be written in order to recap the terms by which these informative sessions work, the evoked topics, the problems brought up by the participants, the number of sessions and meetings organized in every camp and the number of participants present at all meetings.²

This mission includes the camps in the Ile de France district (L’essonne, Hauts de Seine, Seinte et Marne, Seine, Sainte Denis, Val de Marne, Val d’Oise, Yvelines) and the Rhone district.³

II. The delegation and its time-table

Based on the Convention, a delegation formed of 4 people⁴ went to France, between the 13th and the 20th of January, for research on the status of the camps inhabited by Roma from Romania.

The visit included meetings with a number of the inhabitants of those camps, Roma association from France, French human rights organizations, representatives from OMI, the Social Works Ministry, the Internal Affairs Ministry, mayoralities, the Romanian Embassy and the representative of the OSCE/ODIHR Contact Point for Roma and Sinti.

The visit also included a debate with Roma associations and NGO’s in France and a press conference at the Medicine du Monde headquarters on the 20th of January 2003; during this meeting the delegation presented its statement.

III. Camps in Ile de France and the estimated number of inhabitants (according to the IOM)

¹ From the convention between Romani CRISS and the OMI, in place since the 13th of January 2003

² From the CRISS-OMI convention, article 2 – Romani CRISS attributions

³ From the CRISS-OMI convention, article 4 – implementation domain

⁴ Costel Bercus – Executive Director, Romani CRISS, Vasile Ionescu – President, Amen Aventura, Dezideriu Gergely – Attorney, Romani CRISS, Daniel Radulescu – Social worker, Romani CRISS

According to the OMI data, included as **addenda** to the Convention signed with Romani CRISS, in the camps situated in the Ile de France region there are about 2110 Roma originating from Romania:

No.	Camp name	Number of people
1.	Vaulx en Velin	100
2.	Alte campusuri din Rhone	200
3.	Lieusaint	150
4.	Boissise le roi (Melun)	25
5.	Acheres	140
6.	Viry Chatillon	20
7.	Grigny	70
8.	Palaiseau	100
9.	Athis mons	60
10.	Gennevilliers	40
11.	Ile Saint Denis	100
12.	Montreuil	130
13.	Creteil Parking station Total	108
14.	Vitry rue Henaff	112
15.	Alte campusuri in Val de Marne	605
16.	Argenteuil	105
	Total	2110

Other estimations

According to analysis by French researchers, there are about 15.000 Roma in France, about 4.000 of them being in different states of illegality.⁵

IV. Preliminary meetings of the Romanian delegation in Paris, 13th of January 2003

IV.1 The meeting in Paris with representatives from the OMI and French Roma associations.

⁵ According to Dana Dimescu, researcher in Paris

During this meeting the OMI representatives presented their objectives regarding the Romani CRISS visit, according to the previously signed agreement:

- During their visits, the CRISS and OMI representatives will inform the Roma about the existence of a program for humanitarian repatriation
- This program has two phases: one **about** their return to Romania and the second **about** their social reintegration
- The first phase includes an aid from the OMI of 153 EURO/adult and 46 EURO/child, cover of all transport expenses and the possibility of carrying 40kilos extra luggage.
- The second phase consists of social reinsertion of the voluntary repatriated people and it involves the OMI representatives in Romania. The repartees will contact the Bucharest-OMI delegation. There are some alternatives: a file will be created in order to provide aid for a certain amount of time, and OMI will give 3600 EURO for families who come up with an enterprise project.
- The OMI supported and promoted the idea of making a clear difference between people voluntary repatriated and the ones who were expelled by the French authorities. The difference would be that the repartees would not have to suffer any legal sanctions at their return in Romania.
- Considering this, the OMI representatives informed all those present at the meeting that the French embassy in Bucharest notified the Internal affairs Ministry of this problem. According to the OMI representatives, in all previous cases of voluntary repatriation there weren't any interdictions noted on their passports.

IV.2. The meeting with the Roma NGO's in France

The representatives of the French NGO's brought up the following issues:

- The existence of some guarantees about the implementation of the voluntary repatriation program, especially the social reinsertion phase. We have to keep in mind the social and economic aspects of the Roma people's return to Romania. "These people don't have anything back home". Most of the Roma interviewed said that they would rather suffer in France than in Romania.
- Some Roma organizations from France expressed their disagreement with the repatriation program and stated that the whole program should be closely surveyed, from both sides (French and Romanian).
- Also, a clear distinction should be made between individuals on grounds of their legal or illegal situation in conformity with both French and Romanian legislation.
- The meetings should be orientated towards a solution for the Roma situation in France, considering that some of them have been living in France for more than 5 years.
- Following recent discussions in Parliament of a new internal security law Ministry's Szarcozy policy is oriented towards creating a safer life for French citizens. His strategy gives an important role for the Roma community since they have very high visibility and they are a very vulnerable group.
- The political speech concerning the Roma in France is of a "demagogical" nature, even the French nomadic gypsies' having more and more problems.
- The Roma organizations should involve themselves in a close survey over repatriation and expulsion processes followed by a monitoring of their situation in Romania.
- From CRISS point of view, the problem is identifying the ones repatriated from the ones who were expelled and are now returned in Romania. For example the ones who came back from Switzerland don't meet any of the terms for reintegration.

- Collaboration between the two governments is needed along with agreements between central and local authorities
- The guarantees for the social reinsertion of those who come back to Romania is another issue that should be widely debated
- The statements made at Warsaw and Sibiu should be implemented; local and central administrations should get involved.

V. Informative and research visits in the camps set out by the OMI

The Roma associations' delegation from Romania divided into two teams formed of 2 Roma representatives and 2 OMI representatives who visited the camps included in the schedule. Both teams had an Internal Ministry representative along with them, all trips being made with the help of the French Police. The visits started every day with 5.30. Most of the times before visiting the camps there were meetings with local authorities' representatives.

1. Ille Saint Denis

Place: Paris

Campus: Ille Saint Denis

- Delegation:** D.Gergely, 2 OMI representatives
- Meetings:** Local authorities
- Camp talks with:** app. 25 people (men, women, and children)
- Themes:** legal and socio-economical situation, voluntary repatriation, expulsion

Local authorities point of view: meeting at the Saint Denis district authority headquarters

According to the Saint Denis authorities the Roma group situated in Ile Saint Denis has denied any kind of contact with them, including healthcare. Some of the individuals present there have families and some don't, summing a total of 80 people, and the local authorities are preparing to expulse them. They are living in an abandoned factory since June 2002, after they were sent away from another city earlier. In July there were two violent events and their neighbors requested their departure.

The problem is that the authorities consider a security issue the fact that they improvised heating and electrical systems in the factory.

It seems that the Roma here don't beg and there are no inabilitated people, they are daily workers or they wipe windshields. There have no person to keep contact with the authorities. The only contact was with Medicine du Monde and the Red Cross. Representatives from the Romanian embassy visited them in July.

On location data

There are about 40 people living in the old Saint-Denis factory, some of them being from Braila, Bacau, Bucuresti, Slobozia and Iasi. At least 4 families are living in improvised areas with heating and electrical systems they built. The others live in tents inside the building. Their ages vary from 20 to 50 years. Among them there are two tuberculosis cases, one being in a hospital.

- These families have lived in France for the past five years and were sent away from another village before arriving in Ile Saint Denis.
- Most of them have passports and never had any problems with the police
- They say they are in the city database, and some of them have a "Carte du Sejour" but from other cities. Those should be updated. They also said the mayoralty sent them firewood.
- The ones we interviewed are aware of the existence of the repatriation program but they say it doesn't have enough guarantees for them, especially in Romania. So this isn't a good enough solution and they'd rather stay in France because in their opinion Romania doesn't offer enough social, economic and anti-discrimination guarantees. They also said that they have nothing back home because they soled everything when they left.
- They would rather live with the minimum they can earn in France. What they earn in France in one day they earn in Romania in a whole month. One person can earn up to 30-40 euro/day in France.
- They said they are not beggars, that they do unqualified labors, legally and illegally.
- They want to work legally in France rather than come back to Romania.

- The Red Cross and Medicine du Monde visited the site and offered their support and also they received aids from the local authorities. The healthcare organizations offered to find another place to live.
- Some of them are very good French language speakers and could be very good contacts with the authorities. Mr.S speaks fluent French and has good knowledge of their situation in France and in Romania.
- It is quite probable that this only a transit point for them. While we were preparing to leave one of the families was loading their belongings into a car.

2. Archeres

Place:	Paris
Campus:	Archeres
Delegation:	V. Ionescu, D. Gergely, 2 OMI representatives
Meetings:	prefecture representatives
Camp talks with:	app. 40 people (men, women and children)
Themes:	legal and socio-economical situation, voluntary repatriation, expulsion

The local authorities point of view – meeting at the prefecture headquarters

The first Roma came here in 2001 and located themselves in trailers at Archeres; in about 9 months the number of trailers went up to 50. There are about 200 Roma here; Archeres seems to be a transit point because there are people coming and going all the time. The area they are situated in is peripheral, close to a protected forest and an industrial area. Their waste is a threat to the environment and especially to the St.Germain forest. There were controls made to check their papers and the authorities stated that about 90% have papers in order, most of them having a tourist pass. There were also cleaning operation in the area, the waste collected reaching 40 tons and also twp pest control actions. There were also healthcare operations to insure care for the sickly. The Police have no proof but they think that anti-social acts like human traffic and prostitution take place in this area. In the last two winters the authorities main problem was insuring their heating, and 23 people were hospitalized (3 of them being cases of mammary cancer). The families of those interviewed stated that most of the children have schooling. The contact person and leader of the camp is Mr. lordache. The prefecture regards their expulsion as the only viable solution to their problem. The mayoralty doesn't seem to agree with this, a very good proof being the fact that they brought in a lot of humanitarian institution.

On location data – At start the Roma living at this camp didn't receive us very well; the members of the team were asked to show some identification and to explain which organizations they represent. They had been noticed of our arrival but they associated it with an intervention to force them to go home as an alternative to a police action.

- There are over 40 trailers at Archeres; in them are living app. 200 Roma. During the interviews about 40 people talked to us. The Roma in Archeres taped the discussions with a camcorder.
- Most of them Roma here are from Garla Mare, a village in the Mehedinti district and some from the Buzau district, also all of them being from the same village.
- The people we interviewed are very well aware of the repatriation terms but the whole process isn't safe enough for them. They all agree that in Romania they won't be able to go beyond the extreme poverty level. More than that they said that in Romania they must

- face a lot of discrimination, especially in public services or when they want to get hired. Want they earn on a daily basis in France they would earn in a month in Romania.
- These people have been here for the last two years. The people we interviewed said they had Romanian passports. Some of them also have papers for staying in France and have applied for receiving asylum in France for a period between 3 and 6 months. On the documents they showed us we found they had appointments with the local authorities in September and October. One special case was someone who had all the Romanian papers but couldn't get asylum because in his passport there was a mistake: they wrote his birth date 17 instead of 07.
 - Some of the people we talked to came here from other countries, like Spain or Italy and settled at Archeres.
 - All the children in the camp are at least 5 years old, and they say that the older ones all have schooling
 - According to their declarations, they are getting help from the mayoralty and from the Catholic Church; the children are going to school and they are speaking very good French.
 - Some of the Roma applied for territorial asylum but some are here with tourist visas. The ones we interviewed stated that they didn't break the 90 days limit, but there are enough who did.
 - They said they work illegally or they steal or beg; in the camp there are some cars belonging to the Roma here.
 - Most of them want to legalize their staying in France and dislike the idea of going back home; the Roma in Archeres are represented with the local authorities by their leader Mr. lordache
 - The Police say that they suspect some of the girls from the camp that they are prostitutes. Several girls looked like they were doing that, but nor the police or we have any proof of this.

3. Argenteuil

Place:	Paris
Campus:	Argenteuil
Delegation:	V.Ionescu, D. Gergely, 2 OMI representatives
Meetings:	prefecture representatives
Camp talks with:	app. 30 people (men, women and children)
Themes:	legal and socio-economical situation, voluntary repatriation, expulsion

The local authorities point of view – meeting at the prefecture headquarters

There are app. 100 people living in trailers and improvised locations near Argenteuil. Their problem is that they live very near the Sena, which legally means they occupy an area endangered by flooding. More than that, the area is owned by the mayoralty, so they are occupying it illegally. Their evacuation is necessary both for safety and administrative reasons.

On location data – The Roma here are living in improvised homes and in trailers and they are using improvised heating and electrical systems. Most of them are coming from the Bucharest area.

- They are aware of the facilities provided by the repatriation program: different aids for adults and for minors, paying for their transport and the 40kilo luggage surplus. All information about the repatriation program and the terms for receiving the financial aid but the interviewed people said the program isn't safe enough for them, especially after arriving in Romania.
- The Roma are partially interested in the voluntary repatriation program but many say they would rather stay in France, because the discrimination is a lot worse in Romania than in France.
- Some of them own cars; one was fined with 90euro. He says he should have gone to the police station but he doesn't speak any French.
- The Roma stated that they are living in France for 4 years and most of them don't want to come back in Romania.
- They want to make contact with the authorities and with the Roma organizations in France

4. Melun (Seine et Marne)

Place:	Paris
Campus:	Melun
Delegation:	C. Bercus, D. Radulescu 2 OMI representatives
Meetings:	prefecture representatives
Camp talks with:	app. 35 people (men, women and children)
Themes:	legal and socio-economical situation, voluntary repatriation, expulsion

The local authorities point of view – meeting at the prefecture headquarters

App. 100 people from 20 families are living in France for the last 10 years and the local prefecture initiated a project for their integration in French society. The authorities have granted them "visas" to stay in France and the mayoralty took on the task of inserting them into the labor market. There is a convention between the prefecture and the mayoralty that states that the mayoralty has the duty to organize their area. The cost for this was estimated at 1 million Euros, including the terrain and the housing. The objectives of this project must be attained in 3 years and contain initiatives in the sanitary, social and professional fields. Representatives from the Melun prefecture conceived this project in order to involve the Roma here in the activities, and their motivation to enter French society was a very important factor. 20 families were selected for this project. Unfortunately the project was stopped when some 40 other families occupied the terrain the mayoralty was preparing. These families arrived just months earlier and had problems with the police so the prefecture can't give them

visas. Expulsion procedures were started following a court order issued on the 24th of October 2002. These families will be sent home, through the repatriation program or by force. The 20 families remaining should occupy the area prepared for them at the end of March 2003.

On location data – The Roma are living in trailers in an industrial area near the city. Heating and electrical systems are improvised. There are 40 families, most of them from Arad and Timisoara.

- The people we interviewed are against voluntary repatriation. They would rather stay in France because they have nothing left back home, and the discrimination level in Romania and the general economic instability do not form a safe environment for them. They hope their situation will be solved by the authorities and with the help of the families that are part of the location project.
- Some of them own cars and their main activity is begging or stealing from shops or on the highway. They stated that the income they have in France in one day is equal to two weeks of staying in Romania.
- Some of the people we talked to have been here for less than 3 months so they are still there legally (tourist visa) but others have gone past the 90-day limit.

5. Creteil

Campus: Creteil
Delegation: C. Bercus, D. Radulescu 2 OMI representatives
Meetings: prefecture representatives
Camp talks with: app. 25 people (men, women and children)
Themes: legal and socio-economical situation, voluntary repatriation, expulsion

The local authorities point of view – meeting at the prefecture headquarters

The local authorities have informed us that there are about 100 Roma living in this camp. From the information given by the Val de Marne prefect, we know that the Roma are here illegally and they will be expelled. Contact with this community has been kept through the Red Cross.

On location data - There are 100 Roma in Creteil; they live in trailers set under a bridge situated close to the highway and most of them are originating from Timisoara.

- Some of the people we talked to know about the voluntary repatriation terms and showed interest for the program. Others declared they have “Carte de Sejour” and that they are working illegally. Most of the people in this camp have been here for the last 10 years and are against repatriation. Most of the times they receive help from the Red Cross.
- Another activity is selling newspapers but there was nothing mentioned about begging
- About Romania they stated that the living standard is very low; also they mentioned the corruption in the administration and the healthcare institutions and the low access to

- public services. Some of them told us that they don't have anything left in Romania since they sold everything before their departure
- Some of the ones we interviewed are willing to return in Romania and expressed their interest for the voluntary repatriation program

6. Vitry sur Seine

Campus:	Vitry sur Seine
Delegation:	C. Bercus, D. Radulescu 2 OMI representatives
Meetings:	prefecture representatives
Camp talks with:	app. 20 people (men, women and children)
Themes:	legal and socio-economical situation, voluntary repatriation, expulsion

The local authorities point of view – meeting at the prefecture headquarters

According to the local authorities there are 60 people living illegally in the Vitry sur Seine camp. The prefect told us that he had just reached the decision to evacuate them.

On location data – The Romanian delegation and the OMI and Red Cross representatives discovered that there were no Roma in this camp. They were all Moldavian citizens.

- We informed the people there about the possibility of entering the voluntary repatriation program and about the prefecture decision to evacuate them.
- Some of the ones we talked to were not aware about the prefecture decision and expressed their interest for the repatriation program. From what we were told, most of the people here are illegal workers in several places; very few still have a visa; the only help they receive is from the Red Cross.

7. Rue Manovkian (Paris)

Campus: Rue Manovkian
Delegation: C. Bercus, D. Radulescu 2 OMI representatives
Meetings: prefecture representatives
Camp talks with: app. 16 people (men, women and children)
Themes: legal and socio-economical situation, voluntary repatriation, expulsion

The Romanian delegation and the OMI and Red Cross representatives discovered the same situation as in the previous camp: there were no Roma here, only Moldavian citizens.

8. Choissie le Roi

Delegation: C. Bercus, D. Radulescu 2 OMI representatives
Meetings: Red Cross representatives

The Red Cross representatives showed us the camp from where 700 Roma were evacuated.

9. Thiais Seria Hotel

Delegation: C. Bercus, D. Radulescu 2 OMI representatives
Meetings: prefecture representatives
Camp talks with: app. 20 people (men, women and children)
Themes: legal and socio-economical situation, voluntary repatriation, expulsion

The Seria Hotel is the location to which some of the 700 refugees from Choissie le Roi were transferred, because the camp was demolished. These people don't have any visas anymore. The Paris prefecture decided to expulse them but they didn't fix a date for the evacuation from French territory. They often have contacts with the Red Cross.

On location data - There are 20 people living in the Seria Hotel; they are coming from different parts of Romania, from Craiova, Timisoara, Bucharest, and Arges. Their activities are begging, illegal labor and selling papers.

Some of the ones we talked to expressed their interest for the OMI repatriation program, but they have problems with the guarantees provided by the Romanian administration. 50 year-old from Timisoara says: "If I beg on the streets of Paris, I make at least 5 Euro a day, in Romania I don't earn 1 euro because I don't have a job. And if I were to beg in Romania that wouldn't be better because people there are poor and don't have anything to give away".

10. Faye Aftam Vitry sur Seine

Delegation: C. Bercus, D. Radulescu 2 OMI representatives
Meetings: prefecture representatives
Camp talks with: app. 20 people (men, women and children)
Themes: legal and socio-economical situation, voluntary repatriation, expulsion

There are about 40 families living in this camp.

11. Palaiseau

12. Palaiseau II

Delegation: C.Bercus, D.Radulescu, V.Ionescu, D.Gergely and OMI representatives
Meetings: prefecture representatives
Camp talks with: app. 30 people (men, women and children)
Themes: legal and socio-economical situation, voluntary repatriation, expulsion

The local authorities point of view

Both teams met with Palaiseau prefect, the primary topic of the discussion being the living standard of the Roma in the area. The prefect told us that the evacuation decision was made because a terrain was illegally occupied (part of the land they occupy is owned by the mayoralty and part by enterprisers). The decision is final and cannot be annulled. The evacuation process had already started. The prefect and the mayoralty people tried to convince them to leave the premises but their action was unsuccessful. The authorities identified three sites in the area: one in the industrial area (ITTA) – between 80 and 100 people, Jivizi (150) and Saint-Michel (60-85). The authorities believe that some of them are coming from Choissie le Roi.

On location data - When the Romanian Roma associations' delegation and the Palaiseau prefect visited these three camps they discovered that two of those camps were inhabited by Romanians not by Roma. This discovery was based on information given by the people present during our visit.

The people we interviewed are from the Maramures and Satu Mare districts and their main activities are on the labor black market. Most of the people here stay as long as their tourist visa lasts (90 days) and then return to Romania. They come back later, in accordance to the provisions of the Schengen Treaty and Romanian laws.

Some of the people we interviewed said that they have the legal right to work in France and rejected the idea of entering the voluntary repatriation program because they said there is no way this program can help them. Worker: "What are we tot do in Romania? We can't be sure that our situation will be better. You're coming from Romania. Don't you know what's going on there? You can't start as good business in Romania with 3600 euro."

The living terms in this camp are unacceptable. There is no waste collecting point, there is no water and the electricity connection was set up illegally.

13. Athismons

Delegation: C. Bercus, D. Radulescu 2 OMI representatives
Meetings: prefecture representatives
Camp talks with: app. 30 people (men, women and children)
Themes: legal and socio-economical situation, voluntary repatriation, expulsion

The local authorities point of view

The local authorities decided to expulse the people staying here as soon as possible because of the unacceptable and lousy terms found over there. According to the estimation made by the authorities there are about 100 people in this camp. The building they live in will soon be tore down.

On-location data - Accompanied by prefecture representatives and police squads the Romanian delegation went to the camp. In front some of the trailers the police wanted to open fire but reconsidered at our request.

The same as in Palaiseau, the people here are Romanians. The 150 people here have tourist visas, some expired some not.

These people live in lousy terms. The trailers were set in a former industrial hangar; they have no electricity and there is a lot of waste around them. From the discussions we had we know that some of them have C-type hepatitis.

Some of the people here expressed their interest towards the voluntary repatriation program. Most of the people here are working illegally, and some of them own cars. (After we left we saw three young people into a BMW).

14. Rue Jean Danaux – Paris

Delegation: C. Bercus, D. Radulescu 2 OMI representatives
Meetings: prefecture representatives

At our arrival we discovered that the people here are from Moldavia or Transnistria and are not Roma. Although the Romanian delegation wanted to inform them about the repatriation program, the OMI representatives recommended the contrary since this program includes only people coming from Romania.

15. Lyon Hippodrome

Delegation: C. Bercus, D. Radulescu 2 OMI representatives
Meetings: prefecture representatives
Camp talks with: app. 30 people (men, women and children)
Themes: legal and socio-economical situation, voluntary repatriation, expulsion

The Lyon local authorities emitted an evacuation order for the people living illegally in these camps and all their establishments will be demolished. The Roma here received the evacuation notice saying that they must leave the premises until the 5th of February. On the 6th the demolition will start.

There are 100 Roma in the first camp situated near de Lyon hippodrome that we visited. Most of them are living in France for several years and have all the papers necessary for their stay in France. Others have passed the deadline for their visas. Some of the Roma here have cards until the summer. Others say that they are here for 7 years and their children are in school.

Regarding the voluntary repatriation program, they were mostly cautious. The people we interviewed said they don't trust this program, especially because of the Romanian authorities. Most of them are working illegally, selling papers or begging. As far as the prefecture decision goes, the Roma say a team of attorneys is representing them and that they filed a civil suit against the prefecture.

16. The Lyon hippodrome – 2nd camp

10 Roma people inhabit the 2nd Lyon camp. These people have expired tourist visas. They live inside trailers and have no heating, electricity or water supply. They are from Arad. It was interesting that they are no minors here.

The people we talked to are aware of the prefecture's decision to tear down their establishments. Also they are aware of the voluntary repatriation program provisions. These people weren't very happy with the idea but they said: "we'll consider this possibility and there is nothing else we can do here we will come back home".

17. Lyon

Delegation: C. Bercus, D. Radulescu 2 OMI representatives
Meetings: prefecture representatives
Camp talks with: app. 30 people (men, women and children)
Themes: legal and socio-economical situation, voluntary repatriation, expulsion

This the 3rd camp the Romanian delegation visited in the Lyon area. There are 120 Roma here, originating from Deva, although they declared they come from Resita, Hunedoara and Petrosani. They live in trailers and work illegally or they sell newspapers; others are beggars or shoplifters, according to their own statements.

The leader of this group rejected the repatriation program as a working solution because of the lack of confidence in Romanian authorities. He mentioned the program launched by the German government in 1992, a program that failed.

Some of the people here have papers that allow them to stay until the beginning of June while others have lived in France for the last 8-10 years. Their children are in school. More than that they have legal representation against the decisions of the local authorities.

18. Ille Saint Denis

Delegation: D. Gergely, D. Radulescu, 2 OMI representatives, Nicolae Gheorghe from OSCE/ODIHR - Contact Point for Roma and Sinti
Camp talks: app. 15 people (men, women and children)
Themes: legal and socio-economical situation, voluntary repatriation, expulsion

Mr. Nicolae Gheorghe from the OSCE/ODIHR - Contact Point for Roma and Sinti joined our team as an observer of this mission. Following the discussions from the previous meeting the

members of the community decided to appoint someone to be their contact with the local authorities. At 10 o'clock, on the 20th of January 2003 a meeting was set up between this representative of the camp and the sub-prefect.

At the end of the meeting one person requested to enter the repatriation program immediately in order to be back in Romania in less than a week.

19. Archeres

Delegation: D. Gergely, D. Radulescu, 2 OMI representatives, Nicolae Gheorghe from OSCE/ODIHR - Contact Point for Roma and Sinti
Camp talks: app. 30 people (men, women and children)
Themes: legal and socio-economical situation, voluntary repatriation, expulsion

The Roma were cautious, even though this was our second visit; they requested further information about the organizations we represented and said that the only representatives they recognize are Nicolae Paun and Madalin Voicu, from the Roma Party. They had been misinformed by the humanitarian agencies about our mission, and believed were involved in an action to force them to come back.

The persons we talked to stated clearly that they are not at all interested in the terms of the repatriation program and that the Romanian delegation should not return to their camp. They believe that the living standard in Romania is too low and that there is too much discrimination against them in the public services and labor market areas.

20. Palaiseau

Delegation: Vasile Ionescu 2 OMI representatives
Meetings: mayoralty representatives
Camp talks with: app. 60 people (men, women and children)
Themes: legal and socio-economical situation, voluntary repatriation, expulsion

The local authorities point of view

The mayor was notified by the visit so sent some trash trucks at the site. The location had been illegally occupied and the decision regarding their expulsion will be signed as soon as possible because the landowner is planning to start building there. The Roma here never requested any kind of aid.

On location data - Almost all of the Roma here are from Beius. According to their declarations, the children aren't going to school; there has been no connection with the authorities or with the locals, because the location is quite isolated. Medecins du Monde contacted them last year. The group is formed of more families, but there are no children in the camp. They didn't know anything about the OMI program and they seemed interested and requested specifics.

21. Villepainte

Delegation: Vasile Ionescu, Dana Dimescu and 2 OMI representatives
Meetings: mayoralty representatives
Camp talks with: neighbors, mss Lakatos
Themes: legal and socio-economical situation, voluntary repatriation, expulsion

The local authorities point of view

The local authorities identified three locations. Only one of the three is inhabited by Roma, the other two being inhabited by Romanians. Some of them are in France since 1998 but came in this camp after 2001. They are not a problem because they are all working illegally so they aren't visible to the locals. The authorities had very few data, and for the building inhabited by Roma they had absolutely no information. There was no contact between this group and the local authorities.

On-location data

The people living in the abandoned building are members of the Lakatos family, from Arad (the husband is ill, a wife and two children). According to what they said the children are singing in the subway, and the parents recycle materials, which they send afterwards with the help of the Romanians from the other camps. Their neighbors declared themselves outraged of their living terms, especially of the insalubrities. When she was asked why they left Romania, mss. Lakatos invoked poverty, unemployment and discrimination ("nobody calls me a gypsy here, they all say bonjour madame"). She said she would kill herself if they would face expulsion, so her children would have a future in France.

22. Lille

Delegation: Vasile Ionescu, Dana Dimescu, 2 OMI representatives
Meetings: prefecture and NGOs representatives
Camp talks with: app. 20 people (men, women and children)
Themes: legal and socio-economical situation, voluntary repatriation, expulsion

The local authorities and the humanitarian organizations point of view

The location is a parking lot. Tens of cars and Roma caravans arrived here approximately one year ago. They are from Timisoara and Arad (app. 100 people). On the 14th of January 2003, two days before we arrived there the police raided the camp. The prefect said: "They didn't come to us and we didn't go to them". Most of the people had visas and some of them requested asylum; they have support from the humanitarian agencies. In the afternoon meeting representatives from the humanitarian agencies protested against the previous police action and the authorities tried to improve their image. The representative from the Catholic Church said that repatriation is out of the question until their situation is closely studied and

life in Romania isn't safe for them. He said that after Romania will become a better place to live the Roma could become "actors of the country's development".

On location data - After de raid in the parking lot remained only the ones who had their papers in order. The Lille esplanade seems to be only a transit point towards other camps. They earn money by selling papers and from the aid received from the humanitarian agencies. They said they come to France regularly and stay for the 3 months allowed then come back.

VI. Official meetings and public debates during the visit

VI.1. Meeting with representatives from the Internal Affairs Ministry and Police, Paris, 15th of February

Location:	Paris, Internal Affairs Ministry
Delegation:	C. Bercus, V. Ionescu, D. Gergely, D. Radulescu
Participants:	representatives from The Internal Affairs Ministry, Border Police – Illegal Migration Division, OMI, Romanian embassy, the Chief of Police and the police Communication Officer
Topics:	the legal status of the people staying on French territory, Internal Affairs Ministry's strategies, OMI voluntary repatriation program, guarantees provided by the Romanian government, evacuation of Romanian citizens
Purpose:	a primary evaluation of the situation of the Roma in the visited camps and their reaction to the voluntary repatriation program

CRISS found that most of the Roma living in these camps are aware of the provisions of the voluntary repatriation program but they expressed their lack of confidence in the guarantees provided in Romania. More than that most of them are unhappy with living terms in Romania and the discrimination and racism they are subjected to in Romania.

Mr. Darcy, from the Internal Affairs Ministry, stated that the voluntary repatriation program couldn't be included in provisions of the EU admission treaty because this program is of a humanitarian nature. He said the French government needs to be assured by the Romanian government that the repatriated people will not suffer any negative consequences because of the penal code's provisions on migration (sanctions for expelled people).

One of the final statements was that the people who will not enter the repatriation program would be expelled.

The Internal Affairs Ministry requested OMI to sign an agreement with Romani CRISS in order to institutionalize the existing strategies; the French Social Works Ministry validated the agreement.

These are the phases planned to take place in the following period:

- 13-20 of January: visit for informing about the voluntary repatriation program
- The registration phase - after the 20th of January
- During the following week, the actual repatriation phase that should be finished until the beginning of February

All expulsions will be made according to the provisions of the Schengen Treaty, article 5, paragraph 1, line c. For instance, a person from Romania, with a tourist visa, will be breaking the law if he stayed in the Archeres camp because he should have a temporary domicile and proof of his means of support during his stay.

The Internal Affairs Ministry and the French embassy to Bucharest will plead with the Romanian authorities so the people entering the repatriation program will not be sanctioned according to the provisions of Romanian law. A confirmation will be requested.

The Internal Affairs Ministry is sending information about the Roma to all prefectures involved in order to facilitate the program's strategies and start the expulsion for the rest.

The CRISS opinion is that not applying legal sanctions will allow criminals to benefit from the voluntary repatriation program. A system should be created in order to restrict for a certain period the free foreign circulation of the concerned individuals.

The representatives from the Romanian embassy will inform the Romanian authorities through a telegram, in order to provide a quick answer to the French Internal Affairs Ministry consisting of a statement to assure that the Romanian penal system will not be repressive towards the repatriees. The provisions are that only the ones who committed any crimes will be sanctioned on their arrival in Romania.

The Romanian delegation also brought up the fact that the Romanian government is able to provide guarantees for the ones returning home. Unfortunately, there is no government document created for this purpose. The proposals should include the creation of partnerships between the central and the local administrative bodies, using the expertise of Romanian and French NGO's.

Another topic was the complexity of the registrations that should be filled in for several Phare programs, which go beyond the knowledge of the people who would tryout for their facilities. Because their lack of understanding of all the provisions of the program, including social aid, professional insertion programs and funding based on projects, the people who are willing to repatriate do not show full confidence in the program.

VI.2. Meeting with the Romanian embassy representatives, Paris, 18th of January 2003, Romanian embassy in Paris.

Delegates: C. Bercus, V. Ionescu, D. Gergely, D. Radulescu

Participants: Chief commissary attached to the Romanian embassy

Embassy's Communications officer

Nicolae Gheorghe, from the OSCE/ODIHR – Contact Point for Roma and Sinti

Topics: legal status of the Roma staying in France, strategies of the Internal Affairs ministry, IOM voluntary repatriation program, and Romanian government's guarantees expulsion of Romanian citizens.

The Romanian delegation presented its first conclusions on the camps visited in the Paris and Lyon regions. The Romanian embassy representatives underlined the problem of the visibility of the Roma visited and of the media campaign against all Roma in France. The police attaché stated that many of them can be seen in Paris, and that they are quite aggressive, insisting to receive money. Others are involved in small time thefts, especially from stores while others are selling newspapers or wiping windshields. The high visibility of the Roma is one of the causes of the strong campaign against them in the media and the quick reaction of the authorities.

Several files about the criminal activity of the Roma on French territories were also presented; these included crimes against patrimony or more serious crimes. There are 55 files involving Roma, one of them being the one who appeared also in the Romanian press about the husbands of two judges from Iasi who were involved in thefts.

The Romanian embassy told us that they informed the Romanian government about the application of sanctions against the repatriees. Because the French authorities consider that the Romanian legal system is repressive towards the repatriees the French Internal Affairs

ministry requested that there should be an exception made for the repartees. The embassy and the Romanian delegation were uncertain of the viability of this solution, because of legislation problems.

Another topic, brought up by the representative from the Contact Point for Roma and Sinti, was the possibility of encouraging legal migration through an agreement on an exchange of workforce between France and Romania. The French authorities stated that this should be a Romanian initiative and that, on this matter, the Romanian administration was inactive, to say the least. The Romanian embassy informed the officials at Bucharest so that the subject will be on the agenda of the Prime Minister's visit in Paris.

The Romanian delegation also talked about specific cases found during their visit in France.

VI.3. Meeting with OMI representatives at the OMI headquarters in Paris, 17th of January 2003.

Delegation: C. Bercus, V. Ionescu, D. Gergely, D. Radulescu
Participants: Representatives from OMI and the French Internal Affairs Ministry
Nicolae Gheorghe, OSCE/ODIHR contact point for Roma and Sinti

Topics: the OMI voluntary repatriation program, other OMI programs, legal status of the Roma staying in France and strategies of the Internal Affairs Ministry.

- The Romanian delegation presented several alternative solutions to the migration problem: the possibility of a workforce exchange program between France and Romania, regulations for the Romanians who have been staying in France for a long time, integration of Roma children into education facilities etc.
- The phases of the voluntary repatriation program
- Data on the implementation of several OMI programs, including the ones that already took place in Romania.
- The OMI possibilities in case of a large number of repartees is expected
- OMI assurances that at least 200 people will be able to benefit from this program

VI.4. Meeting with French Roma association and human rights organizations at the Medicine du Monde headquarters in Paris, 18th of January 2003

Delegation: C. Bercus, V. Ionescu, D. Gergely, D. Radulescu
Participants: Representatives of the French Roma associations
Representatives of the French human rights NGO's
Nicolae Gheorghe, OSCE/ODIHR Contact Point for Roma and Sinti

Topics: The OMI voluntary repatriation program, the legal status of the Roma staying in French territory, strategies of the Internal Affairs ministry, initiatives of the Romanian Roma associations, proposals of the French Roma associations, the point of view of the human rights and humanitarian organizations.

- The Romanian delegation presented details of their visit in France, based on the agreement signed with the OMI. The action is meant to inform the Roma living in the visited camps about the voluntary repatriation program as an alternative to expulsion and to gather data about their legal status and the terms they are living in.
- The interviewed people know that they will be expelled because they are staying illegally on French territory.
- Most of the people know a lot about the voluntary repatriation program but are not confident in the support that they will be given once they are back in Romania.
- The Romanian delegation stated that all cases should be separately analyzed. In their opinion a mass expulsion or repatriation is out of the question. Also they said that work-groups should be created involving OMI representatives and local authorities, plus representatives from French NGO's.
- French NGO's and Roma associations should get involved in regulating the situation of the Roma who have been here for several years because they showed strong motivation for integration in French society. Another task would be to monitor all repatriations and expulsion so the rights of the involved people will not be violated.
- The Romanian Roma associations are already handling this kind of monitoring in Romania, including their reintegration into Romanian society process.

VII. Conclusions and recommendations made by the Roma associations' delegation after their visit between the 13th and the 20th of January 2003.

General aspects:

- Most of the Roma staying in the visited camps arrived in France in the last two years, but there are some individuals and families who have been the last 5 to 10 years. The people we interviewed are member of groups of people originating from Roma communities coming from the same district or city/village: Timisoara, Mehedinti, Craiova, Braila, Deva, Bihor, Arad, Buzau, Ialomita, and Bucharest etc.
- Most of the people we talked to came here for economic reasons; they also talked about their lack of access to public services because of ethnic discrimination.
- Roma did not inhabit 6 out of 24 visited camps; the camps were inhabited by Romanians or Ukrainians, Russians and Moldavians from Moldavia. Identification was based on

individual statements. This shows that the local authorities aren't able to correctly identify the immigrants, so expert workgroups should be created for this matter.

- This situation can be solved through a better collaboration between specialized NGO's and the local authorities, with the help of the Roma associations, UNISAT and Medicine du Monde.

Legal status – identified categories

- 1) Most of the people living in the camps have Romanian ID cards and tourist passports.
- 2) Some of the people we interviewed have papers from the French government (carte de Sejour, temporary asylum paper or permanent ID's)
- 3) Some of the people are living here for over 5 years; their children have already entered the education system
- 4) Some of the people there have tourist visas and haven't passed the 90 day limit regulated by the Schengen treaty
- 5) Some of them don't have any papers for staying in France
- 6) There are people living illegally on locations owned by the authorities or by individuals

Living terms

- Except few cases all establishments are illegally improvised, and are unhealthy and not under any kind of protection by any authorities or French humanitarian agencies
- All utilities (sanitation, electricity, heating etc.) are improvised, if they exist.
- Access to public service is good, because they have working relations with healthcare agencies

The voluntary repatriation program

- The general view is that they are aware of the risks of staying illegally on French territory but they prefer this situation to the living terms in Romania
- Few people know about the program, especially the part involving the guarantees provided by the Romanian government after their return. Most of them expressed their interest for the program but they also stated that they would not make this choice because of the legal sanctions they will have to suffer back home and the Romanian socio-economic environment. Their main concern is the restriction to their free travel in Europe and also their reinsertion in their original communities.
- The Romanian delegation found that there are now clear procedures about this voluntary repatriation program in terms of deadlines, special programs, types of projects, registrations forms etc.

Recommendations and proposals:

OMI repatriation program requires the existence of an action plan including:

A) In France:

- The program should be made public for the inhabitants of the camps and the communication should be made more efficient by a better presentation of the repatriation procedures.
- Workgroups should be formed by OMI and local authorities representatives in order to run the repatriation program
- Specialized organizations should be involved in the action-plan (UNISAT, Medecins du Monde, etc.)

B) In Romania:

- The creation of an action-plan for the reinsertion of the repatriated individuals, including the Romanian government's support strategies as a part of the National Strategy for the Roma and the protocol signed by France and Romania.
- Establishment of a partnership with the Public Administration Ministry in order to provide support for the OMI program: cooperation between the mayoralities from France and Romania (camp locations and original locations).
- The creation of a selection method of the people entering the program and of the ones applying for the enterprises registrations, administered by the OMI office in Romania
- Participation of Roma NGO's in the monitoring, evaluation and implementation process, as part of the reinsertion phase.

Temporary regulations of the children who are already attending schools in France

- The people interviewed during our visit in the Ile de France are part of families; their children have been going to school for 3 up to 6 years. On this matter, the French authorities should take specific support measures for the children who are already in school. Repatriating these children could have negative effects on their education. We recommend that the families with children with more than 3 years of schooling should receive special treatment.

Proposals for a higher efficiency of the protocol between Romania and France

- The Romanian Internal Affairs Ministry should apply to Phare projects conducted by the Romanian European Integration Ministry for programs tied to fighting illegal migration and reinsertion of the repatriees from France.
- The strategy of the Romanian Internal Affairs Ministry against illegal migration should be made a priority in the National Strategy for Roma.
- The creation in Bucharest of a Center for Migration Problems. Its tasks should be monitoring, evaluation and implementation programs for preventing illegal migration and reinsertion of the repatriees
- Following the Sibiu and Warsaw statements, the Romanian Roma associations are able and will provide expert assistance for the local authorities.

VIII. Declaration made by the Romani CRISS and Aven Amentza associations about their visit in the Ile de France area; Paris, 20th of January 2003

As part of the actions stated in the agreement between Romani CRISS and OMI (Office for International Migration International Organization for Migration), a delegation formed by representatives of Romani CRISS and the Public Policies Center “Aven Amentza” went to France between the 13th and the 20th of January 2003.

Objectives and actions

- Visits of shelters and camps inhabited by Roma individuals and families in the Paris, Lyon and Lille districts. During some of the visits representatives of the local authorities joined our delegation.
- Establishment of dialog with the people inhabiting these camps in order to attain better knowledge of there situation, immediate problems and their opinion on the long-term solution to their problems, according to their desires and goals. During several unofficial meetings they were informed about the provisions and procedures of the OMI voluntary repatriation program and social integration and education programs.
- Establishment of dialog with the French authorities in order to come up with solutions for the Roma citizens who expressed their strong option for staying in France.
- Talks with the French Roma NGO's and human rights organizations for a better understanding of the examination procedures for asylum requests and the dynamics of migration and immigration process in France, from a human rights protection point of view.

The agreement signed by Romani CRISS with the OMI and this report stay at the base of a research program on the provenience communities of the people staying in France, as part of the human rights activities of Romani CRISS. Analysis and actions made by Romani CRISS and Aven Amentza will be made public according to “The Sibiu Statement on Roma international migration and human traffic fighting”, (august 2002) and the “Joint Statement by Romanian and French Roma NGO’s on international migration and human traffic fighting”, presented during the “Human Dimension Implementation Meeting”, (9-19 of September 2002).

Romani CRISS – Roma Center for Social Intervention and Studies and Aven Amentza – Roma Center for Public Policies, NGO’s protecting the rights of the Roma:

- **Restate the right to free travel**, local and international, as part of universal human rights.
- **Support the observance of Roma anti-discrimination principles**, the freedom of choice of residence, the right to request asylum in another country, the right to return in their state of origin and to right to dignified treatment in any of the states they are present, even if they are not citizens of that state.
- **Denounce all discriminatory actions** against Roma victims, both in France and in Romania, following discoveries made by the analysis teams.

Romani CRISS sees this visit as a first contact with the situation of the Roma present on French territory and is a start for dialogs and analysis liable to become the basis for well defined actions, in the context of respecting human rights and fundamental liberties.

About the **free choice of residence**, Romani CRISS found that most of the people living in the visited camps refuse repatriation and express their desire to stay in France. There are families who clearly stated their desire to be integrated in the French society; their children are in school, from the 3rd grade to the 6th. Any action concerning these families must insure protection for their children, according to the provisions of the UN Child Protection Convention setting the tasks for the original state and the residence state.

We are appealing to the French authorities and human rights organizations for finding solutions for **regulating family situations**, at least during the time their children are in school.

Bringing proof of the fact their children are in school should be a strong argument for applicability to the administrative integration procedures. Romani CRISS supports the integration of these families into French society, so that the education process of the children will not be damaged.

Romani CRISS is **against any mass repatriation or expulsion action** of the people present on French territory and reaffirm the principle of individual administrative treatment.

During its visit, the Romani CRISS delegation noticed the danger of adopting administrative actions exclusively against Roma.

Romani CRISS is **warning** the French public authorities about the possible effects generated by the great visibility of the Roma as a result of the media campaign that is going on since the summer of 2002 and the internal security debates that are going on in France.

During our dialog with the local authorities we noticed their problems with identifying nationalities (citizenships) and the ethnic background in some of the camps. From a total of 24 camps, 6 weren’t inhabited by Roma. They were inhabited by Romanians, or Russians and Moldavians from Moldavia. This is a proof for the fact that the local authorities’ mentality is

influenced by prejudice and stereotypes about the “gypsies” or “Roma from Romania”; this can have a negative effect on applying the rights of the people requesting asylum in France. Romani CRISS requested that the Roma would not become a propaganda subject in the internal security campaign or a specific part of such a governmental strategy that might affect the Roma and other categories of foreigners present in France. One of the negative actions that we had in mind was a mass-deportation (expulsion or repatriation) with a high level of visibility and media-coverage.

Romani CRIS thinks that these should be the priorities for the French authorities’ strategies concerning Roma:

First option: **integration in France**. French authorities should examine separately all migrants and offer a serious chance for the individuals and families engaged in a strong integration process: knowledge of French language, sending the children to school, a legal domicile (rent or property), a steady income (job or enterprise).

Second option: **The voluntary repatriation** solicited by some of the people we talked to during our visit. The return to Romania must be reconsidered from the perspective of offering governmental guarantees (legislation, economy, sanitation, residence and education) able to create a healthy environment for the reintegration into their community and into Romanian society.

This is another matter where the right to choose should be preserved. Any collective solution will have negative effects. The individuals should be given the right to choose between integration, repatriation and expulsion according to the French legislation. Romani CRISS thinks that this was the primary goal of its mission in France and recommends the IOM to provide even more information about the voluntary repatriation program to all Romanian citizens in France.

Recommendations

- The creation of a Romanian-French Observatory. Its task would be observing and analyzing the migrations from Romania; monitoring the observance of national and international legislation and political agreements signed by France and Romania; identifying abuses by the French or Romanian authorities; recommend adequate solutions to researched cases.
- In this regard Romani CRISS is suggesting the creation of a partnership between the interested NGO’s and experts from research institutes.
- Partnerships between French and Romanian local authorities; this should contain regulations regarding the labor markets in both countries.
- These civic and local initiatives can be facilitated and connected by a governmental agreement on workforce-exchange. The Observatory can guard the indiscriminate access of Roma to the resources generated by such an agreement. Romani CRISS is calling out to the Romanian authorities for a proactive approach towards starting the negotiations. Moreover, Romani CRISS suggests the French Social Works Minister, Mr. François Fillon to make a visit in Romania in order to stimulate political will for the signing of an agreement that would normalize (the necessary legislation) the transfer of workforce between Romania and France, so that the present immigrants may benefit from contracts for determined periods of time (3, 6, or 12 months). These contracts could cover areas where unskilled workers are needed, like agriculture, constructions, commerce etc. Such an agreement can lead to the attainment of several objectives:
 - o Engaging the unemployed Romanian workforce

- The diminishment the illegal stay phenomenon
 - Diminishment of the “black market employment” phenomenon
 - Human traffic fighting
 - Improvement of the life terms of the Roma, knowing that the low living standard is one of the reasons of migration
 - Professional re-conversion, because the Roma don't have a fair chance on the labor market
- Romani CRISS is inviting NGO's in France (including Roma associations) to visit Romania for a joined evaluation action for finding solutions to all problems brought into discussion by all individuals, families or groups of Roma who requested asylum in France. French NGO's should consider supporting the people living in the camps to create their own comities in order to represent their own interests.

Following actions:

Romani CRISS and Aven Amentza will organize visits to the original cities and villages from where the immigrants are coming from.

Objectives:

- Research of possible discriminations and violations of human rights that may have caused their migration;
- Research on the means of reintegration of the repartees into these communities
- In this regard, the OSCE/ODIHR Contact Point for Roma and Sinti promised financial support, as part of the “Roma and the Stability Pact” program, a program funded by the European Commission and implemented by OSCE/ODIHR together with the European Council.
- The data obtained during this visit will be presented at a meeting that will be held at Bucharest, 7-9 of February, organized by OSCE/ODIHR and Romani CRISS as part of the “Roma and the Stability Pact” program.
- On the 22nd of January 2003, Romani CRISS will organize in Bucharest a press conference in order to make public the results of their visit in France
- On the 23rd and the 24th of January 2003, in Bucharest, Romani CRISS, with the support of the Foreign Minister of the Norwegian Kingdom, will organize the “Alternatives for migration – Roma in Europe” seminary, with guests from the Romanian government, the EU ember states embassies and Roma NGO's and agencies.
- On the 7th and the 8th of April 2003 a supplementary meeting of the OSCE will be held to discuss the situation of the Roma and Sinti, with the objective of creating an action-plan. With this occasion CRISS will again make public its conclusions and recommendations for the possibility of legal migration for the Roma in different European countries.

Note: This declaration was also presented during the press conference held at the Mediciens du Monde headquarters in Paris, on the 20th of January 2003.

IX. Romanian legislation on crossing the state border, illegal crossing, committing crimes on the territory of other states, Schengen Treaty and admission provisions for Romania applicable for Romanian citizens

IX.1. State border and illegal crossing of the state border, Decree no. 105/2001

Standards regarding Romanian state border

- The state border standards were regulated by the no.56/1992 Law⁶ annulled by the Government Decree no. 105/2001⁷. The 105/2001 decree was validated by the 243/2002 law⁸, now in order.

Illegal crossing of the state border

- In the 70th through 73rd articles of the Government Decree no. 105/2001 the illegal crossing of the state border is incriminated as follows:

Art. 70 – 1. Entry or exit from Romania by illegally crossing the state border is a crime and will be punished with prison from 3 months to 2 years.

2. If the aforementioned crime was committed in order to escape another conviction will be punished with prison from 6 months to 3 years.

Art. 71 – 1. Aiding one or more individuals to get illegally across the state border or organizing such an activity is a crime and will be punished with prison from 2 to 7 years.

2. Associating or initiating an association in order to commit the crime mentioned in the 1st paragraph or providing any kind of support for such an association will be punished with prison from 3 to 10 years.

Art. 72 – Attempting to commit any of these crimes will also be punished.

⁶ See Law no.56/1992, published in the Official Monitor, part1, no.396, 24th of August 2000

⁷ See Government Decree no.105 of 27th of June 2001, published in the Official Monitor no.352 of 30th of June 2001

⁸ See Law no.243 of 29th of April 2002, published in the Official Monitor no.302 of the 8th of May 2002

Art. 73 – Any belongings or assets that served or were meant to serve at committing the crimes mentioned in the 70th and 71st articles or were obtained by committing these crimes will be confiscated.

IX.2. Illegal crossing of the state borders of another country and the Government Decree no 112/2001

Legislation regarding crossing the border of a foreign state

- On the 30th of August 2001, the government adopted the 112th decree on sanctioning any crimes committed by a Romanian citizen or residents in another country⁹. The 252/2002 Law validated this decree¹⁰.
- In comparison with the 105th decree the 112th decree is referring to the same crimes but if they were committed at the state borders of other countries by Romanian citizens or residents.

Illegal crossing of the state borders of another country – according to the 112/2001 Decree

Art. 1 – 1. Entry or exit from a foreign state by a Romanian citizen or resident by illegally crossing the state border is a crime and will be punished with prison from 3 months to 2 years.
2. If the aforementioned crime was committed in order to escape another conviction will be punished with prison from 6 months to 3 years.

Art. 2 – 1. Aiding one or more individuals to get illegally across the state border of another country or organizing such an activity is a crime and will be punished with prison from 2 to 7 years.

2. Associating or initiating an association in order to commit the crime mentioned in the 1st paragraph or providing any kind of support for such an association will be punished with prison from 3 to 10 years.

3 – Attempting to commit any of these crimes will also be punished.

Art. 3 – Any belongings or assets that served or were meant to serve at committing the crimes mentioned in the 2nd article or were obtained by committing these crimes will be confiscated.

IX.3 Comparison between the 105th and the 112th decrees

IX.3.1 Sanctions

⁹ See Government Decree no.112/2001, published in the Official Monitor no.549 of the 3rd of September 2001

¹⁰ See Law no. 252 of 29th of April 2002, as published in the Official Monitor, Part.1, no. 307

- Both decrees, regarding the illegal crossing of the Romanian state border, or the illegal crossing of a foreign state border by a Romanian citizen or resident, regulate the same sentences: 3 months to 2 years, 6 months to 3 years, 2 to 7 years and 3 to 10 years
- Both decrees regulate the confiscation of all the assets involved in the crimes if belonging to the criminal

IX.3.2. Annulment of the right to use a passport after committing illegally crossing the state border

- The element not included in the 105th decree but present in the 112th decree regards losing the right to have a passport after committing such a crime

In this regard, the 5th article states that the Romanian citizens, who are guilty of committing any of the crimes mentioned in the 1-3 articles, will not be able to get a passport or his existing passport will not be valid for the next 5 years. After a conviction involving one of the crimes mentioned in the decree the General Department of Population has the right to suspend the right to use the passport of the convicted individual for a period of 5 years.

IX.3.3. Inquiry and trial of the crimes mentioned in the 112th decree

The 6th and last article of the 112/2001 decree states: "Inquiry and trial of the crimes mentioned in the previous articles will be held urgently, in accordance with the Penal Procedure Code provisions for flagrant crimes".

- This is another new element, different to the 105th decree, expressing clearly that the illegal crossing of a foreign state border will be tried immediately.
- Articles 465-479 of the Penal Procedure Code regulate inquiry and trial of a flagrant crime. If one of the crimes mentioned in the 112th decree are committed, the investigators will write an official report stating the facts discovered, the statement of the suspect and other interviewed persons. The report will be signed by all involved parties.
- According to the 468th article of the P.P.c (Penal procedure code) the suspect will be retained for 24h and the investigators can request the public attorney to issue a warrant for his arrest.
- If the prosecutor thinks there are enough data he will indict the suspect and will decide to try him, along with issuing an arrest warrant and sending the documents to the tribunal
- Flagrant crimes will be tried by a regular court according to the stipulations of the 471st article

IX.3.4 The territorial principle and the personality of Romanian penal law.

There are some specifications that should be made about applying penal law for Romanian citizens or residents who have illegally crossed the border of another state.

The territorial principle

- According to the Romanian Penal Code, penal law applies to crimes committed inside Romanian borders (Penal Code – 3rd article)

The personality of the Romanian penal law

- Romanian penal law can also be applied to crimes committed by Romanian citizens or residents in other countries. According to the aforementioned territorial principle, penal law can only be applied inside Romanian borders but there are times when Romanian citizens commit crimes abroad. According to this, penal law can be applied outside Romanian borders, according to the subsidiary personality principle. This is the case for the crimes mentioned in the 112th decree.

Terms for applying the personality principle

- According to the 4th article of the Penal Code "Penal law will be applied to crimes committed in other countries, if the criminal is a Romanian citizen, or if he has no citizenship but is a Romanian resident". According to the stipulations of the 4th article of the penal code, the personality principle will be applied if the following requirements are met: **1.** The action must be committed totally inside the borders of another country, regardless of what country it is; **2.** The action must be a crime according to Romanian penal law, regardless of the fact that it is a crime according to the penal law of the involved country, double indictment not being necessary; **3.** The criminal must have Romanian citizenship, or if he has no citizenship must be a Romanian resident.

Applying penal law

- Romanian penal law will be applied even if the person was already indicted and convicted or acquitted abroad for the same crime, and the Romanian sentence will be decreased with the amount of prison time already served abroad.

IX.4. Regulation regarding the passport system and the temporary annulment of the right to use a passport for Romanian citizens.

Passport legal framework

The passport system is regulated by the Government Decree no.10/1990¹¹ for passports and traveling abroad, the Government Decree no.34/1994¹² for emitting and keeping passports validated and modified by the 144th/1994 law¹³. The stipulations of these documents were annulled by the Government Decree no.65/1997¹⁴ for the passport system.

Refusal, annulment or suspension of the right to use a passport

- Initially, the government decree no.65/1997 stipulated in the 14th article: "A Romanian citizen can be refused temporarily the emission of his passport, and if he already has a passport, it can be annulled or temporarily suspended for a period of *3 to 12 months* according to the gravity of the crime he committed and its consequences when: ...d) he committed in Romania or abroad act prejudicial to national security, public order,

¹¹ See the Government Decree no.10/1990, published in the Official Monitor, part.1, no.6 from the 10th of January 1990

¹² See the Government Decree no.34/1994, published in the Official Monitor, part.1, no.245 from the 30th of August 1994

¹³ See the Law no.144/1994, published in the Official Monitor, part.1, no.374 from the 31st of December 1994

¹⁴ See the Government Decree no.65/1997, published in the Official Monitor, part.1, no.226 from the 30th of August 1997

healthcare or ethics, or the fundamental rights of another person; the proof of these acts will be made through legal documents recognized by Romanian law; any of the aforementioned measures will be taken by the Passport Commission or territorial services...”

- The 216th law from the 17th of November 1998 for the approval of the Government Decree no.65 from 1997¹⁵ brings several modifications to the 14th article stipulating that it applies also to the individuals *returning in Romania on the basis of readmission treaties* signed between Romania and other states.¹⁶

Modifications

On the 14th of June 2001 the government decree no.86/2001¹⁷ for the modification of the 14th paragraph, line e of the government decree no.65/1997, for the passport system in Romania.

- New stipulations are about the measures that can be taken by the “Population Filing System Body for a period of *6 months to 3 years*, according to the gravity of the crime committed. The same measure can be taken against people returned based on readmission agreements signed by Romania with other states.”
- This new decree modified the minimum and the maximum penalties, from 3 months to 6 months and from the maximum of 12 months to 3 years.
- It’s interesting to mention that the sanctions **can** be taken against people returned based on readmission agreements signed by Romania with other states. From this perspective the decision is a disposition and not an imperative. The way the text was created (“**can**”) shows that the decisions will be taken by the competent institution from case to case

The approval of the new stipulations

The 737/2001 law¹⁸ validated the emergency government decree no.86/2001 for the modification of the 14th article, paragraph 1, line e from the government decree no.65/1997.

New modifications of the passport system – through the Emergency Government Decree no.119 from the 25th of September 2002 the 14th article was modified again

- The minimum and maximum periods stipulated in the 14th article were modified again as follows: the minimum penalty was changed from 6 months to 1 year and the maximum was modified from 3 years to 5 years.

- A new crime has been added to the aforementioned list: begging¹⁹

IX.5 The convention for applying the Schengen Treaty and entry requirements for Romanian citizens²⁰

¹⁵ See the 216th Law, published in the Official Monitor, Part 1, no.446 from the 23rd of November 1998

¹⁶ The 14th article stipulates: “A Romanian citizen can be refused temporarily the emission of his passport, and if he already has a passport, it can be annulled or temporarily suspended for a period of *3 to 12 months* according to the gravity of the crime he committed and its consequences when: ...d) he committed in Romania or abroad act prejudicial to national security, public order, healthcare or ethics, or the fundamental rights of another person; the proof of these acts will be made through legal documents recognized by Romanian law; the same measures will apply to people returned on the basis of readmission agreements signed between Romania and other states”

¹⁷ See the Government Decree no.86/2001 published in the Official Monitor, Part.1, no.338 from the 26th of June 2001

¹⁸ See Law no.737/2001 published in the Official Monitor, Part.1, no. 806 from the 17th of December 2001

¹⁹ The same measures will apply to people who have committed the crime of constant begging returned on the basis of readmission agreements signed between Romania and other states

IX.5.1 Stipulations of the Convention for applying the Schengen Treaty

Starting with the 1st of January 2002, Romanian citizens owning a passport are allowed to travel without a visa, for short periods in the following countries: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Holland, Iceland, Italy, Luxemburg, Norway, Portugal, Spain and Sweden. All these states are members of the Schengen space.

Stipulations regarding the circulation and requirements for that should be met by foreign citizens inside the borders of the states of the Schengen Treaty can be found in the *Convention for applying the 14th of June 1985 Schengen Treaty for the gradual elimination of customs control at the common borders of the member states*.

Requirements for the right to travel of a Romanian citizen through Schengen member states

For a stay not longer than 3 months, entry on the territory of the Schengen member states is regulated by the 5th article of the convention:

1. The possession of travel documents validated by the Executive Committee that allow him to cross the border
2. The possession of a valid visa, if it is required
3. The presence, if necessary, of documents justifying the purpose of the trip, means of accommodation and survival means, for the time of stay and for the return to the original state or another guaranteed receiver.
4. Isn't marked as "inadmissible"
5. Isn't considered a threat to public order, national security or international relationships of any of the Schengen member states

According to the 20th article of the Convention, foreign citizens can travel inside the Schengen borders for a maximum of 3 months but they must not leave their country for more than 6 months, starting with the time they entered the Schengen space, according to the stipulations of the 5th article, paragraph 2, lines a, c, d and e.

IX.5.2 Entry requirements in the EU states for Romanian citizens

Legal framework according to Romanian legislation

²⁰ For details consult the: Romanian travelers guide – Europe, Schengen, Internal Affairs Ministry, consular relations directory, edited by Lumina Lex in 2002 or Guide for traveling in the Schengen space, Tourism Ministry and Internal Affairs Ministry, 2002

On the 25th of October 2001, the Romanian Government adopted the Emergency Decree no. 144²¹ stipulating the requirements that should be met by Romanian citizens at their departure to EU member states and others.

According to the 1st article of this decree, Romanian citizens traveling to EU member states or other countries for which a visa is not necessary must show at their exit the following:

1. Medical insurance
2. Two way travel ticket or the vehicle's green card
3. A minimum amount of money or credit cards, in a convertible currency according to the sums stipulated by the countries of destination, in proportion with their time of staying, no less than 5 days.

According to the 2nd article the Chief Inspector of any Romanian customs can stop an individual at the Romanian border if the person doesn't fulfill all requirements stipulated in the 1st article.

The disposition of the Internal Affairs Minister about the minimum amount of money that Romanian citizens must show at their exit

On the 22nd of November, the Internal Affairs Minister issued the no.177²² Disposition about the minimum amount of money that Romanian citizens must show at their departure towards any of the EU member states or other countries as follows:

- a) 50 Euro or their equivalent for Turkey and former socialist countries for which a visa is not necessary²³
- b) 100 Euro or their equivalent for EU member states and other countries for which a visa is not necessary

The proof of the existence of these sums will be made through one of the following:

- Cash
- Foreign currency travelers checks or credit cards
- Other financial guarantees like: voucher for organized tourism, sponsorship or guarantee from the host in the destination country; legal guarantee from a bank.

These stipulations are valid since the 1st of December 2001.

The emergency government decree no.144/2001 was validated through the no.177/2002 Law, published in the Official Monitor, no. 258 from the 17th of April 2002.



²¹ See the Emergency Decree no.144/2001, published in the Official Monitor, no.775 from the 14th of November 2001

²² See the Disposition no.177, published in the Official Monitor no.759 from the 28th of November 2001

²³ For each day of staying, no less than 5 days

Research Center of Roma/Gypsies from the Rene Descartes University, Paris and Institute of Sociology from Romanian Academy.

Our organisation combines civic militantism with the designing and the implementation of public policy programs for the benefit of local Roma community in order to respect Roma rights as human being and minority.

CRISS activates in the multy-ethnic communities with Roma population from Romania in order to consolidate the local democrathic institutions based on the non-discriminatory respect of the civil, political, economical and cultural rights. CRISS promotes the politic concept of Roma as people in the world diaspora and as European minority to whom the national states and the intergubernamental institutions have a special responsibility.

On the Summit-ul EU/US from London, 18th of May 1998, Romani CRISS was awarded the award for Democracy and Civil Society, from the European Union and the United States of America.

At the present, Romani CRISS implements its activities in specialised departments such as Human Rights, Media, Social, education, Health, International – the Stability Pact. All these departments are directly related to the Administrative and Executive department of organization.

The Romani CRISS funds came from project implemented by the organization's staff or in collaboration with external experts. In implementing its programs, Romani CRISS cooperates with governmental and non-gubernamental organizations, from the country and abroad, with Roma organizations and non-Rona specialists.

Along the years, Romani CRISS and Human Right Department have collaborated and still collaborates with the institutions of Romanian State, as well as with international organizations such as Council of Europe, The Organization for Security and Cooperation in Europe – the Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE/ODIHR Contact Point for Roma and Sinti Issues, the United Nations Organization (ONU). It also cooperated and cooperates with the representatives of the Governments and Embassies of European Union states from Center and South – eastern Europe, as well as Scandinavian states or United States of america.

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Intervention and

Roma Center for Social Intervention and Studies is a non-profit organisation established on 4th of April 1993. The founding members of the organisation are Roma Ethnic Federation (FER),