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Amnesty International is a global movement of more than 7 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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INTRODUCTION

Amnesty International submits this briefing to the United Nations (UN) Committee against Torture (the Committee) ahead of its examination, in April 2016, of France's seventh periodic report (CAT/C/FRA/7) on the implementation of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention or the Convention against Torture).

This written submission highlights Amnesty International's concerns regarding forced evictions and violations of the prohibition of cruel, inhuman or degrading treatment experienced by Romani adults and children at the hands of the French authorities, in violation of the provisions of Articles 2, 14 and 16 of the Convention. As such, it is not an exhaustive account of Amnesty International's concerns regarding the implementation of the Convention by France.

While this document aims to provide a succinct description of Amnesty International's concerns regarding forced evictions of Roma and violations of the prohibition of cruel, inhuman and degrading treatment at hands of authorities, extensive information and individual cases can be accessed by the Committee in the three recent reports published by the organization:

- *Chased away. Forced evictions of Roma in Ile-de-France*, EUR 21/012/2012, available at <https://www.amnesty.org/en/documents/eur21/012/2012/en/>
- *Told to move on. Forced evictions of Roma in France*, 23 September 2013, EUR 21/007/2013, available at <https://www.amnesty.org/en/documents/eur21/007/2013/en/>;
- *We ask for justice. Europe's failure to protect Roma from racist violence*, including a chapter on France: Police harassment, violence and impunity (page 15), EUR 01/007/2014, available at <https://www.amnesty.org/en/documents/EUR01/007/2014/en/>;

ONGOING FORCED EVICTIONS OF THOUSANDS OF ROMA IN FRANCE AMOUNTING TO CRUEL, INHUMAN OR DEGRADING TREATMENT

Thousands of Roma are estimated to be forcibly evicted from informal settlements and squats each year across France¹. Amnesty International has since 2012 documented many instances where the forced evictions were carried out in such a manner that they amounted to cruel, inhuman or degrading treatment in violation of France's obligation to prevent and prohibit all forms of such treatment under Article 16 of the Convention, as well as to guarantee redress

¹ Ligue des droits de l'Homme and European Roma Rights Centre, *Census: Forced evictions of migrant Roma in France (data for 2011, 2012, 2013 and 2014)*, available at <http://www.errc.org/cms/upload/file/france-forced-evictions-report-errc-and-ldh-english-10-july-2014.pdf> ; Ligue des droits de l'Homme and European Roma Rights Centre, *Recensement des évacuations forcées de lieux de vie occupés par des Roms étrangers en France* (data for 2013), 5 January 2014, available at http://www.ldh-france.org/IMG/pdf/evacuations_forcees_2013.pdf; Ligue des droits de l'Homme and European Roma Rights Centre, *Recensement des évacuations forcées de lieux de vie occupés par des Roms étrangers en France* (data for 2014), 3 February 2015, available at <http://www.ldh-france.org/wp-content/uploads/2015/02/FR-Report-forced-evictions-final-.pdf> ; Ligue des droits de l'Homme and European Roma Rights Centre, *Recensement des évacuations forcées de lieux de vie occupés par des Roms étrangers en France* (data for 2015), 12 January 2016, available at <http://www.ldh-france.org/wp-content/uploads/2016/01/Expulsions-forc%C3%A9es-ann%C3%A9e-2015-final.pdf>

for such violations including an enforceable right to fair and adequate compensation under Article 14.

Forced evictions in France take place against a background of widespread discrimination and hostility towards the Roma community. Despite being one of Europe's largest minorities the Roma continue to be marginalized and discriminated against throughout the continent, including in France, in violation of states' international and regional human rights obligations. Concerns over discrimination faced by Roma in France, has been the object of criticism by many international and regional human rights bodies. As recently as May 2015, the UN Committee for the Elimination of Racial Discrimination raised concerns over the "[...] excessive use of force by police in the course of forced evacuations of Roma from their camps" and called on France to "[t]ake the necessary steps, as a matter of urgency, to protect the Roma, particularly Roma women, from all forms of violence and any attempt to violate their right to physical integrity."²

Between 2012 and 2016, Amnesty International has documented more than 30 cases of forced evictions of Roma in France affecting thousands of people and collected hundreds of testimonies of adults and children who have been subjected to excessive use of force by police during forced evictions, had their homes and belongings destroyed or seized, and were rendered homeless without provision of basic rights such as water and sanitation.³ In none of the cases documented have people received effective redress for the violations they have suffered.

Many of the Romani families interviewed by Amnesty International have been subject to multiple evictions, in some cases several times in one year. This is reinforced by the fact that during the last five years, the overall estimated number of Romani individuals forcibly evicted by French authorities was higher than the estimated total size of the Romani population in France (about 20,000 individuals). According to data collected by the Ligue des droits de l'Homme and European Roma Rights Centre human rights organisations, between 2011 and the end of 2015, 70,739 Romani adults and children were forcibly evicted by French authorities⁴, a number almost four times higher than the estimated Roma population in the country.

Testimonies provided to Amnesty International by Romani adults and children, as well as by

² Concluding Observations of the UN Committee for Elimination of all Forms of Discrimination, CERD/C/FRA/CO/20-21, 15 May 2015, para. 9, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/120/58/PDF/G1512058.pdf?OpenElement>

³ Amnesty International, France: Chased away. Forced evictions of Roma in Ile-de-France, November 2012, EUR 21/012/2012, available at https://www.amnesty.org.uk/sites/default/files/amnesty_report_chased_away_roma_france_2012.pdf, Amnesty International, France: Told to move on. Forced evictions of Roma in France, 23 September 2013, EUR 21/007/2013, available at <https://www.amnesty.org/en/documents/eur21/007/2013/en/>; Amnesty International, France: Forced evictions at Calais camps risk exacerbating health concerns, 28 May 2014, available at <https://www.amnesty.org/en/latest/news/2014/05/france-forced-evictions-calais-camps-risk-exacerbating-health-concerns/>; Amnesty International, France: Bobigny forced eviction set to leave Roma families homeless, 20 October 2014, available at <https://www.amnesty.org/en/latest/news/2014/10/france-bobigny-forced-eviction-set-leave-roma-families-homeless/>; Amnesty International, We ask for justice. Europe's failure to protect Roma from racist violence, including a chapter on France: Police harassment, violence and impunity (page 15), EUR 01/007/2014, available at <https://www.amnesty.org/en/documents/EUR01/007/2014/en/>

⁴ Supra n1 : 2011: 3213 people; 2011: 9396 people; 2012: 11,982 people; 2013: 21,537 people; 2014: 13,483 people; 2015: 11,128 people.

activists and health professional supporting the families, detailed the severe impact forced evictions had on the enjoyment of a range of rights including the rights to adequate housing, to the highest attainable standard of health and, in the case of children, the right to education.⁵ As detailed in Amnesty International's reports referenced throughout this submission, forced evictions have interrupted medical treatment provided by health organizations, resulted in the loss of medical documents and jeopardised vaccinations campaigns and the trust-building process required to facilitate access to health. Forced evictions by forcing families to move often disrupt children's education, In addition, the trauma of these evictions, especially for young children, have had negative impacts on their mental health, and on their ability to succeed in school⁶.

Authoritative international and regional bodies, including the European Court of Human Rights, have deemed treatment to be degrading when it was such as to arouse in the victims feelings of fear, anguish and inferiority capable of humiliating and debasing them.⁷ In this respect, Romani individuals and families described to Amnesty International such feelings as a result of being subjected to forced evictions in France. In particular, the repeated ordeals Romani adults and children went through during and after being forcibly evicted have had very negative consequences on their physical and mental well-being⁸. Similarly, civil society organizations providing health services have repeatedly referred to the "permanent stress" or "anxiety" of Romani communities linked to the "fear" of evictions and of checks, to the uncertainty of resources and of where to live⁹.

This Committee has also concluded in several cases that similar human rights violations to those experienced by Roma in France are tantamount to cruel, inhuman or degrading treatment, particularly when carried out with violence or discriminatory intent (article 16 of the Convention)¹⁰. Illustratively, in the Decision Nr. 261/2005 in relation to the case of *Osmani versus Serbia*, the Committee considered that the "*infliction of physical and mental suffering aggravated by the complainant's vulnerability, due to his Roma ethnic origin and unavoidable association with a minority historically subjected to discrimination and prejudice, reaches the threshold of cruel, inhuman or degrading treatment*"¹¹.

⁵ Amnesty International's reports: Chased away. Forced evictions of Roma in Ile-de-France (page 38-43), Told to move on. Forced evictions of Roma in France (page 30-33); We ask for justice. Europe's failure to protect Roma from racist violence (chapter on France, pages 17-18).

⁶ Amnesty International's reports: Chased away. Forced evictions of Roma in Ile-de-France (page 38-39)

⁷ See for example *Ireland v the United Kingdom*, judgement of 18 January 1978, para. 167, I.I. v Bulgaria, judgment of 9 June 2005, para. 67; See *V.M c/Belgique* judgement of 7 juillet 2015, para 158.

⁸ Amnesty International's reports: Chased away. Forced evictions of Roma in Ile-de-France (page 42)

⁹ Amnesty International's reports: Chased away. Forced evictions of Roma in Ile-de-France (page 23, 32 and 39)

¹⁰ See *Dzemajl et al. vs Yugoslavia* (2002) available at <http://juris.ohchr.org/Search/Details/175>, *Osmani vs Serbia*, available at <http://juris.ohchr.org/Search/Details/68>; Concluding Observations on Greece CAT/C/CR/33/2 10 December 2004, Concluding Observations on Guatemala CAT/C/GTM/CO/4 25 July 2006, Concluding Observations on Russian Federation CAT/C/RUS/CO/4 6 February 2007, Concluding Observations on Kenya CAT/C/KEN/CO/1 19 January 2009.

¹¹ See *Osmani vs Serbia*, available at <http://juris.ohchr.org/Search/Details/68>;

DESTRUCTION OF HOMES AND PROPERTY AND USE OF EXCESSIVE VIOLENCE DURING EVICTIONS

As widely documented by Amnesty International, forced evictions of Roma in France are often carried out without the required legal protections under international law such as genuine prior consultation, adequate notice or adequate alternative housing.¹² Communities targeted with eviction orders are often not informed about the exact date of the eviction. Sometimes police authorities carry out eviction orders in absence of the individuals concerned. In many instances, on the day of the eviction, authorities do not allow individuals and families to collect their personal belongings, including medical records or documents regarding administrative procedures such as those regarding children's schooling. Consequently, together with the rest of the property, these items are destroyed during the forced evictions (see further the case study below).

Alternative housing is rarely offered after forced evictions. When provided, it is often for short-term periods (e.g. a limited number of nights in a hotel), not suitable for families with children and located at great distances from affected people's places of work and schools. In many cases, entire families, including often young children, are rendered homeless and vulnerable to other human rights violations as a consequence of evictions. Forced out of their homes, these families often find themselves living in increasingly precarious conditions with severe long term consequences particularly in relation to access to health and education¹³.

The case of "*Le Samaritain*" (below) is not unique in the French reality of forced evictions of Roma, however it provides illustrative evidence of human rights violations which Amnesty International considers to amount to cruel, inhuman or degrading treatment.

On 27 August 2015, 80 Romani families, amounting in total to around 300 people, including around one hundred children, were forcibly evicted from one of the oldest informal settlements in France, "*Le Samaritain*", in violation of France's international human rights obligations. The families, some of whom have been living in the informal settlement since 2007, were not genuinely consulted prior to the forced eviction and were not informed about the specific date of the eviction.

The eviction was carried out in a few hours, during the afternoon, and according to testimonies collected by Amnesty International and media reports, many of the inhabitants were not present in the settlement at the time of the eviction. Police forces reportedly entered the homes forcing the inhabitants to leave without giving them sufficient time to gather their belongings. Many families reportedly lost their documents and many of their belongings. According to interviews done by Amnesty International after the forced eviction, several inhabitants were not present when their homes were bulldozed. According to several inhabitants, police forces used tear gas against people who tried to return to their homes to collect their belongings.

Following the forced eviction, only ten families (out of a total of 80) were provided with a short term (3 nights) accommodation in a nearby hotel. The rest were rendered homeless. After the forced eviction, around 150 people, including older people, pregnant women, children in school, and adults in various forms of employment camped in front of the town hall in tents provided by Medecins du Monde, without provision of basic services (access to water and sanitation) and with no adequate alternative housing ever provided to them by authorities. To date, the families remain homeless. To Amnesty International's knowledge, to date, no

¹² See footnote 2 for the comprehensive list of Amnesty International's publications.

¹³ Amnesty International's reports: Chased away. Forced evictions of Roma in Ile-de-France (page 38-43), Told to move on. Forced evictions of Roma in France (page 30-33); We ask for justice. Europe's failure to protect Roma from racist violence (chapter on France, pages 17-18).

investigation was done regarding the use of tear gas to prevent people from accessing their homes to collect their belongings.

Such evictions are characterised by (a) a lack of due process thereby not enabling the families to be prepared (b) the destruction of belongings even sometimes in the absence of the inhabitants, (c) authorities being prepared to use excessive violence and (d) families, including pregnant women, children and elderly being left in an extremely vulnerable situation, traumatised by the forced eviction experience, homeless and in a precarious and potential destitute situation.

Amnesty International considers that such destruction of homes and belongings accompanying forced evictions, as the case of “Le Samaritain” amounts to acts of cruel, inhuman or degrading treatment.

The use of violence exercised against Romani inhabitants in the “Le Samaritain” case is unfortunately not unique. In recent years, several cases of harassment and violence perpetrated against Roma by police have been reported by media and civil society organizations, and Amnesty International has also documented other cases of harassment and alleged ill-treatment by police while implementing eviction orders. These include the use of tear-gas against children and adults who did not represent any immediate threats for police forces and destruction of personal belongings without any justification.¹⁴

The case of R. in Marseille is another illustrative but not unique example.

In November 2011, Steluta and her husband (R.) were living in the grounds of the church of St. Martin d'Arenc (Marseille), together with 10 other Romani families. In the past they had been already forcibly evicted in several other instances from informal settlements. According to testimonies collected by Amnesty International, police came on a weekly basis in the grounds of the church to check people's documents, telling them to leave the premises and at times destroying the personal belongings and the tents of the inhabitants. On the evening of the 22 November 2011, the police went again to the informal settlement, that time with the aim of evicting all of its inhabitants. Evidence from the families states that the police, without provocation or warning, sprayed tear gas inside the tents where children were sleeping and then destroyed the tents and other personal belongings. When R. questioned the police as to the reason for their behaviour, they reportedly used teargas on his face and then kicked him violently, making him fall down as he attempted to run away. R. lost consciousness and woke up in hospital, and had to undergo surgery for a fractured thighbone and had to spend six months in a rehabilitation centre. Amnesty International was informed in February 2014 by the Prefect that the internal investigation had found that the police officers had not used force disproportionately. A criminal investigation was opened by the Prosecutor of Marseille, upon information on the violent attack provided by Medecins du Monde. Amnesty International is not aware of the outcome of this investigation at the time of the writing.

¹⁴ Amnesty International, We ask for justice. Europe's failure to protect Roma from racist violence, EUR 01/007/2014, chapter on France: Police harassment, violence and impunity (page 16-17).

CONCLUSIONS AND RECOMMENDATIONS

The ongoing and systematic practice of forced evictions by the French authorities affecting thousands of Roma families every year must be seen against a background of continuing widespread discrimination and hostility towards the Roma community. In this context, both the motivations behind such evictions and the way they are being carried out leaving individuals and families traumatised and vulnerable to a range of other human rights violations amounts to cruel, inhuman or degrading treatment.

Amnesty International recommends that the French authorities:

- Ensure that all actions of public officials, in particular where the actions affect Roma (such as evictions and relocations) or other marginalized groups, are conducted in a non-discriminatory manner and in line with France's human rights obligations under the Convention and other regional and international human rights treaties;
- Ensure that the police refrain from using force unnecessarily or disproportionately during police operations in informal settlements;
- Adopt effective measures to prevent the use of excessive use of force and unnecessary destruction of property during evictions, and provide specific training on evictions to police officers;
- Ensure that allegations of harassment or unlawful use of force and unlawful damage to and destruction of property perpetrated by the police are thoroughly investigated and that perpetrators are subject to prosecution, fair trial, and appropriate punishment whilst victims are provided with full reparation including adequate compensation and rehabilitation.

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