



**International Convention on  
the Elimination  
of all Forms of  
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9  
OF THE CONVENTION**

**Information provided by France on the implementation of the  
concluding observations of the Committee on the Elimination  
of Racial Discrimination\***

[3 August 2006]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

## **ADDITIONAL REPORT OF FRANCE**

1. In its concluding observations of 18 April 2005 (CERD/C/FRA/CO/16) following the submission of the fifteenth and sixteenth periodic reports of France in February 2005 (CERD/C/430/Add.4), the Committee on the Elimination of Racial Discrimination requested the French Government to inform it of the follow-up to three of its recommendations.

2. The Government is in a position to provide the following information.

### **Concluding observations, paragraph 13**

“13. The Committee is also concerned at the unfavourable situation faced by immigrants and population groups of immigrant origin in the field of employment and education, despite the State party’s substantial efforts in this area.

**The Committee encourages the State party to follow the recommendations set out in the Court of Audit’s report on employment and education for immigrants and population groups of immigrant origin. The Committee draws the State party’s attention to its general recommendation XXV on gender-related dimensions of racial discrimination, and also invites it to bear more specifically in mind, in all measures which are adopted or planned, the situation of women, who sometimes fall victim to twofold discrimination.”**

3. With regard to the population groups of immigrant origin facing specific problems in the field of education and employment, several schemes are now in place to deal with this situation.

4. More specifically, the authorities are paying special attention to the double discrimination often faced by women of immigrant origin on account of their sex and origin.

### **Schooling for children of immigrant origin**

5. The Government would first like to draw attention to the principle of compulsory schooling for all children, whether they are of French or foreign nationality, as set forth in article L131-1 of the Education Code: “Schooling is mandatory for children of both sexes, French and foreign, aged between 6 and 16 years ...”

6. The aim of the measures to help children from newly arrived immigrant families is to enable them to have an ordinary education in the French school system and to become properly integrated in school. This is why children of immigrant origin are not considered as a separate category. The specific measures devoted to them are basically intended to guarantee their successful assimilation in the traditional school system.

7. Schooling for children who have just arrived in France is the subject of special attention within the French school system, as specified in article L321-4, paragraph 3, of the Education Code: “Special measures are set out for the reception and schooling of non-French-speaking pupils who have just arrived in France.” These measures enable schools to offer these children intensive teaching and immersion in the French language, which facilitates their integration in school.

8. At the primary level, pupils are enrolled in the ordinary classes for children of their age but are brought together every day in special French classes for beginners, the length of the classes depending on their needs. The aim is to enable them to attend all ordinary classes as quickly as possible.
9. At the secondary level, there are two systems in place, one for newly arrived children who have had some education in their country of origin and one for those who have had none.
10. Ordinary reception classes receive pupils who have already had some education in their country of origin. The children are simultaneously enrolled in an ordinary class corresponding to their age and given a personalized timetable that should allow them to follow, as far as possible, courses in ordinary classes.
11. Reception classes for pupils with no or little education enable newly arrived children of secondary-school age to learn French and acquire the basic knowledge covered by the elementary school programme. These pupils attend ordinary classes in subjects that do not require a mastery of French (music, art, physical education and sports). Again, the aim is to enable these children to follow the normal curriculum as quickly as possible.
12. The teachers in introductory or reception classes should preferably be volunteers. It is recommended that any experience of teaching French to non-French-speakers, university qualification in teaching French as a foreign or second language and training in this area should be taken into account when appointing these teachers.
13. An order of 23 December 2003 introduced supplementary qualifications in several subject areas, including French as a second language. Teachers can obtain this qualification, which is issued by the chief administrative officer of their education authority, after sitting an exam.
14. Lastly, in-service training for teachers is provided by academic centres for the education of new arrivals and Travellers' children (CASNAV). These are resource centres in which staff "help develop teaching solutions adapted to the great variety of situations faced by schools and institutions in dealing with newly arrived pupils or Travellers' children ... The main area covered by them is French-language learning and basic skills" (circular No. 2002-102 of 25 April 2005).

### **Access to employment by immigrants and individuals of immigrant origin**

#### *Measures to facilitate access by individuals of immigrant origin to jobs in the civil service*

15. The Government wishes to stress that recruitment to the civil service is based on the principle of equality as set forth in article 6 of the Declaration of the Rights of Man and the Citizen of 26 August 1789: "All citizens, being equal ... [in the eyes of the law], shall be equally eligible to all high offices, public positions and employments, according to their ability, and without other distinction than that of their virtues and talents."
16. The principle of entry by competitive examination and the preservation of candidates' anonymity guarantee impartiality and prevent any discrimination based on origin.

17. Moreover, the legislation governing the civil service strictly prohibits any discrimination between civil servants: “No direct or indirect distinction may be drawn between civil servants because of their political, trade-union, philosophical or religious views or because of their origin, sexual orientation, age, patronymic, health, physical appearance, disability, or real or supposed membership of an ethnic group or race” (Act No. 83-634 of 13 July 1983, on the rights and duties of civil servants, art. 6).

18. Nevertheless, the French Government has taken a number of steps to facilitate access to the civil service by individuals from disadvantaged population groups, including those of immigrant origin.

19. For example, ordinance No. 2005-901 of 2 August 2005 established the “PACTE” (means of entry to regional, hospital and State civil service posts), which introduced a means of entry to the civil service other than competitive examinations, in which theoretical tests often result in the exclusion of candidates of immigrant origin. The aim of the PACTE, which has been in force since 4 August 2005, is to make the civil service more representative of the society it serves, by trying to curb both discrimination and exclusion. The PACTE, which is open to young people between the ages of 16 and 25 who have no qualifications, is a contract governed by public law lasting between one year and two years and offering training and work experience, and provides access to civil-servant status after an aptitude test. Given the importance of guaranteeing fairness in selecting the beneficiaries of the PACTE, the first selection of potential candidates is left to the State employment service (the National Employment Agency, ANPE, and local offices), which forwards a list of candidates to the civil service for selection by a commission of mixed composition.

20. In addition, ordinance No. 2005-901 of 2 August 2005 eliminated most age limits for the civil-service competitive examinations as from 1 November 2005. This will allow individuals who have not had a classic French education, including many of immigrant origin, to join the civil service. The only exceptions concern professional groups considered as being on active duty and the intake from higher-education institutions where training lasts for two years or longer (the National School of Administration, the National School of the Judiciary and the National School of Public Health).

*Measures to facilitate access to employment by individuals of immigrant origin*

21. The Act of 21 April 2006 introduces several immediately applicable measures to help young people facing particular problems to find a job. These measures consist of, on the one hand, State aid for companies that sign employment contracts of any kind with such young people and, on the other, opportunities for personalized assistance. These measures concern not only all young people between the ages of 16 and 25 whose level of education is below the level of the baccalaureate, but also all those in this age group who live in problem areas of cities. This facilitates access to employment not only for young people who might be at a disadvantage because of their level of education, but also for every young person in such a situation, regardless of their level of education, social background or origin.

22. The powers of the High Authority against Discrimination and for Equality (HALDE) have been strengthened under the Equal Opportunities Act of 31 March 2006. For example, the High Authority now has real power to propose settlements for the victims of discrimination if the

discrimination in question has not been the subject of criminal proceedings. Under this power, the High Authority can propose the payment of a fine of up to €3,000 in the case of an individual and up to €15,000 in the case of a legal entity; it can also propose the issuance of a press release reporting the discrimination and the settlement reached. If a settlement is rejected or not acted upon, the High Authority can now instigate criminal proceedings by bringing a private prosecution. Moreover, the High Authority can ask to be heard in court when discrimination-related proceedings have been instigated: it has a legal right to be heard.

23. The Act envisages the establishment of 15 new urban duty-free zones. These zones, which were established under the Act of 14 November 1996 on the implementation of the “City Regeneration Pact”, are intended to combat exclusion in urban areas and encourage the professional, social and cultural integration of people living in run-down estates and districts. They target geographical areas where there has been a build-up of social and economic problems. The bill increases the tax exemptions granted to companies that set up in these areas in order to support economic activities and generate new jobs.

24. Moreover, spot checks designed to identify discrimination in access to employment or leisure opportunities, which were already accepted under case law, are now written into law.

25. Another point to be highlighted is the establishment of the National Agency for Social Cohesion and Equal Opportunities and the appointment of six prefects for equal opportunities to coordinate State action.

26. Lastly, combating discrimination in the labour market is also part of the European EQUAL programme, an initiative of the European Social Fund for the period 2000-2008, the aim of which is to combat all forms of discrimination and inequality in the field of labour and employment. Theme B of the programme is devoted exclusively to experimenting with new ways to combat racism and xenophobia in the workplace.

27. EQUAL is applicable throughout national territory. Funding is decentralized in order to encourage activities as close to the grass roots as possible. The European Social Fund Department of the Ministry of Employment and Solidarity is coordinating implementation of the programme. In the regions, the programme is run by regional prefects (through regional labour, employment and training offices).

28. So far, over 2,000 French organizations have been cooperating under the programme. In France, 230 EQUAL projects were selected in the first round of calls for projects (2001-2002) and 221 in the second round (2004-2008).

*Specific measures for women who are vulnerable to double discrimination: women of foreign origin*

29. A three-way agreement between the department for women’s rights and equality, the population and migration department and the fund to support integration and combat discrimination aims to promote the integration of immigrant women and women of immigrant origin and to prevent and combat instances of double discrimination.

30. The priorities of this agreement are to:

- Build up knowledge of the situation of women of immigrant origin, analyse instances of double discrimination and provide training in this area for staff from associations and institutions;
- Improve the image of immigrant women and women of immigrant origin;
- Pursue, as soon as new arrivals are taken in hand, a proactive policy to ensure that immigrant women and women of immigrant origin have full access to all their rights, and enable them to become more or fully independent;
- Encourage social integration through education and improved access to culture for immigrant women and women of immigrant origin;
- Encourage economic integration of immigrant women and women of immigrant origin.

The agreement, which has already been reviewed once, runs out at the end of 2006, and will be renewed by the same three partners.

31. A report entitled “Immigrant women: Ensuring the full exercise of citizenship - in full and on an equal footing”, drafted under the joint supervision of the Ministry of Justice and the Ministry of Parity and Equality in the Workplace, was issued on 7 March 2005. It proposes action on three fronts:

- *Facilitate access to rights.* To achieve this, the authorities are preparing, in partnership with the associations concerned, a guide to gender equality. The guide, which should be available in autumn 2006, is due to be widely distributed to immigrant groups and, for this purpose, will be translated into several languages;
- *Promote fundamental human rights.* This means continuing to combat the practice of forced marriages (which today still affects 70,000 girls), one-sided divorces and genital mutilation (20,000 women or girls are victims or potential victims of this);<sup>1</sup>
- *Guarantee immigrant women’s place in society.* This covers a number of measures designed to guarantee equal opportunities at school and on the labour market, e.g. by encouraging business start-ups, such as the Chrysalide scheme, under which women living in problem areas in cities who wish to start a business can receive assistance from a sponsor, who may be a company boss, manager or retiree.

32. To combat the practice of forced marriages, the Act on Strengthening the Prevention and Suppression of Violence within the Couple and against Minors, adopted on 4 April 2006, amended, among other things, article 144 of the Civil Code, on the legal age at which the girls

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<sup>1</sup> Figures from the report “Immigrant women: Ensuring the full exercise of citizenship - in full and on an equal footing”, 7 March 2005.

can marry. In the past, parents could give permission for their daughters to marry once they reached the age of 15. Now, the legal age is 18, the same as for men. Other legislative measures are helping to prevent forced marriages and curb more effectively the practice of female genital mutilation.

33. Lastly, under the above-mentioned European EQUAL programme, the “ESPERE” project (“commitment by the State employment service to restore equality”) was introduced and launched a training course for officials in the State employment service which covered, among other things, double discrimination. At a symposium on 17 November 2005, on the prevention of discrimination on grounds of race or origin and sex, a number of tools were introduced that draw on experience in various countries and present practical examples for the use of employment intermediaries. There are four tools: “greet, guide, advise and assist”; proposed principles for action and responses to problems between employers and job-seekers (case studies); putting forward arguments (two documents for managers); and proposals for team-management action and responses.

34. Furthermore, on 17 November 2005 the ministers responsible for labour and for women’s affairs were among those who signed the Charter of the State Employment Service against Discrimination and for Equal Opportunities and the Promotion of Diversity.

#### **Concluding observations, paragraph 14**

“14. Despite the State party’s efforts, the Committee remains concerned at the situation of non-citizens and asylum-seekers in holding centres and areas and delays in processing applications from refugees for family reunification.

**The Committee recommends to the State party that it should strengthen the supervision of police personnel responsible for the reception and day-to-day monitoring of holding centres for non-citizens and asylum-seekers; improve the conditions in which such persons are held; operationalize the national committee to monitor holding centres and premises and holding areas; and process applications from refugees for family reunification as speedily as possible.”**

35. The living conditions of the people held in these centres are a concern for the authorities. New regulations set out minimum standards of comfort, hygiene and security to be met by all centres by 31 December 2006. The national committee to monitor holding centres and premises and holding areas will make visits to ensure that these requirements are met.

36. With regard to delays in processing applications for family reunification, the Government acknowledges that the procedure takes too long, but the French authorities face a number of serious obstacles.

#### **Personnel in the centres receive special training and are monitored on a day-to-day basis**

37. Special attention is paid to the conduct of the personnel supervising the persons kept in detention or holding areas. Personnel receive special training and supervision to ensure that the conditions in which the detainees are processed and held respect their rights and dignity and meet ethical standards.

38. Moreover, if any allegations of verbal or physical violence are reported to the authorities, a thorough inquiry is held immediately and any breaches identified are met with disciplinary measures, without ruling out criminal sanctions.

**Conditions in holding centres are under constant review and should be substantially improved under the new regulations on facilities in holding centres**

39. The French Government is conducting a proactive policy to improve the material conditions in detention or holding areas. This policy is enshrined in the decree of 30 May 2005 on holding centres.

40. Firstly, with regard to administrative detention, decree No. 2005-617 of 30 May 2005 on administrative detention and holding areas, amending decree No. 2001-236 of 19 March 2001 on administrative detention centres and facilities, provides a new legal framework for the organization and functioning of administrative detention. This decree sets out the minimum standards for furnishing and equipping detention centres and facilities. For example, shared bedrooms may not hold more than six persons, the centre must have one freely accessible telephone for every 50 detainees, a leisure and relaxation room, and one or more rooms for medical equipment. Article 24 of the decree of 30 May 2005 stipulates that holding centres must meet the new standards by 31 December 2006.

41. For this purpose, €76 million has been made available for building new centres and refurbishing old ones.

42. The Marseille Arenc holding centre was closed on 6 June 2006 and replaced by the Marseille le Canet holding centre. The men's section of the Paris holding cells was closed on 14 June, and replaced by an extension to the holding centre in Vincennes. The women's section of the Paris holding cells will be upgraded in the next few months so that it fully meets the requirements of the decree of 30 May 2005.

43. Secondly, housing conditions in the holding areas are also receiving close attention. According to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, following its visit in 2002, the holding area at Roissy, known as ZAPI 3, which accommodates the vast majority of foreigners who have been refused entry or who applied for asylum at the border, provides "good housing conditions"<sup>2</sup> - light and airy rooms, a balanced diet, outside exercise area, a games and recreation room for children and a full-time nurse.

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<sup>2</sup> Report to the Government of the French Republic on the visit to France by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, from 17 to 21 June 2002, pp. 18-20.

**The national committee to monitor holding centres and premises and holding areas has been operational for several months**

44. The national committee to monitor holding centres and premises and holding areas (“the committee”) is now operational, following the adoption of decree No. 2005-616 of 30 May 2005, which sets out its operating procedures.<sup>3</sup>

45. The committee, an advisory body, is responsible for ensuring respect for the rights of foreigners held in the detention centres and holding areas, and makes recommendations for improving the material and humanitarian conditions in detention and holding areas. It may be consulted by the Minister of the Interior.

46. The committee makes spot checks, unannounced or otherwise, which are systematically followed up by a report. Article 4 of the decree specifies that, during visits, committee members must have access to the whole facility and that they must be able to talk in confidence with the inmates. Article 5 ensures that the committee’s future visits will be effective:

“The public authorities shall take all measures to facilitate the task of the committee. They shall provide it, on request, with all the information and documents needed for the fulfilment of its mission.

The confidentiality of information and documents requested by the committee may not be invoked unless what is at issue is national defence secrets, State security, medical secrecy or the confidentiality of the lawyer-client relationship.”

47. If the committee is aware of any facts that, in its view, amount to a breach of ethics, it reports the matter to the relevant minister so that the matter can be taken up by monitoring bodies and committees.

48. Members of the committee and its president, Mr. Bernard Chemin, senior judge emeritus of the Court of Cassation, were appointed at the beginning of 2006 and the committee was established by the Minister of the Interior on 22 March 2006. On 26 April 2006, it visited the Paris holding cells and the detention centre in Vincennes, and on 17 May it visited the administrative detention centre in Palaiseau and the administrative detention facility in Nanterre. The reports on these visits will be issued in the near future.

**Applications for family reunification of refugees**

49. The procedure for the family reunification of refugees is as follows. Every person granted asylum in France can request that their spouse and minor children join them. The application for reunification is sent to the Ministry of Foreign Affairs together with the documents needed by the ministry and the French Office for the Protection of Refugees and Stateless Persons (OFPRA) to check the composition of the family. If the application is

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<sup>3</sup> Decree published in the *Journal officiel* of 31 May 2005.

admissible, the relevant consular office is asked to summon the family members and prepare a dossier for a long-stay visa. The office will check their identities and civil status and grant a long-stay visa once the dossier is complete and in order.

50. Given all the checks on family composition and the identity of each member that have to be carried out by the central administration, the consular authorities abroad and OFPRA - to avoid massive fraud - the process can take some time. The average time needed to process a case where checks have to be carried out is estimated at 14 months; 6 to determine the admissibility of the application and 8 for the consular office to check civil-status documents with the local authorities.

51. Several factors slow down the process, primarily problems regarding the transmission of identity documents in the country of origin, especially when the national civil-status records are deficient. The consular authorities also encounter obstacles when they try to contact the family in the country of origin (failure to answer summonses, migration, lack of telecommunications equipment), since, in the interests of the individuals concerned, the French consular authorities avoid approaching the national authorities.

52. The French authorities do everything in their power to process applications as speedily as possible, but there is little they can do when confronted with the various obstacles they encounter in the countries of origin.

### **Concluding observations, paragraph 16**

“16. While it appreciates the State party’s oral and written responses to questions relating to the situation of Travellers, the Committee remains concerned at delays in the effective application of the Act of 5 July 2000 on the reception and housing of Travellers and the persistent difficulties Travellers encounter in such fields as education, employment and access to the social security and health system.

**The Committee reminds the State party of its general recommendation XXVII on discrimination against Roma and recommends that it should step up its efforts to provide Travellers with more parking areas equipped with the necessary facilities and infrastructure and located in clean environments, intensify its efforts in the field of education and combat the phenomena of exclusion of Travellers more effectively, including in the fields of employment and access to health services.”**

53. A problem arises with regard to the definition of “Travellers”, which sometimes leads to confusion when seeking to understand the problems encountered by this population group.

54. The French Government uses the term “Travellers”, which seems to reflect accurately their diversity of cultures and applies solely to French nationals. The term “Roma” is used in France to refer to foreign migrant population groups from Central and Western Europe. This distinction is applied in the response below.

55. Travellers are individuals of French nationality from various origins who share one desire: to travel. In France, they include Manouches, Sinti, Gypsies, Roma and Yéniches. Most of them have lived in France for several centuries or generations and are full French citizens. However, they are not all itinerant to the same degree. Some of them are almost completely sedentary, while others have adopted a semi-itinerant lifestyle.

56. The precise number of Travellers is not known, as the French census collectors are not allowed to collect information on ethnic or cultural origin. However, according to a 1990 study by Arsène Delamon, the population of Travellers is somewhere between 300,000 and 400,000.<sup>4</sup> These figures, while old, are still valid.

57. The Roma are a very heterogeneous group of foreign migrants from central and eastern Europe. A distinction needs to be made between those from countries that are members of the European Union and those from countries that are not (Romania, Bulgaria and the Balkans). Those who come from a member of the European Union enjoy freedom of movement, a fundamental principle of the European Union. Since 1 January 2002, those from countries that have applied to join the European Union have not needed short-stay visas to enter the Schengen zone, and are entitled to stay for 90 days. In fact, many Romanian or Bulgarian Roma go back and forth between France and their country of origin in such a way as to stay within the authorized limit for their stay and avoid finding themselves in an irregular situation. Some Roma from the Balkans, particularly those from Kosovo, have managed to obtain refugee status.

58. France has witnessed an explosion in the number of new migrants from the east since 2002, when the borders were opened. These migrants are concentrated in shanty towns on the outskirts of Paris and Lyon, where they are living in precarious conditions. Some of them are in an irregular situation and are liable to deportation under the Aliens Code.

59. Generally speaking, despite the introduction of a whole range of legislation designed to take account of the characteristics of these population groups, there are some problems related to the implementation of the legislation and others related to their itinerant lifestyle. The French Government is trying to reconcile two different approaches: one is its idea of the universal application of ordinary law to every person; the other is its desire to improve the living conditions of specific groups such as the Roma or Travellers as part of a comprehensive policy to combat exclusion and discrimination.

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<sup>4</sup> Arsène Delamon, "Situation of Travellers and suggestions for improving it", Paris, mission report to the Prime Minister, 3 July 1990. In his report, the prefect Arsène Delamon points out that a special census was taken in September 1960 and March 1961, and was periodically updated. This census concerned itinerant, semi-sedentary and sedentary people, and counted almost 80,000 people. Mr. Delamon supplemented these figures with statistics from the Ministry of the Interior based on the number of travel permits issued to Travellers over the age of 16. He assesses the distribution of Travellers in the various categories as follows: 70,000 itinerant, 65,000 semi-sedentary and 105,000 sedentary. An updated report in 1992 gives a figure of 250,000 Travellers, but gives no explanation of where this figure comes from.

**A comprehensive initiative: the National Advisory Commission on Travellers**

60. The first National Advisory Commission on Travellers was set up in 1999 and renewed in 2003. The actual establishment of the present commission encountered a number of problems, related, in particular, to the fragmentation of the community and the subsequent difficulties in coming up with satisfactory criteria for representativeness, which delayed the start of its activities. The Commission was finally inaugurated on 14 March 2006, thanks to an order of 23 December 2005 on appointments to the National Advisory Commission on Travellers.<sup>5</sup>

61. Article 1 of decree No. 2003-1120 of 24 November 2003 on the National Advisory Commission on Travellers states the following:

“The National Advisory Commission on Travellers is responsible to the ministers of social affairs and housing for studying problems specific to Travellers and for making proposals to better integrate them into the national community.”

62. The Commission may be consulted by the Prime Minister with regard to draft legislation and regulations concerning Travellers and may be called on to give an opinion by members of the Government, its president or one third of its members on any question within its field of competence.

63. It produces an annual report on its work and proposals, and lists innovative experiments to help Travellers become better integrated.

64. The Commission consists of 40 members:

- 10 members representing the 10 following ministries: employment and housing, transport, the interior, justice, defence, education, culture, health, small- and medium-sized enterprises, and social cohesion;
- 10 nationally elected representatives;
- 10 representatives of Travellers; and
- 10 eminent experts appointed by the Minister of Social Affairs and the Minister of Housing.

65. The Commission has already set up two working groups: one on housing and taxation, and the other on the daily living conditions of Travellers and their access to social security benefits.

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<sup>5</sup> Order of 23 December 2005, published in the *Journal officiel* of 13 January 2005.

## **Parking areas**

66. France is aware of the importance of special measures to promote the reception and housing of Travellers. A new law was passed in 2000 to supplement the 1990 law, which was above all designed to offer incentives.

67. The new law is intended to recognize and guarantee the itinerant lifestyle of this segment of the population by providing for the establishment of reception facilities that will allow Travellers to live in mobile homes in decent conditions. It makes it compulsory for communes of over 5,000 inhabitants to build parking areas for them; the State may provide subsidies for up to 70 per cent of the cost of such areas.

68. All permanent reception areas must have sufficient sanitation facilities for the families living there, that is, at least one toilet block building housing at least one shower and two toilets for every five caravan places.<sup>6</sup> Families must also have access to mains electricity and running water.<sup>7</sup>

69. The communes concerned were initially given two years to implement the plan, but this deadline was extended by two years by the Social Modernization Act of 2004,<sup>8</sup> in view of the delays observed.

70. If, after these four years have passed, a commune has still not complied with its obligations under the departmental plan after a formal order from the prefect, the Act permits the State to acquire the necessary land, perform the construction work and manage the reception areas on the commune's behalf and at its expense, allocating the costs to the commune's budget.

71. Associations that represent Travellers, which receive a State subsidy, are involved in the preparation and implementation of the departmental plans through departmental advisory committees.

72. Virtually all the departmental plans - 93 out of 96 - had been signed and published by 1 January 2006. The remaining three are near completion.

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<sup>6</sup> Decree No. 2001-569 of 29 June 2001.

<sup>7</sup> A handbook entitled "Recommendations for the design, construction and management of reception areas for Travellers" was published by the Department of Urbanism, Housing and Construction in November 2002 for the benefit of the communes concerned ([http://www.logement.gouv.fr/publi/droitlgt/doc\\_pdf/aires\\_accueil\\_GDV.pdf](http://www.logement.gouv.fr/publi/droitlgt/doc_pdf/aires_accueil_GDV.pdf)).

<sup>8</sup> Social Modernization Act, No. 2004-809, of 13 August 2004.

73. A review of the completed work reveals that the process has speeded up noticeably since 2004, and this trend looks set to continue in 2006 and 2007. At the end of 2005, the number of areas constructed and brought into operation was as follows:

- 262 reception areas, with 6,970 places, or 18 per cent of those envisaged in departmental plans: the funding for 25 per cent of the places envisaged in the plans is classed as an investment;
- 62 major stopping points, out of the 360 envisaged.

74. There have been problems in implementing the law and constructing the reception areas, which explains why the implementation rate is still low. For instance, two departmental plans have been cancelled following appeals by residents or associations claiming the plans breached town-planning or environmental obligations or the coastline law. The Act has also encountered problems with funding, as land prices have soared while State subsidies have levelled off. A study is being carried out to determine how to overcome this problem.

75. At the same time, communes have been instructed to devote 20 per cent of housing stock to social housing or face a fine. A bill being debated in parliament proposes that parking areas for Travellers should be included in the 20 per cent quota, which should go some way to easing the tensions that have arisen in some communes between Travellers and sedentary applicants for social housing.

76. A circular from the Ministry of the Interior to prefects enjoins them to comply with the Besson Act, not only by effectively implementing departmental plans, but also by refusing to use the police to carry out evictions if the local authority requesting police assistance has not fulfilled its obligations. The circular has been backed up by the courts, which now refuse to issue an eviction order to mayors who have not implemented the departmental plan and which call them to order. Moreover, contacts between the administration and Travellers' associations have revealed a range of needs for parking areas, as some Travellers are becoming sedentary because their traditional occupations - working at fairs and markets, collecting scrap metals - are disappearing.

77. In this way, a concerted effort is being made to find solutions to the problem of housing Travellers who wish to settle down, at least partly. Funding has been released for the construction by local authorities of rented plots for families. Also, ordinary housing funds are used to build mixed settlements (permanent structures alongside caravans) suitable for families that wish to settle down without necessarily giving up travelling.

### **Schooling for Travellers' children**

78. Education is a national priority in France.<sup>9</sup> It is compulsory for everyone up to the age of 16. It is open to all without distinction and without any requirements as regards nationality; as a public service, it must help ensure equal opportunities. The problems surrounding schooling

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<sup>9</sup> Education Code, art. L111-1.

for Travellers' children are closely related to their voluntary or enforced mobility (the shortage of parking and reception areas often leads to their eviction from unauthorized sites) and to the distance between some reception areas and schools.

79. As long ago as 1975, centres were set up to provide training and information on schooling for migrant children (CEFISEM). These have now been replaced by the academic centres for the education of new arrivals and Travellers' children (CASNAV), which make arrangements for children receiving no schooling.

80. The second Besson Act, on building reception areas, also provides for preschool education, schooling, occupational training and adult literacy courses.

81. A number of recent pieces of legislation dealing especially with the education of the children of Travellers and non-sedentary families take into account specific needs related to mobility.<sup>10</sup>

### **Integration in ordinary schools**

82. Circular No. 101 of 25 April 2002 drew attention to the fact that Travellers' children aged between 6 and 16 are also subject to compulsory education.<sup>11</sup>

83. Article L131 of the Education Code stipulates that residence in the commune determines which school a child goes to.

84. Parents can enrol their children in the nearest primary school in the commune, and even if they do not have all the necessary documents, the school is required to accept the child provisionally. The above-mentioned circular stresses the importance of applying the ordinary rules and integrating the child in an ordinary environment.<sup>12</sup>

85. Given the increasing demand for secondary schooling for Travellers' children, special educational facilities adapted to the learning difficulties common among them have been established in some departments.

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<sup>10</sup> Circular No. 2002-101 of 25 April 2002 on schooling for Travellers' children, and Circular No. 2002-102 of 25 April 2002 on the tasks and organization of academic centres for the education of new arrivals and Travellers' children, in the *Bulletin officiel de l'Education nationale*, special issue No. 10 of 25 April 2002 on schooling for new arrivals and Travellers' children.

<sup>11</sup> Circular No. 2002-101 of 25 April 2002 on schooling for the children of Travellers' and non-sedentary families, addressed to education authority chiefs and inspectors and the directors of departmental education services, *Bulletin officiel de l'Education nationale*, special issue No. 10 of 25 April 2002 on schooling for new arrivals and Travellers' children.

<sup>12</sup> To bring about a situation in conformity with ordinary law, special arrangements may be envisaged, though only on a provisional basis.

86. The purpose of the General and Vocational Adapted Learning Section (SEGPA) is to provide access to vocational training leading to a qualification based on secondary-school courses, offering step-by-step training based on identified areas of skills and leading to a diploma qualifying the individual to exercise a trade.<sup>13</sup> These courses are practical in nature and take into account cases of academic failure.

87. The distance learning proposed by the National Centre for Distance Learning<sup>14</sup> offers another solution to the problems of mobility and irregular attendance.

### **Special mobile facilities**

88. Realizing that Travellers' children have special requirements, the Ministry of Education has made special arrangements and assigned mobile teachers to put them into effect. Circular No. 102 of 25 April 2002 organizes the introduction of reception facilities for children who have just arrived in France and for Travellers' children.<sup>15</sup>

89. These itinerant schools are called "mobile school units" or *camions-ecoles* ("truck schools"). There are about 40 mobile schools in nearly 20 departments in France. About 30 of these mobile schools belong to the association Schooling Assistance for Gypsy Children,<sup>16</sup> some to the Ministry of Education and some to other associations. They stay in the parking areas, where they dispense elementary education for the youngest children so that they will be able to eventually go to an ordinary school.

90. "Field schools", in contrast, are permanent facilities located on a parking area or nearby. There are about 15 such field schools reporting to the Ministry of Education.

### **Access to employment**

91. The measures to combat any discrimination against Travellers in the labour market are the same as those mentioned with regard to access to employment by people of immigrant origin (see reply to paragraph 13).

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<sup>13</sup> The "general training certificate".

<sup>14</sup> CNED.

<sup>15</sup> Circular No. 2002-102 of 25 April 2002 on the tasks and organization of academic centres for the education of new arrivals and Travellers' children, addressed to education authority chiefs, *Bulletin officiel de l'Education nationale*, special issue No. 10 of 25 April 2002 on schooling for new arrivals and Travellers' children.

<sup>16</sup> Schooling Assistance for Gypsy Children (ASET) was founded in 1969 and registered as a national youth and popular education association by the Ministry of Youth and Sports. ASET produced the first mobile educational facilities, including mobile school units, in 1982.

92. The French Government is well aware of the characteristics of the economic situation of Travellers and the economic changes that affect them. Their economic situation has deteriorated as a result of greater competition in most of the sectors where they have traditionally worked, as well as the decline in some of the activities they have traditionally engaged in, such as recycling metals or basketwork.

93. A number of solutions have been tried to integrate Travellers in the French economy by encouraging partnerships between institutions and associations at the local level.

94. The most innovative response from the French Government to the problem of recognizing the know-how of people with no formal qualifications was the introduction of a scheme to recognize acquired experience, under the 2002 Social Modernization Act.<sup>17</sup> Such recognition is now an entitlement under the Labour Code, open to every individual regardless of age, level of studies or personal situation. This provision provides for recognition and certification of work experience, including informal skills.

### **Job-placement programmes**

95. The State provides a number of forms of assistance for economic initiatives that facilitate entrepreneurship and that exonerate companies with a modest turnover from social security and similar contributions. Many Travellers therefore benefit from the more favourable tax regime for microenterprises, and some receive assistance under the Aid for New Entrepreneurs scheme, which allows new entrepreneurs to continue receiving basic welfare benefits or unemployment benefits and free medical treatment while exercising a professional activity.<sup>18</sup>

96. Guidance, economic development and start-up programmes are also organized within the framework of the minimum welfare payment scheme.

97. Associations have launched, with State help, a project known as CODIPE<sup>19</sup> to improve the economic integration of Travellers through work. This is a national project to combat discrimination in the fields of employment and training. It is also part of the European EQUAL programme<sup>20</sup> and is co-financed by the European Social Fund. It is implemented in France by

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<sup>17</sup> Social Modernization Act, No. 2002 of 17 January 2002, *Journal officiel*, No. 15, 18 January 2002, p. 1008.

<sup>18</sup> Labour Code, arts. L351-24, R351-41 et seq.; Social Security Code, arts. L161-1, L161-1-1, L161-24 and D161-1, D161-1-1, D161-1-1-1.

<sup>19</sup> “Against Discrimination and for Employment”; see booklet 2002/2004. This project is aimed mainly at Travellers, but can be extended to anyone who encounters discrimination in access to employment.

<sup>20</sup> EQUAL is an EC initiative supported by the European Social Fund. Its mission is to promote a more inclusive work life through fighting discrimination and exclusion based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. EQUAL is implemented by member States.

the National Federation of Associations in Support of Gypsies and Travellers (FNASAT) in partnership with 11 French associations. The project revolves around three activities: recognition of know-how; research into new forms of economic activity and experiments with innovative approaches; and ordinary back-to-work schemes that provide socio-economic assistance.

### **Access to health services**

98. The French health system is based on the principle of equal access to care for the whole population, as indicated in article 1 of General Policy Act No. 98-657 of 29 July 1998, on combating exclusion, and as codified in article L115-2 of the Welfare and Family Code, which states that efforts to combat exclusion are aimed at “guaranteeing throughout the territory effective access to all fundamental rights in the areas of ... health protection ... [and] the protection of the family and children”.

99. The status of Travellers who work is governed by an order that lists those covered by social insurance who must be registered with a health insurance fund or family allowance office other than the one in the place of residence.<sup>21</sup>

100. All the rest, whether or not they receive the minimum welfare payment, have access to universal health coverage, under a scheme set up in 1999<sup>22</sup> that guarantees free access to medical care for anyone on a low income who is not covered by the general social security system.<sup>23</sup> More specifically, article 1 states that universal health coverage guarantees that everyone can receive treatment under a health insurance scheme and that those on the lowest incomes are entitled to supplementary protection and are exempt from upfront payments. Most beneficiaries are living in poverty and are often in receipt of the minimum welfare payment.

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<sup>21</sup> Order of 6 March 1995, *Journal officiel* of 11 March 1995. Article 2 stipulates that: “Salaried or similar personnel of no fixed abode or residence who are employed by fairground stallholders, itinerant circuses and theatrical touring companies are registered with: the local State health insurance office if the trips are made from a fixed starting point; the State health insurance office for the centre of the region if the trips are usually made within a region; the State health insurance office in Paris if the trips cover the whole territory.” Article 3 stipulates that: “... for individuals of no fixed abode or residence who exercise itinerant activities, family allowances are provided by: the local family allowance office if their trips are made from a fixed starting point; the family allowance office for the centre of the region if their trips are usually made within a region; the family allowance office in Paris if their trips cover the whole territory”.

<sup>22</sup> Act No. 99-641 of 27 July 1999 on the establishment of universal health coverage.

<sup>23</sup> Their income in the tax year must be no higher than €6,721. Above this level, access to universal health coverage is charged at 8 per cent of the difference between the actual income and the ceiling below which it is free.

101. Moreover, these people may benefit from free supplementary health coverage if their monthly income falls below a certain level. Recipients of the minimum welfare benefit are automatically entitled to one year's such coverage.

102. This centralized system, which is managed by the State health insurance fund (CPAM), suits the itinerant lifestyle of Travellers. It solves the problems of reimbursement of the costs covered by supplementary insurance and reduces the possibility of incurring debts after failing to renew contributions to supplementary health insurance schemes in time.<sup>24</sup>

103. Migrant Roma in an irregular situation can benefit from State Medical Assistance (AME), which in fact is available to any foreigner, even one in an irregular situation under the legislation governing the stay of foreigners in France, and to dependents, provided they have been in France for at least three months, can prove their identity and meet the income requirements.<sup>25</sup> State Medical Assistance covers 100 per cent of medical and hospital costs, and exempts the beneficiary from making upfront payments.

104. People living in mobile homes or in very precarious conditions must choose as their domicile a communal social welfare centre (CCAS) or a registered association (they will be given a certificate confirming this as their address), and must make an application for State Medical Assistance at the health insurance office responsible for the centre or organization. This procedure for establishing domicile is free of charge.

105. State Medical Assistance can be granted on humanitarian grounds to foreigners not normally resident in France whose state of health justifies it, with no minimum requirement for the length of stay, if they have an accident or fall ill during a visit to France (on a tourist or short-stay visa) or if the necessary medical care is not available in the foreigner's own country. In the latter case, the decision on an application for State Medical Assistance is the exclusive responsibility of the Minister of Social Welfare.

106. If they are not eligible for State Medical Assistance, foreigners in an irregular situation can in any case receive emergency treatment in a medical institution.

107. Travellers today mainly seek medical treatment in hospitals. Because of their itinerant lifestyle, they tend to prefer going to a hospital emergency room rather than a local doctor.

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<sup>24</sup> Gaëlla Loiseau, Social Welfare Department, report, pp. 109 ff.

<sup>25</sup> Proof that the three-month residence requirement has been met can be provided by an expired visa, passport, notification of the rejection of an asylum application, hotel bills, proof of children's enrolment in school, electricity or gas bills, etc. Applicants for State Medical Assistance must provide evidence of their income by some means; if they have no documents, they must make a declaration on their honour giving the precise amount of their income in the 12 months prior to their application (or since they settled in France if they have been living there for less than 12 months).

108. In this regard, it should be stressed that health insurance reform has made full reimbursement of medical costs conditional on choosing a family doctor. Travellers are treated like travelling sales representatives or fairground people in that, although they still have to choose a family doctor, they can consult another doctor without being penalized and can change doctor if they wish.

109. There are a number of facilities that facilitate access to treatment by the above-mentioned groups.

110. First, departmental maternity services are generally in the frontline in dealing with pregnant women and the mothers of young children, who can go there to find someone to talk to and to get information on their rights as regards social welfare and access to treatment.

111. Second, the regional programmes for access to prevention and treatment (PRAPS) established by article 71 of the General Policy Act of 29 July 1998, on combating exclusion, take measures specifically designed to give disadvantaged groups and, among others, Travellers access to preventive care and treatment. These measures are aimed at the early detection and treatment of health problems among these groups. The circular of 19 February 2002 on regional programmes for access to prevention and treatment recommends specific measures to improve Travellers' access to both preventive care and treatment. It refers to the introduction of specific tools for health education, better prevention of domestic accidents, training for professionals and volunteers from associations working with Travellers on health issues, and making health workers aware of the health risks to Travellers.

112. Finally, services providing access to health care (PASS) have been introduced in some hospitals under regional programmes for access to prevention and treatment. These services, which consist of medical and social units, are intended to facilitate access to treatment and to health-insurance entitlements for people in precarious situations, not only within the hospital system but also in networks of institutions or associations providing treatment, help and social assistance.

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