

FRANCE

SUBMISSION TO THE
EUROPEAN COMMISSION
AGAINST RACISM AND
INTOLERANCE

AMNESTY
INTERNATIONAL



Amnesty International Publications

First published in 2014 by
Amnesty International Publications
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom
www.amnesty.org

© Amnesty International Publications 2014

Index: EUR 21/001/2014
Original Language: English
Printed by Amnesty International, International Secretariat, United Kingdom

All rights reserved. This publication is copyright, but may be reproduced by any method without fee for advocacy, campaigning and teaching purposes, but not for resale. The copyright holders request that all such use be registered with them for impact assessment purposes. For copying in any other circumstances, or for reuse in other publications, or for translation or adaptation, prior written permission must be obtained from the publishers, and a fee may be payable. To request permission, or for any other inquiries, please contact copyright@amnesty.org

Amnesty International is a global movement of more than 3 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.

**AMNESTY
INTERNATIONAL**



CONTENTS

1. Introduction	4
2. Existence and implementation of legal provisions	4
2.1 Regional legal instruments.....	4
2.2 Legislation aimed at combating discrimination.....	5
2.3 Legal framework on hate crime.....	5
3. Discrimination against Roma migrants	6
3.1 Forced evictions	7
3.2 Violence and harassment against Roma migrants	9
4. Discrimination against Muslims	10
5. Rights of transgender people.....	10

1. INTRODUCTION

Amnesty International submits this contribution to the European Commission against Racism and Intolerance (ECRI) on the occasion of its fifth country monitoring cycle that includes France.

This submission especially focuses on discrimination, violence and harassment against Roma migrants. Amnesty International believes that ECRI has a crucial role to play in combating discrimination against LGBTI people in Europe. Some information pertaining to discrimination against transgender individuals in France is therefore included in this submission. The submission also addresses violations of the right to freedom of religion or belief in France and discrimination experienced by religious minorities, in particular Muslims, on the ground of religion or belief. These issues have been the focus of field research undertaken by Amnesty International in several countries including France in 2011, 2012 and 2013, as part of its regional programme of work.

2. EXISTENCE AND IMPLEMENTATION OF LEGAL PROVISIONS

2.1 REGIONAL LEGAL INSTRUMENTS

France has yet to implement some of the recommendations put forward by ECRI on the occasion of the fourth monitoring cycle in 2010.¹

France has signed neither Protocol 12 to the European Convention for the Protection of Human Rights and Fundamental freedoms (Paragraph 3 of the 2010 report) nor the United Nations Convention on the Protection of the Rights of All Migrant Workers and members of their Families (Paragraph 9). Moreover, France has not yet withdrawn the reservations concerning Article 27 of the International Covenant on Civil and Political Rights (Paragraph 8). France has also not signed the Framework Convention for the Protection of National Minorities or the Convention on the Participation of Foreigners in Public Life at Local level, and it has not yet ratified the European Convention on Nationality and the European Charter for Regional or Minority Languages (Paragraphs 8 and 9).

- **Amnesty International calls on France to sign and ratify these treaties without further delay.**

2.2 LEGISLATION AIMED AT COMBATING DISCRIMINATION

International human rights standards on discrimination require states to adopt and implement effective legislation aimed at combating all forms of discrimination and protecting people from discrimination in all areas of life. French anti-discrimination legislation has a number of protection gaps.

In particular, while French civil law provides protection against discrimination on grounds of race in several areas of life outside employment, such as education, access to goods and services, health, social protection and social advantages; protection against discrimination on other grounds, including sexual orientation, age, disability and religion or belief, is restricted to the area of employment (Law 2008-496 of 27 May 2008). Furthermore, Law 2012-954 of 6 August 2012 (mentioned above) prohibits any discrimination on the ground of “sexual identity” (*identité sexuelle*) in the area of employment (article 1132-1 of the French Labour Code). However, sexual identity may not be construed as covering the protection of individuals from discrimination on the grounds of gender identity. Domestic anti-discrimination legislation should protect transgender people from discrimination on the ground of gender identity. Amnesty International emphasises that transgender people should be protected against discrimination on the ground of gender identity in all areas of life including employment, education, access to goods and services, and education. Article 2.1 of Law 2008-496 prohibits discrimination on the ground of sex. The former High Authority to Combat Discrimination and to Promote Equality (HALDE), said that the prohibition of discrimination on the ground of sex should be construed as protecting “transsexual persons” who are, have been or will be undertaking gender reassignment surgery.² Amnesty International maintains that such a protection is a partial one as gender identity should not be narrowly construed as exclusively referring to gender reassignment surgery.

- **Amnesty International calls on France to adopt comprehensive anti-discrimination legislation that is in line with the anti-discrimination provisions enshrined by international and regional human rights treaties including the International Covenant on Civil and Political Rights (articles 2 and 26), the International Covenant on Economic, Social and Cultural Rights (article 2) and the European Convention for the Protection of Human Rights and Fundamental Freedoms (article 14 and Protocol 12).³ Amnesty International urges France to ensure that discrimination on the ground of gender identity is prohibited.**

2.3 LEGAL FRAMEWORK ON HATE CRIME

States should prohibit by law all forms of crimes perpetrated with a discriminatory motive. Moreover, states should ensure that authorities investigate any alleged discriminatory motive associated with a crime.⁴ Amnesty International is concerned that the French legal framework is not entirely in line with these human rights standards.

Under the French Criminal Code, perpetrating a crime or an offence on the basis of the real or perceived race, ethnicity, nationality, religion, sexual orientation or sexual identity of the victims constitutes an aggravating circumstance (articles 132-76 and 132-77). Moreover,

the Criminal Code foresees specific penalty enhancements for some crimes, such as murder, torture, rape, violence and threats of violence, when they are perpetrated on the basis of the grounds mentioned above.

However, French legislation does not prohibit all forms of hate crimes, including for instance those perpetrated on the ground of disability, migrant status or socio-economic status of the victims. Moreover, in 2012, France amended its legislation on sexual harassment (Law 2012-954 of 6 August 2012) by introducing the ground of “sexual identity” (*identité sexuelle*) in the French Criminal and Labour Codes. Therefore, sexual identity is included as a protected characteristic on the basis of which a hate crime can be perpetrated.⁵ However, Amnesty International is concerned that the ground of “sexual identity” does encompass “gender identity”,⁶ which is a separate prohibited ground of discrimination under international law.⁷ The United Nations Committee on Economic, Social and Cultural Rights pointed out in its comment 20 (paragraph 32) that “gender identity is recognized as among the prohibited ground of discrimination”.⁸

The French authorities collect some disaggregated data on hate crime. According to the data made available by the Ministry of the Interior, 1,539 crimes with a racist, anti-Semitic or anti-Muslim bias were perpetrated in 2012.⁹

- **Amnesty International calls on the French authorities to review the Criminal Code with the aim of prohibiting all crimes perpetrated with a discriminatory motive, including those based on characteristics such as the gender identity, disability, migrant status or socio-economic status of the victims. Furthermore, concerns remain as to whether the French authorities thoroughly investigate any alleged discriminatory motive associated with a crime. Amnesty International urges France to ensure that investigative authorities are required to investigate any alleged discriminatory motive and to ensure that prosecuting authorities consistently bring alleged discriminatory motives to the attention of the court when there is sufficient evidence to do so.**

3. DISCRIMINATION AGAINST ROMA MIGRANTS

Amnesty International has expressed serious concerns with regard to the enjoyment by Roma migrants of the rights to adequate housing and to be free from discrimination.¹⁰

Despite the case-law of the European Committee of Social Rights¹¹, the estimated 20,000 Roma living in France¹² continue to be targeted with forced evictions, live in informal settlements without access to basic services including water and sanitation, and are victims of discriminatory harassment and violence by both state and non-state actors.¹³ Moreover, some government officials and politicians not only fail to unequivocally condemn violence and discrimination against the Roma, but, in some instances, propagate discriminatory speech portraying Roma as a community with a “peculiar lifestyle” which is not “willing to integrate”.¹⁴

3.1 FORCED EVICTIONS

The policies put in place by the French government since 2012, and in particular the Circular adopted on 26 August 2012,¹⁵ have failed to date to ensure that international human rights standards on forced evictions are fulfilled.¹⁶ Although Amnesty International has not undertaken comparative research with regard to forced evictions of different communities, it certainly appears that migrant Roma are severely affected by forced evictions, and that Roma individuals and communities may experience several forced evictions per year. This is in violation of France's obligation to fulfil the right to adequate housing, including the prohibition on the forced eviction of individuals and communities.¹⁷

In recent months there have been some positive policy developments; they include a legislative amendment aimed at extending the suspension of evictions in winter to 31 March, which may be applicable to informal settlements,¹⁸ and the measures adopted towards reducing informal settlements by providing long-term social housing solutions to their inhabitants.¹⁹

However, authorities are still failing to ensure that Roma individuals and communities receive alternative housing solutions after being evicted. As a result, they are in many instances made homeless and are left with no other choices than sleeping rough on the street or moving to other informal settlements, where they are at risk of being evicted again.

For instance, on 3 December 2013, 200 people were forcibly evicted from an informal settlement around the area of Frais Vallon in the 12th arrondissement of **Marseille**. Only one family was reportedly given alternative housing. In a recent research mission to Marseille, Amnesty International talked to at least 40 people who were sleeping rough in two locations in the 3rd arrondissement and who had no alternative shelters; the groups included children and infants.²⁰ While authorities have taken some steps to counteract forced evictions, including the suspension of evictions during the winter, established by the Prefect in December 2013, many Roma communities and individuals were still at risk of being forcibly evicted at the time of writing (March 2014).

In **Lyon**, forced evictions are usually carried out without informing and consulting the targeted communities, who often are not offered any alternative accommodation. For instance, on 10 July 2013, 45 people, including 14 children and a pregnant woman, were forcibly evicted from a squatted building on Sidoine Apollinaire Street in the 9th district of Lyon. They were neither consulted nor informed about the eviction and were not given any alternative housing. As a result, they moved to other informal settlements, including the one located on Salengro Avenue in Vaux-en-Velin, from which they were then forcibly evicted on 23 August 2013.

In **Lille**, authorities have undertaken some steps to consult some Roma communities at risk of being evicted and to provide alternative accommodation in some instances. However, such consultations are usually conducted in a very short time frame, which does not allow for developing appropriate solutions tailored to the specific needs of each individual or family. In some instances alternative accommodation is offered either for a limited time or in distant regions or towns. For example, on 5 June 2013, 75 individuals were evicted from the Plaine

Winston Churchill. Sixty people were accommodated in hotels situated more than 40 km from where they had been living and, in any event, only for three weeks. The others were offered alternative accommodation in two towns situated 40 and 120 km from where they had been living. As a result, some children dropped out of schools and some families moved to other informal settlements.

Forced evictions continue in other regions, including in **Ile-de-France**, where the majority of the Roma migrants live. On 27 August 2013 for instance, the informal settlement located in Rue des Coquetiers in Bobigny was partially evicted. Thirty-five people were made homeless as a result of the eviction; they moved to either other informal settlements or to one sector of this settlement that had not been evicted. On 12 February 2014, an allegedly accidental fire destroyed this informal settlement; an 8-year old Roma child died. Alternative accommodation was not given to the individuals and families whose shelters and personal belongings were destroyed in the fire.

Living conditions in informal settlements remain extremely precarious as communities are rarely given access to basic services such as drinking water and sanitation. Such services were not available to Roma communities in most of the informal settlements visited by Amnesty International in 2013 and 2014 in Ile-de-France, Lille, Lyon and Marseille.

In sum, the Circular of 26 August 2012 has not resulted in a decrease of forced evictions. Although it has certainly provided some guidance to authorities in terms of safeguards to be put in place ahead of evictions, it remains a legally non-binding tool. French civil law does not prohibit forced evictions and does not require authorities to put in place all the safeguards established by international law with regard to the rights to information, consultation and access to remedies of those communities who are at risk of being evicted. Although French law establishes that everyone on the French territory, including migrants irrespective of their administrative status, have the right to emergency shelter,²¹ authorities have failed to date to systematically provide alternative housing solutions to individuals and communities evicted from informal settlements.

- **Amnesty International calls on France to set in place effective safeguards to prevent forced evictions; to ensure access to minimum essential services required to assure the dignity of those living in informal settlements, including a water supply, refuse collection and access to adequate sanitation; and to ensure continued access to the rights to education and health care.**
- **The French Government should amend the Circular of 26 August 2012 to include the following protection measures:**
 - 1) Ensure that no one is made homeless as a result of being evicted from an informal settlement and offer all the inhabitants suitable shelter or alternative housing several days before the eviction operations are due to start;
 - 2) Ban evictions from informal settlements during winter break that applies to other evictions (1 November – 15 March);
 - 3) Ensure that there is genuine consultation with the people concerned and that they are able to propose alternative solutions for themselves; and
 - 4) Ensure that the people concerned receive adequate information about eviction operations within a reasonable time frame.

3.2 VIOLENCE AND HARASSMENT AGAINST ROMA MIGRANTS

In recent years, several cases of harassment and violence perpetrated against Roma migrants by the police and non-state actors have been reported by the media and civil society organizations. In 2013, as revealed by Amnesty International's research, Roma migrants were subjected to violence and harassment including in Antibes (Provence-Alpes-Côte D'Azur, March 2013), St Denis (Ile-de-France, July 2013), Villeneuve d'Ascq (Nord-Pas de Calais, August 2013).

Recent research conducted by Amnesty International has uncovered cases of violence and harassment in Marseille, Paris and Hellemmes (Lille). This research revealed that, in some instances, the police harass Roma migrants living in informal settlements or fail to protect them from threats of violence from non-state actors. Moreover, authorities often do not thoroughly investigate alleged discriminatory motives related to crime. In addition, the Roma are often reluctant to report violent attacks to the police because they fear retaliation and lack trust in the police, as a result of police harassment.

For example, in Marseille, in September 2012, a group of 40 to 50 people attacked another group of about 50 Roma, threatening to set fire to personal belongings of the Roma; members of the attacking group were reportedly carrying guns. The police were called but failed to halt the threats and the Roma had to flee the area for their safety. The attacking group set fire to the belongings of the Roma. A police complaint was lodged. However, the police have said that they could not identify any suspects. Attacks and harassment of this kind against Roma by non-state actors continued unabated in the city in 2013. Reports from NGOs suggest that many such incidents are not reported to the authorities. The Prefect (*Préfet de Police*) of Marseille told Amnesty International that it was hard to establish whether violence against Roma migrants was motivated by their ethnicity or nationality. He said verbal abuse was not a characteristic of attacks on Roma, in contrast to attacks on other groups, and that hostility appeared to be motivated by the way in which the targeted Roma lived more than by their identity. Yet, the climate of hostility against Roma suggests that they are at serious risk of being targeted, in whole or in part, because of their nationality, migrant status, socio-economic status or ethnicity.²²

- **Amnesty International urges France to introduce measures that will ensure that the French authorities do the utmost to uncover the discriminatory motive behind the perpetration of a crime. Amnesty International is concerned that police have not put in place specific mechanisms, such as internal guidelines, designed to bring to light any discriminatory motives that may be behind attacks. Amnesty International calls on the French authorities to halt police harassment of Roma and to take measures to promote the reporting of hate crime.**

4. DISCRIMINATION AGAINST MUSLIMS

Discrimination against Muslims in several areas of life, and in particular in the area of employment, has continued since ECRI published its last report on France.²³ Muslims are particularly affected by discrimination on the ground of religion or belief. Muslim women wearing religious symbols are disproportionately affected by policies and regulations restricting the wearing of religious and cultural symbols.²⁴

French civil legislation provides only partial protection against discrimination on the ground of religion or belief, which is limited to the area of employment.²⁵ According to domestic legislation, differences of treatment on the ground of religion or belief in employment do not constitute discrimination if they are based on a determining occupational requirement. But the French state fails to ensure that its domestic legislation is interpreted according to international standards. In particular, France fails to exercise due diligence in order to ensure that non-state actors such as private employers do not discriminate on the ground of religion or belief. Enforcing the principle of secularism and neutrality cannot be seen as a reasonable and objective justification to introduce restrictions on the wearing of religious and cultural symbols and dress in private employment.²⁶

Although France has supported some initiatives to combat discrimination and promote diversity in the area of employment, Amnesty International remains concerned that employers are still excluding Muslims from employment on the basis of stereotypes and prejudices, and that this impacts disproportionately on Muslim women.

- **Amnesty International urges France to bridge the gaps in domestic anti-discrimination legislation to provide protection against all forms of discrimination in all areas, including discrimination on the ground of religion or belief in the area of education. In particular, the French authorities must ensure that private employers do not discriminate against Muslims or other religious minorities by introducing internal rules on religious and cultural symbols and dress, unless they are based on a determining occupational requirement in line with European anti-discrimination standards.**

5. RIGHTS OF TRANSGENDER PEOPLE

Currently, there is no specific legislation that allows transgender people to change their gender or name on official documents. Therefore, the court system is responsible for dealing with such requests, but the practices employed by the courts are not homogenous. Courts often require transgender people who wish to obtain legal recognition of their gender to receive a psychiatric diagnosis and undergo health treatments, including genital reassignment surgeries that result in irreversible sterilization. The procedure can take several years.²⁷

In 1992, the European Court of Human Rights, in an application brought against France by B, a male to female transgender person, found that the situation in which it was impossible for her to obtain legal recognition of her female gender amounted to a violation of her right to private life.²⁸ As a consequence, France's Court of Cassation established that transgender people could obtain legal recognition of their gender should they satisfy four main requirements. These conditions are: being diagnosed with "transsexualism"; undergoing medical and surgical treatments; losing the characteristics of their biological sex; and, having an appearance and social behaviour consistent with their gender identity.²⁹ The Court of Cassation also established the principle whereby lower courts could involve experts when assessing the fulfilment of these criteria.³⁰ As a result, some courts have consistently required transgender people to undergo expert assessment, at the cost of the applicant. To that end, each court appoints a number of experts, specifically psychiatrists, endocrinologists and surgeons.

A circular issued by the Ministry of Justice on 14 May 2010 stated that hormone treatments and other surgeries rather than gender reassignment surgeries were deemed to be sufficient to certify the irreversibility of the transition process undertaken by transgender people seeking legal gender recognition.³¹ In two recent judgments, the Court of Cassation clarified that a psychiatric diagnosis and evidence showing the irreversible nature of the transformation of the physical appearance were necessary for the purpose of obtaining legal gender recognition.³²

As a result of current practices regulating legal gender recognition, transgender people have to wait years to obtain documents that reflect their gender identity. The divergence between their gender, appearance and documents leads to the violation of their right to privacy and, in some instances, to discrimination. Psychiatric diagnosis of transgender identities is stigmatising for many transgender people in France. Many have highlighted that these diagnoses are often based on gender-based stereotypes. France has an obligation under human rights law to counteract such stereotypes and to ensure they are not reflected or enhanced in policies and practices.

France violates the rights of transgender people to the highest attainable standard of health and to be free from inhuman, cruel and degrading treatment by requiring them to undergo unnecessary medical procedures, such as surgeries and sterilisation, to obtain legal gender recognition. The extensive length of time required to complete the process to obtain legal gender recognition, and the de facto exclusion of those transgender people who do not want to, or cannot for health reasons, undergo the medical procedures involved such as hormone treatments or surgeries, violate their rights to private and family life and to recognition before the law.³³

- **Amnesty International calls on the French government to:**
 - **introduce a legislative proposal within the Parliament aimed at establishing a framework allowing transgender people to obtain legal recognition of their gender and to change their names through a quick, transparent and accessible procedure;**
 - **follow-up on the opinion of the National Advisory Commission on Human Rights by ensuring that the legislative proposal mentioned above does not make legal gender recognition dependent on any medical requirements such as psychiatric diagnosis, hormone treatment, surgeries or sterilization; and**

- **ensure that such a legislative proposal does not require transgender people to undergo any additional expert assessment as a condition to obtain legal recognition of their gender.**

ENDNOTES

¹ ECRI report on France. CRI (2010) 16, published on 15 June 2010, at <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/France/FRA-CbC-IV-2010-016-eng.pdf> (accessed 20 March 2014).

² See deliberation 2008-28 and 2008-29, at <http://archive.equal-jus.eu/82> (accessed 21 March 2014).

³ Amnesty International, Submission to the French Government on violence and discrimination on the ground of gender identity, January 2013, AI Index EUR 21/001/2013, at <http://www.amnesty.org/fr/library/info/EUR21/001/2013/en>.

⁴ The European Court of Human Rights (ECHR) has found that states have the duty to take all necessary steps to unmask any alleged racist hate bias on which a crime may be perpetrated (*Nachova and others v. Bulgaria*, judgment of 6 July 2005, application nos. 43577/98 and 43579/98). It also found that crimes perpetrated with a racist bias cannot be treated as common crimes because they are particularly destructive of fundamental rights (*Šečić v. Croatia*, judgment of 31 May 2007, application no. 40116/02). The ECHR found in the case of *Abdu v. Bulgaria* (judgment of 11 March 2014, application no. 26827/08) that, when investigating violent incidents that might have been sparked by racist motives, the authorities had a duty to take all reasonable steps to establish whether this had in fact been the case. ECRI's General Policy Recommendation No. 11 calls on states to ensure that the police thoroughly investigate racist offences by duly taking into account the racist motivation of ordinary offences, to establish a monitoring system for recording and monitoring racist incidents and to encourage victims and witnesses to report such incidents. Amnesty International, Amnesty International's submission to the European Commission and the Council of the European Union on the Framework Decision on racism and xenophobia (Council Framework Decision 2008/913/JHA), October 2013, AI Index IOR 52/001/2013, at <http://www.amnesty.org/en/library/info/IOR52/001/2013/en>; Amnesty International, Because of who I am: Homophobia, transphobia and hate crimes in Europe, September 2013, AI Index EUR 01/014/2013, at <https://www.amnesty.org/en/library/info/EUR01/014/2013/en>; Amnesty International, Inadequate Protection: Homophobic and transphobic hate crimes in Croatia, June 2012, AI Index EUR 64/001/2012, at <http://www.amnesty.org/en/library/info/EUR64/001/2012>; Amnesty International, Changing Laws. Changing Minds. Challenging homophobic and transphobic hate crimes in Bulgaria, June 2012, AI Index EUR/15/001/2012, at <http://www.amnesty.org/en/library/info/EUR15/001/2012>.

⁵ Loi 2012-954 du 6 août 2012 relative à l'harcèlement sexuel, at <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000026263463&dateTexte=&categorieLien=id> (accessed 21 March).

⁶ Amnesty International, Submission to the French Government on violence and discrimination on the ground of gender identity, AI Index EUR 21/001/2013.

⁷ The United Nations Committee on Economic, Social and Cultural Rights has indeed clarified that "gender identity is recognized as among the prohibited grounds of discrimination; for example, persons

who are transgender, transsexual or intersex often face serious human rights violations, such as harassment in schools or in the workplace. CESCR comment 20: Non-discrimination in Economic, Social and Cultural Rights, par.32, at <http://www2.ohchr.org/english/bodies/cescr/comments.htm>.

⁸ Amnesty International, Submission to the French Government on violence and discrimination on the ground of gender identity, AI Index EUR 21/001/2013.

⁹ Data from the Ministry of Interior and published by the Advisory Committee on Human Rights (CNCDH), at http://www.cncdh.fr/sites/default/files/cncdh_racisme_02_basse_def.pdf (accessed 21 March 2014).

¹⁰ Amnesty International, Chased Away: forced evictions of Roma in Ile-de-France, August 2012, AI Index 21/012/2012, at <http://www.amnesty.org/en/library/info/EUR21/012/2012/en>; Amnesty International, Human Rights Here, Roma Rights Now: A wake-up call to the European Union, April 2013, AI Index 01/002/2013, at <http://www.amnesty.org/en/library/info/EUR01/002/2013/en>; Amnesty International, Condamnés à l'errance : Les expulsions forcées de Roms en France, AI Index 21/007/2013, at http://www.amnesty.fr/sites/default/files/Rapport_Expulsions_forc%C3%A9es_de_roms_en_France_2609_13.pdf.

¹¹ The decision of the European Committee of Social Rights, in the case *Médecins du Monde v. France* (decision of 20 September 2012, No. 67/2011), found that by forcibly evicting Roma migrants, the French government discriminated against them with regard to the enjoyment of several rights protected by the Revised European Social Charter including the right to housing and the right to protection against poverty and social exclusion. See <http://conventions.coe.int/Treaty/en/Treaties/Html/163.htm> (accessed 21 March 2014).

Further information on the European Social Committee's case-law can be found here: <http://www.amnesty.fr/AI-en-action/Discriminations/Discriminations/Actualites/Le-Comite-europeen-des-droits-sociaux-condamne-la-France-pour-violations-manifestes-des-droits-des-p-7667> (accessed 21 March 2014).

¹² An estimated 19,209 Roma migrants lived in 429 informal settlements as of January 2014. Mission relative à l'anticipation et à l'accompagnement des opérations d'évacuation des campements illicites. Etat de lieux national des campements illicites, Janvier 2014.

¹³ According to the Human Rights League, more than 21,000 Roma migrants were forcibly evicted in France in 2013. Recensement des évacuations forcées des lieux de vie occupés par des roms étrangers en France. See Human Rights League and European Roma Rights Centre, Recensement des évacuations forcées de lieux de vie occupés par des Roms étrangers en France, 5 January 2014, at http://www.ldh-france.org/IMG/pdf/evacuations_forcees_2013.pdf (accessed 21 March 2014).

¹⁴ For example in September 2013, in an interview with Radio France International, Manuel Valls, the Minister of Interior, referring to Roma migrants, said: "Those people have lifestyles that are extremely different from ours. That means they are bound to go back to Romania or Bulgaria". See <http://www.franceinter.fr/emission-le-79-la-question-rom-dans-le-debat-politique>.

Other examples can be found in AI's briefing on violence against Roma. See Amnesty International, We ask for justice: Europe's failure to protect Roma from racist violence, April 2014 (forthcoming), AI Index EUR 01/007/2014, pp. 16-22.

¹⁵ Circulaire Interministerielle relative à l'anticipation et à l'accompagnement des opérations d'évacuation des campements illicites, at http://circulaire.legifrance.gouv.fr/pdf/2012/08/cir_35737.pdf (accessed 21 March).

¹⁶ For an overview of international human rights law on forced evictions, see Amnesty International, Know your obligations, a guide to preventing forced evictions, 2012, AI Index 35/009/2012, at <http://www.amnesty.org/en/library/info/ACT35/009/2012>.

¹⁷ For an eviction to be lawful, international human rights law requires, among other safeguards, adequate notice, consultation, due process and assurance of adequate alternative accommodation. Forced eviction has been recognised as violation of a range of human rights, including the right to adequate housing, abuses of physical and mental integrity in the process of eviction and denial of the right to education as a result of eviction.

¹⁸ Article 25 of the Loi pour l'accès au logement et un urbanisme rénové, which entered into force on 27 March 2014, reads: L'article L. 412-6 du code des procédures civiles d'exécution est ainsi modifié : 1° Au premier alinéa, la date : « 15 mars » est remplacée par la date : « 31 mars » ; 2° Le second alinéa est ainsi rédigé : « Toutefois, le juge peut supprimer le bénéfice du sursis prévu au premier alinéa lorsque les personnes dont l'expulsion a été ordonnée sont entrées dans les locaux par voie de fait ».

¹⁹ On 31 January 2014, the Minister of Housing announced a plan to reduce informal settlements and to provide long-term housing solutions to the 17,000 individuals who currently live in around 400 informal settlements in France. A convention between the government and ADOMA, an organization that is managing around 76,000 housing solutions on the national territory, has been signed. Prefects, who are responsible to provide alternative accommodation in the context of evictions and who are generally responsible to implement the 2012 Circular, which remains non-binding, will be able to refer to ADOMA according to the needs in their area of competence.

²⁰ Amnesty International, Mission to Marseille, 25-28 February 2014.

²¹ Article L345-2-2 Code de l'action sociale et des familles. See also Conseil d'Etat, ordonnance no. 356456 of 10 February 2012.

²² Amnesty International, We ask for justice: Europe's failure to protect Roma from racist violence, AI Index: EUR 01/007/2014, April 2014 (forthcoming).

²³ ECRI's report on France. CRI (2010) 16, published on 15 June 2010, p. 29-30.

²⁴ Amnesty International, Choice and Prejudice: Discrimination against Muslims in Europe, April 2012, AI Index EUR 01/001/2012, pp. 40 ff., at <http://www.amnesty.org/en/library/info/EUR01/001/2012/en>.

²⁵ Law 2008-496 of 27 May 2008 concerning several dispositions transposing community law on the field of combating discrimination (Loi portant diverses dispositions d'adaptation au droit communautaire dans le domaine de la lutte contre les discriminations), article 2.2.

²⁶ Amnesty International, Choice and Prejudice: Discrimination against Muslims in Europe, April 2012, AI Index EUR 01/001/2012, pp. 40 ff., at <http://www.amnesty.org/en/library/info/EUR01/001/2012/en>.

²⁷ The National Advisory Commission on Human Rights mentions between two and nine years in its opinion published in July 2013. Commission Nationale Consultative des Droits de L'Homme, Avis sur l'identité de genre et sur le changement de la mention de sexe à l'état civil, at <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000027778791&dateTexte=&categorie>

[Lien=id](#) (accessed 21 March 2014).

²⁸ European Court of Human Rights, *B. v. France*, judgment of 25 March 1992, application no. 13343/87, .

²⁹ Court of Cassation, Judgment of 11 December 1992, no. 91-11.900, at <http://www.acthe.fr/information/viewartrub.php?a=109> (accessed 21 March 2014).

³⁰ Court of Cassation, Judgment of 11 December 1992, no. 91-12.373, at <http://www.acthe.fr/information/viewartrub.php?a=109> (accessed 21 March 2014).

³¹ Circular no. CIV/07/10 of 14 May 2010 relating to requests for legal gender recognition (Circulaire relative aux demandes de changement de sexe à l'état civil), at http://syndromedebenjamin.free.fr/juridique/etatscivil/cec/circulaire_justice2010-05-14.htm (accessed 21 March 2014).

³² Court of Cassation, Judgment 11-14.515, at <http://www.legifrance.gouv.fr/affichJuriJudi.do?oldAction=rechJuriJudi&idTexte=JURITEXT000027072698&fastReqId=246685681> (accessed 21 March 2014), and Judgment 12-11.949, at <http://www.legifrance.gouv.fr/affichJuriJudi.do?oldAction=rechJuriJudi&idTexte=JURITEXT000027072756&fastReqId=1034479834&fastPos=2> (accessed 21 March 2014).

³³ Amnesty International, The state decides who I am: Legal gender recognition for transgender people in Europe, February 2014, AI Index EUR 01/001/2014, at <http://www.amnesty.org/en/library/info/EUR01/001/2014/en>.

AMNESTY
INTERNATIONAL



www.amnesty.org