



NEWS REPORT

Date:	5 May 2011
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Title:	Ministerial instruction to evacuate Roma illegal camps
Country:	France
<u>Context</u>	
Issue at stake:	Legality of the Minister of Interior's Ministerial instruction identifying Roma camps as targets for evacuation
Ground of discrimination:	Race/ethnic origin
Source:	National court decision <i>Conseil d'Etat</i> (Supreme Court) no 343387, 7 April, 2011,
Field:	Housing
Legislative provisions:	Article 1 of the Constitution of 1958

Content

Case: The Minister of Interior published a Ministerial instruction on 5 August 2010, addressed to all Prefects, and Directors of the national police, to evacuate camps illegally occupying private land and land of the State. The instruction followed the President of the Republic's announcement on 30 July 2010, that 300 camps were to be evacuated within 3 months, and in priority camps occupied by Roma. The Ministerial instruction specifically urged Prefects and national police Directors to mobilise police force in priority against Roma camps, and to identify measures to be taken including all necessary cooperation measures with border police forces and the French Office of immigration, in order to organise the evacuation and return to Romania and Bulgaria of Roma who cannot justify the legality of their presence on the French territory. It further gives instructions to proceed to at least one evacuation of a Roma camp per week.

On 13 September 2010, a new instruction replaced the instruction dated 5 August, 2010, and removed all references specifically targeting of Roma. It limited the instructions given by the Minister of Interior to the evacuation of illegal camps.

SOS Racism petitioned the Council of State (*Conseil d'Etat*) to annul both Ministerial instructions on ground they were discriminatory.

Decision of the Court: The terms of the ministerial instruction, even if it aimed at enforcing public order and the protection of private land, cannot target persons by reason of their ethnic origin without disregarding the principle of equality before the law as protected by the Constitution. It must therefore without further inquiry in the policy pursued, be quashed as illegal and be annulled.

However the following Ministerial instruction of 13 September 2010 limits its instruction to the dismantling and evacuation of illegally occupied land. Considering reference to any targeting of land occupied by ethnic groups had been removed, as well as reference to the expulsion of foreigners regardless of their individual situation, the allegation that it was illegal must be dismissed.

Internet link source and additional information:

<http://www.conseil-etat.fr/cde/node.php?articleid=2278>