



Press release

The Roma between France, the European Commission and Romania

Bucharest, 06.09.2010

Why has the French Government broken the European legislation?

According to official positions expressed by the French state, on grounds of public policy, illegal situation and unreasonable burden on the social assistance system, France has started, in the last month, the demolition of illegal Roma camps and has sent back to their own country 977 Roma, especially towards Romania¹, in what France, but also the Romanian Government, call “voluntary returns”, and the Center for Legal Resources (CLR) calls “collective expulsions”. In order to make sure that the Roma would not come back to France and will not ask again for the 300 euro which the French authorities call “humanitarian aid” and the CLR calls “forced bribery to give up on one’s rights”, the Roma sent to Romania, according to the declarations of the French Minister of Internal Affairs², will have their fingerprints taken.

According to *Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States*:

- in order for a European citizen to have her/his freedom of movement and residence on the territory of a member state restricted on grounds of public order, the person in question must represent a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society while considerations of general prevention shall not be accepted (Art. 27, 2)
- a decision of expulsion, which must be based exclusively on the personal conduct of the individual concerned, must be notified to this person together with the information on the means of appeal and the competent instance. Only in duly substantiated cases, shall the time allowed to leave the territory be less than 30 days (Art. 30, 3)
- an expulsion measure shall not be the automatic consequence of a Union citizen’s recourse to the social assistance system (Art 14, 3)
- an expulsion measure may not be adopted if the person in question can provide evidence that they are continuing to seek employment and that they have a genuine chance of being engaged (Art. 14, 4, b)

Regarding the fingerprinting of European citizens of Roma ethnicity, this is in breach of *Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin*. The European Parliament qualifies this type of measure in *Resolution of 10 July 2008 on the census of the Roma on the basis of ethnicity in Italy* as “an act of direct discrimination based on race and ethnic origin prohibited by Article 14 of the ECHR and furthermore an act of discrimination between EU citizens of Roma origin and other citizens, who are not required to undergo such procedures”.

What is the European Commission doing?

We take note of the fact that it has taken the European Commission, the guardian of the treaties and European legislation (According to Art. 258 of the Consolidated EU Treaty), a month to react to France’s measures in serious contradiction with European directives, more precisely, to start analyzing if France’s actions are “in full” compliance with EU law. In her declaration from August 25th 2010³, Ms. Viviane Reding, Vice-President of the European Commission and EU Commissioner for Justice, Fundamental Rights and Citizenship, considers that “We need, in particular, to tackle the root-causes leading Roma to abandon their homes and move across borders.” We wonder: since when is it that the Commission is interested in why exactly European citizens exercise their right to European citizenship? As far as we knew, the idea of freedom of movement in search for

¹ Ministère de L’intérieur de L’Outre Mer et des Collectivités Territoriales, Conférence de presse sur la mise en oeuvre des mesures d’évacuation des campements illicites Intervention de M. Brice HORTEFEUX, ministre de l’intérieur, de l’outre-mer et des collectivités territoriales - Hôtel de Beauvau, available at :

http://www.interieur.gouv.fr/sections/le_ministre/interventions/conf-presse-campements-illicites/view (06.09.2010)

² RTL, Brice Hortefeux : « Il y aura deux démantèlements par semaine en province Le ministre de l’intérieur répondait aux questions de Philippe Corbé », 29.07.2010, available at: <http://www.rtl.fr/fiche/5946387901/brice-hortefeux-il-y-aura-deux-demantelements-par-semaine-en-province.html> (06.09.2010)

³ Rapid Press Release: *Statement by Viviane Reding, Vice-president of the European Commission and EU Commissioner for Justice, Fundamental Rights and Citizenship on the Roma Situation in Europe*, 25.08.2010, disponibil la: <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/10/384&type=HTML> (06.09.2010)

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one's destiny and opportunity wherever these may lie within the European space, stood at the basis of the economic development of many states which are today among the most developed ones in the Union.

Also, Commissioner Reding offers the offices of the Commission as broker between Member States in an eventual dialogue on the situation of the Roma in Europe. Again, we wonder: since when has the Commission, according to Ms. Reding, become an actor without responsibilities and authority in the European institutional framework, when it comes to the Roma population of East-European citizenship?

What is the Romanian state doing exactly?

The attitude of France towards Romanian citizens and implicitly towards Romania is a very offensive one. Rhetorical questions of the type: "Should France receive all the scum in the world?"⁴ in the context of the discussion on the Romanian Roma does not only represent a stain on the French flag, but especially an unprecedented offence brought to the Romanian state.

Until now however, the representatives of the Romanian state, of the Ministry of Foreign Affairs in particular, have not firmly condemned France's actions. Declarations of intent, with future implementation, according to which Romania is not going to accept discrimination and the breach of the rights of Romanian citizens, are not acceptable when the breach has already happened.

The arguments forwarded by a representative of the Romanian Government, supposedly aimed at defending Romania's interest, according to which "the fact that none of the 500 repatriated persons until now have had a criminal record in Romania or in France, means that – departing from the security based discourse of the French party – in reality, these removals from the French territory are being made under the suspicion of committing crimes in the future, and therefore with the breach of the presumption of innocence"⁵, moreover suggest an attempt to defend France's interests in the matter, rather than those of Romania. Aside from the fact that, in the example described, the presumption of innocence is being wrongly invoked, as there would be no case, but an abusive measure outside any legal procedure and on a racist motivation, we understand from this argument that, should the repatriated persons have had previous criminal convictions, the repatriation could have been justified. We cannot explain otherwise the fact that the representative of the Romanian Government does not know that Directive 38 establishes that measures taken on grounds of public policy cannot be justified through previous criminal convictions in themselves (Art 27, 2) and therefore, the representative in question does not invoke this argument in Romania's interest. Also, a request addressed to the Commission by the representative of the Romanian Government to investigate whether the French measures are in conformity with European legislation, made several days after the Commission had announced already that it was going to start this investigation, places once again the Romanian state in a ridiculous position showing the lack of previous documentation on the matter.

Furthermore, the authorities of the Romanian state are cooperating with the French authorities for the "voluntary repatriation of the Roma" and seem to be moreover preoccupied that the bilateral Romanian-French relation be in no way deteriorated, rather than to defend Romania's honour by defending the Romanian citizens who have become, from European citizens, migrants from the point of view of the French state, but it seems, also from the point of view of the Romanian state, and thus expelled without any right of appeal.

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⁴ Idem 1

⁵ Mediafax.ro, *Aurescu după întâlnirea de la CE despre romi: Nu vom tolera ca cetățenii români să fie discriminați* [Aurescu after the EC meeting on the Roma: We will not tolerate that Romanian citizens be discriminated against], 31.08.2010, available at : <http://www.mediafax.ro/politic/aurescu-dupa-intalnirea-de-la-ce-despre-romi-nu-vom-tolera-ca-cetatenii-romani-sa-fie-discriminati-7070131/> (06.09.2010)