

FRENCH REPUBLIC

Ministry of Territorial Cohesion

E00

**Government Instruction
aimed at giving fresh impetus to the clearance of illegal camps
and slum areas**

NOR: TERL1736127J

(Text not published in the "Journal officiel")

**The Minister of State, Minister of the Interior,
The Keeper of the Seals, Minister of Justice,
The Minister for Europe and Foreign Affairs,
The Minister for Territorial Cohesion,
The Minister for Solidarity and Health,
The Minister for Labour,
The Minister for National Education,
The Secretary of State to the Prime Minister responsible for Equality between
women and men,**

to

For assignment:

Regional *Préfets*

Département Préfets

For information:

Regional health agencies

Education board governors

Executive summary: France has around 570 slum areas populated by 16 000 people, many of them Romanian and Bulgarian nationals. This number has remained relatively unchanged for several years, notwithstanding the clearances, which have all too often resulted in camps simply being moved elsewhere.

This Government instruction lays down a revamped framework for action in order to give fresh impetus to the policy of clearing illegal camps and slum areas, a policy that is both humane and exacting in terms of respect for rights and the law but also a policy that must be effective, pursuing the goal of a lasting reduction in the number of slum areas over the next five years.

In order to attain that goal, this Government instruction calls for the development of initiatives that have proven effective in certain areas and are typified by:

- the framing and implementation of a territorial strategy pursuing a clearly expressed aim of slum clearance;
- a partnership involving all the stakeholders concerned at the level of a given territory and integrating local and regional authority involvement as an indispensable component;
- global management, scheduled over time, from the installation of the camp to its clearance, and combining programmes geared to integration in France, respect for the laws of the Republic and transnational cooperation with the countries of origin of the communities concerned.

Supervision of the implementation of the Government instruction is entrusted to the DIHAL (Inter-ministerial delegation for housing and access to housing) which shall set up a committee tasked with reporting on the progress made in developing territorial strategies and cutting the numbers of slum areas and people living in them.

<p>Category : directive from the ministers to the departments tasked with its application, subject, where applicable, to the examination of individual cases</p>	<p>Spheres: Transport, infrastructure, housing, tourism, maritime affairs; Education, higher education, research; Immigration Interior; Justice Health, solidarity; Labour, employment, vocational training; Local and regional authorities</p>
<p>Type: Government Instruction and /or Instruction to devolved departments <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>Closed-list keywords: Social initiative, Health, Social Security; Local and regional authorities, Planning, Spatial development, Local law; Teaching, Education, Science, Technology, Justice, Public freedoms, Fundamental rights; Housing, Construction, Town planning; Security; Labour</p>	<p>Free keywords: Slums Illegal camps</p>
<p>Reference text: Inter-ministerial circular NOR INTK1233053C of 26/08/2012 on planning and support measures for operations to clear illegal camps</p>	

<p>Circular(s) repealed:</p>
<p>Date of application: immediate</p>

Appendix(/ices):

Cerfa registration no.:

The last 20 years or so have seen the re-emergence in France, mainly in large built-up areas, of shantytowns and slums illegally set up on land or in squatted buildings and mostly inhabited by poor migrants from within Europe, in undignified conditions presenting risks for their health and their safety and potentially generating friction with the neighbourhood and public order offences.

Despite repeated clearances in recent years, the number of people occupying these slums has not significantly fallen. According to inventories carried out by the Inter-ministerial delegation for housing and access to housing for homeless or poorly housed individuals (DIHAL) since 2012, this number has hovered between 15 000 and 19 000 people.

At the same time, initiatives carried out in certain areas have made it possible to significantly cut the number of these slums at the level of the areas concerned or even clear them completely.

Although many such situations of illegal occupancy and highly precarious lodging subsist or shift around within a given area, sometimes giving the impression of a stalemate, **it is necessary today to give fresh impetus to state action in this field, by setting the aim of the lasting clearance of slum areas over the next five years.**

Clearance means taking action in respect of all slums, placing them under supervision and working at the earliest possible stage to help people out of them, with the aim of completely clearing camps. It entails going beyond the approach focused on taking down camps and, instead, siting public intervention in a broader dimension, from the setting up of a camp to its removal, including the prevention of camp installations, and combining programmes geared to integration in France, respect for the laws of the Republic and the right to stay, operations to resettle people in their country of origin and transnational cooperation.

The goal of a lasting reduction in the number of these slum areas and the number of people living in them can be attained by developing and expanding the global, partnership-based and pluri-annual local strategies that have made it possible, in some areas, to definitively clear camps.

Doing so will involve:

- establishing territorial strategies, in each of the *départements* concerned or at regional level for the Ile-de-France region, for the processing of illegal camps and slums with a view to their clearance;
- providing differentiated responses depending on the characteristics of the camps and individuals;
- combating extreme deprivation and ensuring respect for the laws of the Republic;
- mobilising state funding and joint funding.

This Government instruction extends the inter-ministerial circular of 26 August 2012 on planning and support measures for operations to clear illegal camps whose scope it replicates.

1. Establishing a territorial strategy for the processing of illegal camps and slums with a view to their clearance

In some built-up districts or *départements*, it has been possible to substantially reduce the number of camps and slum areas without this resulting in camps being set up elsewhere, by taking concerted action over the long term and clearly pursuing the aim of complete clearance.

Drawing on this experience, you shall seek to establish means of framing and implementing **a territorial strategy setting out the objectives, priorities and actions in the medium and long term.**

You shall seek to devise this strategy **in a spirit of partnership**, involving **all the state departments concerned** by the different aspects of the issue (social cohesion, housing, education, health, employment, public order etc), **local authorities**, and first and foremost **the municipalities or groupings thereof (particularly large cities)**, which have a vital role to play in mobilising mainstream support measures, as well as **the départements**, lead partners in social welfare and competent *inter alia* for child protection matters, and **the**

regions, competent *inter alia* for vocational training and mobilising European structural funds (FEDER and FSE in part).

All the other stakeholders, such as **the associations, social services, social landlords and the occupants themselves**, should also be invited to contribute to this strategic planning. You shall define **an area** to be covered by the strategy, with the inter-municipal level, particularly metropolitan, very often being the appropriate one, and base your analysis on **an inventory of the situation of camps and slums** (which must be produced if one is not available). This inventory must be coordinated with the 360° territorial analyses. It will then form a basis for devising an action plan in conjunction with the governance and planning tools existing in the areas concerned, particularly the *département* action plans for housing and accommodating underprivileged people, regional health projects and also your own regional programmes providing access to prevention and care, action plans drawn up by heads of education boards with the support of education authority centres for the schooling of recently arrived children speaking other languages and children from itinerant and travelling families (Casnav), *département* insertion programmes and local pluri-annual plans for insertion and employment.

The strategy must cover **a broad range of issues**, notably access to rights, access to accommodation and housing, to care, to schooling, to employment and vocational and language training, child protection, women's rights, combating crime and trafficking in human beings, action against undignified housing conditions, waste removal and respect for the environment, respect for law and order and lawful presence on the territory.

Once defined, the territorial strategy may be the subject of a partnership agreement formally establishing *inter alia* **the backing of the local authorities concerned, their commitment and their contribution**.

Monitoring of its implementation shall be based on monitoring indicators and handled within a **local steering committee**. You shall launch discussions on the devising of this strategy with a view to it being finalised during the first half of 2018.

2. Providing differentiated responses depending on the characteristics of the camps and individuals

The nature and organisation of camps on the one hand and the situation and status of the occupants on the other hand may differ, which calls for differentiated responses in order to be effective.

a) Differentiated responses in relation to the characteristics of camps

The level of danger for the occupants, potential public order issues, the legal status and use of the land, the camp's internal organisation, size and environment are some of the factors that may vary from one camp to another, and responses must take them into account.

Whatever the characteristics of the camp, it is vital that, **at the earliest possible stage, and if possible as soon as a camp is set up and regardless of whether or not legal proceedings are under way with a view to its removal**, steps are taken to identify and analyse the situation, with the public authorities asserting their presence. These actions must pave the way for **an action plan and a provisional timetable with a view to the complete clearance of the camp**.

This on-site intervention may involve, by agreement with and with the assistance of the competent local or regional authority and rigorously ensuring that the camp neither expands nor becomes a permanent fixture, making living conditions safe (hygiene and safety measures, access to water, removal of household and other waste), supervision of the organisation of the camp (checks on the site, contractual undertaking of the occupants, mediation for access to rights, neighbourhood relations).

These measures must not be a barrier to implementing clearances decided on the basis of court decisions relating to the unlawfulness of occupancy or administrative decisions relating to dangerous camps. Clearances must comply with the **inter-ministerial circular of 26 August 2012 on planning and support measures for operations to clear illegal camps** and the instruction of 8 June 2016 on

information on operations to dismantle illegal camps. In the interests of ensuring the continuity of public welfare measures, it is important to try to establish further monitoring of the people involved after clearances.

b) Differentiated responses in relation to the characteristics of individuals

The responses proposed must furthermore take account of the situation and characteristics of camp occupants, particularly **their status** (French citizens, European Union nationals – in which case they are subject to the conditions of legal stay resulting from Directive 2004/38/EC –, third country nationals – with the application, where appropriate, of measures relating to reception and asylum for nationals of countries outside Europe), **their personal circumstances, state of health, experience, skills and aspirations**.

Special attention shall be paid to the situation of children, respect for their rights and compliance with compulsory schooling applicable to them from the age of 6, whatever their nationality, and also to the situation of women. Nursery schooling, when requested by the parents, must be facilitated.

The initial social and overall analysis must serve to identify the different situations and characteristics of occupants with a view to determining the nature of responses and the level of support to be given, whether for integration in France or in the country of origin, or other solutions to be envisaged, including for those not wishing to join an integration pathway and for whom special vigilance is required with regard to the right of stay on the national territory and the application of Directive 2004/38/EC.

3. Combating extreme deprivation and ensuring respect for the laws of the Republic

Experience of dealing with this complex issue has shown that the approach that is relevant and effective in the longer term entails combating extreme deprivation (which rules out, among other things, an approach geared to the real or supposed origin and culture of those involved), involving the mobilisation of support measures aimed at integration under general rules, and always in conformity with the laws of the Republic. The responses proposed shall be tailored to the situation of individuals but also prioritise a **mainstream social rights approach and, in this respect, be pursued along the lines of existing measures** (*département* action plans for housing and accommodating underprivileged people, regional health projects, local pluri-annual plans for insertion and employment etc). One of the challenges is to **introduce initiatives enabling these communities to access social support and insertion services**, with which they are often unfamiliar and which they sometimes fear.

In this connection, in accordance with instruction DGCS/SD1B/2016/188 of 10 June 2016 on the domiciliation of persons of no fixed abode, you shall ensure, within the framework of *département* domiciliation schemes, that the needs of persons living in camps throughout the territory are covered and that the service functions correctly where domiciliation is concerned.

With regard to **accommodation and housing**, in conjunction with the integrated reception and referral services, you shall mobilise the existing measures, including by establishing, together with social landlords, formulae for helping people into housing in small social housing programmes (notably through rental intermediation or transitional leases) with a view to access to autonomous housing as soon as possible. You may also use temporary housing formulae (basic living quarters, transition villages) by way of transitional support towards mainstream social services. The different pilot schemes run in recent years have been inventoried by the DIHAL and can be made available to you.

Whether within the framework of integrated programmes or of intervention in camps where the situation lends itself, support and mediation initiatives may be undertaken to foster access to mainstream social rights and the following support measures:

- in the sphere of **health**: hospital or out-patient healthcare access points for people without established entitlement to social security; general practitioners and specialists in local or hospital practice for people

with state medical cover or universal sickness protection; health protection for children and expectant mothers. You will be supported by the regional health agencies for these initiatives;

- in the sphere of **employment** and **training**, which are key factors in integration: companies and players in the sector of employment, training and careers guidance will have to be mobilised; public service operators in the field of employment (job centres, local employment offices, employment services for the disabled) will be able to provide assistance, particularly for the drawing up of a joint analysis and the mobilising of measures for access to work, especially group preparation to be operational for employment arranged by job centres, integration through work, state-aided contracts, integration clauses in public tenders; young people could also be referred to the contractualised support pathway to employment and autonomy, which includes the youth guarantee, work-study contracts, second-chance schemes (such as E2C, EPIDE etc) or civic service. Priority is to be given to the learning of French (literacy and French as a foreign language) and basic know-how (knowledge base and vocational skills) in conjunction with the competent authorities;

- in the sphere of **schooling** of children and young minors, which is of key strategic importance, particularly for the integration of future generations: you shall work with the education authorities to ensure compliance with compulsory schooling under the applicable regulations, compliance with compulsory school attendance and, where applicable, access to measures envisaged for newly arrived pupils speaking other languages (UPE2A); in particular, you shall work prior to any decision regarding accommodation or rehousing with the education and municipal authorities concerned in order to anticipate needs and ensure that the requirements of compulsory schooling and school attendance for the children and young people concerned are fulfilled; to develop effective school attendance and the parents' awareness of the importance of schooling, you could introduce pupil support initiatives, along the lines of a number of interesting initiatives developed in this area by the voluntary sector;

- in the sphere of access to **accommodation**: links must be forged with the integrated reception and referral services (inventorying of requests for assistance and the updating of and checks on the existence of social assessments, referrals).

- in the sphere of **social support**: in conjunction with the competent local authorities, you could mobilise the municipal welfare centres and the inter-municipal welfare centres in the area, the *département's* multidisciplinary comprehensive social support provision and the public and voluntary-sector facilities handling initial reception.

Access to mainstream social services also entails, where necessary, deploying measures geared to **child protection** and **action against the different forms of exploitation of poverty and trafficking in human beings**, and to **care for female victims of sexist and sexual violence** as well as applying rules in respect of **public order** and **tackling crime**. Finally, the application of mainstream support measures requires special care with regard to the **stigmatisation and discrimination from which the inhabitants of camps and slums may suffer**.

4. Mobilising state funding and joint funding

In order to implement the actions envisaged under the territorial strategy, you could seek **appropriations from the national envelope programmed by the Inter-ministerial delegation for housing and access to housing for homeless or poorly housed individuals** to support slum clearance initiatives (3 million euros drawn from programmes 135 and 177). In particular, these appropriations are intended to act as a catalyst in the introduction of a territorial strategy and provide leverage for the mobilisation of joint funding and the activation of ordinary credits.

You may make use of state credits for the prevention of exclusion and the integration of vulnerable individuals, credits for the development and improvement of the housing offer, town policy credits where camps are located in a priority urban district, employment policy tools, credits from the National housing agency for the clearance of insalubrious dwellings, health credits, including those managed by regional health agencies, credits managed by the Ministry of National Education, or civic service credits to support the related initiatives.

It will be vital to **seek joint funding**, especially **involving local authorities** which is indispensable for the carrying out of initiatives.

Finally, you shall take active steps, in conjunction with regional councils, *département* councils and the regional directorates responsible for business, competition, consumer protection, labour and employment, to ensure that any **structural funds** (FEDER, FSE) which, under the partnership agreement between France and the European Commission for the 2014-2020 programme, may be mobilised for initiatives to be implemented as part of the territorial slum clearance strategy, are indeed mobilised.

The Inter-ministerial delegation for housing and access to housing for homeless or poorly housed individuals (DIHAL), which is tasked with the inter-ministerial management and national monitoring of the situation of slum areas and their clearance, stands ready to provide you with methodological support and maximise your action.

You shall designate one member of the prefectural body (or of a *département* inter-ministerial directorate) tasked with the supervision of the territorial slum clearance strategy, who shall be the contact person for the DIHAL (in particular for the inventorying of slum areas) and participate in the proceedings of the monitoring committee set up by the DIHAL.

The present Government instruction shall be published in the official bulletin of the Ministry of Territorial Cohesion and also on the circulaires.gouv.fr website.

Done on 25 January 2018

Minister of State, Minister of the Interior

signed

Gérard COLLOMB

Minister for Europe and Foreign Affairs

signed

Keeper of the Seals, Minister of Justice

signed

Nicole BELLOUBET

Minister for Territorial Cohesion

signed

Jean-Yves LE DRIAN

Jacques MEZARD

Minister for Solidarity and Health

Minister for Labour

signed

signed

Agnès BUZYN

Muriel PENICAUD

Minister for National Education

Secretary of State to the Prime Minister
responsible for Equality between women and
men

signed

signed

Jean-Michel BLANQUER

Marlène SCHIAPPA