

to acute hospitals – into the standards of care that older people receive in hospital.¹⁸ The CQC found that significant numbers of hospitals were failing to meet the standards relating to dignity ('respecting and involving people who use services' (page 6)) and nutrition.

- 1 See: <http://caringforourfuture.dh.gov.uk/>.
- 2 Available at: www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_129483.pdf.
- 3 Available at: www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_129881.pdf.
- 4 Available at: http://38degrees.3cdn.net/75856a0564e9244f2a_rum6i66sh.pdf.
- 5 See: www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_122092.pdf.
- 6 Birmingham, Lambeth, north-east Lincolnshire, Shropshire, Suffolk and Surrey.
- 7 Barnet, Epsom and Ewell, Essex, Leicester, Newham, Reigate and Banstead, Barnsley, Sheffield, Bury, Manchester, Oldham, Stockport and Trafford. The pilot operates under the Community Care Services: Disabled People's Choice and Control (Pilot Scheme) (England) Directions 2010.

- 8 *Guidance on implementing the overseas visitors hospital charging regulations*, Gateway Reference 16191, DoH, 27 June 2011, available at: www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_127393.
- 9 Gateway Reference 16363, available at: www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_128734.pdf.
- 10 See: www.dh.gov.uk/en/Healthcare/Personalhealthbudgets/DH_117916.
- 11 Available at: www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_128278.
- 12 Available at: www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_125724.pdf.
- 13 'Fulfilling and rewarding lives': *the strategy for adults with autism in England*, Gateway Reference 13521, DoH, 3 March 2010. Available at: www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_113369.
- 14 Available at: <http://guidance.nice.org.uk/CG128>.
- 15 Gateway Reference 16072, available at: www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_126748.

- 16 *No secrets: guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse*, available at: www.dh.gov.uk/dr_consum_dh/groups/dh_digitalassets/@dh/@en/documents/digitalasset/dh_4074544.pdf.
- 17 Available at: www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_130187.pdf.
- 18 Available at: www.cqc.org.uk/sites/default/files/media/documents/20111007_dignity_and_nutrition_inspection_report_final_update.pdf.



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Using EU law to tackle anti-Roma discrimination: an update

■ *Centre on Housing Rights and Evictions (COHRE) v France* 63/2010, 28 June 2011.

'Using EU law to tackle anti-Roma discrimination', which was published in two parts in November and December 2011 *Legal Action* 21 and 33 respectively, considered how European law could be used to combat discrimination against Roma. Both articles discussed events in France in July 2010, when the French President, Nicolas Sarkozy, announced that the French government was going to close down 300 illegal sites, with specific attention given to those occupied by Roma. Over the following two months, 441 sites were cleared and around 1,000 people were returned to Bulgaria and Romania.

Complaint: COHRE alleged that the actions of the French government violated the rights protected by the revised European Social Charter (ESC) of the individuals who were evicted from the sites.

Decision: The European Committee of

Social Rights found that the French government had failed to demonstrate that the forced evictions of Roma of Bulgarian and Romanian origin were carried out in conditions that respected their dignity. In fact, the evictions took place against a background of ethnic discrimination, involving the stigmatisation of Roma and the threat of expulsion from France. The committee ruled that the French government's decision to dismantle the camps amounted to a violation of article 31(2) (obligation to prevent and reduce homelessness) in conjunction with article E (non-discrimination) of the revised ESC.

The committee also found that there was a very close link between the evictions from the camps and the expulsions of Roma of Bulgarian and Romanian origin from France, and that the decision to return them was

based on discriminatory provisions which directly targeted Roma individuals and their families. The French government had sought to justify its actions by invoking the 'voluntary' nature of the return, in which some Roma adults were given €300 to return (para 72). However, the committee rejected this argument. It found that consent to return was given against the backdrop of forced evictions, the real threat of expulsion from France and racial discrimination. The fact that some Roma adults were willing to accept €300 was held to demonstrate a 'situation of destitution or extreme uncertainty' (para 73). The absence of economic freedom posed a threat to the effective enjoyment of their political freedom to come and go as they pleased. Therefore, they could not be assumed to have waived their right to freedom of movement. The committee concluded that the actions of the French government amounted to a breach of article 19(8) (obligation that migrant workers and their families are not expelled unless they endanger national security or offend against public interest or morality) in conjunction with article E of the revised ESC.

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