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Situation of the Roma people in Europe

Greens/EFA motion for a resolution

Tabled by ***Hélène Flautre, Nicole Kiil-Nielsen, Margrete Auken, Reinhard Bütikofer, Marije Cornellisen, Karima Delli, Franciska Keller, Jean Lambert, Barbara Lochbihler , Ulrike Lunacek, Raul Romeva i Rueda,*** *and* ***Keith Taylor***

on behalf of the Greens/EFA Group

The European Parliament,

 Having regard to international human rights law, notably the International Convention on the Elimination of All Forms of Racial Discrimination, the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the Convention on the Elimination of All Forms of Discrimination against Women and theUnited Nations Convention on the Rights of the Child;

- Having regard to European conventions protecting human rights and fundamental freedoms, notably the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and the related case law of the European Court of Human Rights, the European Social Charter and the related recommendations of the European Committee of Social Rights,the Framework Convention for the Protection of National Minorities of the Council of Europe;

 Having regard to Articles 2, 6 and 7 of the Treaty on European Union and Articles 13 (measures against discrimination based on, inter alia, racial or ethnic origin), 12 (prohibition of discrimination on the basis of nationality) and 18 (freedom of movement);

- Having regard to the Charter of Fundamental Rights of the European Union and namely its Articles 21 (non-discrimination) and 45 (Freedom of movement and of residence);

 Having regard to Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and notably to the definitions of direct and indirect discrimination and Directive 2004/38/EC of the European Parliament and of the Council on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States;

 Having regard to the Communication from the Commission on the social and economic integration of

the Roma in Europe (COM/2010/0133) and the Reports of the European Union Agency for Fundamental Rights,

- Having regard to the **Regulation (EU) No 437/2010 of the European Parliament and of the Council of 19 May 2010 amending Regulation (EC) No 1080/2006 on the European Regional Development Fund as regards the eligibility of housing interventions in favour of marginalised communities,**

- Having regard to the recommendations of the U.N. Committee for the Elimination of Racial Discrimination in its 77th session (2-27 August 2010) regarding Denmark, Estonia, France, Romania and Slovenia;

- Having regard to the report from the Council of Europe, 4th ECRI report on France, published June 15, 2010;

- Having regard to its resolution of 14 January 2009 on the situation of fundamental rights in the European Union 2004-2008;

 Having regard to its previous resolutions on, inter alia, the Roma, racism and xenophobia, measures against discrimination, and freedom of movement, namely those of 31 January 2008 on a European Strategy on the Roma, of 10 July 2008 on the census of the Roma on the basis of ethnicity in Italy and of 25 March 2010 on the Second European Roma Summit,

 Having regard to Rules 115(5) and 110 (2)of its Rules of Procedure,

A. Whereas the French government has decided in an emergency meeting on 28 July, convened to discuss "the problems posed by the behaviour of certain Travellers and Roma" and following the killing of a Traveller (of French nationality) by a gendarme and a subsequent riot, that around 300 irregular camps inhabited by Roma and Travellers would be closed within 3 months and that Roma would be expelled to their countries of origin, mainly Romania and Bulgaria;

B. Whereas the French authorities have claimed that a "voluntary" and "humanitarian" repatriation was being carried out in return for a compensation of 300 per adult and 100 per child, while press reported and the UN committee on racial discrimination has found that "not all individuals" had given "their free and full consent" or understood their rights, with some Roma declaring of having been threatened with arrest or with forced removal shall they refuse "voluntary" repatriation, while the procedures enacted by the authorities, separating men from women and children, have also raised serious criticism; whereas in order to prevent Roma from coming back to France, the recipients of repatriation aid were requested to sign a form and their fingerprints were taken,

C. Whereas the inability to find work in the formal labour market, coupled with a lack of sufficient resources often prevents from registering their residence;

D. Whereas of the almost 400.000 Roma living in France, 95% of them have French nationality, and that France has been deporting Roma for several years, including almost 10,000 in 2009 and more than 8.000 this year;

E. Whereas 86 Roma were returned to Romania and Bulgaria on 19 August, around 130 on 20 August, around 300 on the 26th of August and that the government has announced that around 800 Roma would be returned by the end of August;

F. Whereas the French government also stated that failure to integrate the Roma minority should stop Romania and Bulgaria from joining Schengen in March if they do not "take up their responsibility"

towards Roma, in contradiction to the technical assessment of Romania and Bulgaria's compliance that was positively endorsed by all member states in the Schengen working group; whereas the Commission has also rejected such proposal by the French government;

G. Whereas notwithstanding the fact that the measures taken by the French government have raised widespread criticism at national, European and international level, from NGOs, governments, institutions and religious leaders and organisations, notably the UN, the Council of Europe and EU bodies, the French government has continued with the expulsions, receiving only the support of the Italian Interior Minister that had proposed and implemented similar measures in the past,

H. Whereas such expulsions take place in a context of statements by French government leaders suggesting links between Roma, immigrants and criminality and where proposals have also been made on the stripping of French nationality from anyone of foreign origin who threatened the life of a police officer;

I. Whereas recent Roma expulsions have been challenged by French National Courts due to the disproportionate interpretation of the "public order threat" made by the French authorities when motivating expulsions only on the ground of illegal occupation of a land;

J. Whereas the French authorities have invited Interior Ministers from Italy, Germany, the UK, Spain, Greece and later on Belgium and the European Commission, together with Canada and the US, for a meeting to discuss "immigration" and free movement issues falling under the EU competence to Paris on September, to which other Member States where not invited, and whereas the Interior Minister of Italy announced his intention to push for stricter EU rules on immigration and on free movement, notably for Roma,

K. whereas the right to free movement is a fundamental right enshrined in the EU Treaties and disciplined by directive Directive 2004/38/EC, which has been the object of a report by the Commission and of guidelines for the Member States on the correct application of the directive,

L. Whereas the EU trio in their joint declaration on the 2nd Roma summit held in Cordoba 8-9 April 2010 committed themselves to:

- advance the mainstreaming of Roma issues in European and national policies on fundamental rights, and protection against racism, poverty and social exclusion.
- improve the design of the roadmap of the Integrated Platform on Roma Inclusion and prioritizing key objectives and results
- ensure that existing financial instruments of the European Union, in particular the Structural Funds, are made available to the Roma;

M. Whereas expulsions of Roma as such amounts to a serious breach of the European values regarding human rights & fundamental freedoms and violates EU MS commitments to strengthen Roma integration as adopted on the 2nd Roma summit;

N. Whereas the Commission has the duty to ensure that EU Treaties and law, as well as human rights and fundamental freedoms, are respected, protected and promoted in the EU and shall react promptly and strongly against clear violations of these, as soon as these happen;

O. Whereas Germany is preparing to return around 12.000 Roma to Kosovo, half of which are children, including German-born children, notwithstanding the call to western European states by UNICEF and the Council of Europe Commissioner for human to stop forcibly returning Roma to Kosovo; whereas some of them have even turned up in the lead contaminated camps in North Mitrovica, where the conditions

represent a deadly health danger;whereas Sweden has deported some 50 Roma for "begging," even though begging is not a crime in Sweden; whereas other States apply similar policies; whereas Denmark has summarily expelled Roma in July;

1. Deeply condemns the measures taken by the French authorities as well as by other Member States' authorities targeting Roma and Travellers and providing for their expulsion, urges them to immediately suspend all expulsions of Roma while calling the Commission, the Council and Member States to intervene with the same request;
2. Underlines that these measures are in violation of EU Treaties and law, since they amount to a discrimination on the basis of race and ethnicity and of Directive 2004/38/EC on the free movement of citizens and of their families in the EU, while collective expulsions are prohibited by the Charter of Fundamental Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms and can be under no circumstances accepted;
3. Recalls that Directive 2004/38 circumscribes the possibility of expelling a Union citizen within very clearly defined limits and that, specifically, expulsions decisions have to be assessed and decided individually, taking into consideration the personal circumstances (Article 28), procedural safeguards have to be applied (Article 30), access to judicial and administrative suspension and redress procedures shall be guaranteed (Article 31), expulsions of citizens on grounds of representing an unreasonable burden on the host Member State's social assistance system is not sufficient in itself to justify automatic expulsion (recital 16 and Article 14), any restriction of freedom of movement and residence based on grounds of public policy, public security or public health cannot be invoked to serve economic ends, shall be proportional and be based solely on the personal conduct of the individual concerned and on no account on considerations of general prevention (Article 27), sanctions laid down by Member States must be effective and proportionate (Article 36),
4. Notes that the expulsions have targeted Roma specifically as a community as a threat to public order and safety and as a burden on the social assistance, and carried out in an extremely short lapse of time under modalities that included public stigmatization and the use of force and intimidation; since no precise individual and case-by-case evaluation can reasonably and properly be done in such conditions, procedural safeguards have not been applied and guaranteed; the condition of proportionality has been violated and the measures could have been taken for economic ends or for general prevention; the directive does not foresee or allow any procedure allowing for the facilitated or voluntary return for EU citizens to the Member State of origin on the basis of an economic "compensation", which would also be contrary to the spirit and letter of the Treaties, since freedom of movement is a fundamental right that cannot be alienated, bought or sold, and would create a discrimination between EU citizens ;
5. Urges the Member States to strictly comply with their obligations under EU laws and to remove inconsistency in the application of the Free Movement Directive requirements;
6. Underlines furthermore that the collection of fingerprints of the Roma expelled is illegal and contrary to the EU Charter of Fundamental Rights (articles 21.1 and 2), The Treaties and EU law, notably of directives 38/2004 and 43/2000 and amounts to a discrimination based on ethnic or national origin;
7. Shares the views of the Commissioner for Justice on "the rhetoric that has been used in some Member States in the past weeks" which "has been openly discriminatory and partly inflammatory" and the call to treat "carefully and responsibly" the issue of Roma integration by policy-makers and rejects inflammatory statements linking minorities and immigrants to criminality, as they perpetuate negative stereotypes which contribute to the stigmatization of and discrimination against Roma,
8. Highlights the importance of education on the acceptance of different cultures and the impact of discrimination and prejudice; notes that responsibility for effective inclusion lies with both the Roma and mainstream society, both of which must make an effort to integrate with one another if social unity is to be achieved;

9. Welcomes the statement issued by the Commissioner for Justice, Fundamental Rights and Citizenship on 25 August, where "concern" is expressed on the expulsion of Roma from France and stating that "nobody should face expulsion just for being Roma", while calling "all Member States respect the commonly agreed EU rules on free movement, non-discrimination and the common values of the European Union, which is a "community of values and fundamental rights", and notably the respect for fundamental rights, including the rights of people belonging to minorities";
10. Calls the Commission to act promptly to ensure that EU Treaties and law are respected, notably by immediately requesting Member States to stop Roma expulsions since its evaluation of the EU legality is not completed;
11. Welcomes and asks to be involved in the "full analysis" announced by the Commissioner of the situation in France and the verification of the conformity of the measures taken with EU law, as well as the exchange of information between the Commission and the French authorities and in the workshop proposed by the President of the Commission and the French authorities; calls for such monitoring to cover all Member States involved; Insists on the Commission not to base its analysis only on its exchanges with the public authorities concerned but also on in depth consultation with relevant NGOs and Roma representatives;
12. Reiterates its call on the European Commission for a comprehensive European Roma Strategy containing "concrete and forward-looking measures to improve the social integration of Roma" and "measures involving housing, access to the labour market, education and health" to contribute "to improving the situation of the Roma"; calls on the Commission, the Council, Member States and regional and local authorities to take on their joint responsibility for the Roma and contribute in this strategy at their respective level of responsibility;
13. Recalls that free movement of EU citizens is a EU matter and that consequently, on the basis of the principle of loyal cooperation, such issues shall be discussed in EU institutions and not in restricted meetings to which only some Member States governments are invited; expresses its deep concern regarding the purpose of such restricted meetings which aim at endangering the scope of the European citizenship and the implementation of the free movement of citizens;
14. Calls on the Member States concerned to close the gap in minorities' protection on its territory by signing and ratifying the Framework Convention for the Protection of National Minorities of the Council of Europe;
15. Calls on the French authorities to investigate ways of collecting ethnic statistics in the respect of the principle of equality for all so as to measure how effective are official policies combating discrimination;
16. Urges the Denmark, Estonia, France, Romania and Slovenia governments to strictly comply with their obligations under the International Convention on the Elimination of All Forms of Racial Discrimination by immediately endorsing the recommendations of the U.N. Committee for the Elimination of Racial Discrimination in its 77th session; especially for France to avoid collective deportation, to take all necessary measures to ensure equal opportunities in access to quality education at all levels, health, housing and other public facilities, to take all necessary measures to ensure right to vote, to provide shelters as planned by the Besson Law of 5 July 2000 and to guarantee an equal treatment between all the citizens by abolishing the titles of circulation for "travellers";
17. Reminds the EU MS of their obligations under international human rights law to guarantee the rights of all persons, including Roma and Travellers, inter alia, to adequate housing and underlines that adequate alternative accommodation must be provided;
18. Urges France to remove any provisions of French law which are discriminatory against Travellers, such as requiring them to carry travel permits and restricting their voting rights; calls furthermore French authorities to abide to French law, under which all municipalities (communes) with more than 5,000 inhabitants must establish authorized halting sites for Travellers, while the French Equal Opportunities and Anti-Discrimination Commission (HALDE) found that only 25 per cent of the municipalities under that obligation had done so, leading to an increase of the number of Travellers

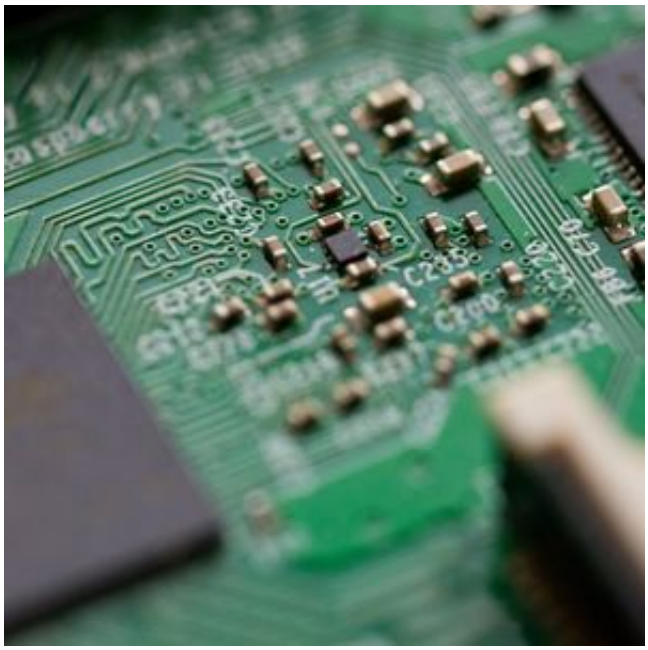
living in unauthorized halting sites;

19. Calls for the effective implementation of policies that target Roma women, who are victim of a double discrimination: as Roma and as women. Calls therefore on the Commission and the Member States, in collaboration with NGOs, to carry out awareness-raising campaigns aimed at Roma women as well as the general public, and to ensure the full implementation of the relevant provisions in order to combat discriminatory cultural habits and patriarchal role models, to prevent polarisation and tackle the prevalent sexist stereotypes and social stigmatisation which underpin violence against women, and to ensure that there is no justification of violence on the grounds of customs, traditions or religious considerations;
20. Deeply regrets the lack of political will demonstrated by the Member States during the 2nd Roma Summit and calls on the Member States to endorse concrete measures so as to materialize their commitments assumed in the Roma Summit joint declaration by the trio presidency;
21. Requests upon the Fundamental Rights Agency to draft an opinion on the conformity of such policies with the Charter of Fundamental Rights of the EU;
22. Reminds the Member states of their obligations under international human rights law to guarantee the right of the child to education on the basis of equal opportunity by avoiding any administrative obstacle;
23. Notes the importance of role models in integration and supports the exchange ofbest practices from those Member States with more experience of preventing social exclusion of Roma, notably the United Kingdom and Spain; asksin this respect the FRA to prepare a report on best practices regarding Roma inclusion so as to enrich EU policies and to enhance integration;
24. charges its responsible committee to, upon consultation with the FRA, NGOs, bodies dealing with human rights and Roma issues and bodies representing Roma people, follow up the issue and to draft a report on the situation of Roma in Europe as already decided at the beginning of the mandate, on the basis of the resolutions and requests made by Parliament in its previous reports and resolutions,
25. Calls upon the Commission to assess the use of European funds to fight against Roma discrimination and to make full use of all relevant European funds so as to ensure real Roma inclusion, with a view to enforcing the mainstreaming of Roma issues in European and national policies on fundamental rights;
26. Urges the Member States to recognise and respect the right to social and housing assistance so as to ensure a decent existence for all those who lack sufficient resources and to ensure that Roma and other people exercising their right to freedom of movement are informed about the requirements which have to be fulfilled in order to get a registration of residence;
27. Instructs its President to forward this resolution to the Council and the Commission, to the governments and parliaments of the Member States, to the Council of Europe Parliamentary Assembly, to the Council of Europe European Commission Against Racism and Intoleranceand to the UN Committee for the Elimination of Racial Discrimination;

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