

Thursday 9 September 2010

52. Urges the Commission to give an undertaking regarding the deadlines by which it will meet requests made by Parliament pursuant to Article 225 TFEU, with specific reference to the commitment under the Framework Agreement to draw up a report on the follow-up to all legislative initiative requests during the three months following adoption of a legislative initiative report and to submit a legislative proposal within a year at most;

53. Calls on the Commission, in the light of Parliament's resolutions thus far on monitoring the application of Union law, to make full use of its rights under Articles 258 and 260 TFEU, in particular in connection with failure by Member States to notify measures transposing a directive;

54. Points out that the issue of better lawmaking is directly linked to the issue of monitoring the implementation of Union law;

55. Is closely following the implementation of the EU pilot project for such monitoring; is concerned that the proposed method for examining complaints could lead to the Commission being overly dependent on the Member States;

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56. Instructs its President to forward this resolution to the Council, the Commission and the national parliaments.

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## Situation of the Roma people in Europe

P7\_TA(2010)0312

### European Parliament resolution of 9 September 2010 on the situation of Roma and on freedom of movement in the European Union

(2011/C 308 E/12)

*The European Parliament,*

- having regard to the EU Charter of Fundamental Rights, in particular Articles 1, 8, 20, 21, 19, 24, 25, 35 and 45,
- having regard to international human rights law, notably the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the United 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, and the Framework Convention for the Protection of National Minorities of the Council of Europe,
- having regard to Articles 2 and 3 of the Treaty on European Union, which lays down the fundamental rights and principles underpinning the European Union, including the principles of non-discrimination and free movement,
- having regard to Articles 8, 9, 10, 16, 18, 19, 20, 21, 151, 153 and 157 of the Treaty on the Functioning of the European Union,

Thursday 9 September 2010

- having regard to its resolutions of 28 April 2005 on the situation of the Roma in the European Union <sup>(1)</sup>, of 1 June 2006 on the situation of Roma women in the European Union <sup>(2)</sup>, of 15 November 2007 on application of Directive 2004/38/EC on the right of EU citizens and their families to move and reside freely within the territory of the Member States <sup>(3)</sup>, of 31 January 2008 on a European Strategy on the Roma <sup>(4)</sup>, of 10 July 2008 on the census of the Roma on the basis of ethnicity in Italy <sup>(5)</sup>, of 11 March 2009 on the social situation of the Roma and their improved access to the labour market in the EU <sup>(6)</sup>, and of 25 March 2010 on the Second European Roma Summit <sup>(7)</sup>,
- having regard to Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin <sup>(8)</sup>, Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation <sup>(9)</sup>, Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law <sup>(10)</sup>, Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States <sup>(11)</sup>, and Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data <sup>(12)</sup>,
- having regard to the reports on Roma, racism and xenophobia in the Member States of the EU in 2009, published by the Fundamental Rights Agency <sup>(13)</sup>, and to the reports by the Commissioner for Human Rights of the Council of Europe, Thomas Hammarberg,
- having regard to the conclusions of the European Councils of December 2007 and June 2008, the conclusions of the General Affairs Council of December 2008 and the Employment, Social Policy, Health and Consumer Affairs Council's conclusions on the inclusion of the Roma, adopted in Luxembourg on 8 June 2009,
- having regard to the proclamation in 2005 of the Decade of Roma Inclusion and the establishment of the Roma Education Fund by a number of EU Member States, candidate countries and other countries in which the Union institutions have a significant presence,
- having regard to its resolution of 24 October 2006 on women's immigration: the role and place of immigrant women in the European Union <sup>(14)</sup>,
- having regard to the conclusions of the First European Roma Summit (Brussels, 16 September 2008) and of the Second European Roma Summit (Córdoba, 8 April 2010),
- having regard to the forthcoming report by its Committee on Civil Liberties, Justice and Home Affairs on the 'EU Strategy on Roma Inclusion', which is due in late 2010,

<sup>(1)</sup> OJ C 45 E, 23.2.2006, p. 129.

<sup>(2)</sup> OJ C 298 E, 8.12.2006, p. 283.

<sup>(3)</sup> OJ C 282 E, 6.11.2008, p. 428.

<sup>(4)</sup> OJ C 68 E, 21.3.2009, p. 31.

<sup>(5)</sup> OJ C 294 E, 3.12.2009, p. 54.

<sup>(6)</sup> OJ C 87 E, 1.4.2010, p. 60.

<sup>(7)</sup> Texts adopted, P7\_TA(2010)0085.

<sup>(8)</sup> OJ L 180, 19.7.2000, p. 22.

<sup>(9)</sup> OJ L 303, 2.12.2000, p. 16.

<sup>(10)</sup> OJ L 328, 6.12.2008, p. 55.

<sup>(11)</sup> OJ L 158, 30.4.2004, p. 77.

<sup>(12)</sup> OJ L 281, 23.11.1995, p. 31.

<sup>(13)</sup> Report on Racism and Xenophobia in the Member States of the EU in 2009; European Union Minorities and Discrimination Survey, Data in Focus Report: The Roma in 2009; The Situation of Roma EU Citizens Moving to and Settling in Other EU Member States; and Housing Conditions of Roma and Travellers in the European Union: Comparative Report.

<sup>(14)</sup> OJ C 313 E, 20.12.2006, p. 118.

Thursday 9 September 2010

- having regard to the recommendations adopted by the UN Committee for the Elimination of Racial Discrimination at its 77th session (2-27 August 2010),
  - having regard to the Council of Europe report entitled 'Fourth ECRI Report on France', published on 15 June 2010,
  - having regard to the Ten Common Basic Principles on Roma Inclusion,
  - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas the European Union is founded on the principles enshrined in the EU Charter of Fundamental Rights and in the EU Treaties, which include the principles of non-discrimination, the specific rights intrinsic to EU citizenship and the right to protection of personal data,
- B. whereas these principles are implemented through the above-mentioned Directives 2000/43/EC, 2000/78/EC, 2004/38/EC and 95/46/EC,
- C. whereas the 10-12 million European Roma continue to suffer serious systematic discrimination in education (in particular segregation), housing (in particular forced evictions and sub-standard living conditions, often in ghettos), employment (a particularly low employment rate) and equal access to healthcare and other public services, and whereas they have an astoundingly low level of political participation,
- D. whereas a majority of European Roma became EU citizens after the 2004 and 2007 enlargements, so that they and their families enjoy the right to move and reside freely within the territory of the Member States,
- E. whereas many Roma individuals and communities who decided to settle in a different EU Member State to that of which they are nationals are in a particularly vulnerable position,
- F. whereas repatriations and returns of Roma have been taking place in several Member States, and recently in France, where the government either expelled or 'voluntarily' returned hundreds of Roma EU citizens between March and August 2010,
- G. whereas the French authorities invited the Interior Ministers of Italy, Germany, the UK, Spain, Greece, Canada and the US, and subsequently the Interior Minister of Belgium and representatives of the Commission, to attend a meeting in Paris in September to discuss 'immigration' and free movement issues falling within the EU's area of competence, a meeting to which other Member States were not invited, and whereas the Interior Minister of Italy has announced his intention to push for stricter EU rules on immigration and on free movement, notably for Roma,
- H. whereas this conduct has been accompanied by the stigmatisation of Roma and general anti-Gypsyism in political discourse,
- I. whereas the administrative tribunal in Lille has confirmed an earlier court decision of 27 August 2010 by overturning the deportation orders issued against seven Roma, on the grounds that the authorities had not proved that they were 'a threat to public order',
- J. whereas it has repeatedly called on the Commission to develop an EU Roma strategy promoting the principles of equal opportunities and social inclusion throughout Europe,

Thursday 9 September 2010

- K. whereas the EU has various instruments that can be used to combat Roma exclusion, such as the new opportunity provided under the Structural Funds to devote up to 2 % of the total European Regional Development Fund (ERDF) allocation to housing expenditure in favour of marginalised communities, which will take effect in the course of 2010, or the existing possibilities under the European Social Fund,
- L. whereas progress in combating discrimination against Roma by guaranteeing their rights to education, employment, health, housing and freedom of movement in the Member States has been uneven and slow, and whereas Roma representation in governmental structures and the public administration in the Member States should be increased,
1. Recalls that the European Union is above all a community based on values and principles designed to maintain and promote an open and inclusive society and EU citizenship, particularly by prohibiting all forms of discrimination;
  2. Emphasises the right of all EU citizens and their families to free movement and residence throughout the EU, a right which is a fundamental aspect of EU citizenship as defined by the Treaties and is implemented by Directive 2004/38/CE, which all Member States are required to apply and comply with;
  3. Expresses its deep concern at the measures taken by the French authorities and by other Member States' authorities targeting Roma and Travellers and providing for their expulsion; urges those authorities immediately to suspend all expulsions of Roma, at the same time calling on the Commission, the Council and the Member States to intervene with the same request;
  4. Emphasises that mass expulsions are prohibited by the Charter of Fundamental Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms and that such measures are in violation of the EU Treaties and EU law, since they amount to discrimination on the basis of race and ethnicity and a breach of Directive 2004/38/EC on the free movement of citizens and of their families in the EU;
  5. Is deeply concerned, in particular, at the inflammatory and openly discriminatory rhetoric that has characterised political discourse during the repatriations of Roma, lending credibility to racist statements and the actions of extreme right-wing groups; therefore reminds policy-makers of their responsibilities and rejects any statements which link minorities and immigration with criminality and create discriminatory stereotypes;
  6. Recalls, in that connection, that Directive 2004/38/EC provides for restrictions on the freedom of movement and the expulsion of EU citizens only as exceptions and imposes specific and clear limits on such measures; in particular, expulsion decisions must be assessed and taken on an individual basis, taking into consideration personal circumstances and guaranteeing procedural safeguards and redress (Articles 28, 30, 31);
  7. Emphasises also that, in accordance with Directive 2004/38/EC, lack of economic means can in no circumstance justify the automatic expulsion of EU citizens (Recital 16, Article 14) and that restrictions on freedom of movement and residence on grounds of public policy, public security and public health can be imposed solely on the basis of personal conduct, and not of general considerations of prevention or ethnic or national origin;
  8. Stresses, further, that the taking of the fingerprints of expelled Roma is illegal and contrary to the EU Charter of Fundamental Rights (Article 21.1 and 2), the EU Treaties and EU law, in particular Directives 2004/38/EC and 2000/43/EC, and amounts to discrimination on the basis of ethnic or national origin;

Thursday 9 September 2010

9. Urges the Member States to honour to the full their obligations under EU law and to eliminate inconsistencies in the application of the Free Movement Directive requirements; reiterates its previous calls on the Member States to review and repeal laws and policies that discriminate against the Roma on the basis of race and ethnicity, either directly or indirectly, and on the Council and the Commission to monitor the application by the Member States of the Treaties and of the directives which lay down measures to combat discrimination and on freedom of movement, notably in relation to Roma, and to take the necessary measures in cases of non-application, notably by bringing infringement proceedings;

10. Considers that the situation of Roma in Europe can in no way affect the forthcoming accession of Romania and Bulgaria to the Schengen area, nor the rights of their citizens;

11. Deeply deplores the late and limited response by the Commission, as guardian of the Treaties, to the need to verify the consistency of Member States' actions with EU primary law and EU legislation, most notably the above-mentioned directives on non-discrimination, freedom of movement and the right to protection of personal data; reiterates its concerns regarding the implications of the current allocation of responsibilities concerning Roma policies among the Members of the Commission, and calls for a strong horizontal coordination to guarantee timely and effective responses in the future;

12. Invites the Commission to stand firmly behind the values and principles enshrined in the EU Charter of Fundamental Rights and the Treaties and to respond promptly with a full analysis of the situation in France and in all the Member States as regards the conformity of Roma policies with EU legislation, including on the basis of the information provided by NGOs and Roma representatives;

13. Expresses deep concern that, despite the urgency of the matter, the Commission has thus far not responded to its calls of January 2008 and March 2010 to prepare a European Strategy on the Roma, in cooperation with the Member States; calls once again on the Commission to develop a comprehensive European Strategy for Roma Inclusion;

14. Considers that the EU and all the Member States share a responsibility to promote the inclusion of Roma and that this requires a comprehensive approach at EU level in the form of an EU Roma Strategy, based on the undertakings given at the Second European Roma Summit in Cordoba:

- mainstreaming of Roma issues in European and national policies on fundamental rights and protection against racism, poverty and social exclusion;
- improving the design of the roadmap of the integrated platform on Roma inclusion and prioritising key objectives and results;
- ensuring that funding under existing EU financial instruments reaches the Roma and helping to improve their social integration by monitoring the use of resources; introducing new conditionality in order to ensure that the use of funds better addresses the situation of the Roma;

15. Deeply deplores the lack of political will demonstrated by the Member States at the Second European Roma Summit, which only three ministers attended, and calls on the Member States to endorse concrete measures which give effect to the undertakings given in the Roma Summit joint declaration issued by the Trio Presidency;

16. Considers it essential that a complex development programme should be established which targets simultaneously all related policy areas and makes immediate intervention possible in ghetto areas struggling with serious structural disadvantages; calls on the Commission and the Member States to ensure that equal opportunity provisions are strictly complied with when the Operational Programmes are implemented, so that projects do not directly or indirectly consolidate the segregation and exclusion of Roma; stresses that on 10 February 2010 it adopted a report on the eligibility of housing interventions in favour of marginalised communities, which makes provision for housing interventions on behalf of vulnerable groups within the ERDF framework, and calls for rapid implementation of the revised regulation so that the Member States can make active use of this opportunity;

Thursday 9 September 2010

17. Calls for the effective implementation of policies that target Roma women, who are victims of twofold 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;

18. Expresses concerns in relation to the forced repatriation of Roma to countries in the Western Balkans where they might face homelessness and discrimination; calls on the Commission, the Council and the Member States to ensure that the fundamental rights of the Roma are respected, for example by providing appropriate assistance and monitoring;

19. Urges the Council to adopt a common position on structural and pre-accession funding, reflecting the European political commitment to promote Roma inclusion and to ensure that the Common Basic Principles on Roma Inclusion are taken into account in any revision of the relevant Operational Programmes, also looking ahead to the next programming period; urges the Commission to analyse and evaluate the social impact to date of investments using pre-accession and structural funds targeting vulnerable groups, to draw conclusions and to devise new strategies and rules if this is considered necessary in this field;

20. Calls for appropriate funding to be mobilised by the EU and by Member States for projects on Roma integration, for the allocation of these funds to Member States, the use of funds and the proper implementation of projects to be monitored, and for the effectiveness of projects to be assessed, and calls on the Commission and the Council to issue a report on this matter, together with appropriate proposals;

21. Encourages the EU institutions to involve Roma communities, from grassroots level up to international NGOs, in the process of developing a comprehensive EU Roma policy, including in all aspects of planning, implementation and supervision, and to draw on the experience gained with the Decade of Roma Inclusion 2005-2015, the OSCE Action Plan, and the recommendations of the Council of Europe, the United Nations and Parliament itself;

22. Calls on its committee responsible, working with the national parliaments and after consulting the Fundamental Rights Agency, which should draw up a report, and NGOs and bodies dealing with human rights and Roma issues to follow up the issue and prepare a report on the situation of Roma in Europe, building on previous Parliament resolutions and reports; a peer-to-peer evaluation mechanism should be established at EU level to monitor and ensure Member States' compliance;

23. Urges Member States to comply strictly with their obligations under the International Convention on the Elimination of All Forms of Racial Discrimination by immediately endorsing the recommendations adopted by the UN Committee for the Elimination of Racial Discrimination at its 77th session;

24. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the candidate countries, the European Data Protection Supervisor, the Council of Europe and the OSCE.

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