Resolution on the situation of Roma and on freedom of movement in the European Union

2010/2842(RSP) - 09/09/2010 - Text adopted by Parliament, single reading

The European Parliament adopted by 337 votes to 245 with 51 abstentions a resolution on the situation of Roma and on freedom of movement in the EU.

The text adopted in plenary was tabled as a joint resolution by the S&D, ALDE, Greens/ALE and GUE /NGL.

It notes that 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. **Members express 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. They urge 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. Parliament 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. It stresses, further, that the **taking of the fingerprints of expelled Roma is illegal** and contrary to the EU Charter of Fundamental Rights, 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. Members are 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. They remind policy-makers of their responsibilities and reject any statements which link minorities and immigration with criminality and create discriminatory stereotypes.

Parliament goes on to emphasises also that, in accordance with Directive 2004/38/EC, **lack of economic means can in no circumstance justify the automatic expulsion of EU citizen**s 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. It urges 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. It reiterates its previous calls on the **Member States to 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. 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.

The resolution **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 directives on non-discrimination, freedom of movement and the right to protection of personal data. Parliament 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.

It 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. Members express 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. They call once again on the Commission to develop a comprehensive European Strategy for Roma Inclusion.

Parliament also **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. It recalls that 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. This conduct has been accompanied by the stigmatisation of Roma and general anti-Gypsyism in political discourse.

Members 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:

- 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.

Lastly, Parliament expresses concerns in relation to the forced repatriation of Roma to countries in the Western Balkans where they might face homelessness and discrimination. It 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.