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Recent rise in national security discourse in Europe: the case of Roma

Committee Opinion¹

Committee on Migration, Refugees and Population

Rapporteur: Mr John GREENWAY, United Kingdom

A. Conclusions of the committee

The Committee on Migration, Refugees and Population has taken note of the report on the recent rise in national security discourse in Europe: the case of Roma, prepared by the rapporteur of the Political Affairs Committee, Mrs Brasseur (Luxembourg, ALDE) and approves the proposed draft resolution as a whole.

While it is clear that the Roma minority faces serious difficulties throughout Europe, the committee is of the opinion that the oft voiced media equation Roma = migrants/irregular migrants = criminals is not only wrong, but is in particular dangerous. Trying to resolve the situation of Roma in Europe solely through migration management policies is far too simplistic an approach. The committee furthermore reminds member states of their obligations to comply with human rights principles and Council of Europe's conventions when they carry out expulsions from their territory.

B. Proposed amendments to the draft resolution

Amendment A (to the draft resolution)

After paragraph 11.2, add the following:

“to refrain from stirring tensions between settled Roma and Travellers communities with Roma migrants in an irregular situation;”

Amendment B (to the draft resolution)

After paragraph 12.2, add the following:

“In terms of expulsions, calls on the member states to fully comply with their obligations – including of a procedural nature – under the European Convention on Human Rights and the relevant case law of the Court, refrain from conducting disguised collective expulsions and, in accordance with the recommendations of the Council of Europe Commissioner for Human Rights, refrain from returning Roma to Kosovo until it can be established that such returns can be undertaken with full regard to the safety and prospective living conditions of returnees;”

1. Reference to committee: Bureau decision, Reference 3702 of 4 October 2010. Reporting committee: Political Affairs Committee. See [Doc. 12386](#). Opinion approved by the committee on 5 October 2010.



Amendment C (to the draft resolution)

After paragraph 12.2, add the following:

“Encourages the member states to make greater use of the European Social Fund for integrating Roma and of the project loans granted by the Council of Europe Development Bank, which have already helped fund projects aimed at integrating Roma migrants in both member states and other countries with significant Roma populations;”

Amendment D (to the draft resolution)

At the end of paragraph 12.4, add the words

“, and in this context, take up the issue of Roma movement and migration in Europe, together with Roma return policies and practice.”

C. Explanatory memorandum by Mr Greenway, rapporteur for opinion

1. The rapporteur wishes first to congratulate Mrs Brasseur, the rapporteur of the Political Affairs Committee, who has prepared a report based on sound facts.
2. Although it may appear that this issue, on which the Committee on Migration, Refugees and Population is issuing this opinion, may seem new, the Parliamentary Assembly has repeatedly given significant attention to the problems associated with Roma migrants across Europe.
3. Political discourse is therefore not new. Indeed, for several years Roma migrants have frequently been targeted by security policies and discourse in Europe. Such discourse sometimes results in pure and simple expulsion of Roma settled in member states (most frequently in member states of the European Union). This opinion will focus on the question of expulsions and returns (voluntary to a greater or lesser degree), which comes within our committee's remit. The rapporteur also refers to the report by Mr Pupovac on Roma asylum seekers in Europe.² The conclusions of that report, which are particularly relevant to this opinion, are not repeated here, although they deserve to be taken into account.
4. A few statistics will give some idea of the problem.
5. It is reported that 1 625 Romanians were expelled from 18 European countries to Romania in the first half of 2010. During this period, 581 Romanians are said to have been expelled from France, 350 from Italy, 260 from Belgium, 121 from Denmark, 72 from the United Kingdom, and 62 from Germany.³ We do not have accurate figures on the number of Roma among these persons, but they are highly likely to be very much in the majority. More specifically, according to the French Ministry of Foreign and European Affairs, those leaving France between 28 July and 27 August 2010 included 881 Romanians (83% described as leaving voluntarily) and 98 Bulgarians (100% described as leaving voluntarily). The total figures since the beginning of the year are 7 377 Romanians (85% described as leaving voluntarily) and 951 Bulgarians (82% described as leaving voluntarily).⁴ The report of the Political Affairs Committee also notes cases of expulsions of Roma from Denmark, Italy and Sweden. In those countries too, a rise in security discourse has recently been observed, equating Roma migrants with criminals.
6. Our committee is very keen to give regular reminders that migrants have rights which must be guaranteed, but that they also have responsibilities which they must fulfil. In this context, the rapporteur wishes to emphasise that certain Roma undeniably engage in criminal activities, in a proportion probably comparable to that generally observed in the rest of the population in disadvantaged environments. This is a problem which governments should solve by punishing criminals. Nevertheless, the criminal activity of certain members of a community cannot be used as a pretext for heaping opprobrium on the whole of the community concerned.
7. Where recent developments in France are concerned,⁵ the French Government has alleged that the expulsions were merely a public order measure intended to prevent illegal immigration. On several occasions assurances have been given that they were not being applied to any ethnic group in particular.

2. . Assembly [Doc. 12393](#).

3. . Die Welt, “Die Macht der Clans”, 3 September 2010.

4. . Figures provided in September 2010 by the French Ministry of Foreign and European Affairs, “La France, l'Europe et les Roms”, Argumentaire sur la politique de la France.

8. Despite these assurances a circular from the French Interior Ministry dated 5 August 2010 stated that “the President of the Republic gave specific instructions on 28 July last to dismantle 300 camps or illegal settlements within three months, prioritising those of Roma”. This statement is unambiguous. As soon as it had been published, however, France cancelled the circular and issued a new one in its place, dated 13 September and containing no discriminatory element.

9. It is important to emphasise that the move by Roma from eastern to western Europe is a result of the particularly uncertain, and sometimes quite simply scandalous, living conditions that Roma face in their countries of origin.⁶ The rapporteur welcomes the fact that France (like some other European countries) aims to work with the states concerned and with the European institutions on the social integration of Roma in the countries of which they are citizens. States should, moreover, make more extensive and effective use of the European Social Fund for the integration of Roma, and of the project loans granted by the Council of Europe Development Bank.⁷ Shocked by what it described as a shamefully poor record “considering the amount of paper – and money – dedicated to improving the situation of Roma at all levels”, the Assembly adopted [Resolution 1740 \(2010\)](#) containing firm recommendations to its member states with a view to improving the situation of Roma in Europe.

10. However, in the opinion of the rapporteur it is oversimplistic to portray the “Roma question” as an issue of immigration and, what is more, one of public security.

11. The reality of the Roma question is clear from the population figures.⁸ Of an estimated Roma population of 400 000 in France, only 10 000 to 12 000 are migrants (80% of whom are originally from Romania). Migrants thus represent a tiny proportion – not even 1% – of France’s Roma population. In Greece and Spain, the proportions are similar to those found in France, with approximately 10 000 migrants among the former’s estimated Roma population of between 250 000 and 300 000, and 30 000 migrants in the latter’s estimated Roma population of between 650 000 and 800 000. In Italy, the estimates are more balanced, with a Roma population of between 120 000 and 170 000, of whom 70 000 are migrants (or children of migrants).

12. The criminal dimension of the question is also frequently overstated. No one denies that some Roma are criminals. As is already mentioned,⁹ some Roma, like some members of the rest of the population, do engage in criminal activities, which should be dealt with and punished. But, as in the rest of the migrant population, the vast majority of Roma migration involves families and does not involve criminal activity. It is legitimate to wonder about the justification for the action taken by the French government, which has reacted to disturbances to public order caused by Roma of French nationality by expelling foreign Roma. It is a well-known fact that migrants – especially Roma – often, to their cost, find themselves cast in the role of scapegoats.

13. The rapporteur does not intend to cast doubt on a state’s right to expel from their territory any foreigners who are unlawfully present. However, it is important to remind member states of their obligations in this respect (although without going into detail about the relevant European Union provisions on freedom of movement, which further complicate the issue).

14. Several provisions of the European Convention on Human Rights (“the Convention”) are relevant in this context. According to Article 5 of the Convention, any expulsion measure must be in conformity with the general principles of the Convention and must therefore not be in any way arbitrary. Article 4 of Protocol No. 4 prohibits collective expulsions of aliens.¹⁰

5. . The rapporteur mentions France, not to stigmatise it, but as an example, and because it was the expulsions from France which triggered this debate under urgent procedure. The rapporteur refers to the report prepared by Mrs Brasseur for the Political Affairs Committee, which describes specifically recent developments in France and the numerous reactions to which these have given rise both at national and at international level.

6. . For more details about this subject, see the report by Mr Berényi, [Doc. 12174](#).

7. . In 2010, the Development Bank granted a loan of €8 million for partial financing of the “ACCEDER 2” programme, which is intended to prevent early school leaving, improve initial training and foster the social and labour integration of Roma immigrants in Spain.

8. . Estimates supplied by the Council of Europe’s Roma and Travellers Division.

9. . See paragraph 6.

10. . The Court has defined the concept of collective expulsion as follows: “any measure compelling aliens, as a group, to leave a country, except where such a measure is taken on the basis of a reasonable and objective examination of the particular case of each individual alien of the group”, see *Conka and Others v. Belgium*, Application No. 51564/99, judgment of 5 December 2002, paragraph 59.

15. As pointed out by Viviane Reding, European Commissioner responsible for Justice, Fundamental Rights and Citizenship, it was shocking to observe a situation in France which gives the impression that some persons are being expelled from a (European Union member) state simply because they belong to a certain ethnic minority.¹¹ This is also, in particular, contrary to the provisions of the Convention which – it should not be forgotten – has binding force for member states. Taking account in addition of Article 14 (and of Article 1 of Protocol No. 12), collective expulsion of a group of aliens on the basis of its membership of a minority is tantamount to discrimination and is therefore in violation of the Convention in this respect as well.

16. Several international observers have referred to the possibility that France has effectively carried out collective expulsions. The Committee on the Elimination of Racial Discrimination (Office of the United Nations Commissioner for Human Rights) has noted that “there is some information stating that some Roma have been collectively sent back to their countries of origin, without the free, full and informed consent of all the individuals concerned having been obtained”.¹² In this context it is noted that the European Committee on Social Rights of the Council of Europe has already expressed a view on this subject and found – in a case not concerning France – a violation of Article 19 of the revised European Social Charter (STE no 163) in that migrants belonging to the Roma and Traveller communities had de facto been collectively expelled.¹³ The possibility that a complaint of this kind might be lodged against France in the near future is very real.

17. Furthermore, Article 1 of Protocol No. 7 of the Convention provides that procedural safeguards must be respected if aliens are expelled. The need to expel a person for reasons of public order or national security must be established case by case, and the expulsion decision must be in accordance with the law.

18. The decision taken by a Lille administrative court on 27 August 2010 deserves to be mentioned here. The court in fact overturned four deportation orders issued by the Prefecture against Roma who had been removed from a site in that region a few days previously. The court took the view that illegal occupation of a municipal or private site “is not sufficient to establish the existence of a threat to public order” (a ground which could have provided legal justification for deportation).

19. Lastly, it should be emphasised that expulsions of migrant Roma prove to have little effect, since it is reported that two thirds of those expelled have already returned to the country from which they were expelled. In his report on Roma asylum seekers in Europe, Mr Pupovac also notes that between 70% and 75% of the Roma repatriated to Kosovo¹⁴ leave again after being returned.¹⁵ It has to be said that public funds are thus being used to encourage a return which proves rather temporary. The implications go well beyond the mere question of the management of migratory movements.

20. We should remember in this context that the Assembly recently adopted some recommendations presented by our committee in respect of voluntary return programmes for irregular migrants.¹⁶ [Resolution 1742 \(2010\)](#) particularly emphasises the need to ensure that such returns are effectively voluntary and that they are accompanied by reintegration assistance. This resolution is also pertinent where the return of Roma is concerned.

21. In conclusion, the rapporteur fully supports the position adopted by Viviane Reding when she says that there is no doubt that people who break the law should suffer the consequences, but that it is equally clear that no individual should be expelled purely for belonging to the Roma.

22. This opinion – in the framework of a debate under urgent procedure – was not intended to be comprehensive, but the small number of fundamental elements emphasised by the rapporteur here demonstrate the need to consider the issue in greater detail. The rapporteur would like the Committee on Migration, Refugees and Population to be asked to prepare a report in due form on the situation of Roma

11. . Viviane Reding, speaking on 14 September 2010, stated: “I personally have been appalled by a situation which gave the impression that people are being removed from a member state of the European Union just because they belong to a certain ethnic minority”, see <http://ec.europa.eu/social/main.jsp?langId=fr&catId=89&newsId=889&furtherNews=yes>.

12. . CERD/C/FRA/CO/17-19, 27 August 2010, ; also see “ERRC provides European Commission evidence of French violations of EU Law”, 28 September 2010; www.errc.org/cms/upload/file/france-ec-legalbrief-27-sept-2010.pdf, the ERRC (European Roma Rights Centre) has analysed some cases in which there are various grounds for believing that collective expulsions have been carried out.

13. . See [SG/Inf\(2010\)18](#), “The situation of Roma and travellers in Europe: Main human rights standards of the Council of Europe”, 20 September 2010.

14. . All reference to Kosovo in this text, whether to the territory, institutions or population, shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

15. . Assembly Doc. 12393, op. cit.

16. . See the report on voluntary return programmes: an effective, humane and cost-effective mechanism for returning irregular migrants, prepared by Mrs Türköne, [Doc. 12277](#), 4 June 2010.

migrants in Europe and on the large numbers of expulsions recently observed in member states. Such a report would take up the issue of Roma movement and migration in Europe, together with Roma return policies and practice.