Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 2003 (2012)[1]
Final version

Roma migrants in Europe

Parliamentary Assembly

1. The Parliamentary Assembly underlines that States have a justifiable interest in managing migration and to ensure that the asylum system is not abused. "Migration management" must, however, take place in compliance with the relevant rules, which is currently not always the case.

2. The Assembly is concerned that the Roma are among the most disadvantaged, discriminated against, persecuted and victimised groups in Europe. This situation continues and is even getting worse, as is demonstrated by extensive research and highlighted by the Assembly in its Resolution 1740 (2010) on the situation of Roma in Europe and relevant activities of the Council of Europe as well as in the Declaration on the rise of anti-Gypsyism and racist violence against Roma in Europe, adopted by the Committee of Ministers on 1 February 2012. The combination of being both Roma and a migrant exacerbates the disadvantage and discrimination even further as a result of this double stigmatisation.

3. This double stigmatisation can be heard and seen in public discussions, media reports and political discourse on Roma in Europe. It is based principally on three deep-rooted prejudices: all Roma are nomads, they all come from abroad and their migration is illegal.

4. As regards the belief that all Roma are nomads, the reality is that in Europe less than 20% of Roma are nomadic. As for Roma being from abroad, it can be shown that they have been part of European society for approximately 700 years and the large majority are citizens of their country of residence. Finally, as regards Roma migration being illegal, it is clear that most Roma migrate within the framework of their right to free movement under European Union law.

5. These prejudices, combined with the widespread tendency to make a generalised link between Roma and criminality, have contributed greatly to the plight of Roma in Europe. As a consequence, the Assembly would like to draw the attention of the Committee of Ministers to a number of issues which merit further attention, not only by member States but also by the Council of Europe:

5.1. the overall negative depiction of Roma spread by certain media and politicians;

5.2. the double discrimination Roma migrants face when it comes to access to education, health care, employment and housing;

5.3. the recent, and continuing, aggressive expulsion policies focused on Roma migrants in several Council of Europe member States, which may amount to *de facto* collective expulsions;

5.4. the ongoing forced returns of Roma to Kosovo,[2] notwithstanding the recommendation of the Council of Europe Commissioner for Human Rights and the Assembly not to do so until the returns can be shown to be safe and sustainable;

---

1. Assembly debate on 28 June 2012 (26th Sitting) (see Doc. 12950, report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Ms Groth; Doc. 12987, opinion of the Committee on Political Affairs and Democracy, rapporteur: Mr Aligrudić; and Doc. 12982, opinion of the Committee on Equality and Non-Discrimination, rapporteur: Mr Kalmár). Text adopted by the Assembly on 28 June 2012 (26th Sitting).

2. Any 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.

5.5. the precarious situation of stateless Roma in Council of Europe member States, mainly in eastern Europe, resulting from the dissolutions of the Soviet Union, Yugoslavia and Czechoslovakia, but also in western Europe, for instance in Italy or the Netherlands;

5.6. the criminalisation of begging in certain Council of Europe member States and its impact on Roma, taking into account human rights and other concerns stemming primarily from the European Convention on Human Rights (ETS No. 5), the revised European Social Charter (ETS No. 163) and other standards.

6. The Assembly therefore recommends that the Committee of Ministers instruct the relevant Council of Europe committees and bodies, such as the Ad hoc Committee of Experts on Roma Issues (CAHROM), the Group of Experts on Action against Trafficking in Human Beings (GRETA), the European Committee on Crime Problems (CDPC), the Migration Co-ordination Division and the Steering Committee on Media and Information Society (CDMSI) to:

6.1. analyse legislation and practices in member States aimed at criminalising begging and evaluate the impact of this on Roma and the implications under the European Convention on Human Rights, the revised European Social Charter and other Council of Europe standards;

6.2. carry out an in-depth analysis, based on human rights standards, of the various measures taken by Council of Europe member States and the European Commission to stop asylum seekers from Western Balkan countries from applying for asylum in European Union countries;

6.3. pay particular attention to establishing whether the Roma community is affected by and/or involved in trafficking in human beings, and examine whether the standards and measures contained in the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197) are effectively implemented as regards Roma and whether any further specific measures are necessary, including further action by the Council of Europe;

6.4. consider ways and means of addressing the problem of negative stereotyping and stigmatisation of Roma in the media and in political discourse, with due respect for the freedom of expression and freedom of the media.

7. Furthermore, the Assembly asks the Committee of Ministers to:

7.1. urge member States to stop actions which amount to the collective expulsion of Roma and to reconsider their forced return policies of Roma to Kosovo, suspending forced returns until they can be shown to be safe and sustainable;

7.2. ask member States to ensure that the special needs of Roma migrants are addressed when developing and implementing national strategies or policies that foster the social inclusion of the Roma;

7.3. ask member States to take the necessary steps to naturalise stateless Roma and to sign, ratify and implement the European Convention on Nationality (ETS No. 166) and the Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession (CETS No. 200), as well as the United Nations 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;

7.4. urge member States who have not yet done so to sign and ratify Protocol No. 12 to the European Convention on Human Rights (ETS No. 177);

7.5. ask member States to ensure that fair, impartial and non-discriminatory policing practices are used for dealing with all migrants, including Roma;

7.6. recommend that member States carry out an in-depth analysis in order to find the general and country-specific causes of population movement and migration and to develop and implement measures which could eliminate these causes; furthermore, to recommend that member States and the European Union raise funds which could be used for the above purpose.

8. Finally, the Assembly informs the Committee of Ministers that it has decided to support the Council of Europe “Dosta!” campaign (“Go beyond prejudice, meet the Roma!”) by providing its members with relevant information so as to enhance awareness among and through national parliaments.