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Roma migrants in Europe

Reply to Recommendation¹: Recommendation 2003 (2012)

Committee of Ministers

1. The Committee of Ministers has carefully considered Recommendation 2003 (2012) of the Parliamentary Assembly on “Roma migrants in Europe”, which it has transmitted to a number of intergovernmental committees or bodies.² In line with the Strasbourg Declaration on Roma adopted in October 2010, improving the situation of Roma in Europe is a priority for the Committee of Ministers. It welcomes the continued commitment of the Assembly to this same objective.

2. As regards paragraph 6.1, the Committee of Ministers has taken note of the concerns of the Assembly. It would point out that the exploitation of begging – rather than begging itself – is prohibited by a number of international legal instruments. Although the exploitation of begging is not expressly mentioned in the Council of Europe Convention on Action against Trafficking in Human Beings, the Committee of Ministers would share the view of GRETA that it may be considered as a form of forced labour for the purposes of this convention and that the examination of national legislation criminalising the exploitation of begging as a form of human trafficking in GRETA’s country evaluation reports will help combat the exploitation of the most vulnerable groups, in particular Roma. It therefore does not, at this time, consider it necessary to initiate a collection of information from member States as to whether they have already criminalised or intend to criminalise begging.

3. The Committee of Ministers would also recall that ECRI has recommended that any measures taken by the police to combat organised begging are not such as to stigmatise or unfairly target Roma, and has called for clearly defined criteria governing the application of the relevant criminal provisions. Finally, the Committee of Ministers would point out that CAHROM is currently addressing issues related to child exploitation, such as begging.

4. As concerns paragraph 6.2, the Committee of Ministers is aware that the issue of measures taken by several member States from the Western Balkans affecting the freedom of Roma to leave their respective countries has raised concerns. It is also aware that these questions have been discussed in various fora, including by the Assembly and by the European Roma and Travellers Forum, and through exchanges of views at meetings of the CAHROM. The Committee underlines that respect for human rights standards must be a pre-condition for any discussions on any such measures, whether they take place on a bilateral or multilateral basis or in an intergovernmental context.

5. As regards paragraph 6.3, the Committee of Ministers agrees with the Assembly that it is essential to establish as far as possible whether the Roma community is affected by and/or involved in trafficking in human beings. It would point out that in GRETA’s country evaluation reports, particular attention is given to groups which are vulnerable to human trafficking and to examining the measures taken to prevent and combat trafficking among such groups, including Roma. GRETA has stressed, *inter alia*, the need to step up preventive measures among the Roma communities and has urged national authorities to develop the aspect

1. Adopted at the 1166th meeting of the Ministers’ Deputies (27 March 2013).

2. 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 Steering Committee on Media and Information Society (CDMSI), the European Committee for Social Rights (ECSR), the Governmental Committee of the European Social Charter and the European Commission against Racism and Intolerance (ECRI).



of prevention through specific campaigns and social and economic measures addressing the root causes of trafficking. Given its importance as an effective tool for combating human trafficking of vulnerable groups, including Roma, the Committee of Ministers would urge member States which have not yet done so to consider ratifying the Convention on Action against Trafficking in Human Beings (CETS No. 197).

6. With relation to the issue raised in paragraph 6.4 regarding negative stereotyping and stigmatisation of Roma in the media and in political discourse, the Committee of Ministers acknowledges that, with due respect to freedom of expression and editorial independence, media should avoid contributing to prejudice and stereotypes. However, with regard to policy making, and as stated in its Recommendation CM/Rec(2011)7 on a new notion of media, “as a form of interference, any regulation should itself comply with the requirements set out in Article 10 of the European Convention on Human Rights and the standards that stem from the relevant case law of the European Court of Human Rights”. The Committee of Ministers would also recall that ECRI regularly underlines the importance that media does not contribute to encouraging an atmosphere of hostility and rejection towards migrants and members of minority groups and that it contributes, rather, to playing a proactive role in preventing such an atmosphere from developing.

7. The Committee of Ministers considers that there is no need for additional intergovernmental standards in the media field, but that concrete action should continue in the implementation of existing standards. Awareness raising and training, competence building and self-regulation are all relevant tools. The partnership between the Council of Europe and the European Broadcasting Union (EBU) is a useful framework within which possible further initiatives can be developed.

8. The Committee of Ministers would also recall that the Strasbourg Declaration calls on member States to “consider joining the campaign of the Council of Europe “Dosta! Go beyond prejudice, discover the Roma!”. It would inform the Assembly that several member States have included the Dosta! campaign in their national Roma integration strategies, which is an effective and sustainable way of addressing the problem of negative stereotyping and stigmatisation of Roma. In this respect, it welcomes the Assembly’s support for the Council of Europe “Dosta!” campaign as outlined in paragraph 8 of the recommendation.

9. The Committee of Ministers would also recall that the “Strasbourg Declaration”, *inter alia*, recommends that States Parties take full account of the relevant decisions of the European Committee of Social Rights, in developing their policies on Roma. It would inform the Assembly that the collective complaints procedure in particular has taken forward a number of Roma rights issues.

10. Finally, the Committee of Ministers would encourage member States to give due consideration to the recommendations put forward in paragraph 7 of the Assembly recommendation.