



**Resolution 1760 (2010)<sup>1</sup>**

Final version

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

Parliamentary Assembly

1. The Parliamentary Assembly is appalled that, just a few weeks after it adopted [Resolution 1740 \(2010\)](#) on the situation of Roma in Europe and relevant activities of the Council of Europe, calling on member states to improve the situation of Roma and ensure the full respect of their fundamental rights, politicians in several Council of Europe member states have resorted to anti-Roma rhetoric, associating the Roma with crime and trafficking. This has led to the toughening of security policies and measures directly targeting the Roma, such as the dismantling of their settlements and waves of repatriation of Roma migrants to their countries of origin.
2. The Assembly shares the concerns expressed on this occasion by its President, the Council of Europe Commissioner for Human Rights and the European Commission against Racism and Intolerance (ECRI), the United Nations, the European Union and other international organisations, as well as by human rights defenders and the media. It notes in this respect that the European Commission is currently assessing compliance with European Union law by several European Union member states.
3. For its part, the Assembly is particularly worried that public security is taking an increasingly prominent place in political debates, notably as a consequence of the economic crisis, rising unemployment and higher levels of crime, and security discourse is increasingly used in conjunction with discriminatory language which tends to link insecurity with certain ethnic communities, including migrants, using them as scapegoats, as has been the case recently with Roma.
4. The Assembly notes that European countries which offer better living conditions and have more generous social protection systems attract migrants from countries in a less favourable situation, sometimes putting pressure on the social institutions of the states concerned.
5. The Assembly notes that while a community should obviously not be singled out for opprobrium, but should be helped, there is no point in denying the problems, as this would play into the hands of extremism. The underlying causes of the marginalisation of Roma should therefore be addressed.
6. The Assembly notes that European Union funding is not used as well as it might be and that it should be used more effectively in support of Roma or, if that proves impossible, redeployed in the host countries.
7. While mainstream parties have long failed to anticipate or face the challenges of public order and personal security, extremist populist parties have sought to capitalise on society's security concerns by simply equating immigration with crime and insecurity.
8. The Assembly is particularly concerned about a dual trend which is appearing in Europe: on the one hand, extreme right-wing parties are being elected into national parliaments in growing numbers; on the other, mainstream parties, in an attempt to detract their voters from turning to far-right parties and regain popular support, are borrowing some of the radical, xenophobic and discriminatory language of extremist parties.

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1. *Assembly debate* on 7 October 2010 (34th Sitting) (see [Doc. 12386](#), report of the Political Affairs Committee, rapporteur: Mrs Brasseur; [Doc. 12390](#), opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Năstase; and [Doc. 12392](#), opinion of the Committee on Migration, Refugees and Population, rapporteur: Mr Greenway). *Text adopted by the Assembly* on 7 October 2010 (34th Sitting).



9. Whilst the Assembly acknowledges that, faced with a surge in criminality, authorities in many Council of Europe member states feel obliged to strengthen policies aimed at protecting public order and personal security for all people living within their territory, it stresses that a clear distinction must be made in political discourse between individuals who have committed crimes and entire groups of people, such as the Roma or any other minority or migrant group.

10. The Assembly strongly condemns the use of language stigmatising Roma or any other minority or migrant group as racist and xenophobic, and unacceptable in a democracy. The Assembly attaches the utmost importance to freedom of expression, *inter alia* in political debates on immigration. However, all forms of racial or ethnic discrimination are unacceptable. As the European Court of Human Rights (the Court) has pointed out, freedom of expression can legitimately be restricted in the case of statements which are liable to prompt a feeling of rejection and hostility towards a given community, in accordance with Article 10, paragraph 2, of the European Convention on Human Rights (ETS No. 5).

11. Politicians have a special responsibility to eliminate negative stereotyping or stigmatisation of any minority or migrant group from political discourse. They should promote a message of non-discrimination, tolerance and respect for people from different backgrounds.

12. Therefore, the Assembly reaffirms the Council of Europe standards and policy guidelines applicable to political discourse contained, *inter alia*, in the case law of the Court, the Committee of Ministers Recommendation No. R (97) 20 on "hate speech", the ECRI general policy recommendations and its 2005 Declaration on the use of racist, antisemitic and xenophobic elements in political discourse, the recommendations by the Commissioner for Human Rights, as well as related documents of the European Commission for Democracy through Law (Venice Commission), and its own [Resolution 1345 \(2003\)](#) on racist, xenophobic and intolerant discourse in politics and [Resolution 1754 \(2010\)](#) on the fight against extremism: achievements, deficiencies and failures. The Assembly therefore calls on:

12.1. the Council of Europe member states to:

12.1.1. sign and ratify or otherwise endorse, if they have not already done so, as well as effectively implement in their national law and practice, the Council of Europe legal instruments and standards, guidelines and policies relating to the prohibition and prevention of hate speech and discrimination, including the Framework Convention for the Protection of National Minorities (ETS No. 157) and the European Charter for Regional and Minority Languages (ETS No. 148);

12.1.2. enforce national legislation on hate speech and discrimination;

12.1.3. ensure full compliance with human rights standards and the principles of democracy and the rule of law when devising and implementing policies aimed at protecting public order and personal security for all people living within their territory, including the principles of non-discrimination and proportionality;

12.2. public authorities and public institutions at national, regional and local levels, as well as officials to:

12.2.1. refrain from statements, in particular through the media, which may reasonably be understood as hate speech, or as speech likely to produce the effect of legitimising, spreading or promoting racial hatred, xenophobia, or other forms of discrimination or hatred based on intolerance;

12.2.2. publicly condemn and refute such statements whenever they occur;

12.2.3. where expulsion is concerned, apply a strict interpretation of the "breach of public order" justification, as frequently used by the authorities when ordering expulsions, in accordance with the relevant case law of the Court.

13. The Assembly reiterates the importance of the Charter of European Political Parties for a Non-Racist Society, signed by its President and the President of the European Parliament in 2003, and urges political parties, political forces and political and public figures in member states, international groupings of political parties and its own members to commit themselves to:

13.1. adhering to and actively implementing and promoting the principles contained in the charter;

13.2. actively contributing to the fight against any attempt to stigmatise and incite feelings of hostility towards any individual or group of people on the basis of their race, ethnic origin, nationality, religious beliefs or social origin;

- 13.3. combating any action or language likely to reinforce fears and tensions between groups from different racial, ethnic, national, religious or social backgrounds;
  - 13.4. dealing responsibly and fairly with sensitive topics relating to such groups;
  - 13.5. refraining from using racist, xenophobic, aggressive nationalistic, ethnocentric or any other discriminatory discourse, or pursuing such political agendas, and dealing firmly with any racist sentiments and behaviour within their own ranks.
14. Convinced of the particular responsibility incumbent upon the media, the Assembly calls on them to:
- 14.1. refrain from disseminating messages which might feed animosity towards individuals or groups of people belonging to an ethnic, national, cultural, linguistic or religious community or minority, or towards migrants, refugees, asylum seekers or people of immigrant origin;
  - 14.2. avoid, when reporting on social or crime problems, selective mention of ethnic or national origin, or the fact that those involved belong to a religious, cultural or linguistic community or minority;
  - 14.3. refrain from stirring up tensions between local Roma and Traveller communities and Roma migrants.
15. Reaffirming its [Resolution 1740 \(2010\)](#) and [Recommendation 1924 \(2010\)](#) on the situation of Roma in Europe and relevant activities of the Council of Europe, adopted in June 2010, the Assembly:
- 15.1. welcomes and supports the initiative by the Secretary General of the Council of Europe to call a high-level meeting to agree measures to improve the situation of Roma throughout Europe as a starting point for a joint effort by the European institutions and the member states to tackle the matter in a sustainable and constructive manner;
  - 15.2. expresses its readiness to contribute to the success of this high-level meeting by bringing in its own experience of dealing with issues relating to the Roma and promoting the implementation of any adopted decisions;
  - 15.3. 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, to refrain from conducting disguised collective expulsions and, in accordance with the recommendations of the Council of Europe Commissioner for Human Rights, to 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;
  - 15.4. encourages member states to make greater use of the European Social Fund to integrate 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 both in member states and in other countries with significant Roma populations;
  - 15.5. invites the Secretary General of the Council of Europe to inform the Assembly, at the earliest possible opportunity, about the outcome of the high-level meeting;
  - 15.6. resolves to continue to monitor carefully the situation of Roma in Europe, also in the light of the outcome of the high-level meeting, and, in this context, to take up the issue of Roma movement and migration in Europe, together with policies and practice for the return of Roma to their countries of origin.