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MOTION FOR A RESOLUTION

to wind up the debate on statements by the Council and Commission

pursuant to Rule 110(2) of the Rules of Procedure

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

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on behalf of the S&D Group

European Parliament resolution on the situation of Roma and on freedom of movement in the European Union

The European Parliament,

- having regard to the EU Charter of fundamental rights, in particular articles 1, 8, 20, 21, 19, 24, 25, 35, 45,
- having regard to Articles 2 and 3 of the Treaty on European Union, enshrining the fundamental rights and principles of the European Union, including the principles of non-discrimination and free movement,
- having regard to Articles 8, 9, 10, 16, 18, 19, 20, 21, 151, 153 and 157 of the Treaty on the Functioning of the European Union,
- having regard to its resolutions of 28 April 2005 on the situation of the Roma in the European Union, of 1 June 2006 on the situation of Roma women in the European Union, of 15 November 2007 on application of Directive 2004/38/EC on the right of EU citizens and their families to move and reside freely within the territory of the Member States, of 31 January 2008 on a European Strategy on the Roma , of 10 July 2008 on the census of the Roma on the basis of ethnicity in Italy, of 11 March 2009 on the social situation of the Roma and their improved access to the labour market in the EU, and of 25 March 2010 on the II Roma Summit,
- having regard to Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, and Directive 46/1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data,
- having regard to the reports on Roma, racism and xenophobia in the Member States of the EU in 2009, published by the Fundamental Rights Agency, and to the reports by the Commissioner for Human Rights of the Council of Europe, Thomas Hammarberg,
- having regard to the conclusions of the European Councils of December 2007 and June 2008, the conclusions of the General Affairs Council of December 2008 and the Employment, Social Policy, Health and Consumer Affairs Council's conclusions on the Inclusion of the Roma, adopted in Luxembourg on 8 June 2009,
- having regard to the proclamation in 2005 of the Decade of Roma Inclusion and the

establishment of the Roma Education Fund by a number of EU Member States, candidate countries and other countries in which the Union institutions have a significant presence,

- having regard to the conclusions of the First European Roma Summit (Brussels, 16 September 2008) and to the Second European Roma Summit (Córdoba, 8 April 2010),
 - having regard to the forthcoming report by its Committee on Civil Liberties, Justice and Home Affairs on the 'EU Strategy on Roma Inclusion', which is due in late 2010,
 - having regard to the recommendations of the UN Committee for the Elimination of the racial discrimination in its 77th session (2-27 August 2010) regarding Denmark, Estonia, France, Romania and Slovenia,
 - having regard to the Report from the Council of Europe, 4th ECRI Report on France, published June 15, 2010,
 - having regard to the Ten Common Basic Principles on Roma Inclusion,
 - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas the European Union is founded on the principles enshrined in the EU Charter and in EU Treaties, amongst which there are the principles of non-discrimination, the specific rights defining EU citizenship and the right to the protection of personal data,
- B. whereas these principles are implemented through the above mentioned directives 43/2000, 78/2000, 38/2004 and 95/46,
- C. whereas the 10-12 million European Roma continue to suffer serious systematic discrimination in education (particularly segregation), housing (particularly forced evictions and sub-standard living conditions, often in ghettos), employment (their particularly low employment rate) and equal access to healthcare systems and other public services, as well as an astoundingly low level of political participation,
- D. whereas a majority of European Roma became EU citizens after the 2004 and 2007 enlargements, so that they and their families enjoy the right to move and reside freely within the territory of the Member States,
- E. whereas many Roma individuals and communities who decided to settle in a different EU Member State to that of which they are nationals are in a particularly vulnerable position,
- F. whereas repatriations and returns of Roma have been taking place in several Members states and recently in France, where the government has either expelled or 'voluntarily' returned hundreds of Roma EU citizens, between the months of March and August 2010,
- G. whereas this conduct has been accompanied by the stigmatisation of Roma and general anti-Gypsyism in the political discourse,
- H. whereas the European Parliament has repeatedly called on the Commission to develop an EU Roma strategy promoting the principles of equal opportunities and social inclusion across Europe,

- I. whereas the EU has various instruments that can be used to combat Roma exclusion, such as the new opportunity provided under the Structural Funds to devote up to 2% of the total European Regional Development Fund (ERDF) allocation to housing expenditure in favour of marginalised communities, which will take effect in the course of 2010, or the existing possibilities under the European Social Fund,
- J. whereas progress in combating discrimination against Roma by guaranteeing their rights to education, employment, health, housing and freedom of movement in the Member States has been uneven and slow, and Roma representation in governmental structures and the public administration in Member States should be increased,
 1. Recalls that the European Union is above all a community based on values and principles aiming to maintain and promote an open and inclusive society, particularly by prohibiting all forms of discrimination and by defining EU citizenship;
 2. Underlines the right of all EU citizens and their families to free movement and residence across the EU, which is a pillar of EU citizenship as defined by the Treaties and is implemented by directive 38/2004, that all Member states are deemed to apply and respect;
 3. Expresses its deep concern regarding the recent measures taken by the French government to repatriate and return, assisted or under the pretext of humanitarian assistance, hundreds of Roma EU citizens to their countries of origin and urges the French authorities to immediately suspend such practices;
 4. Is deeply concerned particularly by the inflammatory and openly discriminatory rhetoric that has been marking political discourse during the repatriations of Roma, which gives ground to racist rhetoric and actions of extreme rightist groups; therefore calls policy-makers to their responsibilities and rejects any statements linking minorities and immigration with criminality and creating discriminatory stereotypes;
 5. Recalls in this respect that Directive 2004/38 considers limitations to the freedom of movement and the expulsion of EU citizens as exceptions and frames them within specific and clear limits; in particular, expulsion decisions have to be assessed and decided on an individual basis, taking into consideration the personal circumstances, guaranteeing procedural safeguards and redress (Articles 28, 30, 31);
 6. Underlines also that, according to directive 38/2004, the lack of economic means can in no circumstance justify automatic expulsion of EU citizens (Recital 16, Art. 14) and that restrictions to the freedom of movement and residence based on grounds of public policy, public security and public health can be established solely on personal conduct and not on general considerations of prevention nor on ethnic or national origin;
 7. Expresses concern on the proportionality of the collection of biometric data of EU citizens not justified by security and law enforcement purposes and recalls that the creation of national biometric databases of EU citizens, as well as all identification procedure of EU citizens must be conducted on a case by case basis, non-discriminatory, respecting guarantees and data protection principles, in compliance with directives 43/2000 and 95/45;

8. Notes with deep regret the late and limited reaction of the European Commission, as guardian of the Treaties, to verify the compliance of Member states' actions with EU primary law and EU legislation, most notably the above mentioned directives on non-discrimination, freedom of movement and the right to privacy of personal data; reiterates its concerns regarding the implications of the present distribution of responsibilities concerning Roma policies between the members of the Commission, and calls for a strong horizontal coordination to guarantee timely and effective responses in the future;
9. Invites the Commission to firmly stand behind the values and principles affirmed by the EU charter and by the Treaties and to promptly react with a full analysis of the situation in France and in all Member states on the conformity of Roma policies with EU legislation;
10. Expresses deep concern that, in view of the urgency of the matter, the Commission has thus far not responded to its requests of January 2008 and March 2010 to prepare a European Strategy on the Roma, in cooperation with the Member States; calls once again on the Commission to develop a comprehensive European Strategy for Roma Inclusion;
11. Considers that the EU and all Member States share a responsibility to promote the inclusion of Roma which requires a comprehensive approach at an EU level in the form of an EU Roma strategy, based on the commitments assumed in the 2nd Roma Summit in Cordoba:
 - mainstreaming of Roma issues in European and national policies on fundamental rights and protection against racism, poverty and social exclusion;
 - improve the design of the roadmap of the integrated platform on Roma inclusion and prioritising key objectives and results;
 - ensure that existing financial instruments of the EU reach the Roma and help improve their social integration through monitoring the usage of resources; moreover introduces new conditionality in order to ensure that the use of funds better address the Roma situation;
12. Considers it essential that a complex development programme be established that targets simultaneously all related policy areas and makes immediate intervention possible in ghetto areas struggling with serious structural disadvantages; calls on the Commission and the Member States to ensure that equal opportunity provisions are strictly complied with when the Operational Programmes are implemented, so that projects do not directly or indirectly consolidate the segregation and exclusion of Roma; stresses that on 10 February 2010 it adopted a report on the eligibility of housing interventions in favour of marginalised communities, which makes provision for housing interventions on behalf of vulnerable groups within the ERDF framework, and calls for rapid implementation of the revised regulation so that the Member States can make active use of this opportunity;
13. Expresses concerns in relation to the forced repatriation of Roma to countries in the Western Balkans where they might face homelessness and discrimination; calls on the Commission, the Council and Member States to ensure that their fundamental rights are respected, including providing appropriate assistance and monitoring;

14. Recommends the Council to adopt a common position on structural and pre-accession funding, reflecting the European political commitment to promote Roma inclusion and to ensure that the Common Basic Principles on Roma Inclusion are taken into account in any revision of the relevant Operational Programmes, also looking ahead to the next programming period; urges the Commission to analyse and evaluate the social impact to date of investments using pre-accession and structural funds targeting vulnerable groups, to draw conclusions and to devise new strategies and rules if this is considered necessary in this field;
15. Encourages the EU institutions to involve Roma communities, from grassroots level up to international NGOs, in the process of developing a comprehensive EU Roma policy, including in all aspects of planning, implementation and supervision, and to draw on the experiences of the Decade of Roma Inclusion 2005-2015, the OSCE Action Plan, and the recommendations of the Council of Europe, the United Nations and Parliament itself;
16. Instructs its President to forward this resolution to the Council, the Commission, the governments and the parliaments of the Member States and the candidate countries, the EDPS, the Council of Europe and the OSCE.