



Doc. 12386
5 October 2010

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

Report¹
Political Affairs Committee
Rapporteur: Mrs Anne BRASSEUR, Luxembourg, Alliance of Liberals and Democrats for Europe

Summary

The report details the rise in use of anti-Roma rhetoric, associating Roma with crime and trafficking over recent months. At the same time, there has been a 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.

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 of all people within their territory. The report stresses, however, that a clear distinction must be made in political discourse between individuals who have committed crimes and entire groups of people, such as Roma or any other minority or migrant group. Politicians have a special responsibility to eliminate negative stereotyping or stigmatising 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.

The Political Affairs Committee welcomes and supports the Secretary General's initiative to convene a high-level meeting to agree measures to improve the situation of Roma throughout Europe and invites him to inform the Parliamentary Assembly about the outcome of it at the earliest opportunity. It proposes to continue to monitor carefully the situation of Roma in Europe, in the light also of the outcome of this event.

¹ Reference to committee: Reference 3702 of 4 October 2010.

A. Draft resolution²

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 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, as public security takes an increasingly prominent place in political debates, notably as a consequence of the economic crisis, rising unemployment and higher levels of crime, security discourse is increasingly used in conjunction with discriminatory language which tends to link insecurity with ethnic communities, including migrants, using them as scapegoats, as has been the case recently with Roma.

4. 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.

5. The Assembly is particularly concerned about a dual trend at present 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 coining some of the radical, xenophobic and discriminatory language of extremist parties.

6. 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 of 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 Roma or any other minority or migrant group.

7. The Assembly strongly condemns as racist and xenophobic, and therefore unacceptable in a democracy, the use of language stigmatising Roma or any other minority or migrant group.

8. Politicians have a special responsibility to eliminate negative stereotyping or stigmatising 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.

9. Therefore, the Assembly reaffirms Council of Europe standards and policy guidelines applicable to political discourse contained, *inter alia*, in the case law of the European Court of Human Rights, the Committee of Ministers Recommendation 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, recommendations by the Commissioner for Human Rights, as well as related documents of the 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, and calls on:

9.1. the Council of Europe member states to:

9.1.1. sign and ratify or otherwise endorse, if they have not done so, and 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;

9.1.2. enforce national legislation on hate speech and discrimination;

² Draft resolution adopted by the committee on 5 October 2010.

9.1.3. 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 of all people living within their territory, including the principles of non-discrimination and proportionality;

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

9.2.1. refrain from statements, in particular to 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;

9.2.2. publicly condemn and refute such statements whenever they occur.

10. 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:

10.1. adhering to and actively implementing and promoting the principles contained in the Charter;

10.2. actively contributing to combating attempts 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;

10.3. combating any action or language likely to reinforce fears and tensions between groups from different racial, ethnic, national, religious or social backgrounds;

10.4. dealing responsibly and fairly with sensitive topics relating to such groups;

10.5. 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.

11. Convinced of the particular responsibility incumbent upon the media, the Assembly calls on them to:

11.1. 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 migrants, refugees, asylum seekers or people of immigrant origin;

11.2. avoid, when reporting on social or crime problems, selective mentioning of ethnic or national origin, or the fact of belonging to a religious, cultural or linguistic community or minority, of those involved.

12. 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:

12.1. 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;

12.2. 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 implementation of any adopted decisions;

12.3. 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;

12.4. resolves to continue to monitor carefully the situation of Roma in Europe, in the light also of the outcome of the high-level meeting.

B. Explanatory memorandum by Mrs Brasseur, rapporteur

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1. Introduction

1. Over the past few months, there has been intense media coverage of the recent rise in security discourse with respect to the Roma, following the decision taken by the French government to expel some Bulgarian and Romanian citizens and to dismantle illegal Roma settlements. Similar measures have also been adopted in other Council of Europe member states. The Political Affairs Committee was particularly struck by the strong language and anti-Roma rhetoric used by some politicians, associating Roma with crime and trafficking. With this in mind, the committee sought an urgent debate to highlight its concerns over the recent rise in security discourse in member states directed against the Roma.

2. The objective of this report is not to revamp the excellent work contained in Mr Berényi's report on the situation of the Roma in Europe and the relevant activities of the Council of Europe³, which was discussed in June 2010. My intention is to focus on the rise of security rhetoric in member states. I understand that my colleagues in the Committee on Legal Affairs and Human Rights and the Committee on Migration, Population and Refugees will deal with issues around the applicable human rights standards and the expulsion of Bulgarian and Romanian citizens.

3. I must insist on making it clear from the outset that France is not the only country where such rhetoric has been employed. Politicians in the Czech Republic, Denmark, Hungary, Italy and Sweden, among others, have all come under the spotlight over anti-Roma security discourses.

4. Nor are the Roma the only minority to have suffered from this. The Assembly has been concerned for some time with the rise of extremism and nationalistic rhetoric, which has targeted different minorities, including migrants, across Europe. In his report on the fight against extremism: achievements, deficiencies and failures, due to be debated this week, Mr Agramunt has noted that there has been an increase in racist movements that take the form of anti-Semitism, anti-Gypsyism, xenophobia or Islamophobia.⁴ Similarly, in the report on democracy in Europe: crisis and perspectives, Mr Gross remarked that "[p]opulist and extremist movements, as well as identity and symbol politics and nationalistic rhetoric politics, have been present for some time in...Western European countries and have been strengthened during the last two years under crisis conditions".⁵ Mr Zingeris noted, for his part, in his report on the Political Consequences of the Economic Crisis that the crisis has led mainstream political parties to borrow some of the radical and sometimes racist discourses of extremist parties.⁶

2. Recent developments in Council of Europe member states

2.1. France

2.1.1. A change of policy or rhetoric?

5. It may be helpful to summarise the situation in France, which first gave rise to the committee's concerns, as well as provoking reaction at the European Union and international levels. Out of the approximately 400 000 people of traveller, gypsy or Roma origin in France, 10-12 000 are estimated to be migrants. Between 70-80% are thought to have come from Romania, with the remainder from Bulgaria or countries of the former Yugoslavia.⁷ As European Union citizens, Roma from Bulgaria and Romania have the right to live and work in France. However, under a special arrangement, France is able to expel them after three months if they have not found work.

³ Assembly Doc. 12174.

⁴ Assembly Doc. 12265.

⁵ Assembly Doc. 12279.

⁶ Assembly Doc. 12282.

⁷ Estimates supplied by the Council of Europe's Roma and Travellers Division.

6. On 17 and 18 July 2010, violent protests by travellers erupted against the police in Saint-Aignan in the Loire Valley, after a young male traveller in the passenger seat of a car was shot dead by police officers. In response to these protests, the French President, Nicolas Sarkozy, issued a communiqué on 29 July 2010 declaring unacceptable the lawlessness that characterised the situation of the Roma population coming from eastern Europe to France. He announced that the government was going to dismantle 200 illegal Roma sites, which he described as being a source of "illicit trafficking, profoundly unfit living conditions, the exploitation of children for the purposes of begging, prostitution or crime". Furthermore, irregular migrants would be repatriated to their countries of origin. The following day, the French President made a speech in Grenoble, where he condemned criminality, gangs and trafficking and reaffirmed the French government's decision to repatriate irregular migrants and to look into withdrawing French citizenship from migrants who commit certain crimes. He recommitted to closing down half the 539 illegal Roma camps within three months.

7. At a press conference on 30 August, the Interior Minister, Brice Hortefeux, said that there had been a 259% increase in the number of crimes committed by Romanians in 18 months. He further stated that "Today, in Paris, the reality is that nearly one in five thefts is carried out by a Romanian. There is no question of stigmatising this or that population ... but nor is there a question of closing our eyes to a reality."⁸

8. Since the French President's speech, more than 355 traveller camps have been evacuated, of which 199 were inhabited by Roma from Bulgaria and Romania.⁹ Between 28 July and 27 August 2010, 98 Bulgarians and 881 Romanians were returned to their countries of origin.¹⁰ The French government sought to facilitate reintegration by giving €300 for every repatriated adult and €100 per child. Nevertheless reintegration into Bulgarian and Romanian society will be difficult. Many Roma left in the first place to seek a better life and to escape discrimination and poverty. Once repatriated, there is nothing to stop the Roma returning to France and spending another three months in the country.

9. On 31 August 2010, a circular sent from the Interior Ministry to regional prefects was leaked to the press. The circular ordered regional prefects to take steps "to dismantle 300 camps or illegal settlements within three months, prioritising those of Roma". It had been signed by Michael Bart, Head of the Interior Minister's Private Office, on 5 August 2010. The government denied that any Minister had been shown the circular. It was immediately withdrawn and a new one was issued on 13 September 2010.

10. The French government claims that the vast majority of those that have returned to Bulgaria and Romania have done so voluntarily, requesting the financial assistance offered by the French Office for Immigration and Integration. The government says that it wishes to work with the governments of states such as Bulgaria and Romania and with the European Commission to ensure the social integration of the Roma in the countries of which they are citizens. It believes that this is the only way to improve their living conditions.¹¹

11. The government further insists that it is operating within European Union rules laid down in the Freedom of Movement Directive. States are allowed to restrict the freedom of movement on the grounds of public policy, security or health. They are also able to restrict freedom of movement if the individual does not possess sufficient resources so as not to impose an excessive burden on the host country's social welfare system. If someone is expelled for committing a crime, the measure taken must be proportionate to the crime committed. It is not my intention to verify the compatibility of the action taken by the French government with European Union law, this is for the European Union institutions to do. That said, it would seem that not everyone whom the government sought to repatriate has been found guilty of committing a crime. Indeed, on 30 August 2010, an administrative court in Lille overturned deportation orders issued against seven Roma on the grounds that the authorities had failed to prove that they were a threat to public order simply for living in illegal Roma settlements.

12. The decision to close the camps and return Roma to their countries of origin may not, in fact, be a great departure from practice over recent years. Since 2003, when 2 000 Roma were expelled, France has been evicting Roma from camps and expelling people in increasing numbers. Following Bulgaria and Romania's accession to the European Union in 2007, the number of expulsions increased markedly. Last year alone, 10 777 Romanians and 863 Bulgarians, most of whom were Roma, were returned. Over 7,349 had already been returned this year prior to the Presidential policy announcement in July.¹² Despite these

⁸ "À Paris, un voleur sur cinq est Roumain, assure Hortefeux", *Le Monde*, 31 August 2010.

⁹ According to the French Ministry for Foreign and European Affairs.

¹⁰ *Ibid.*

¹¹ *Ibid.*

¹² *Ibid.*

policies, the number of Roma from Eastern Europe in France has remained at around 10,000 to 12,000 and it is thought that as many as two thirds of those who left last year have now returned to France.

13. Although it would appear that there has been no significant deviation from government policies, the real change seems to be in the rhetoric used, not only by the President of the Republic, but also by various members of the French government. Also, a real material change has been the speed at which camps have been closed down following the French government's announcement at the end of July 2010.

2.1.2. National and international reactions

14. There has been widespread concern expressed by various politicians and bodies about the policies and public discourses linking Roma to criminality. In France, politicians both from the ruling UMP party and opposition parties have criticised the reaction of the French government. Two former Prime Ministers, Dominique de Villepin and Jean-Pierre Raffarin, have both condemned the policy and the rhetoric used¹³ and Bernard Kouchner, the French Minister of Foreign Affairs, told a French TV station that he had considered resigning over the issue.¹⁴ For their part, civil society, including NGOs and religious institutions, have spoken out against the closure of the camps and the removal of Roma.

15. The Council of Europe has also reacted on the issue. The President of the Assembly, Mevlüt Çavusoglu, was one of the first to make a statement, on 20 August 2010, criticising the practices employed by the French authorities and signalling that they "...are certainly not the right measures to improve the situation of this vulnerable minority. On the contrary, they are likely to lead to an increase in racist and xenophobic feelings in Europe". He referred to the case law of the European Court of Human Rights, which has regularly condemned states in which Roma have suffered from abuse or discrimination, and he recalled that Protocol No.4 to the European Convention on Human Rights prohibits the collective expulsion of aliens.¹⁵

16. In a similar vein, the European Commission against Racism and Intolerance (ECRI) expressed its concern about the treatment of Roma and said that "a policy based on evictions and 'incentives' to leave France, even assuming that relevant human rights standards are complied with, cannot provide a durable answer".¹⁶

17. The Council of Europe Commissioner for Human Rights, Thomas Hammarberg, has issued a number of statements and given many interviews to the media on the issue since August. On 9 September 2010, he underlined that:

"politicians should be very careful about language which can promote further prejudice against the Roma communities.

During the ongoing government campaign in France against crime, Roma from other European Union countries have been targeted as a "threat against public security". French government spokespersons have failed to make a clear distinction between the whole group of Roma immigrants and the few who have committed crimes.

This is all the more serious as there is widespread anti-Gypsyism in many European countries today and extremist political groups are trying to exploit these tendencies. Their propaganda is very close to what was said in the 30s and 40s by fascists and Nazis. Any political statement or action which encourages such thinking must be avoided.

One should not trivialise the consequences of negative statements by leading politicians".¹⁷

18. Coincidentally, the United Nations Commission for the Elimination of Racial Discrimination (CERD) met on 27 August 2010 to consider France's compliance with the Convention on the Elimination of all Forms of Racial Discrimination. It expressed concern that the removal of Roma was being done on a collective

¹³ *Roms: Villepin, Raffarin, Sarkozy, même combat*, *Le Monde*, 25 August 2010.

¹⁴ *Expulsions de Roms: Bernard Kouchner dit avoir songé à démissionner*, *Le Monde*, 30 August 2010.

¹⁵ PACE President expresses concern over the situation of Roma in Europe, [Press Release 606\(2010\)](#), 20 August 2010.

¹⁶ European Commission against Racism and Intolerance: deeply concerned by the situation of Roma in France, [Press release 608 \(2010\)](#), 24 August 2010.

¹⁷ Commissioner Hammarberg, Anti-Roma rhetoric in Europe: politicians should avoid feeding prejudice, [Press Release 9 September 2010](#).

basis without asking them for consent. It was alarmed by political speeches of a discriminatory character and the increased number of attacks against the Roma in France following the Presidential announcement.

19. CERD has launched an early warning procedure against France, the objective of which is to warn all the different state institutions about the problem and remind them of their obligations to ensure that measures taken are not discriminatory.¹⁸

20. In a Resolution adopted on 9 September 2010, the European Parliament expressed its deep concern "at the inflammatory and openly discriminatory rhetoric that has characterised the political discourses during the repatriation of the Roma, lending credibility to racist statements and the actions of extreme right-wing groups." It went on to remind policy-makers "of their responsibilities" and rejected "any statements which link minorities and immigration with criminality and create discriminatory stereotypes".¹⁹

21. The European Union Commissioner for Justice and Fundamental Rights, Viviane Reding, has been very vocal on the issue. She expressed her regret that "some of the rhetoric that has been used in some Member States...has been openly discriminatory and partly inflammatory."²⁰ She clarified in a public statement made on 14 September 2010 that: "Discrimination on the basis of ethnic origin or race has no place in Europe. It is not compatible with the values on which the European Union is founded. National authorities who discriminate ethnic groups in the application of EU law are also violating the EU Charter of Fundamental Rights, which all Member States, including France, have signed up to."²¹

22. Following the publication of the leaked circular from the Ministry of the Interior, which instructed French authorities to deal with Roma camps "as a priority", the European Union Commissioner for Justice and Fundamental Rights, Viviane Reding, announced that the Commission would consider whether to instigate infringement proceedings against France for potential violations of the 2004 European Union Freedom of Movement Directive and for violation of the European Union Fundamental Rights Charter. On 29 September 2010, the Commission announced that it would start infringement proceedings against France. It found that France had not fully transposed the Directive into national legislation in a way that makes the rights contained within it fully effective. It issued a letter of formal notice to France requesting full transposition of the directive into French law or an explanation of how it intends to do so by 15 October 2010.²² The French government reacted by saying it would supply all the requested information.

23. On the other hand, the Commission decided not to commence infringement proceedings for violations of the European Union Charter on Fundamental Rights on the grounds of discrimination. The Commission announced that it was satisfied by the assurances it had been given by the French government that provisions within the Charter had not been violated. However, the Commission has requested that further documents be supplied.²³

24. For his part, the Secretary General, Thorbjørn Jagland, has convened a high-level meeting on 20 October 2010 in Strasbourg to develop a pan-European approach to Roma issues. It will bring together policy makers of 47 member states as well as representatives of the relevant international organisations. The Secretary General emphasised that "The meeting should be the starting point for a joint effort by the European institutions and the member countries to take on the situation of the Roma in a constructive and sustainable way".²⁴

25. The French Minister for European Affairs, Pierre Lellouche, was among the first to express his support for the Secretary General's initiative,²⁵ which has been positively received by all member states. The European Union has also welcomed the initiative and the European Union Commissioner for Justice and Fundamental Rights, Viviane Reding has been invited to participate at the high-level meeting. This is a clear example of how the Council of Europe can work with the European Union on issues of common interest and

¹⁸ Observations finales du Comité pour l'élimination de la discrimination raciale en France, CERD/C/FRA/CO/17-19, 27 August 2010.

¹⁹ European Parliament Resolution of 9 September 2010 on the situation of Roma and on freedom of movement in the European Union.

²⁰ EU expresses concern over Roma Expulsions in France, EU Observer, 31 August 2010.

²¹ Statement on the latest Development on the Roma Situation, Speech/10/428, 14 September 2010.

²² European Commission assesses recent developments in France, discusses overall situation of the Roma and WU Law on free movement of EU citizens, IP/10/1207, 29 September 2010.

²³ "Roms: la Commission européenne cherche l'apaisement avec la France, sans lui donner raison", *Le Monde*, 29 September 2010.

²⁴ Council of Europe calls for constructive and concrete high level meeting for Roma, Press Release 706 (2010), 29 September 2010.

²⁵ Council of Europe initiative on Roma supported by French, Press Release 670 (2010).

where the Council of Europe can share its significant experience and expertise on issues relating to human rights, democracy and the rule of law. I believe we should all, as Parliamentarians, support the Secretary General's initiative and call upon our respective governments to participate at the high-level meeting and ensure that there is appropriate follow-up of any decisions taken.

2.2. Developments in other Council of Europe member states

26. The issue of the rise in security rhetoric targeting the Roma clearly has a pan-European dimension. There are an estimated 10 to 12 million Roma in Europe, which constitute Europe's largest minority. Prior to the events of this summer, the Assembly had already aired its concerns about the rise in anti-Gypsyism across its member states. In Resolution 1740 on the situation of Roma in Europe and the relevant activities of the Council of Europe, adopted in June 2010, the Assembly expressed its shock

"by recent outrages against Roma in several Council of Europe member states, reflecting an increasing trend in Europe towards anti-Gypsyism of the worst kind.

Taking advantage of the financial crisis, extremist groups capitalise on fears deriving from the equation made between Roma and criminals, choosing a scapegoat that presents an easy target, as Roma are among the most vulnerable group of all".²⁶

27. Mr Berényi's explanatory memorandum, written prior to the adoption of the Resolution, detailed the increased number of anti-Roma manifestations and violent attacks against Roma in Council of Europe member states.²⁷ These incidents have not happened in isolation from the rise in use of anti-Roma rhetoric by public officials and politicians who have publicly associated Roma with criminality and responded by implementing policies to ostensibly protect the security of the public. What follows is a non-exhaustive list of recent examples of anti-Roma rhetoric in Council of Europe member states.

2.2.1. Czech Republic

28. In a report adopted in 2009, ECRI found that "In recent years, high-ranking politicians at national and local level have made widely publicised anti-Roma statements. Anti-Roma slogans have been used as part of local election campaigns, and inflammatory statements by politicians appear to have been rewarded."²⁸ It must be highlighted that this phenomenon has been accompanied by an intensification of the activities of extreme right wing groups.

2.2.2. Denmark

29. On 6 July 2010, 23 Roma from Romania were arrested in a warehouse in Copenhagen. The arrests followed statements reportedly made by the Mayor of Copenhagen, Frank Jensen, blaming Roma for thefts in the city and calling upon the government to adopt measures to rid Copenhagen of "criminal Roma". The Minister of Justice, Lars Barfoed, is alleged to have condemned the Roma in question, named them as illegal residents and promised that the police would act. The 23 Romanians were expelled the following day without any investigation or convictions. The European Centre for Roma Rights is taking a case on behalf of ten of them to the Danish Courts, requesting that the deportation order be overturned retroactively. The long-term objective is to obtain a ruling from the Court of Justice of the European Union on whether Romania and Bulgarian citizens can be deported in this way. There was apparently no investigation before the deportation order was issued and only one of the deportees is thought to have had a criminal record.

2.2.3. Hungary

30. In a letter addressed to the Prime Minister of Hungary in October 2009, the Council of Europe Commissioner for Human Rights expressed his grave concern at the rise of extremism, intolerance and racist manifestations that had targeted in particular members of the Roma minority, estimated at 7% of the population of the country.

31. Of special concern to the Commissioner was the public use of anti-Roma speech by certain public figures in Hungary and the lack of strong condemnation of and effective measures against the reoccurrence

²⁶ Resolution 1740 (2010).

²⁷ Assembly Doc. 12174.

²⁸ CRI(2009)30.

of such incidents.²⁹ The cold-blooded murders of Roma, including a five-year old child in Hungary in 2009 were another illustration that the risk of anti-Roma violence is still present.

2.2.4. Italy

32. In 2007, a Romanian Roma was accused of murdering an Italian woman. Subsequently, the media and some politicians began to speak out against the Roma,³⁰ fortifying pre-existing stereotypes. On 11 May 2008, the Italian newspaper, *La Repubblica*, quoted the Italian Interior Minister, Mr Roberto Maroni, as saying that "All Roma camps will have to be dismantled right away, and the inhabitants will be either expelled or incarcerated".

33. The link made by public officials and politicians between crime and Roma ethnicity is thought to have contributed to the rise in resentment towards the Roma population.³¹ Around the same time, there were a number of attacks against Roma settlements and a rise in anti-Roma manifestations, some of which became very violent. These incidents have been documented elsewhere.³² One camp was attacked after a Roma woman was accused of kidnapping a baby. The Interior Minister was quoted as saying, "(t)his is what happens when gypsies steal babies".³³

34. Later the same month, the Italian Prime Minister declared "a state of emergency" to deal with Roma settlements in the regions of Campania, Lazio and Lombardia.³⁴ The security rhetoric used "has led to obvious abuses in Italy. The authorities have, amongst other measures, fingerprinted the Roma, photographed Roma children, brutally evicted Roma from their camp and left unpunished numerous arson attacks on the sheds serving as their homes".³⁵

35. Following his visit to Italy in June 2008, the Commissioner for Human Rights expressed his serious concern "about the adoption or preparation of severe legislation which is aimed at ensuring "public security" and imposing a firmer control over immigration, including of European Union citizens, and over the presence and movement of Roma and Sinti populations. While stronger action against individual criminal offenders may be required...the swift adoption of broad packages of the sort currently implemented or considered in Italy entails a clear risk of linking insecurity to specific groups of population and of generating confusion between offenders and foreigners. Such a risk should be carefully avoided, if one is not to further feed xenophobic tendencies."³⁶

36. For its part, an OSCE delegation complained that the measures taken by the government, starting with the declaration of the state of emergency, were disproportionate in relation to the actual scale of the security threat posed by the immigration of Roma and the camps. It also raised its concerns that statements by well-known political figures, amongst others, fuelled anti-Roma bias in society at large and contributed to the stigmatisation of the Roma and Sinti community.³⁷ It recommended that Italy combat anti-Roma hate speech and other expressions of xenophobia, whether by private individuals or by public officials.

2.2.5. Romania

37. The Minister for Foreign Affairs, Teodor Bachonschi, is reported to have said that "we have some physiological, natural, crime-related problems among some Romanian communities, especially among the ethnic Roma communities."³⁸

²⁹ CommDH(2009)39.

³⁰ There are an estimated 150 000 Roma in Italy, half of whom are from the Sinti community which settled in Italy during the sixteenth century. The remainder either went there from the former Yugoslavia during the war in the 1990s or have gone more recently from Bulgaria and Romania since 2007.

³¹ OSCE, *Assessment of the human rights situation of Roma and Sinti in Italy: report on a fact finding mission to Milan, Naples and Rome on 20-26 July 2008*.

³² See *The situation of Roma in Europe and relevant activities of the Council of Europe* (2010) Doc 12174 and CommDH (2008)18.

³³ See, Zygmunt Bauman, L'odio per lo straniero nasce della paura, in "La Repubblica", 29 September 2008.

³⁴ Decree by the President of the Council of Ministers. 21 May 2008 on *Immigration and Asylum* www.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/immigrazione/0979_2008_05_27_decreto_21_maggio_2008.html?back=%2Ftools%2Fsearch%2Findex.html%3Faction%3Dsearch%26matchesPerPage%3D10%26displayPages.

³⁵ Doc. 12174, the situation of Roma in Europe and the relevant activities of the Council of Europe, paragraph 22.

³⁶ CommDH(2008)18.

³⁷ OSCE, *Assessment of the human rights situation of Roma and Sinti in Italy: report on a fact finding mission to Milan, Naples and Rome on 20-26 July 2008*.

³⁸ The European Roma Information Office E News 3 March 2010, <http://erionet.org/site/upload/E->

2.2.6. Sweden

38. Sweden has recently returned 50 Roma for begging, even though this is not a criminal offence in Sweden.³⁹ The Swedish migration Minister, Tobias Billström, defended the government's actions by arguing that European Union rules on the freedom of movement are not intended to encourage begging. In response, the Council of Europe Commissioner for Human Rights, who is originally from Sweden, wrote a joint article with Archbishop Anders Wejryd arguing that the Swedish government was complicit in the ongoing discrimination of Roma who are "identified as a danger to society by politicians who seek to win political points on demands of a tough line against this already vulnerable group. They are subjected to arrest and collective deportations."⁴⁰

39. In fact, anti-Roma attitudes and discourses are so prevalent across Europe that similar measures are being taken elsewhere that would normally be viewed as unacceptable. The report on Roma asylum seekers in Europe,⁴¹ which is likely to be debated on 12 November 2010 at the Standing Committee, points to problems linked to the return of Roma asylum seekers to Kosovo⁴² and calls upon member states to reconsider their return policies with regard to rejected Roma asylum seekers from Kosovo and to consider offering them alternatives, including naturalisation.

3. Stereotypes should not be reinforced by politicians

40. The financial crisis has exacerbated many problems across Europe. High levels of unemployment can often lead to increased levels of crime and feelings of insecurity among the general population. In these circumstances it may appear to be easy to make political gains by using the Roma and other minorities, including migrants as scapegoats. However, it is extremely dangerous when politicians seek to play on pre-existing stereotypes to gain political advantage. It undermines the work of institutions such as the Council of Europe, the OSCE as well as that of NGOs who have worked hard to end discrimination and the disadvantage suffered by Roma across Europe. The irony should not be lost that this discourse prevails bang in the middle of the Decade of Roma Inclusion.⁴³

41. We, as politicians, should be aware of our responsibility to the Roma. As has been extensively documented in Mr Berényi's report, the Roma have become the target of racially-motivated organised violence. Freedom of expression is not an absolute right and all politicians have a duty to ensure that our words do not reinforce stereotypes and inadvertently encourage the actions of extremists.

42. To deny that there are problems within Roma communities would also be wrong. The Roma are among the most marginalised groups in our society. Poverty, insecurity, marginalisation, inadequate housing, segregation and lack of access to education and employment opportunities are a common theme for Roma across Europe. As the Commissioner for Human Rights has pointed out "(o)f course there are some Roma who are guilty of theft and some who have been badly exploited by traffickers. It is a well known fact that socially marginalised and destitute people tend to be somewhat over-represented in criminal statistics – for obvious reasons". Yet it is unfair and simply wrong to tarnish all with the same brush. To act rashly to dismantle camps following alleged criminal activity by a minority of Roma, as has been seen, will not resolve the problems in the long run. Nevertheless, the underlying issues, including the root causes of marginalisation and poverty, need to be addressed.

43. European countries with better employment prospects, higher living standards and more generous welfare systems are bound to attract migrants from their less wealthy neighbours, putting pressure on social institutions. Failure to integrate immigrants into society aggravates social tensions and leads to growing feelings of insecurity and discontent among other inhabitants, thus creating a fertile ground for anti-immigration rhetoric. At various times over the past decade, some politicians and parts of the media have

[News%208%20March%20EU%20mention.pdf](#).

³⁹ "Romani people are deported with legal reason" *Stockholm News*, 30 July 2010.

⁴⁰ "Sweden discriminates against Roma," *The Local*, 4 September 2010.

⁴¹ Roma asylum seekers in Europe, committee on Migration, Refugees and Population, 21 September 2010.

⁴² All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

⁴³ The Decade of Roma Inclusion (2005-2015) is meant to improve the social and economic status of Roma. The twelve Central and Eastern European participating countries, along with Spain intended to focus their efforts on the priority areas of education, employment, housing, and commits governments to take into account the other core issues of poverty, discrimination, and gender mainstreaming.

blamed asylum seekers,⁴⁴ Muslims, Roma and other immigrants for the problems confronting society. At the same time, as crime rises, which is an almost natural consequence of the economic crisis, voters legitimately question the effectiveness of public policies in the field of safety and security. Societies become more receptive to xenophobic political agendas. For their part, countries of origin have also their share of responsibility in tackling the matter.

44. While mainstream parties have long failed to anticipate or face these challenges, extremist populist parties have sought to capitalise on society's security concerns by simply equating immigration with crime and insecurity. There is a worrying trend in Europe, most recently exemplified by the recent elections in Sweden, of extreme right wing parties being elected into national parliaments. This was mirrored in the European Parliament elections of 2009 and in a number of other recent elections.

45. It is understandable that politicians from mainstream parties should seek to detract their voters from turning to far right parties. Likewise, member states should be able to take measures to tackle crime and protect people living within their territory. Mainstream parties cannot therefore afford to desert the domain of security and leave it for marginal political forces to capitalise on.

46. Nevertheless, language should not be used which apports blame for society's ills or criminality on one or the other specific minority, such as the Roma. What is particularly worrying is in fact that mainstream parties have begun to use racist discourse to keep voters.⁴⁵ As Mr. Zingeris has argued "mainstream parties have shown a tendency of borrowing some of the radical discourse of extremist parties in order, on the one hand, to secure the votes of a part of the population and, on the other, to blame someone else (immigrants, Jews, speculators etc) for their own lack of efficiency."⁴⁶

4. Conclusions

47. Whilst it is understandable 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 of all people living within their territory, I believe it is of utmost importance that a clear distinction must be made in political discourse between individuals who have committed crimes and entire groups of people, such as Roma or any other minority or migrant group.

48. We, as politicians, should condemn, as racist and xenophobic, the use of language stigmatising Roma or any other minority or migrant group. We have a special responsibility to eliminate negative stereotyping or stigmatising of any minority or migrant group from political discourse and promote a message of non-discrimination, tolerance and respect for people from different backgrounds.

49. Therefore, in the draft resolution, I propose that we recall and reaffirm Council of Europe standards and policy guidelines applicable to political discourse, contained, inter alia: in the case law of the European Court of Human Rights; the Committee of Ministers Recommendation 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; recommendations by the Commissioner for Human Rights, as well as related documents of the Venice Commission and Assembly Resolution 1345 (2003) on racist, xenophobic and intolerant discourse in politics and Resolution 1754 (2010) on the fight against extremism: achievements, deficiencies and failures. A number of recommendations are then addressed to the Council of Europe member states, public authorities and public institutions at the national, regional and local levels, as well as officials.

50. Furthermore, we should reiterate the importance of the Charter of European Political Parties for a Non-Racist Society, signed by the President of our Assembly and the President of the European Parliament in 2003. We should commit ourselves and urge political parties, political forces and political and public figures in member states, international groupings of political parties, to commit themselves to:

- adhering to and actively implementing and promoting the principles contained in the Charter;
- actively contributing to combating attempts 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;

⁴⁴ The image of asylum seekers, migrants and refugees in the media, Assembly Doc. 11011 (2006).

⁴⁵ Fight against extremism: achievements deficiencies and failures, Assembly Doc. 12265 (2010).

⁴⁶ The political consequences of the economic crisis, Assembly Doc. 12282 (2010).

- combating any action or language likely to reinforce fears and tensions between groups from different racial, ethnic, national, religious or social backgrounds;
- dealing responsibly and fairly with sensitive topics relating to such groups;
- 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.

51. In the light of the particular responsibility incumbent upon the media, a number of recommendations are also addressed to them.

52. Finally, as regards the specific situation of Roma in Europe, we should:

- reaffirm our Assembly 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;
- welcome and support 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;
- express our readiness to contribute to the success of this high-level meeting by bringing in our Assembly's own experience of dealing with issues relating to the Roma and promoting implementation of any adopted decisions;
- invite the Secretary General to inform the Assembly, at the earliest opportunity, that is at its Standing Committee meeting in Antalya on 12 November 2010, about the outcome of the high-level meeting;
- continue to monitor carefully the situation of Roma in Europe, in all its dimensions (especially social, educational, cultural and migratory) and taking also into account the outcome of the high-level meeting to be held on 20 October 2010.