

# European Parliament

2014–2019

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## TEXTS ADOPTED

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**P8\_TA(2018)0032**

### **Fighting discrimination of EU citizens belonging to minorities in the EU Member States**

#### **European Parliament resolution of 7 February 2018 on protection and non-discrimination with regard to minorities in the EU Member States (2017/2937(RSP))**

*The European Parliament,*

- having regard to Articles 2 and 3 of the Treaty on European Union (TEU),
- having regard to Articles 10, 19, 21 and 167 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to the right to petition enshrined in Articles 20 and 227 of the TFEU and Article 44 of the Charter of Fundamental Rights of the European Union (EUCFR),
- having regard to Articles 21 and 22 of the EUCFR,
- having regard to the preamble to the TEU,
- having regard to the Council of Europe’s Framework Convention for the Protection of National Minorities, Protocol No 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms, and the European Charter for Regional or Minority Languages,
- 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<sup>1</sup> (Racial Equality Directive),
- having regard to Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation<sup>2</sup> (Equal Treatment in Employment Directive),
- having regard to Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union

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1 OJ L 180, 19.7.2000, p. 22.

2 OJ L 303, 2.12.2000, p. 16.

and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC<sup>3</sup> (Free Movement Directive),

- having regard to the judgment of the General Court of the Court of Justice of the European Union (CJEU) of 3 February 2017 in Case T-646/13 – *Minority SafePack – one million signatures for diversity in Europe v Commission*<sup>4</sup>,
- having regard to its resolutions on the situation of fundamental rights in the European Union,
- having regard to its resolution of 8 June 2005 on the protection of minorities and anti-discrimination policies in an enlarged Europe<sup>5</sup>,
- having regard to its resolution of 11 September 2013 on endangered European languages and linguistic diversity in the European Union<sup>6</sup>,
- having regard to its resolution of 12 March 2014 entitled ‘EU Citizenship Report 2013. EU citizens: your rights, your future’<sup>7</sup>,
- having regard to its resolution of 15 December 2016 on the activities of the Committee on Petitions 2015<sup>8</sup>,
- having regard to its resolution of 25 October 2017 entitled ‘Fundamental rights aspects in Roma integration in the EU: fighting anti-Gypsyism’<sup>9</sup>,
- having regard to its resolution of 12 December 2017 entitled ‘EU Citizenship Report 2017: Strengthening citizens’ rights in a Union of democratic change’<sup>10</sup>,
- having regard to the study of April 2017 commissioned by Policy Department C of the European Parliament at the request of the Committee on Petitions entitled ‘Discrimination(s) as emerging from the petitions received’,
- having regard to the study of August 2017 commissioned by Policy Department C of the European Parliament at the request of the Committee on Civil Liberties, Justice and Home Affairs entitled ‘Towards a comprehensive EU protection system for minorities’,
- having regard to the study of May 2017 commissioned by Policy Department B of the European Parliament at the request of the Committee on Culture and Education entitled ‘Minority Languages and Education: Best Practices and Pitfalls’,

3 OJ L 158, 30.4.2004, p. 77.

4 ECLI:EU:T:2017:59.

5 OJ C 124 E, 25.5.2006, p. 405.

6 OJ C 93, 9.3.2016, p. 52.

7 OJ C 378, 9.11.2017, p. 146.

8 Texts adopted, P8\_TA(2016)0512.

9 Texts adopted, P8\_TA(2017)0413.

10 Texts adopted, P8\_TA(2017)0487.

- having regard to the public hearing organised by the Committee on Petitions of 4 May 2017 entitled ‘Fighting against discrimination of EU citizens in the EU Member States and protection of minorities’<sup>11</sup>,
  - having regard to Rule 216(2) of its Rules of Procedure,
- A. whereas the Committee on Petitions has received several petitions raising concerns about various practices that discriminate against EU citizens belonging to minorities and has organised a hearing on the different issues raised;
- B. whereas there is a strong link between minority rights and the principle of the rule of law; whereas Article 2 of the TEU expressly mentions the rights of persons belonging to minorities and whereas these rights deserve to be accorded the same treatment as the other rights enshrined in the Treaties;
- C. whereas Article 10 of the TFEU stipulates that ‘in defining and implementing its policies and activities, the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation’;
- D. whereas while international agreements provide a solid framework for minority rights, there is still considerable room for improvement in the way in which the protection of minority rights is put into practice in the EU;
- E. whereas every person in the EU has an equal right and duty to become a full, active and integrated member of society;
- F. whereas upholding minority rights is an essential requirement for candidate countries as laid down in the Copenhagen criteria;
- G. whereas discrimination on the grounds of ethnic origin is cited as the most common form of discrimination and whereas discrimination on the grounds of sexual orientation has increased significantly according to the most recent Eurobarometer survey on discrimination<sup>12</sup>;
- H. whereas the Commission’s proposal for an Equal Treatment Directive (COM(2008)0426) covers a large number of areas, such as education, social protection, and access to and supply of goods and services;
- I. whereas petitions received by the Committee on Petitions in the field of discrimination in relation to minority rights should be examined thoroughly in order to understand the concerns raised by citizens and propose solutions;
- J. whereas several petitions show that minorities encounter discrimination in the exercise of their fundamental rights, and whereas this raises concerns regarding the future of minority communities, in particular in the light of activities that pollute the environment;
- K. whereas the protection and strengthening of cultural heritage related to national minorities in the Member States – a key component of the cultural

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11 <http://www.europarl.europa.eu/cmsdata/117287/peti-hearing-programme-20170504-en.pdf>

12 Discrimination in the EU in 2015, <http://ec.europa.eu/COMMFrontOffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/SPECIAL/surveyKy/2077>

identity of communities, groups and individuals – plays a crucial role in social cohesion;

- L. whereas Member States have a clear responsibility to take corrective measures against practices that discriminate against members of the Roma community, in particular in their dealings with regional and national administrative authorities;
- M. whereas petitioners are concerned about the lack of a comprehensive EU response and protection when it comes to their linguistic and other minority rights, which are enshrined in the EUCFR and the general principles of EU law, as stated by the CJEU;
  1. Deplores the fact that persons belonging to minorities still encounter obstacles in ensuring respect for their fundamental rights and remain victims of hate speech and hate crimes;
  2. Considers that Member States should consistently uphold the rights of minorities and periodically assess whether those rights are being respected;

***Combating discrimination against autochthonous, national and linguistic minorities: a national and EU responsibility***

3. Observes that minority issues have not been high enough on the EU agenda and supports an integrated approach to equality and non-discrimination, with the objective of ensuring that Member States deal appropriately with the diversity of people in their societies;
4. Believes that the EU has a responsibility to protect and promote the rights of minorities; considers it necessary to improve the EU's legislative framework to protect the rights of persons belonging to minorities in a comprehensive manner;
5. Emphasises the role of the EU institutions in raising awareness of the issues related to the protection of minorities and encouraging and supporting the Member States in promoting cultural diversity and tolerance, especially through education;
6. Stresses that the development of any cultural heritage policy should be inclusive, community based and participatory, involving consultation and dialogue with the minority communities concerned;
7. Notes that the EU lacks effective tools to monitor respect for minority rights; calls for effective EU-wide monitoring of the situation of autochthonous and linguistic minorities; considers that the EU Agency for Fundamental Rights should carry out enhanced monitoring of discrimination against national minorities in Member States;
8. Acknowledges the important role of the Member States in the protection of autochthonous, national or linguistic minorities; recalls that the protection of national minorities and the prohibition of discrimination on grounds of

language and membership of a national minority are enshrined in the Treaties and the EUCFR;

9. Regrets that the issues raised in its resolution on the protection of minorities and anti-discrimination policies in an enlarged Europe have not yet been resolved;

### *EU legal framework on minorities: challenges and opportunities*

10. Highlights the fact that the rights of national minorities and the protection thereof are integral to the rule of law as laid down in the Organisation for Security and Cooperation in Europe (OSCE) Copenhagen Document signed in 1990;
11. Calls on the Member States to ensure that their legal systems guarantee that persons belonging to a minority are not discriminated against and to take targeted protection measures based on relevant international norms; condemns any discriminatory treatment by public officials of persons belonging to minorities; suggests that the competent authorities make use of the measures in place for reporting and, where necessary, sanctioning such cases of discrimination;
12. Stresses that the situation and legal status of non-citizens permanently resident in Member States needs to be addressed;
13. Highlights that the natural and cultural heritage resources of national minorities are key pillars of social cohesion and must be considered assets to be fully preserved for future generations, including by putting a stop to polluting activities;
14. Calls on all Member States to sign, ratify and enforce the Framework Convention for the Protection of National Minorities, Protocol No 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms and the European Charter for Regional or Minority Languages, or to update their commitments towards the relevant international agreements; stresses that linguistic and autochthonous minorities should be treated in accordance with the principles laid down in these documents;
15. Calls for the Racial Equality Directive and the Equal Treatment in Employment Directive to be revised; deeply regrets that little progress has been made on the adoption of the proposal for an Equal Treatment Directive and calls on the Commission and the Council to relaunch the relevant negotiations with the aim of concluding them before the end of this legislative term;

*Protection and defence of minority languages*

16. Encourages the Member States to ensure that the right to use a minority language is upheld and to protect linguistic diversity within the Union in accordance with the EU Treaties;
17. Believes that linguistic rights must be respected in communities where there is more than one official language, without limiting the rights of one compared with another, in line with the constitutional order of each Member State;
18. Calls on the Commission to strengthen the promotion of the teaching and use of regional and minority languages, as a potential way of tackling language discrimination in the EU;

*Rights of LGBTI persons*

19. Encourages the Commission to take more resolute steps to combat LGBTI discrimination and homophobia, including concrete legislative measures, while respecting the competences of Member States; recommends monitoring LGBTI rights and providing clear and accessible information on the recognition of cross-border rights for LGBTI persons and their families in the EU; considers that Member States should duly invest in providing targeted education at different stages in order to prevent bullying and combat homophobia in a structured manner;
20. Urges the Commission to ensure that Member States correctly implement the Free Movement Directive, consistently respecting, inter alia, the provisions related to family members and prohibiting discrimination on any grounds;
21. Calls on the Commission to take action in order to ensure that LGBTI individuals and their families can exercise their right to free movement in accordance with both Article 21 of the TFEU and Article 21 of the EUCFR;

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22. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.