



# Efforts to Improve the Educational Prospects and Living Conditions of Roma Children – How the European Union Is Supporting Member States’ Action for the Socio- economic Integration of the Roma

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**Abstract.** The European Union and international organisations adopted several isolated programmes and actions from the mid-1990s to support the social inclusion and socio-economic integration of the Roma, who make up the largest ethnic minority of the European Union and are most exposed to risks of poverty, material deprivation, and discrimination based on ethnic origin. However, the will to accelerate integration efforts and opt for more concerted action at the level of the European Union was articulated only in 2011 with the adoption of the European Framework for National Roma Integration Strategies. This framework identified four main policy fields of action beyond the horizontal priority of fighting non-discrimination: education, employment, health, and housing. However, as the European Union has only limited competences in these policy areas, the main responsibility to bring about tangible change in the situation of the Roma remains with the Member States. Based on the European Framework for National Roma Integration Strategies, Member States adopted their national strategies, whereas the European Commission monitored and evaluated the implementation of the national measures on a regular basis. Progress in the four policy fields in the period of 2011–2019 remained limited. Encouraging results were achieved regarding access to early childhood education and care of Roma children, but the situation did not change or even worsened in other subcategories of action (i.e. segregated schooling persisted). The European Commission, which had declared that its highest priority was ‘equality for all’, adopted a new approach to Roma integration in 2020 that broadened the scope of intervention to Roma equality, inclusion, and participation. The Commission proposed a new EU Roma Strategic Framework to Member States, surpassing the previous socio-economic approach and inclusive growth aspects. The paradigm shift was obvious not

only by the introduction of the equality element but also by the proposal of common European headline targets and EU-level indicators. Nonetheless, Member States' ambition to commit to common achievable targets was moderate. While Member States agreed to adopt national Roma strategic frameworks, many of them opted for national targets and indicators instead of the common European ones. The European Commission has already evaluated the national strategies and found that Member States' action until 2030 will primarily focus on education and the improvement of the situation of Roma children and pupils.

**Keywords:** non-discrimination, Roma, education, integration, European Union, Member States' action

## 1. Introduction

The European Union (EU) committed itself to eliminating inequalities and combating discrimination based on different grounds, including discrimination based on ethnic origin. Hence, EU institutions use their legal, financial, and political instruments to protect and promote the rights of the most vulnerable. The European Commission made 'The Union of equality' one of its major priorities for the period of 2019–2024 and adopted five comprehensive equality strategies,<sup>1</sup> of which one focuses on Roma equality, inclusion, and participation. However, the EU cannot act alone in certain fields which are relevant for the inclusion and integration of the Roma, as Member States hold the primary responsibility for adopting and implementing targeted or mainstreamed measures aimed at improving their socio-economic, educational, health, and housing conditions. The present study seeks to provide a brief overview of what action has been taken by the EU during the past decade in this field and how well Member States have been able to contribute to achieving the common European objective of tackling the socio-economic exclusion of the Roma.

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1 The Gender Equality Strategy 2020–2025; the EU Anti-racism Action Plan 2020–2025; The EU Roma Strategic Framework for Equality, Inclusion, and Participation 2020–2030; the LGBTIQ Equality Strategy 2020–2025; Strategy for the Rights of Persons with Disabilities 2021–2030. See: European Commission, no date.

## 2. Multiple Discrimination<sup>2</sup> Faced by Roma Children and Their Educational Situation in Europe

Roma<sup>3</sup> make up the largest ethnic minority of the EU and are present in each Member State with the exception of Malta.<sup>4</sup> In four EU Member States, namely Bulgaria, Romania, Slovakia, and Hungary, Roma make up a significant proportion of the population, well above the 1%<sup>5</sup> that is a rough ‘average’ in other Member States. According to the average estimates of the Council of Europe, around 11 million Roma live in Europe,<sup>6</sup> mainly in ‘extreme marginalisation in both rural and urban areas and in very poor socio-economic conditions’.<sup>7</sup> These assumptions are corroborated by the EU’s Agency for Fundamental Rights (FRA), which regularly surveys<sup>8</sup> the situation of the Roma in EU Member States. Some core questions of these surveys and the aspects examined include whether Roma experience discrimination or hate crime owing to their ethnic origin, their employment situation, their housing conditions, whether they have equal access to health services, their life expectancy, and with regard to children, their educational indicators, such as participation in early childhood education and care (ECEC), the share of school drop-out rates, whether Roma children experience school segregation, and their overall educational attainments.

Special attention to the difficulties faced by Roma children and their precarious situation is all the more justified because they may suffer multiple forms of deprivation – caught by the transmission of intergenerational poverty and social exclusion<sup>9</sup> and compounded by the burden of discrimination and

2 Multiple discrimination means all instances of discrimination on several grounds, which can manifest in the form of *additive discrimination* or *intersectional discrimination*. The latter covers situations in which ‘two or more discrimination grounds operate and interact with each other in such a way that they are inseparable or inextricable’. Council Recommendation on Roma equality, inclusion and participation (2021/C 93/01), 12. 3. 2021, recital 15.

3 According to the Council of Europe’s definition, ‘Roma’ is an umbrella term encompassing Roma, Sinti, Kale, Romanichals, Boyash/Rudari, Balkan Egyptians, and Eastern groups (Dom, Lom, and Abdal), such groups as Travellers, Yenish, and the populations designated under the administrative term Gens du voyage, and people who identify themselves as Gypsies. See: Council of Europe, 2012. The institutions and official documents of the EU adopt and apply a very similar definition but add to the abovementioned groups the Ashkali, ethnic Travellers, Tsiganes, or Tziganes, without denying the specific characteristics of those groups. See, for example, 2021/C 93/01, recital 16.

4 European Commission, 2020, p. 1.

5 Bulgaria: 9.94%, Romania: 9.02%, Slovakia: 8.63%, Hungary: 7.49%; see: Organisation for Economic Co-operation and Development, 2022.

6 Council of Europe, 2012.

7 European Commission, 2012, p. 2.

8 See the following FRA reports: EU-MIDIS Data in Focus Report 1: The Roma, 4.4.2009; The situation of Roma in 11 EU Member States, 23.5.2012; EU-MIDIS II: Roma, 29.11.2016; Roma and Travellers in six countries, 23.9.2020.

9 On the causes of the vicious circle of passing on marginalisation, see, for example, Fundación Secretariado Gitano, no date.

spatial and/or educational segregation.<sup>10</sup> The FRA's latest Roma survey<sup>11</sup> reveals and confirms general and also child-specific facets of anti-Gypsyism and grounds of discrimination, which may manifest in harassment and violence, higher risk of poverty, severe material deprivation, segregation and discrimination in education, insufficient access to health services and health insurance, housing deprivation or overcrowded housing, lack of access to tap water, etc. A particular Central-European regional phenomenon seen especially in Romania, Czechia, Slovakia, and previously in Hungary aggravates the educational prospects of Roma children; this is related to the misclassification of a very high percentage of Roma pupils as having special educational needs. Hence, Roma children are disproportionately more often enrolled in remedial schools for children with mental health disabilities without actually having mental health problems.<sup>12</sup> Both the European Parliament and the Council of the European Union have deplored<sup>13</sup> this practice and called for 'measures to prevent and eliminate misdiagnosis leading to inappropriate placement of Roma pupils in special needs education'.<sup>14</sup>

Although it is undeniable that granting equal access to Roma children to inclusive, non-segregated quality education would benefit the whole of society, statistics show a regrettably different reality. The FRA's findings<sup>15</sup> purport that on average in the EU, only 44% of Roma children aged from 3 years to the age of starting compulsory primary education attend ECEC, whereas this number is 93% for the general population in the EU. The lowest level of participation in the ECEC of Roma children is in Croatia (24%) and Romania (27%), whereas the divide is largest in Italy, where only one-third (30%) of Roma children attend ECEC compared to the general population's rate of 94%.

School segregation, which impacts negatively on children's life chances and 'reduces their chances of acquiring essential life skills through contact with others [...] and clearly undermines the future job and salary opportunities'<sup>16</sup> of those concerned, also hits Roma children hard. According to the same FRA survey, on average, every second Roma pupil (54% of those aged 6–15 years) learns in a segregated educational environment. This rate is highest in Slovakia and Bulgaria (65% and 64%, respectively), whereas Portugal (2%) and Italy (7%) show the best results. We could provide inestimable further examples of the multiple forms of deprivation faced by Roma children, because on average, 83% of Roma children in

10 The Feasibility Study for a Child Guarantee provides an in-depth analysis of the situation of Roma children regarding poverty, social exclusion, adequate nutrition, access to early childhood education and care, education, healthcare, and housing, and it assesses the main policies and programmes in place in the EU Member States. See: Fresno, Meyer and Bain, 2019.

11 European Union Agency for Fundamental Rights, 2022 (hereafter: FRA Roma Survey 2021).

12 Kirilova and Repaire, 2003.

13 European Parliament, 2023, points E, K, L, and 2.

14 2021/C 93/01 points 6. b-c.

15 FRA Roma Survey 2021.

16 Council of Europe Commissioner for Human Rights, 2017.

the EU lived in households at risk of poverty in 2021 in contrast to the 20% average of the EU's general population. Furthermore, 54% of Roma children lived in a household of severe material deprivation<sup>17</sup> in 2021 compared to 7% of the children in the general population. One in five Roma children experienced hate-motivated bullying or harassment, and because of early school abandonment and the lack of real career perspectives, in the age group of 16–24 years, every second (56%) Roma youngster was unemployed or did not pursue studies. (With the EU terminology, these youngsters are 'NEET', i.e. not in employment, education, or training.)

### 3. The EU's Competence to Promote Social Justice and Protection, as Well as Dispositions Pertaining to the Rights of the Child

The situation described above necessitates action at the levels of the Member States and the EU although the scope and nature of national and community actions will differ owing to the division of competences. The nature of the EU's competence in question depends on which aspect of the multi-faceted challenges faced by the Roma we are examining. Traditionally, the sectoral objectives of Roma integration cover four main areas of intervention (as shown below), namely, education, employment, healthcare, and housing, to which the horizontal requirement of fighting non-discrimination is added.

The EU has committed to taking into account requirements linked to guaranteeing 'the fight against social exclusion, and a high level of education, training, and protection of human health' (Article 9 of the Treaty on the Functioning of the European Union, TFEU<sup>18</sup>), as the EU itself is founded on the values of non-discrimination, justice, and solidarity, among others. Hence, combating discrimination and social exclusion are also among the general objectives of the EU.<sup>19</sup> As recognised by the Charter of Fundamental Rights of the European Union<sup>20</sup> (hereafter Charter), '[i]n order to combat social exclusion and poverty, the Union recognises and respects the right to *social and housing assistance* so as to ensure a decent existence for all those who lack sufficient resources' (Article 34.3, emphasis added). Despite this general objective, the EU

17 Elements of severe material deprivation according to the FRA Roma Survey 2021 (p. 27.) are the inability to pay for at least four of the following nine items: 1. unexpected expenses; 2. a 1-week annual holiday away from home; 3. a meal with meat, chicken, or fish every second day; 4. adequate heating of a dwelling; 5. durable goods such as a washing machine; 6. a colour television; 7. a telephone; 8. a car; or 9. confronted with payment arrears.

18 Consolidated version, OJ C 326/47, 26.10.2012.

19 European Union, 2012.

20 Ibid.

does not have an exclusive competence in the field of social policy; thus, Member States and the EU share the regulatory role of combating social exclusion and helping to reintegrate persons excluded from the labour market (Articles 2.2 and 4.2 TFEU). This relatively confined margin of manoeuvre is also illustrated by Article 153.1 point j) of the TFEU, which allows EU support and supplementary action in the form of policy coordination to combat social exclusion.

Protection and improvement of human health, education, vocational training, youth, and sport are fields of action where the Union can carry out actions only to support, coordinate, or supplement the actions of Member States (Article 6 TFEU). In these fields, the Union does not supersede the respective competences of its Member States according to Article 2.5 of the TFEU. It follows from the previous description of the division of powers that the EU cannot act in the field of Roma integration without the Member States in the first place or in the absence of their active involvement. Hence, the engagement of the EU in the field of Roma integration is more of a catalyst than a set of fully-fledged, independent actions.

Turning from the overarching topic of the fight against different forms of marginalisation to the protection of the rights of Roma children, we see, on the one hand, that the Treaty on the European Union (TEU) lists the protection of the rights of the child among its general objectives, but, on the other hand, the EU does not have special powers to regulate children's rights as such – although it has developed a number of non-binding instruments<sup>21</sup> and a handbook<sup>22</sup> on children's rights under EU law. In its relations with the wider world, the EU upholds and promotes its values, and in the framework of the protection of human rights, it also protects the rights of the child (Article 3.3 and 3.5 TEU).<sup>23</sup>

21 The legally non-binding EU instruments relevant for realising the rights of children, combating child poverty, and social exclusion are: Europe 2020: A strategy for smart, sustainable and inclusive growth (COM(2010) 2020), the Agenda for the rights of the child (COM(2011)60), the EU Recommendation on 'Investing in children: Breaking the cycle of disadvantage' (2013/112/EU: Commission Recommendation of 20 February 2013), principle 11 on childcare and support to children of the European Commission Recommendation on Establishing the European Pillar of Social Rights (C(2017)2600), the Council Recommendation (EU) 2021/1004 of 14 June 2021 establishing a European Child Guarantee, and the Communication from the Commission on the EU Strategy on the Rights of the Child COM(2021) 142 final 24. 3. 2021. The aforementioned principle 11 of the Pillar of Social Rights declares that 'Children have the right to affordable ECEC of good quality. Children have the right to protection from poverty. Children from disadvantaged backgrounds have the right to specific measures to enhance equal opportunities.'

22 European Union Agency for Fundamental Rights and Council of Europe, 2022.

23 This commitment manifests, for example, in the yearly adopted EU Priorities in UN Human Rights Fora, in which the protection and promotion of the rights of the child is a recurring obligatory element. In point 31 of the priorities set for 2024, the Council concludes that '[t]he EU will continue to champion the rights of the child, prioritizing the protection of children from all forms of violence, universal access to quality and inclusive education, with a particular attention to girls' right to education and those in disadvantaged, vulnerable and marginalised situations including indigenous children and children belonging to minorities, including national and ethnic minorities, as well as children with disabilities.' 5311/24, 22.01.2024.

The Charter consecrates a separate article to the rights of the child, which – in line with Article 3 of the UN Convention on the Rights of the Child<sup>24</sup> – prescribes, among others, to public authorities to take primary consideration of the best interest of the child in all actions related to children (Article 24.2).<sup>25</sup> Obviously, the EU has a youth policy (Article 165 TFEU), but in this field its powers are only supportive and supplementary; thus, for instance, the development of quality education (e.g. combating school segregation) and the organisation of the education system remain the sole responsibilities of the Member States, to which the EU can contribute only by encouraging cooperation between them.

The EU recognises that the rights of persons belonging to minorities (Article 2 TUE – without distinction of it being ethnic, racial, linguistic, or other) form part of its core values, but because of the lack of the recognition of the collective rights of persons belonging to national minorities and the sensitivity of this question in interstate relations or because of the impossibility of collecting data on ethnic origin in certain Member States, the EU addresses minority issues solely on an individual basis and in the context of defining it as a ground of discrimination that should be prohibited. (Article 10 TFEU, *inter alia*, covers racial and ethnic origin, while Article 2 of the Charter adds to it social origin and language as well.)

#### **4. The EU's Support to Member States' Action for the Social Inclusion of the Roma: An EU Framework for National Roma Integration Strategies (2011–2020)**

The need for more effective policy responses to help the socio-economic integration of the Roma arose in 2010 with the communication<sup>26</sup> of the European Commission which, besides identifying the challenges ahead and the already available policy tools at the EU level, also called for an integrated approach alongside mainstreaming and policy coherence. Although this communication could be considered as a milestone for the later elaboration of the four intervention policy areas, both the EU and international organisations (OSCE, Council of Europe) previously held dialogue on Roma integration, identified problems and good practices, and foresaw some institutional framework or adopted action plans.<sup>27</sup> The European Platform for Roma inclusion adopted in 2009 the Ten

24 United Nations General Assembly, 1989.

25 The Charter makes specific reference to child-related rights, among them education, prohibition of child labour, family, social security, and healthcare in articles 14, 32, 33, 34, and 35 respectively.

26 European Commission, 2010.

27 In COM(2010)133 the Commission enumerates the previous initiatives in the field of Roma integration and reviews the major relevant EU documents. European Commission, 2010a.



Common Basic Principles for Roma inclusion,<sup>28</sup> which called on the Member States to make better use of existing legal, political, and financial EU instruments, the potential of the open method of coordination, peer reviews, and sharing of best practices.

Although the Communication of the Commission in 2010 embraced the approach of inclusivity and non-discrimination, its primary focus remained market-based. It stated that '[t]he full integration of Roma will have important economic benefits for our societies, especially for those countries with a shrinking population which cannot afford to exclude a large part of their potential labour force';<sup>29</sup> therefore, the Commission linked the socio-economic integration of the Roma to the Inclusive Growth priority of the Europe 2020 Strategy.<sup>30</sup> The Europe 2020 Strategy underlined Member States' individual and collective responsibility to combat poverty and social exclusion and envisaged, among other things, that Member States should define and implement measures addressing the specific circumstances of groups at particular risk, including Roma. With a positive outlook until 2020, the Commission foresaw multiple actions to achieve high employment delivering economic, social, and territorial cohesion and initiated several flagship projects, one of which was called the 'European Platform against Poverty'. As part of the strategy, the Commission set concrete headline targets on which Member States had to report annually in the framework of a process called the 'European semester'. Three headline targets were of relevance for Roma integration: raising the employment rate of the population aged 20–64 years from the current 69% to at least 75%, reducing the share of early school abandonment to 10% from the current 15%, and reducing the number of Europeans living below national poverty lines by 25% in order to lift 20 million people out of poverty. Based on the national reports of the 'European semester', the Council of the European Union has issued country-specific recommendations to each Member State since 2012, which contained recommendations on Roma integration to EU countries with a sizeable Roma population.

These previously scattered EU-level initiatives received a real impetus in 2011 both from the Hungarian presidency of the Council of the European Union being engaged in the subject and by the communication of the Commission on a proposal for an EU Framework for National Roma Integration Strategies.<sup>31</sup> Hungary, which has one of the highest shares of Roma population in the EU, took the topic of the integration of the Roma onto the highest level of the political

28 The Principles were adopted by the Platform on 24.4.2009 and have been annexed to the Council Conclusions on the Integration of the Roma (10394/09), 9.06.2009.

29 European Commission, 2010a, p. 2.

30 European Commission, 2010b.

31 European Commission, 2011.



agenda during its presidency in 2011 and formulated the ambitious objective of striving for tangible measures at the EU level in fighting child poverty.<sup>32</sup>

In this regard, the promotion of national commitments and acceptance of the need for a more coordinated European response were facilitated by the communication of the Commission about the new European Framework for National Roma Integration Strategies (NRIS), which set concrete goals for the integration of the Roma in four areas of policy intervention, namely, education, employment, healthcare, and housing. In education, the goal was to ensure that all Roma children complete at least primary school, have access to quality education, and are not subject to discrimination or segregation. Member States were also encouraged by the Commission to widen access to quality ECEC, reduce the number of early school leavers from secondary education, and increase the participation of Roma youngsters in secondary and tertiary education.<sup>33</sup> Regarding access to employment, healthcare, housing, and essential services, the goal was to reduce the gap (employment, health status, and access to housing and public utilities) between Roma and the rest of the population. As the socio-economic integration goals set forth in these four fields of action were linked and seen as directly contributing to the achievement of Member States' overall targets laid down by the Europe 2020 Strategy, the Commission could instrumentalise the process by foreseeing the development of national Roma integration strategies, an annual reporting mechanism, and could call for common, comparable, and reliable indicators to assess the progress of each Member State.

Based on the above communication of the Commission, the Council of the European Union under the Hungarian presidency adopted conclusions<sup>34</sup> on an EU Framework for NRIS up to 2020, by which Member States agreed to

prepare, update or develop their national Roma inclusion strategies, or integrated sets of policy measures within their broader social inclusion policies, for improving the situation of Roma, by the end of 2011 [and] appropriately monitor and evaluate the impact of the Roma inclusion strategies or integrated sets of measures.<sup>35</sup>

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32 European Parliament, Committee on Foreign Affairs, 2011, p. 1 (Priorities and programme of the Hungarian Presidency). With regard to Roma integration, the priorities read as follows: 'In the framework of the initiative to decrease poverty, the Presidency wishes to pay increased attention to the struggle against child poverty and will strive for tangible, European-level measures in the field of the integration of the Roma-people'.

33 European Commission, 2011, p. 5.

34 Council of the European Union, 2011.

35 Council of the European Union, 2011, points 22–23. The adoption of the EU Framework for NRIS was considered to be among the most important achievements of the Hungarian Presidency. Government of Hungary, Prime Minister's Office, 2011.

The European Council noted the major importance of this consensus of the Member States in committing themselves to develop NRIS and accept the oversight of their progress at the EU level in a formal reporting procedure. Thus, the European Council called for rapid implementation of the commitments and set a deadline<sup>36</sup> for preparation of the Member States' national strategies or integrated sets of measures tailored to the needs of the Roma population in each country.

#### **4.1. Assessing Member States' Progress in the Field of Roma Integration: The Process and Its Deficiencies (2011–2020)**

Once the national strategies were prepared, the European Commission was in position, first, to assess these strategies<sup>37</sup> and, second, to continuously monitor the progress achieved by the Member States. Besides the annual reporting that ran from 2013 until 2019,<sup>38</sup> the European Commission also assisted the Member States with a mid-term review in 2017<sup>39</sup> and – based on these results – an in-depth evaluation<sup>40</sup> of the relevance, effectiveness, coherence, efficiency, and EU added value of the EU Framework for NRIS. Besides the annual reporting, the Commission established the National Roma Contact Points' network and an internal Roma Task Force to assist Member States in their efforts; the Commission also gave guidance to Member States on the targeted use of available EU funds. The initial setting of the follow-up procedure was reinforced by the Council of the EU in 2013,<sup>41</sup> which – intending to accelerate socio-economic integration – recommended that Member States adopt specific and more targeted actions to strengthen Roma integration in the fields of education, employment, health, and housing, and called on them to communicate their progress – based on the new recommendations – annually to the Commission from 2016 onwards.<sup>42</sup> This comprehensive reporting had to focus on integration measures rather than on outcome and 'use [...] any relevant core indicators or methods of empirical social research or data collection for monitoring and evaluating progress on a regular

36 European Council, 2011, p. 13. 4<sup>th</sup> indent.

37 Communication from the Commission – National Roma integration strategies: A first step in the implementation of the EU Framework and the accompanying staff working document. See: European Commission, 2012.

38 Commission reports on the implementation of the national strategies are available at the following references: COM(2013) 454 final 26.6.2013; COM(2014) 209 final 2.4.2014; COM(2015) 299 final 17.6.2015; COM(2017) 458 final 30.8.2017; COM(2018) 785 final 4.12.2018; COM(2019) 406 final 5.9.2019.

39 European Commission, 2017.

40 European Commission, 2018.

41 Council of the European Union, 2013.

42 Id., points 4.1.–4.2.

basis, particularly at the local level'.<sup>43</sup> Thus, result indicators would enable the overall effectiveness of the interventions to be measured.

The unavoidable question of indicators arose in 2011 too, when the Commission anticipated that if Member States set targets in their national integration strategies, these 'minimum standards should be based on common, comparable, and reliable indicators'.<sup>44</sup>

However, as at this time there was no intention on the part of the Member States to agree on common denominators in this regard (and probably there would have been no consensus in the Council either), indicators were to be defined at the national level. However, the Commission did not abandon facilitating the comparability of the Member States' results or promoting a clearer picture of the progress achieved in Roma integration on EU average. Hence, in 2012, a Working Party on Roma Integration Indicators was set up under the coordination of the FRA, which worked towards 'consolidating both national and European monitoring and reporting mechanism [and which] has developed a reporting and indicator framework to measure progress on the implementation of measures under the [2013] Council Recommendation'.<sup>45</sup> A major shift towards a possibly more decisive EU implication in putting in place common indicators was brought about by the multiannual financial framework for 2014–2020, within which the use of EU funds required output and result indicators for Roma inclusion as well.

The Commission noted that there was increased 'pressure for progress in identifying indicators and building monitoring mechanisms that can be used in the context of both the NRIS implementation and EU funds'.<sup>46</sup> While indicators are key to the comparability and better understanding of overall progress, EU Member States were reluctant to engage in this regard. In 2013, the Council recommendation still linked the monitoring of the progress on Roma integration to the full respect of the principle of subsidiarity and stressed Member States' primary responsibility in choosing 'their own monitoring methods, including appropriate methods for any data collection, and possible indicators'.<sup>47</sup>

As seen above, the (relative) effectiveness of the reporting mechanism between 2011 and 2020 was forged step by step, not only by means of the national exercise of annual reporting but also by the Member States' willingness to step up their integration efforts and to be inclined to work on possible common indicators. This process reached its optimum in 2020–2021 by the adoption of a new approach manifesting in the EU Roma Strategic Framework (see below). The Commission proposed in this new strategic framework the use of different types of common

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43 Id., point 3.5.

44 European Commission, 2011, p. 4.

45 European Commission, 2015, p. 12.

46 Ibid.

47 Council of the European Union, 2013, 19<sup>th</sup> indent.

EU indicators. The Council of the EU recommended to Member States the use – as appropriate – of a portfolio of indicators developed by the Working Party on Roma Indicators (see below) from then on. In this regard, it is important that Roma integration targets could directly contribute to the attainment of the UN's Agenda 2030 and the Sustainable Development Goals too.

#### **4.2. Assessing Member States' Progress in the Field of Roma Integration: Tangible Results (2011–2020)**

In its mid-term review (2017), the Commission evaluated Member States' efforts as 'overall limited with significant differences across areas and countries. Education is the area with most progress (improvements in early school-leaving, early childhood education, and compulsory schooling, albeit deterioration in segregation).'<sup>48</sup>

Until 2016, Member States reported a total of 592 measures in the four key intervention areas (education, employment, health, and housing) and 138 for combating discrimination. Almost half of the 592 policy measures (278 measures) were dedicated to education, indicating that Member States acknowledge the incomparable benefits of investing in the care and education of Roma children. According to the logic of the national strategies (or, in their absence, of the integrated set of national measures), Roma integration measures could be either targeted (community-specific) or mainstreamed (Roma inclusion goals are mainstreamed in public policies). Hence, the Commission examined how many of the national integration measures foreseen were directly designed to reach Roma. In this regard, education policy stood out, as there were 163 targeted measures (out of 278), many of which concerned ECEC (e.g. increased investment, legislative changes, and introduction of compulsory kindergarten years), which resulted in growing numbers of Roma children participating in ECEC. The Commission noted that some progress was made in the fight against early school leaving, but Roma youngsters are still 'strongly over-represented among early school-leavers, with rates up to 24 times higher than in the population as a whole',<sup>49</sup> whereas evidence of segregation in education and trends of inappropriate placement of Roma in special needs schools persisted or even grew.

The in-depth evaluation report of the Commission (2018) also concluded that while the NRIS had the undeniably positive impact of mainstreaming Roma integration in public discourse, EU funding, and policy-making, and that the targets set forth in the four-policy field were and remain relevant, they had their shortcomings because the NRIS system had inherent limitations. The Commission found that the goal of all Roma children completing at least primary education

48 European Commission, 2018, p. 4.

49 European Commission, 2017, p. 14.

was not ambitious enough and national measures could not reach their full effectiveness, while the efficiency of the monitoring and reporting system remained limited. Overall, ‘the ambition of “putting an end to the exclusion of Roma” has not been achieved’.<sup>50</sup> Besides these structural weaknesses, the Commission expressed concern over the lack of a child-sensitive approach in the NRIS and the failure to take into account the specific vulnerabilities of women. In the Commission’s view, Member States should have adopted more comprehensive strategies that simultaneously covered children’s different needs, such as quality education, health condition, access to adequate housing, and protection of their rights.

The last implementation report (2019) in the NRIS series resonates with this critique and proves that 73% of the measures implemented by the Member States were relevant for only one thematic area; thus, the Member States followed a ‘more integrated approach’ only in less than one-third of the cases. However, education stood out from the policy areas regarding the number of implemented actions, and the Commission found that the overall educational situation of the Roma improved in countries with large Roma populations (also because of the predominance of targeted actions). Despite the increasing level of Roma children in ECEC, the situation of school segregation did not improve: Almost every second (46%) Roma child was still learning in segregated schools.<sup>51</sup> When planning and implementing integration measures in the sub-areas of education, Member States most often chose action to reduce the incidence of early school leaving and incentives to encourage Roma participation in and the completion of secondary and tertiary education. Besides increasing efforts enabling Roma children to access ECEC, Member States also adopted several measures allowing schools to consider the needs of individual pupils in close cooperation with their families.<sup>52</sup> National Roma Contact Points reported that according to their evaluation, the most widespread educational achievement was the use of Roma mediators in schools, whereas the biggest challenges were still linked to absenteeism, early school leaving, and the transition from primary to secondary education.<sup>53</sup> A common conclusion drawn from Member States’ intervention and targeted measures is that early intervention and prevention, as well as the active involvement of Roma parents supporting their children in each stage of education, is of paramount importance. Extracurricular activities could contribute to strengthening the identity and social networks of Roma children, while complex support measures (tutoring, scholarships) could help pupils stay in education and successfully enter the labour market in the future.

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50 European Commission, 2018, p. 7.

51 European Commission, 2019b, p. 11.

52 Id. p. 13.

53 European Commission, 2019a, p. 4.

## 5. A Renewed Approach to Roma Integration in a European Strategic Framework: Equality, Inclusion, and Participation (from 2020 to 2030)

The EU Framework for NRIS was foreseen for a decade and ceased to be applicable in 2020. When taking on the office, President of the European Commission Ursula von der Leyen made ‘equality for all and equality in all of its senses’ one of the major priorities of the new Commission,<sup>54</sup> in response to which the European Commission adopted in 2020 an EU Roma Strategic Framework designed to last until 2030. Besides the formerly targeted four policy areas, the framework also encompassed the horizontal objectives of equality, inclusion, and participation. The formerly applied four sectoral intervention areas remain an integral part of the new strategic framework, but by adding to them the three horizontal goals, EU action was deliberately aiming to overcome the previous socio-economic standpoint and to focus on equal opportunities for the Roma. Besides this paradigm shift, the other novelty of the strategic framework is that it set ambitious common, EU-level quantitative headline targets and proposed the use of common indicators (as developed by the responsible working party with the coordination of the FRA – see above).

The education targets to be reached collectively by 2030 are the reduction of the gap in participation in ECEC by at least half and the reduction of the proportion of Roma children who attend segregated primary schools by at least half in Member States with a significant Roma population. Other targets include cutting the poverty gap, the employment gap, the gap in the NEET rate, and the gap in life expectancy by at least half between Roma and the general population, reducing the gap in housing deprivation by at least one-third, and ensuring that at least 95% of Roma have access to tap water.<sup>55</sup> The Commission also proposed reinforced reporting and monitoring, invited Member States in general to include a bulk of minimum quantitative and qualitative targets and commitments in their National Roma Strategic Frameworks (NRSFs), and encouraged Member States with significant Roma populations to adopt more ambitious commitments. Moreover, a specific recommendation to focus on children in order to fight multigenerational poverty was formulated.<sup>56</sup>

The Council mainly upheld the proposal of the Commission and called on the Member States to adopt their NRSFs by September 2021. The Council confirmed the will to reduce the structural inequalities faced by Roma and acknowledged the importance of indicators and monitoring methods; however, it did not prescribe the achievement of the Roma integration targets set by the Commission as a common EU-level objective of the Member States (Member States should include quantitative

<sup>54</sup> von der Leyen, 2019, p. 11.

<sup>55</sup> European Commission, 2020, pp. 4–5.

<sup>56</sup> Annex 1 to COM(2020) 620 final (European Commission, 2020), p. 2.

and/or qualitative national targets in their NRSFs),<sup>57</sup> nor did it describe the use of the EU-level indicators, allowing Member States to use them only ‘as appropriate’ and to use their national indicators instead.<sup>58</sup> The Council encouraged Member States only ‘to be guided by voluntary minimum commitments and, depending on the national context, by possible additional efforts’.<sup>59</sup>

Thus, for each policy area (horizontal and sectoral), the Council recommends to the Member States only a number of measures to be included in the NRSF, which, in order to ensure effective equal access to all forms and stages of education, could be, for example, the prevention and elimination of school segregation and of misclassification of Roma pupils, leading to their inappropriate placement in special needs education, the promotion of mentoring, peer learning, effective parental involvement (or employment of Roma mediators and teaching assistants), and support for the acquisition of skills in line with future labour market needs.<sup>60</sup> The Council also recommends a set of measures to overcome discrimination, inequality, and disadvantage in terms of education opportunities, featured among which are individual support and mediation, access to quality ECEC, prevention of school abandonment with a specific focus on Roma girls, dedicated scholarships, after-school programmes, support for participation in non-formal learning, and acquisition of digital skills.<sup>61</sup>

As the Council recommended that Member States were to report on the implementation of the NRSF measures on a biennial basis starting from 2023 onwards, the European Commission was not yet in a position to evaluate Member States’ progress in this regard; however, it has already presented the first assessment<sup>62</sup> of the NRSFs. Overall, the Commission found that NRSFs lack clear targets and a clearly earmarked budget for implementation and monitoring, but several Member States (including those with larger Roma populations) have set national targets corresponding to the EU-level targets, and most Member States have put in place a monitoring and reporting mechanism. Regarding national measures proposed in the field of education, the Commission notes that

[t]he sectoral objective dedicated to education stands out as the area where Member States plan to take the most extensive measures. On desegregation in education and housing, however, the plans do not appear to be sufficient to successfully address the full extent of the problem.<sup>63</sup>

57 See the use of the words ‘in the light of’ and ‘as relevant’ and the allowing of ‘and/or’ when pointing at *national* targets in point 39 of 2021/C 93/01 (Council of the European Union, 2021).

58 Id., point 38.

59 Id., point 1.

60 Id., points 5–6.

61 Id., point 7.

62 European Commission, 2023.

63 Id. p. 4.



## **6. Positive Examples of National Measures in the Field of Education Contributing to a Better Educational Outlook of Roma Children**

As stated by the Commission in the assessment report of the NRSFs, measures planned by the Member States in the field of education seem to cover the widest range of national actions and – pending their implementation – appear promising at first sight. The Commission also assessed whether the national measures proposed reflect the particular challenges of the respective Member State and identified in each policy areas those forward-looking national proposals that would seem ambitious enough to help meet the EU's common targets.

In this regard, the Commission points to various educational projects and new policy approaches that could be considered innovative and appropriate.<sup>64</sup> For instance, Austria, France, Poland, and Slovenia encourage the employment of Roma assistants and the adoption of Roma school mediation projects (especially with Roma women as mediators in Poland), which should include actions to raise awareness about Roma culture and history, facilitate dialogue and communication between teachers, pupils, and parents, and assist parents in educational matters. Poland completes this initiative by giving incentives to local governments to increase the number of Roma school mediators where the number of pupils is relatively high. Latvia supports the employment of Roma mediators who could help increasing the motivation and interest of young people to return to education or the labour market based on their individual needs. In Denmark, all municipalities must establish a coherent, coordinated youth strategy for young people under 25 years who have not completed upper secondary education. These strategies should cover the sectors of education, employment, and social policy. Regarding dedicated financing, Luxemburg has introduced a special scheme for primary education school boards, which allows boards to apply for State subsidies if their school is attended by at least four pupils of a Roma or Sinti background.

In Finland, the National Advisory Board for Romani Affairs reviews the content of educational materials concerning Roma and provides textbook publishers with guidance and development proposals regarding these contents. Croatia plans to introduce a Roma curriculum in schools to help preserve Roma language and culture. In this framework, Roma children could attend 2–5 hours of extra classes per week taught in their native tongue. Similarly, Slovenia and Austria provide bilingual or native-language educational activities for Roma pupils, whereas these programmes are to be implemented regionally.

Given the high school dropout rates of Roma pupils, it is essential to fight absenteeism and early school leaving. France, for instance, targets mobile

64 The following examples are extracted from SWD(2023) 3 final (European Commission, 2023).

Roma communities living in slums and camps, by mediation, school assistance programmes, awareness raising, outreach, and support by mobile teams composed of State and regional actors. These mobile teams meet families with children not currently enrolled at school and provide them with tailored support. Another example of outreach activity targets the families of the youngest Roma children to raise awareness about the importance and availability of ECEC in Finland. Latvia also launched a specific project to reduce early school leaving, targeting the parents of Roma pupils.

## **7. Conclusions**

Roma integration has long been on the EU's and other international institutions' agendas; However, only in 2011 did political recognition of the importance of helping to improve their socio-economic situation by coordinated action and the will to increase concerted effort in combating their discrimination manifest, when the Council agreed to establish a European Framework for NRIS. Despite the predominance of Member States' competences in this regard, the framework's inherent insufficiencies which were linked to the lack of EU-level indicators and targets, and its limited results, the EU through its involvement still managed to channel Roma integration into mainstream policy action and brought about notable changes in the educational situation of Roma children (although school segregation persisted). The framework identified four fields of policy actions (education, employment, health, and housing) for which Member States had to step up their integration efforts – although the rationale for these interventions was linked primarily to economic considerations and the idea of mobilising Member States' own latent workforce, thus maximising their own human and growth potential.

This approach has been overcome by 2020, when sectoral policy areas have been complemented by horizontal areas of focus, namely, equality, inclusion, and participation. It is still too early to judge the efficiency of the national Roma strategic frameworks, but, certainly, an indisputable achievement is that besides the national strategies, which are ambitious to varying degrees, the EU's National Roma Strategic Framework sets EU-level targets and proposes to Member States the application of a portfolio of indicators developed at the EU level. From the first policy documents, it seems clear that Member States are willing to invest in policy fields from which they can expect the biggest return and that they unanimously recognise the importance of targeted and mainstream measures, especially in the field of education. The four countries where Roma make up a significant proportion of the population (Bulgaria, Romania, Slovakia, and Hungary) need to amplify their efforts to contribute to the achievement of the

common European goals of Roma integration, but first and foremost to bring about tangible results in the living conditions of the Roma, Roma children, and women and to fight their marginalisation and discrimination. The fact that education stands out as the area in which Member States plan to take the most extensive measures seems promising, but real change in the situation of Roma children cannot be achieved without the active involvement of parents and Roma mediators, and addressing the complex causes and adverse consequences of the multiple forms of discrimination from which they suffer.

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