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TEXTS ADOPTED

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**P9\_TA(2023)0342**

**Segregation and discrimination of Roma children in education**

**European Parliament resolution of 4 October 2023 on the segregation and discrimination of Roma children in education (2023/2840(RSP))**

*The European Parliament,*

- having regard to the question to the Commission on the segregation and discrimination of Roma<sup>1</sup> children in education (O-000039/2023 – B9-0026/2023),
- having regard to Article 2 of the Treaty on European Union, Articles 10 and 19 of the Treaty on the Functioning of the European Union and Articles 14, 20, 21, 22 and 24 of the Charter of Fundamental Rights of the European Union (the ‘Charter’),
- having regard to the European Convention on Human Rights and the case-law of the European Court of Human Rights,
- 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 (the Racial Equality Directive)<sup>2</sup>,
- having regard to the Commission’s decision to launch several infringement proceedings (Czech Republic (2014), Slovakia (2015) and Hungary (2016)<sup>3</sup>) and to refer Slovakia on 19 April 2023 to the Court of Justice of the European Union for violating the EU rules in the Racial Equality Directive by failing to effectively tackle the issue of the segregation of Roma children in education,
- having regard to Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of

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<sup>1</sup> ‘Roma’ is an umbrella term that encompasses a wide range of different people of Romani origin, such as Roma, Sinti, Kale, Romanichels and Boyash/Rudari; whereas it also encompasses groups such as Ashkali, Egyptians, Yenish, Dom, Lom, Rom and Abdal, as well as traveller populations, including ethnic Travellers or those designated under the administrative term *gens du voyage*, and people who identify as Gypsies, Tsiganes or Tziganes, without denying their specificities.

<sup>2</sup> OJ L 180, 19.7.2000, p. 22.

<sup>3</sup> Cases INFR(2015)2025, INFR(2014)2174 and INFR(2015)2206.

criminal law<sup>1</sup>,

- having regard to the Council Recommendation of 12 March 2021 on Roma equality, inclusion and participation<sup>2</sup>,
- having regard to the EU Roma strategic framework for equality, inclusion and participation for 2020-2030 of 7 October 2020,
- having regard to the vision of a European education area by 2025,
- having regard to the European Social Charter,
- having regard to the Commission communication of 9 January 2023 on the assessment report of the Member States' national Roma strategic frameworks (COM(2023)0007),
- having regard to the Commission communication of 18 September 2020 entitled 'A Union of equality: EU anti-racism action plan 2020-2025' (COM(2020)0565), that encourages all Member States to develop and adopt national action plans against racism and racial discrimination by the end of 2022,
- having regard to its resolution of 17 September 2020 on the implementation of National Roma Integration Strategies: combating negative attitudes towards people with Romani background in Europe<sup>3</sup>,
- having regard to its resolution of 5 October 2022 on the situation of Roma people living in settlements in the EU<sup>4</sup>,
- having regard to its resolution of 10 November 2022 on racial justice, non-discrimination and anti-racism in the EU<sup>5</sup>,
- having regard to its resolution of 19 April 2023 on combating discrimination in the EU – the long-awaited horizontal anti-discrimination directive<sup>6</sup>,
- having regard to its resolution of 15 April 2015 on the occasion of International Roma Day – anti-Gypsyism in Europe and EU recognition of the memorial day of the Roma genocide during World War II<sup>7</sup>,
- having regard to its resolution of 11 March 2021 on children's rights in view of the EU Strategy on the rights of the child<sup>8</sup>,
- having regard to General Policy Recommendation No 13 of 24 June 2011 of the Council of Europe's European Commission against Racism and Intolerance on combating antigypsyism and discrimination against Roma,

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<sup>1</sup> OJ L 328, 6.12.2008, p. 55.

<sup>2</sup> OJ C 93, 19.3.2021, p. 1.

<sup>3</sup> OJ C 385, 22.9.2021, p. 104.

<sup>4</sup> OJ C 132, 14.4.2023, p. 29.

<sup>5</sup> OJ C 161, 5.5.2023, p. 10.

<sup>6</sup> Texts adopted, P9\_TA(2023)0111.

<sup>7</sup> OJ C 328, 6.9.2016, p. 4.

<sup>8</sup> OJ C 474, 24.11.2021, p. 146.

- having regard to its resolution of 8 March 2022 on the role of culture, education, media and sport in the fight against racism<sup>1</sup>,
  - having regard to rulings Nos 5Cdo/102/2020 and 5Cdo/220/2022 of the Slovak Supreme Court confirming the discrimination of Roma children in education and the responsibility of municipalities and the state in this regard,
  - having regard to its resolution of 12 February 2019 on the need for a strengthened post-2020 Strategic EU Framework for National Roma Inclusion Strategies and stepping up the fight against anti-Gypsyism<sup>2</sup>,
  - having regard to its resolution of 9 March 2011 on the EU Strategy on Roma Inclusion<sup>3</sup>,
  - having regard to the UN Convention on the Rights of the Child,
  - having regard to Rules 136(5) and 132(2) of its Rules of Procedure,
- A. whereas all children have the right to thrive and to develop their skills and talents by accessing an inclusive, non-segregated and quality education;
  - B. whereas the right to high-quality, accessible and free compulsory education, including access to early childhood and pre-school education, should be guaranteed to all children, irrespective of their ethnic origin;
  - C. whereas thousands of Roma pupils forming part of the biggest EU ethnic minority remain seriously discriminated against at all levels of education as a result of a lack of political will and the failure of several Member States to address effectively and overcome inequalities and their root causes;
  - D. whereas the persistence of multiple forms of discrimination, racism and prejudices are at the origin of the widespread segregation of Roma students in schools despite the legal prohibition of such practices under national and international frameworks;
  - E. whereas this educational segregation takes different forms, including the attendance of disproportionate numbers of Roma children in special schools for children with mental disabilities, segregated classes or sections for Roma pupils within mixed mainstream schools, as well as a prevalence of ‘ghetto schools’;
  - F. whereas the creation of parallel education systems for Roma children seriously restricts a properly functioning democracy and the rule of law, especially when it comes to the protection of minority rights;
  - G. whereas Roma children face intersectional discrimination and obstacles to equal participation in education, such as a failure to cover the costs associated with education, spatial segregation, a lack of childcare facilities nearby or unequal or no access to online and/or distance learning;
  - H. whereas poverty, a lack of access to basic services and precarious conditions have a

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<sup>1</sup> OJ C 347, 9.9.2022, p. 15.

<sup>2</sup> OJ C 449, 23.12.2020, p. 2.

<sup>3</sup> OJ C 199 E, 7.7.2012, p. 112.

strong impact on children's physical, mental and emotional development and increase the chances of their dropping out of school and lagging behind in all aspects of their adult life;

- I. whereas low pre-school attendance is a principal determinant of premature dropout rates among Roma, which are further exacerbated by starting school late and irregular school attendance; whereas Roma participation in secondary education is obstructed by factors such as travel, segregated housing and poorly functioning advisory services;
- J. whereas discriminatory treatment is rooted in structural and institutional anti-Roma prejudice and is often compounded by national education systems that are not adapted to working with children from different social and ethnic backgrounds and vulnerable groups;
- K. whereas misdiagnosis based on the results of culturally and linguistically biased, as well as discriminatory and racist, tests and tools affect the educational path of Roma pupils, especially those from a disadvantaged socio-economic background; whereas these tests identify Roma pupils as having mild mental disabilities and they are therefore systematically placed in special schools for mentally disabled children;
- L. whereas instead of these children being included and supported, they receive a substandard education based on reduced school curricula in special schools and in mainstream schools within their segregated classes attended mostly or only by Roma children; whereas this has negative and lifelong consequences for these children and their future prospects;
- M. whereas teachers and administrators have an important role to play in the inclusion of Roma children and creation of a safe environment free from discrimination, stigmatisation and bullying, phenomena which could be compounded by gender, sexual orientation or disability; whereas a lack of well-trained staff and sufficient financial resources is one of the obstacles to Roma children's inclusion in mainstream schools;
- N. whereas the situation in the nine years since the Commission launched the first infringement proceedings on the segregation and discrimination of Roma children in education has not improved, even though a significant amount of EU funds has been made available to support the Member States concerned in implementing various supportive measures;
- O. whereas the available data from different sources at EU and national levels, including the European Union Agency for Fundamental Rights 2021 Roma Survey<sup>1</sup> and the Commission's assessment report of the Member States' national Roma strategic frameworks of January 2023, indicate that the proposed measures are not being effectively and rigorously implemented and monitored by the Member States concerned and seem to be insufficient for the scale of the challenges;
- P. whereas the COVID-19 pandemic exacerbated discrimination against Roma children, many of whom were unable to keep up with the swift pace of transition to digital education owing to their living conditions and reduced learning opportunities at home, lack of digital devices and limited access to the internet or supportive and accessible

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<sup>1</sup> <https://fra.europa.eu/en/publication/2022/roma-survey-findings>.

tutoring; whereas educational gaps are further widened by the growing digital divide between Roma and non-Roma children;

- Q. whereas the prevalence of discrimination against Roma people in many Member States hampers EU cohesion, reinforces anti-Roma sentiments and intolerance, fuels racism and radicalisation in our societies and is incompatible with laws, state obligations and the norms and values enshrined in the EU Treaties and the Charter;
- R. whereas the execution of several important European Court of Human Rights judgments, such as its judgment of 13 November 2007 in the case of *D.H. and Others v the Czech Republic* (57325/00) and of 29 January 2013 in the case of *Horváth and Kiss v Hungary* (11146/11), which became final on 29 April 2013, remains pending or these judgments lack effective implementation, sometimes more than 15 years after being made;
1. Calls on the Commission and the Member States to urgently address the situation of Roma children in education in a comprehensive and effective manner, with appropriate short- and long-term policies supported by sufficient EU and national funding; reiterates its calls on all Member States to assume their prior responsibility to follow up on their commitments and to fulfil their obligations under EU and international law to ensure that all children, including Roma children, benefit from equal and free educational opportunities and enjoy the right to education;
  2. Deplores the persistent segregation of Roma children in special schools, as well as within mainstream educational systems; underlines that the standardised psychological testing utilised in some Member States should not be used to deny or delay children's entry into mainstream schools; calls for the creation of safeguards to prevent this practice;
  3. Calls on the Member States to eradicate practices of continued segregation of Roma children, implement comprehensive desegregation strategies with clear targets, sufficient resources and clear and ambitious timetables, adopt inclusive learning methods, guarantee full access for Roma children to school-based activities and implement anti-discrimination campaigns in schools; underlines that educational reforms should be carried out in close cooperation with all relevant stakeholders at national, regional and local level, including with representatives of Roma communities, Roma parents and Roma-led civil society, as well as with teaching professionals;
  4. Considers that eliminating segregation and discrimination in schools should go hand in hand with socio-economic measures eliminating poverty and social exclusion and increasing living standards of Roma communities, which would break the vicious cycle of intergenerational poverty and reduced learning opportunities at home;
  5. Calls on the Member States to pursue new avenues to include and engage Roma children in digital education, including greater investments in improving the accessibility of digital infrastructure and digital literacy in order to prepare them for the digital era;
  6. Calls on the Member States to support the education of Roma women and girls, with a particular emphasis on the importance of science, technology, engineering and mathematics (STEM) and on tackling their school dropout rate; points out the need to

address gender inequalities and ensure that Roma girls are not left out of any inclusion policies;

7. Welcomes the Commission decision to launch several infringement proceedings (Czech Republic (2014), Slovakia (2015) and Hungary (2016)) for a failure to correctly implement the Racial Equality Directive and to refer Slovakia to the Court of Justice of the European Union in 2023 for violating EU law by failing to effectively tackle the issue of the segregation of Roma children in education; notes, however, that these infringement procedures have not resulted in the causes of discrimination being effectively eliminated and have not remedied the situation, as the measures undertaken by Member States are neither comprehensive nor have they been effectively implemented;
8. Firmly believes that the Commission should do everything in its power to halt and prevent violations of human rights and the fundamental values of the EU, starting by effectively channelling EU funds to support non-discriminatory practices in the Member States, including in education; reiterates its call, therefore, to establish an early warning mechanism for reporting risks of abuse or misuse of EU funds earmarked for addressing the situation of Roma people and calls on the Commission to regularly inform the public about the efficiency and concrete results of its monitoring exercises;
9. Calls on the Member States to step up their efforts to eliminate structural and systemic discrimination, including in the area of education that, in addition to fundamental political, social, economic and historical dimensions, also operates through certain norms, routines, attitudes and behaviour that could be of a racist nature and that creates obstacles to achieving real equality and equal opportunities;
10. Recalls that the participation of Roma children in early childhood and pre-school education has a positive impact on their development and school attainment, obtaining decent and quality employment, access to housing and living a life free from discrimination, thereby breaking the cycle of marginalisation and disadvantage; calls on the Member States to increase the availability and accessibility of early childhood, pre-school and compulsory education infrastructure and high-quality and inclusive services;
11. Calls on the Member States to systematically monitor dropout risks and inequalities in access to education at all levels to allow for timely interventions, both in terms of pedagogical help and individual counselling, as well as extra-curricular activities for children and their parents; stresses that engaging Roma parents in a meaningful way would also help address the risk of children dropping out of school;
12. Deplores the fact that schools attended by Roma children often have insufficient capacity, operate on two shifts, are situated in separate, run-down buildings or container schools and offer a substandard quality of education in which Roma children are cut off from their non-Roma peers;
13. Calls on the Member States to invest in training for teachers to enhance their capacity to provide appropriate teaching for Roma children, especially focused on sensitivity to Roma culture and identity, and to introduce positive strategies for promoting tolerance and tackling discriminatory and anti-Roma behaviour; calls on the Member States to allocate more financial resources for quality teaching assistants;

14. Encourages the Member States concerned to effectively use the financial resources made available under various national and EU financial instruments, including Erasmus+, the European Social Fund Plus, the European Regional Development Fund and the Recovery and Resilience Facility, in order to strengthen educational infrastructure and services, which would also allow Roma children to access quality and inclusive education;
15. Calls on the Commission to assess the environmental discrimination affecting areas inhabited by Roma communities and to address the potential impact of adverse environmental conditions on the quality of education and well-being of Roma children;
16. Points out that one of the ways to fight stereotypes and anti-Roma sentiments is to educate the public about Roma history, including the Roma Holocaust, customs, culture and language, in order to create a bridge to better understanding, as well as to exchange best practices;
17. Calls on the Member States to ensure that public policies and universal services in policy planning on education, employment, healthcare, housing, social services, transport, minimum income systems and anti-discrimination legislation reach and include Roma effectively and in a non-discriminatory manner, including those living in remote rural areas;
18. Calls on the Member States to make sure that, when developing, implementing and monitoring national action plans against racism, all actions are informed by, and based on, reliable and robust quality data; calls on the Commission and the Member States to increase the availability of data about the participation of Roma children in education and training while respecting the national legislative frameworks of the Member States and the sensitive nature of such data<sup>1</sup>;
19. Calls on the Commission to reflect on Roma children's education in its assessment under the vision of a European education area by 2025, which sets a high level of European ambition in the field of education for all EU Member States, focuses on improving equity and inclusion in education and training, and underpins the EU's commitment to promoting fundamental freedoms, tolerance and non-discrimination also through education;
20. Asks the Commission to monitor and evaluate the progress made, facilitate an exchange of best practices and provide expertise, coordination and technical support to the Member States concerned;
21. Considers that a systemic failure to combat discrimination constitutes a direct threat to the rule of law and democracy and should therefore be addressed in the Commission's annual rule of law report, as well as through other EU measures dedicated to safeguarding democracy and the rule of law;

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<sup>1</sup> 'Guidelines on improving the collection and use of equality data', High Level Group on Non-discrimination, Equality and Diversity, July 2018. The European Court of Auditors recommended the development of appropriate methodologies to collect relevant data on Roma inclusion in all Member States. 'EU Policy Initiatives and Financial Support for Roma integration: significant progress made over the last decade, but additional efforts needed on the ground', Special Report No 14/2016.

22. Recalls that the failure to implement judgments is a breach of rule of law principles; urges the Commission to monitor the implementation of relevant judgments of the European Court of Human Rights and the courts of Member States and trigger the measures under the Rule of Law Conditionality Regulation<sup>1</sup>, should such non-implementation affect or seriously risk affecting the sound financial management of the Union budget or the protection of the financial interests of the Union;
23. Instructs its President to forward this resolution to the Commission, the Council and the governments and parliaments of the Member States.

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<sup>1</sup> Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget, OJ L 433 I, 22.12.2020, p. 1.