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## **Roma Policy of the EU**

One of the greatest achievements of the Hungarian EU Presidency in the first half of 2011 was the adoption of the EU's (first) Roma Strategic Framework. In 2020, the second Roma Strategic Framework for the period 2020–2030 was adopted, thus a milestone achievement similar in scale to this is not a realistic expectation during the Hungarian Presidency in 2024. Additionally, from July 2024, with the commencement of the Hungarian EU Presidency, a significant institutional cycle change, the renewal of EU institutions will take place, which will substantially complicate the advancement of legislative dossiers and non-legislative strategic documents for the Hungarian Presidency. Nevertheless, achievements in Roma policy are attainable during the 2024 Presidency. Alongside the social inclusion of the Roma, the Hungarian EU Presidency should place significant emphasis on the cultural diversity of the Roma, and the preservation of Roma culture, language and identity. In 2024, the Hungarian Presidency should focus on the application of soft tools in relation to Roma policy, such as organising informal and cultural events, as well as enhancing scholarly discussion.

### **Introduction**

Commencing in July 2024, Hungary undertakes the rotating presidency of the Council of the European Union. This policy paper explores the potential avenues available to the Government of Hungary to enhance the status of the Roma within the scope of the Hungarian EU Presidency in the latter half of 2024.

When assessing the opportunities for advancing EU Roma policy during the Hungarian EU Presidency in 2024, it is crucial to consider the impending significant institutional cycle change within the European Union during this period, including the election of the new European Commission. This process is anticipated to span several months, thereby limiting the Hungarian Presidency's capacity to advance legislative dossiers. The constriction of hard

legal-political opportunities may enhance the relevance of soft tools. The visibility provided by the Hungarian Presidency presents a unique opportunity to broadly thematise certain issues, whether through the organisation of informal events or other soft measures.

### Legal framework

The prohibition of discrimination forms the principal basis in primary EU law for the protection of Roma rights. Article 19 of the Treaty on the Functioning of the European Union (TFEU) generally empowers the Council to adopt measures combating discrimination based on ‘ethnic origin’.

The Race Equality Directive,<sup>1</sup> established under this provision, addresses racial or ethnic discrimination in employment, education, social protection and access to healthcare. It encourages Member States to promote equal treatment, although it excludes positive state measures. While the directive does not specifically mention the Roma, it is considered a legal foundation for the protection of Roma rights, as EU documents pertaining to the implementation of the EU Roma Strategy frequently reference this directive.

EU law differentiates between ‘membership of a national minority’ (Article 21 of the EU Charter of Fundamental Rights) and ‘racial or ethnic origin’ (Article 19 of the TFEU). The European Union Agency for Fundamental Rights supports this distinction, asserting that Article 19 of the TFEU does not cover discrimination based on national origin.<sup>2</sup>

Consequently, the EU approaches the protection of Roma as ethnic or racial minorities differently from the protection of other national and linguistic minorities. While the European Commission advocates for the social equality and integration of Roma, it has fundamentally rejected initiatives aimed at preserving the cultural diversity of national and linguistic minorities, exemplified by the rejection of the Minority SafePack Initiative.<sup>3</sup>

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<sup>1</sup> Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

<sup>2</sup> European Union Agency for Fundamental Rights 2011.

<sup>3</sup> TÁRNOK 2021.

## Why is it a crucial matter for Hungary?

The Council of Europe's estimate from over a decade ago indicates that there were 6.2 million Roma living in the European Union, with a significant proportion residing in four EU Member States: Bulgaria (9.94%), Romania (9.02%), Slovakia (8.63%) and Hungary (7.49%).<sup>4</sup>

It is advisable to rely on this estimate rather than official census data when considering the actual number of Roma. In Hungary, the 2011 census data indicated that 315,583 people identified as Roma,<sup>5</sup> while in 2022 only 209,909 individuals did so.<sup>6</sup> In contrast, the Council of Europe's estimate suggests that approximately 750,000 Roma lived in the country ten years ago. The European Commission also refers to the Council of Europe's 2012 estimate in its second EU Roma Strategic Framework. According to a 2017 study, the number of Roma in Hungary is estimated to be 876,000.<sup>7</sup>

## From the 2011 to the 2024 Hungarian EU Presidency

### *The 2011 Hungarian EU Presidency*

The promotion of Roma integration was a key priority of the Hungarian EU Presidency in 2011,<sup>8</sup> culminating in a significant milestone for EU Roma policy, and also a major success of the Hungarian EU Presidency: the adoption of the EU Roma Strategic Framework.<sup>9</sup>

From a Hungarian perspective, it is important to highlight the contributions of *Lívía Járóka*, the first Roma woman representative in the European Parliament, in the adoption process of the strategic framework. As the rapporteur for the European Parliament's report on the EU strategy for the integration of Roma,<sup>10</sup> she played a pivotal role, leading to the adoption of a resolution on 9 March 2011.<sup>11</sup>

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<sup>4</sup> Council of Europe 2012.

<sup>5</sup> Hungarian Central Statistical Office 2014.

<sup>6</sup> Hungarian Central Statistical Office 2023.

<sup>7</sup> PÉNZES et al. 2018: 21.

<sup>8</sup> Government of Hungary 2010; VIZI 2011.

<sup>9</sup> European Commission 2011.

<sup>10</sup> European Parliament 2011a.

<sup>11</sup> European Parliament 2011b.

### *Assessment of the first Roma Strategic Framework*

The first Roma Strategic Framework had limited success in advancing progress at the EU level.

The European Commission reported some achievements, such as reductions in early school dropout rates and the risk of poverty, along with a slight decrease in experiences of discrimination.

However, significant setbacks were noted in several areas.<sup>12</sup> For instance, there was an increase in cases of educational segregation, and the proportion of young Roma not engaged in employment, education, or training also rose. The Commission's assessment indicated persistent issues, including restricted access to healthcare and unimproved conditions of segregated housing. Furthermore, the Covid-19 pandemic exposed the extreme vulnerability of excluded and marginalised Roma communities to adverse health and socio-economic impacts.<sup>13</sup>

### *Adoption of the second Roma Strategic Framework*

In light of these experiences, the European Commission adopted the second Roma Strategic Framework for the period 2020–2030 in the fall of 2020.<sup>14</sup> Subsequently, the Council adopted a new recommendation to enhance the implementation of the strategy.<sup>15</sup>

While the first Roma strategy primarily focused on addressing the socio-economic exclusion of Roma, the second strategic framework is built on three pillars: social equality, social inclusion and social participation of Roma.

Based on the Roma Strategic Framework, Member States are required to adopt their national Roma strategies, incorporating common features and minimum commitments applicable to all Member States. More ambitious commitments are expected from Member States with significant Roma communities, namely Bulgaria, Romania, Slovakia and Hungary.

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<sup>12</sup> European Commission 2020.

<sup>13</sup> European Commission 2020.

<sup>14</sup> European Commission 2020.

<sup>15</sup> Council Recommendation of 12 March 2021 on Roma equality, inclusion and participation.

On 3 September 2021, the Hungarian Government approved the Government Action Plan for the Implementation of the National Social Inclusion Strategy 2030 for the years 2021–2024.<sup>16</sup>

### **The current state of the policy and the main challenges – Horizontal issues**

Under EU law and policy, particularly the EU’s Roma Strategic Framework and the Racial Equality Directive, the protection of Roma people is framed as a matter of social policy, integration and inclusion. Consequently, the issue is not approached from the perspective of cultural diversity, and the *preservation of Roma identity, language and culture is not included among the EU objectives*, which can be considered a significant shortcoming. Article 3(3) of the Treaty on European Union (TEU) stipulates that the Union “shall respect its rich cultural and linguistic diversity and shall ensure that Europe’s cultural heritage is safeguarded and enhanced”. This mandate includes Roma culture, language and identity (as well as those of any other national minority), yet this aspect has been absent in the documents adopted thus far.

The *inclusion of Roma* in various Roma programs, including cultural programs, research, and the development and implementation of Roma policy and strategies, is of paramount importance. This principle is encapsulated in the slogan of the European Roma movement: “Nothing About Us, Without Us.” However, this inclusive approach is often lacking at both the national and EU levels. At the EU level, it is crucial to involve Roma civil organisations and experts more effectively in European decision-making processes, particularly through consultations with Roma experts, advocacy and cultural organisations, especially by the European Commission. In the Hungarian context, such inclusion is especially critical.<sup>17</sup>

The *active participation of civil society*, particularly Roma advocacy organisations, Roma experts, and other entities addressing the situation and rights of Roma, remains an underutilised opportunity in various processes. A specific avenue for engagement is the participation of Roma civil organisations in the monitoring mechanism of national Roma strategies submitted by Member States. From 2023, Member States are required to submit reports on the

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<sup>16</sup> Government of Hungary 2021.

<sup>17</sup> RIXER 2023.

implementation of their national Roma strategies every two years. Civil organisations are involved in this implementation mechanism, as representatives of civil society can provide their perspectives on the national strategies through reports (shadow reports).

An important strategic element of socio-economic integration is showcasing good examples. This can be achieved by making *scientific and artistic excellence scholarships* available to talented Roma youth through the EU, thereby not only aiding the successful advancement of these individuals but also motivating other talented Roma youth through these positive examples.

An ongoing challenge at the European level, which significantly impacts Hungary, is the provision of assistance to *Roma fleeing the Russian–Ukrainian war*. According to estimates by civil organisations, since the Russian occupation of Ukraine, approximately 100,000 Ukrainian Roma refugees have arrived in neighbouring European countries, especially in Hungary, primarily comprising Hungarian-speaking Roma from Transcarpathia (Zakarpattia region of Ukraine).<sup>18</sup> These individuals face a particularly disadvantaged situation as ethnic discrimination further complicates their lives beyond their refugee status.

### **The current state of the policy and the main challenges in Hungary**

Over the past decade, the situation of Roma in Hungary has seen improvements in some areas, while stagnation or deterioration has occurred in others.

While the percentage of people living in poverty or social exclusion increased from 2009 to 2013 (29.6% in 2009 to 34.8% in 2013), there has been some improvement since 2013.<sup>19</sup>

However, the situation caused by the Covid-19 pandemic at both the EU and Hungary levels highlighted vulnerabilities in the progress of Roma integration, especially in education and employment.

Significant challenges persist in Hungary regarding early school dropout rates. While the European Commission notes progress in early school-leaving at the EU level,<sup>20</sup> it remains a major issue in Hungary,<sup>21</sup> particularly in voca-

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<sup>18</sup> Romaversitas Alapítvány 2023.

<sup>19</sup> LAKNER 2023.

<sup>20</sup> European Commission 2020.

<sup>21</sup> BERNÁT 2019: 207–209.

tional secondary schools.<sup>22</sup> According to a civil monitoring report on the government's integration strategy commissioned by the European Commission, half of Roma students drop out of the education system, only 24% complete secondary school, and a mere 5% pursue higher education. In comparison, for non-Roma, 35% drop out and nearly 75% complete secondary school.<sup>23</sup>

The establishment of Roma higher education specialised colleges of advanced studies is a positive development, providing Roma students with special assistance for their academic progress. However, this does not address the high dropout rates in vocational secondary schools.

Despite positive developments in Roma higher education scholarship programs, the issue of segregated education remains significant in the country. In some areas, children from the majority society are transferred to central schools in larger settlements, leaving only Roma children in smaller settlements, resulting in actual segregated schools ('white flight').<sup>24</sup>

One notable advancement is the increase in employment rates for Roma, rising from 34% in 2014 to over 45% by 2020.<sup>25</sup> However, questions remain about the competitiveness and sustainability of the jobs contributing to this employment increase. Programs aimed at improving Roma employment, skills development and entrepreneurship, supported by EU and domestic funding in the 2010s, stalled due to the Covid-19 pandemic.<sup>26</sup>

While there has been measurable improvement in housing conditions over the past decade, nearly four times as many Roma still live in overcrowded housing compared to non-Roma.<sup>27</sup> Hungary has one of the highest levels of residential segregation of Roma within the European Union.<sup>28</sup> The health status of Roma and their access to healthcare services continue to be serious concerns.<sup>29</sup>

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<sup>22</sup> LAKNER 2023: 8.

<sup>23</sup> KIRÁLY et al. 2021: 5.

<sup>24</sup> GAÁL 2018; HOLLE 2023.

<sup>25</sup> LAKNER 2023: 10.

<sup>26</sup> KARDOS 2023.

<sup>27</sup> KOLLÁR 2021: 13.

<sup>28</sup> SAMU NAGY 2023.

<sup>29</sup> KOVÁCS 2013.

### Recommendations

#### *Recommendations for Hungary in relation to the 2024 Hungarian EU Presidency*

- The Hungarian EU Presidency should actively explore opportunities for an informal ministerial-level meeting addressing the current challenges of the Roma. This meeting should focus on the effectiveness of Roma policies and the EU, delving into the most pressing horizontal and sector-specific challenges affecting the Roma.
- Organising a Roma cultural gathering in Hungary during the EU presidency becomes paramount. This event may showcase the diverse culture, language and traditions of Roma in the EU, shedding light on the insufficient support the EU currently provides for preserving this cultural diversity.
- Additionally, integrating elements of Roma cultural heritage into events highlighting non-Roma cultures can contribute positively to Hungary's image during its EU presidency.
- The Hungarian EU Presidency serves as an opportunity to stimulate expert-level discourse on EU Roma policies, potential approaches to addressing horizontal and sector-specific challenges, and the more effective implementation of the EU's Roma Strategy. Expert meetings could delve into the specifics of the EU Roma Strategy, catering to the unique needs and proposed solutions of regions and Member States with a higher Roma population. Facilitating such expert-level collaboration could facilitate the sharing of best practices and enhance the European representation of Roma issues in the region.
- Participation from the Hungarian academic community during the EU Presidency is essential. Hosting scholarly conferences that highlight the challenges of European and national Roma policies can contribute to a deeper understanding of these complex issues.
- Addressing the situation of Roma refugees from Ukraine through the involvement of relevant Member States, academic forums, and Hungarian and European Roma civil society organisations is another important dimension to consider during the presidency.

#### *Recommendations for Hungary beyond the 2024 Hungarian EU Presidency*

- In the coming years, progress is necessary in addressing early school dropout rates, especially in vocational secondary schools that can provide valuable skills to Roma youth, aiding their social advancement.

- It is crucial for Hungary to strengthen local Roma communities so that they can more effectively address regional issues based on the principle of subsidiarity. Strengthened local Roma communities could use funds allocated for Roma integration more efficiently. These communities can support local Roma in employment, housing and healthcare access, which may be less efficiently achieved through central measures.
- The situation of Roma women, a particularly disadvantaged group, deserves special attention. This issue has largely remained invisible to many experts, although it has a substantial impact on the country's social and economic development. Significant challenges persist in the employment of Roma women.
- A strategic element of integration is showcasing good examples. This can be achieved by providing scholarships for scientific and artistic excellence to talented young Roma through the EU, motivating them with successful role models.
- Furthermore, the situation of Hungarian-speaking Roma living beyond Hungary's borders should not be overlooked. Their numbers are continuously increasing.<sup>30</sup> The status and challenges of Hungarian Roma living abroad are important issues for Hungarian kin-state policy, impacting matters such as Hungarian-language education beyond the borders.
- It would be necessary to encourage the implementation of original research on the historical, cultural and identity backgrounds of the Roma at universities and research institutions. Historical and ethnographic research is also deemed necessary for developing a strategy to enhance the socio-economic integration of the Roma.

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<sup>30</sup> MANZINGER 2023.

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