



Civil Society Monitoring Report

on the Implementation of the National Roma Integration Strategy
and Decade Action Plan in 2012 in

HUNGARY

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Prepared by a civil society coalition comprising the following organizations:

Partners Hungary Foundation (lead organisation) ■ Autonómia Foundation
Chance for Children Foundation ■ Habitat for Humanity Hungary ■ Hungarian Women's Lobby
Hungarian Helsinki Committee ■ Alliance of Gypsy Minority Representatives and Spokespeople of Nógrád County
Partners Hungary Foundation ■ Romaversitas Foundation ■ Metropolitan Research Institute



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and the Roma Initiatives Office of the Open Society Foundations



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In the pilot year of 2012, the Decade Secretariat decided to support reports from civil society coalitions in seven countries (Albania, Bulgaria, Hungary, Macedonia, Romania, Slovakia, Spain) and the Roma Initiatives Office commissioned an additional report from the Czech Republic. In addition, the Decade Secretariat made a template public in order to encourage additional civil society actors to monitor the implementation of National Roma Integration Strategies and Decade Action Plans.

In the reports, civil society coalitions supplement or present alternative information to Decade Progress Reports submitted by Participating Governments in the Decade of Roma Inclusion and to any reports submitted by State parties to the European Commission on implementation of their National Roma Integration Strategies. These reports are not meant to substitute for quantitative monitoring and evaluation by State authorities but to channel local knowledge into national and European policy processes and reflect on the real social impact of government measures. The civil society reports provide additional data to official ones, proxy data where there is not official data, or alternative interpretation of published data.

The project is coordinated by the Decade of Roma Inclusion Secretariat Foundation in cooperation with the Making the Most of EU Funds for Roma programme and the Roma Initiatives Office of the Open Society Foundations.

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EXECUTIVE SUMMARY

In autumn 2012, the Decade of Roma Inclusion Secretariat Foundation commissioned the Hungarian Civil Consortium to review the first year of the implementation of the National Social Inclusion Strategy of Hungary (hereinafter referred to as NRIS¹ or the Strategy), with a special focus on the actions and policies targeting Roma inclusion. All the findings are based on interviews, document reviews and citizen consultations that served as a forum for Roma and pro-Roma NGOs, municipalities and representatives of Roma self-governments.

The Hungarian Strategy targets several vulnerable groups, for example children, people living in less developed regions and also Roma. Thus, it follows the “explicit but not exclusive targeting” principle, congruent with the 10 Common Basic Principles of Roma Inclusion. Nevertheless, the lack of a very clear Roma focus may pose challenges to a successful and robust policy-making, while various interventions in sectoral policies (for example, change of legislation, launching of programmes, etc.) and partial interventions launched in parallel may further weaken the efforts made in favour of Roma inclusion and the Strategy’s implementation.

The executive summary cannot address all relevant issues in detail, therefore, for technical descriptions and in-depth explanations of mechanisms please see the thematic chapters. The general findings are summarised below.²

In 2011, only one-quarter of Roma aged between 15-64 were employed in Hungary. The employment rate of Romani women is reported by surveys to have been between 13 and 16%. There is a high proportion of casual work and informal or hidden employment among the Roma of active age. This causes a much higher vulnerability and uncertainty compared to non-Romani employees in general: Roma, as a result, have a lower level of income because no protection mechanism is in place for workers in informal or occasional employment. Moreover, the chances the Roma population have in accessing the labour market are limited by discrimination in Hungary, a challenge that has not been addressed by the NRIS.

The negative impacts of the crisis have undoubtedly grown recently as a result of frequent changes (in some cases with retroactive effect) in economic, administrative and taxation regulations and reductions in public expenditure assigned for active labour market measures. Most of the funds allocated to the improvement of the employment situation in Hungary have been spent on public work. EU funds invested in employability and employment programmes reach the most disadvantaged and especially Roma only to a very limited extent. Despite significant amount of funding dedicated to training programmes, there is still uncertainty in the availability of the organisational and professional capacities required for the implementation of projects designed to educate masses of Romani adults; training programmes have been delayed and there is no efficient mechanism for monitoring and measuring the impact.

It is also clear that the existing measures taken in the framework of ongoing labour market programmes will be ineffective in helping large numbers of uneducated Roma find employment until 2015, especially in regions with low labour market intensity. Therefore, it can be foreseen that the ambitious target (100,000 more employed Roma) defined in the formal agreement concluded between the current government and the National Roma Self-Government in 2011 will not be fulfilled, and there will be no large numbers

1 Despite the fact the word by word translation would suggest a different acronym, throughout the EU documents the Strategy is regularly referred to as the Hungarian NRIS, therefore we stick to this formulation.
2 For references, please see the thematic chapters.

of Roma successfully and sustainably reintegrated into the active labour market. As the only solution, people are forced into public work which involves severe conditions and sanctions violating basic rights and dignity and which, in their current form, involve vulnerability, inequitable working conditions and often pointless work, representing a dead-end for most of the people participating in public work. Roma are reportedly discriminated when applying for public work and thus are highly affected by the risk of being excluded from social services.³ As a consequence of restrictions introduced by the government, the number of adults not receiving social benefits and being excluded from welfare services has increased in Hungary since 2011, a tendency particularly affecting Romani communities living in deep poverty.

The low level of employment is strongly interrelated with poor educational outcomes. Currently, the issues which have been of great concern in this sector are school segregation and lack of access for Roma to early child development, as well as pre-school services and quality education on both primary and secondary level. As a consequence, early school leaving and low level of participation in tertiary education have not improved either. Some of these issues have been targeted by mainstream education policies, but, generally, with very poor impact on Roma. Moreover, the policy direction taken is clearly working towards the diminishing of the potential impacts of equal treatment policies that were put into practice in 2010. For example, school segregation is among the supported approaches in schooling and is identified as offering a “catch-up opportunity”, according to official political statements. All these policy changes contradict both the conclusions of, and the goals set up in, the NRIS, as well as the massive experience gathered in the past two decades in relation to the situation of Roma in the education system. For instance, the reduction of the age-limit in compulsory education from 18 to 16 will increase the number of low-skilled youth with fewer chances in the labour market. The nationalisation of schools cannot bring an equalising redistribution of multiply disadvantaged children across the schools that would contribute to the elimination of segregation of Romani children and improving the quality and effectiveness of education. Moreover, it can also be foreseen that the uniforming education programmes made obligatory for schools will most probably deliver less needs-based education for the neediest. The significant change in the university admission system and reduction in the number of places financed by the state will most probably further cut the very low proportion of Roma in tertiary education, too. Obviously, these developments will push many of the approximately 90,000 students enrolled yearly into disadvantaged situation in the long run, as many of them come from a socially disadvantaged background.⁴ The process of exclusion through the education system will most probably speed up.

Another area of exclusion of Roma is access to health services. It has been demonstrated that the health condition of Roma is significantly worse than the average health condition of non-Roma in Hungary. There are major regional inequalities, and public health measures are not effective in reaching out to the most disadvantaged. Special attention needs to be paid to children whose health condition is heavily impacted by the socio-economic status of their parents. Moreover, women in disadvantaged communities are significantly affected by the negative health consequences of abortions, as well as early pregnancies, while children in disadvantaged communities are significantly affected by foetal health problems and by health consequences of premature birth, malnutrition and insufficient living conditions.

The sectoral policy has witnessed severe cut-backs and reorganisation in this area, and although the Action Plan (AP) of the NRIS has formulated numerous fields for interventions, for example, facilitating the employment of Romani women in the fields of social services, child welfare, decreasing the number of vacant general practitioner’s / paediatrician’s positions, so far there has been little result.

Bad health conditions are reinforced, among various other conditions, by the general housing situation of Roma. The structural problems within the housing sector, such as an unfavourable tenure structure which includes only a 3% social rental sector, has forced large numbers of the poor into the home ownership sector. Affordability issues are exacerbated by various forms of housing exclusion, such as housing in peripheral locations and/or of low quality, illegal arrangements or uncertain legal situations. Moreover, decreasing

3 According to current regulations, in order to be eligible for basic social benefits, at least 30 days of employment must be officially certified yearly.

4 According to the PISA results, the pupil/teacher ratio is among the lowest, and the general public spending in Hungary is relatively high, still, the acquired skills are very limited in European comparison.

job opportunities result in many families falling into arrears with mortgage loan repayments and having unpaid public utilities bills. Despite all this, Hungary has been without any coherent housing policy since the transition. Most measures target the middle class and very limited funds have been left available for addressing the housing problems of the poorest, including the Roma. The transformation of the housing allowance and other more general social benefits has resulted in a situation where the poorest have less income for satisfying their minimum needs, a fact deepening their housing problems. Furthermore, no steps have been taken to initiate a growth in the social rental sector except for the one related to the mortgage rescue programme which does not target the poorest families. In light of all this, it may be concluded that housing policy measures have produced no tangible improvements in the housing situation of those living in deep poverty, including Romani families. In the framework of an area-based approach in the urban development policy, there is funding available for rehabilitation of areas / neighbourhoods affected by housing segregation, however, it has not resulted in housing mobilisation or desegregation, despite a significant methodological innovation in regional development policy, the Desegregation Plan (serving as the basis for the Equal Opportunity Development Policy). As part of the Integrated Urban Development Strategy, the Plan is aimed at identifying systematic and complex interventions to be made with respect to the local segregation processes. Enforcement of the goals, however, has remained very weak.

As highlighted above, some of the missing policies are closely connected with anti-discrimination and equal opportunities policies. Research has shown that Roma in Hungary are discriminated against in almost all fields of life, and the general public, the political forces and decision-makers do little to protect the Roma as a vulnerable social group. Policy changes, such as abolishing the institution of the Parliamentary Commissioner for the Rights of National and Ethnic Minorities and moving this function to the portfolio of the deputy of the Commissioner for Fundamental Rights, have resulted in far less powerful institutional tools for combating discrimination. Hungarian authorities do little to sanction hate speech, and criminal law provisions designed to protect groups facing bias are more often applied by the authorities to sanction Roma rather than non-Roma. In case of most hate crimes, no proper criminal procedure is launched. Romani women and children suffer extreme forms of exclusion, too. At the local level, the powerless position of minority self-governments has been further weakened: their consent is not obligatory any longer to decide on matters affecting the local Romani community (while, on the other hand, numerous governmental tasks which go far beyond the legitimate political role of national minority self-governments have been assigned to the National Roma Self-Government).

The recent institutional restructuring which affects Roma inclusion, as well as the design, monitoring and implementation are perceived to exacerbate the deficiencies of the NRIS' approach and the recent policy directions. The State Secretariat for Social Inclusion within the Ministry for Human Resources is the key central government stakeholder. This State Secretariat has been coordinating the development of the monitoring system of the Strategy which is supposed to become operational in the first half of 2013. The process which was being implemented at the time of writing this report involved the National Statistical Office and several actors with a research and consultancy background. As of spring 2013, the responsibilities within the line ministries as well as procedures for assessment and monitoring were identified and documented.

The central government's exclusive Roma partner is the National Roma Self-Government (NRSNG) (strongly supported by the current government, heavily based on Lungo Drom representatives, an ally of FIDESZ), which is highly problematic because this arrangement excludes a large range of (non-Lungo Drom) Roma interest groups from meaningful participation, thus limiting critical feedback. Moreover, the NRSNG has been given, and has undertaken, a number of tasks for which it does not have any capacity, which is made even worse by the circumstance that it is not embedded in the system either (for example, to run certain schools, develop new employment schemes, monitor programmes, etc.). Moreover, a recent amendment of the regulations affecting civil society organisations resulting from the fourth amendment of the Fundamental Law of Hungary, by changing the terminology of the Equal Treatment Act relabelled the NRSNG into a civil society organisation, which may lead to an even larger exclusivity of the NRSNG in NGO-government cooperation based schemes, and might further reduce opportunities for other potential civil society partners to channel opinions in issues related to Roma inclusion.

The involvement of local authorities into the Strategy's implementation is based nearly exclusively on partnership processes targeting EU funds through tenders and the implementation of projects financed with

EU funds. The system of representation of Roma inclusion related interests, flow of information to the local communities and the possibilities for effective policy discourses within the current Roma self-government system is very problematic and ineffective. Another key partner is the recently established Türr István Training and Research Institute, a background institution of the line ministry which has been allocated various Roma inclusion related tasks in general and a large bulk of funding as well, despite the fact that it has very few references in this field.

The main source of the Strategy's implementation, as indicated in the Action Plan of the Strategy, is development policy-related resources, that is, EU Funding. National resources play a role through funding mainstream service delivery, for example, public employment and integrated education schemes. The level of stability of the financial resources dedicated to the implementation of the Strategy cannot be foreseen, nevertheless, contradictions between the evolution of some sectoral policies and the development policy goals forecast challenges for future financial planning. A further crucial challenge in the implementation of the NRIS is caused by financial problems at the local level, especially in municipalities which should implement a large number of the Roma inclusion interventions.

To conclude, the coherence of various interventions financed, for example, from EU development funds and from national budget lines is often weak. Despite the comprehensive nature of the NRIS which identifies most of the relevant challenges to Roma inclusion, the actions taken so far have remained marginal.

Moreover, the first year of the NRIS as well as the forthcoming two years will most probably be characterised by an increased spending of EU funding to accomplish successful absorption rates, a climate not favourable for complex, time and capacity consuming substantive measures. Still, the scope of measures implemented, even if they are promoted as important flagships and innovations by the government, and the scale of the problems of Roma exclusion are not matched, hence, very little impact has been achieved to date in all of the areas. At the same time, one of the recently designated key players in the process, the National Roma Self-Government, despite the severe lack of capacity will more and more be pushed into an implementing role instead of a monitoring and interest representation role, which may result in a further unbalanced communication of the government's achievements.

RECOMMENDATIONS

General recommendations

1. The human rights and fundamental rights based approach, including the principle of non-discrimination, should be strengthened and become more dominant in the Strategy and its implementation.
2. The national legislation and the mainstream policy-making should be harmonised with the Roma Strategy. Consideration should be given to how the national legal and policy environment supports, or fails to support, the Strategy.

Anti-discrimination issues

1. The Strategy or its Action Plan should include specific anti-discrimination measures and means aimed at reducing bias and the change of attitudes, designed to improve the steps undertaken in cases which involve racist motives; separate resources should be devoted to this goal.
2. Powers of the deputy of the Commissioner for Fundamental Rights responsible for the protection of the rights of minorities living in Hungary should be strengthened, along with ensuring adequate financial and human resources.
3. Concerning hate crimes committed against vulnerable groups (especially Roma), coordinated measures should be taken in the following areas: data collection, accessibility of court decisions, preparing an adequate investigation protocol, training and awareness raising of law-enforcement professionals, providing information to victim groups.
4. Public policy measures should take into account the multiple disadvantages of Romani women and the phenomenon of intersectionality.
5. The principle of social equality between men and women should also be applied as a horizontal aspect in Roma inclusion policies.
6. When planning public policy measures, it should be taken into account that human trafficking and prostitution are areas where inequalities based on gender, ethnicity and social status interconnect.
7. The Government should establish efficient methods to eliminate discrimination within the child protection system, to ensure the unanimous assessment of child endangerment cases and to ensure family unity.
8. Prevention methods should be applied and programmes implemented to prevent children from leaving the state care system in order to ensure that children growing up in institutional care do not become victims of human trafficking and other criminal offences.
9. When receiving grants, local self-governments should be obliged to prepare new project proposals and intervention plans in compliance with the locally established and adopted equal opportunities plan, and efficient sanctions shall be established in this regard. A stakeholder independent from the self-government should be designated to control the content of local equal opportunity plans and to review the tasks undertaken.

Monitoring

1. The applied monitoring system has to be supported by large sample surveys in order to closely follow the social developments with a view to the EU 2020 targets, and taking into consideration

the goals relevant to the next EU planning period with a focus on Roma. Based on the results, experience and feedback gathered during the implementation adjustment, revision of the NRIS shall be carried out periodically.

2. Besides the aforementioned, thematic monitoring of the sub-chapters should be supported through thematic surveys. Civil participation in the monitoring process, that is, inclusion of all relevant stakeholders of Roma integration, especially the community (not only the national representative agency) should be ensured in the design and implementation of the monitoring.
3. The monitoring system needs to ensure measuring and monitoring the rate at which strategic measures reach the Roma, people living in segregated residential areas and disadvantaged children. The quality of indicators has to be further improved.

Financing

1. EU funds in the 2014-20 period should contribute to the goal that marginalised communities receive equal access to quality public services especially in education, health care and social services.
2. Monitor how the objectives of the Strategy and the 2020 objectives align regarding the planning frame concerning Hungary. Considering the aforementioned, labelling of the resources related to the objectives, strengthening of equal opportunity conditionalities and their designation in the Operational Programmes (or in one social inclusion related Operational Programme) should be undertaken.
3. The institutional setup should ensure effective allocation of funding, including resources for the empowerment of Roma and pro-Roma organisations, the latter being financed from national and development funds.

Coordination issues

1. Concerning the planning of the Operational Programmes and development facilities, it is important to ensure professional and social partnerships in effect and at an early stage of planning. Establishing feedback mechanisms for comments during implementation, and setting up of a consultation system supplementary to the regular monitoring committees is also highly recommended.
2. It is important to train local policymakers and the representatives of national minorities, and to increase their capacities in order to make them understand and comment on the policy and development plans, and to articulate the local priorities while sustaining the variety of stakeholders.

Recommendations for a more sustainable implementation of local level interventions

1. In the disadvantaged regions, solid support for the development related projects needs to be ensured, for example, for at least 3-4 year long project cycles, because this can make the municipalities interested and capable of taking part in long-term development.
2. Comprehensive approach in planning should be a priority and a condition to accessing grants, and, more generally, it should be an incentivized approach at local level in order to motivate local decision-makers and implementing agencies to take local circumstances, where relevant, into consideration in their interventions.
3. In the remaining period until 2014, the testing of procedures, for example simplifications that support a more effective development process should continue.
4. In order to establish the basic conditions for development and increase the effectiveness of planned interventions in the disadvantaged regions and settlements, much more consideration should be given to the capacity building of potential implementers. Local actions providing the opportunity for gradual improvement of local capacities and community cohesion should be supported, especially in settlements with significant number of residents living in deep poverty.

Education⁵

1. An education system capable of distributing the public assets in a fair manner must be established and maintained by obeying and enforcing the (still) effective legal regulations regarding equal treatment in education; equal opportunities and integrated pedagogy must be further promoted and by financially support continuously guaranteed for the system of integrated education from domestic and EU resources.
2. In the course of transformation of the public, vocational and higher education systems, tools and techniques (in case of needed legal regulations, ministerial decrees, etc.) must be elaborated to increase equal opportunities for disadvantaged students (for instance, amend the system of enrolling in regions/school districts, optimize the availability of kindergarten places in the transitional period, decrease the differences among schools, etc.).
3. Specific recommendations:
 - provide support to early childhood education for Romani children from 0 to 6 years of age by nurturing measures to promote participation in integrated pre-schools and kindergartens;
 - redesign tools to assess special needs in order to prevent wrongful assessment, and ensure that these tools do not serve to channel children into parallel systems of education, but to address their needs on the basis of individualised approach in a mainstream environment;
 - re-establish the age-limit of compulsory education at 18 years;
 - strengthen professional control over the private student status;
 - provide professional and methodological support for educators and teachers, as well as training required for successful work with disadvantaged students with the aim of integration;
 - raise the awareness of students' rights and provide active civic orientation within the framework of lessons;
 - introduce after-school activities within the framework of a whole-day school system to improve performance at school;
 - provide personal assistance, protection of the interests and support to disadvantaged students through school mentoring;
 - develop social workers networks in schools;
 - disseminate good practices of „second chance”⁶ type of schools and promote reintegration of early school leavers;
 - (re)start the scholarship programme specifically targeting Romani students and increase the participation of Roma in existing programmes offered for disadvantaged students;
 - elaborate efficient monitoring of the programmes targeting disadvantaged and Romani children and develop a systematic follow-up of students through their entire schooling career with special focus on early school leavers.

Employment

The most important recommendations made in the report include the following:

1. The Government should introduce effective measures targeting the problem of discrimination against the Roma in the labour market;
2. Creating a predictable regulatory environment, reducing administrative burdens and reducing the labour cost of low educated workers are inevitable for increasing employment, which can in a sustainable manner contribute to an improvement in the employment situation of disadvantaged groups in the labour market, in particular Roma.

5 We have provided the concrete proposals in respect of public education based on the professional political recommendations of the Hungarian Anti-Poverty Network (Magyar Szegénységellenes Hálózat) and a document entitled "Szakmapolitikai ajánlások a magyar ALEN projekt tapasztalatai alapján" (Professional political recommendations based on the experiences of the Hungarian ALEN project).

6 Second chance schools: Those secondary and vocational schools which try to help in time between for socially disadvantaged and vulnerable groups for integration or reintegration into the labour market to improve their situation to at least the graduates do not become long-term unemployed.

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3. The structure and content of public work should be transformed by taking into account the recommendations contained in the Ombudsman Report, and those of the Trade Union of Public Workers, professional and non-government organisations and the National Federation of Local Governments of Settlements (TÖOSZ). Research and analysis is required with respect to the system of public work and its macro-economic impacts so that better informed policy decisions can be made. A solution should be found for data acquisition about the Roma engaged in public employment. A follow-up of those leaving public employment programmes is indispensable for measuring effectiveness and impacts.
 4. More funds should be made available for (i) providing labour market services that directly promote labour market participation and for (ii) the development of instruments, the institutional system and external service providers. Wage-type subsidy with tailor-made assistance and training may also effectively increase the chances of finding employment for unskilled workers. In order to promote self-employment, a normative subsidy (not only loans) should be introduced for unemployed people to help them become self-employed, as well as other regulatory changes should be introduced to reduce the rigidity of the existing employment conditions and the administrative and financial burden of small enterprises.
 5. Mobility of workers should be promoted and supported by further developing the existing accommodation subsidy scheme and enlarging the group eligible for the support. Travel costs should also be subsidised to promote employment where commuting is involved.
 6. Existing adult training programmes for job seekers should be expanded and the qualifications should be adjusted to the market demand. More flexible forms of training should be introduced to promote participation by those living in small settlements. Any training programmes aimed at developing basic competences should, in a differentiated manner, be adjusted to the skills and knowledge of participants.

Housing

The Strategy fails to specify actions that could systematically address the issue of exclusion in the area of housing and the causes leading to it. Therefore, the recommendations listed below are aimed at (i) devising a coherent social housing policy strategy to define the main housing related issues for each target group and (ii) developing relevant action plans with sufficient funds appropriated for them.

1. The amount of the housing cost allowance should be increased, the debt management subsidy should be expanded to cover every settlement and the conditions to it should be adjusted so as to manage the accumulated housing cost debts of those living in deep poverty, Romani households in particular.
2. An increase in the social rental stock is indispensable, and the inclusion of private rental flats could offer an efficient solution to it.
3. As part of the territorial development policy, the enforceability of, and accountability for, the equal opportunity policy should be increased, and the equal opportunity planning and development process should be carried out in true partnership with those concerned.
4. Programmes aimed specifically at ghettos and segregated residential areas should identify the elimination of ghettos and the promotion of housing mobility as key objectives. These objectives should be in the focus even in those projects which focus mainly on rehabilitation; and, in addition, a true complexity of programmes should be ensured to foster the sustainability of achievements.

Healthcare

1. Representatives of Romani communities / Romani experts should be involved into the planning, implementation, monitoring and evaluation of the outcomes of programmes targeting Romani communities, aiming to improve access to health care.

2. National legislation and governmental actions should be harmonised to be in line with international norms in relation to female sterilisation and reproductive rights of women.
3. The competent ministry should launch awareness raising programmes on patients' rights.
4. Funding for programmes aimed at decreasing the number of vacant general practitioner positions and improving the quality of health care in disadvantaged regions should be allocated from the central budget or from ESF sources.
5. More initiatives should be launched aiming to channel young Roma into higher education in the field of medical sciences, as well as programmes aiming to train and involve Romani professionals in the work of policy-making institutions and state agencies in the field of health care.
6. Access of disadvantaged women to adequate family planning should be improved.



LIST OF ABBREVIATIONS

AP	Action Plan
EDOP	Economic Development Operational Programme
EMET	Human Resource Support Office (Emberi Erőforrás Támogatáskezelő)
EMMI	Ministry of Human Resources (Emberi Erőforrások Minisztériuma)
FIDESZ	FIDESZ – Hungarian Civic Union (FIDESZ – Alliance of Young Democrats) the governing party of Hungary
HHC	Hungarian Helsinki Committee
HLCS	Hungarian Life Course Survey
IUDS	Integrated Urban Development Strategy
HCSO	Hungarian Central Statistical Office
MDMR	Most Disadvantaged Micro-Regions
MACIKA	Public Foundation for Hungarian Gypsies
MI	Ministry of Interior
MNE	Ministry for National Economy
MTA	Hungarian Academy of Sciences
NLO	National Labour Office
NRIS/NSIS	National Social Inclusion Strategy of Hungary ⁷
NRSG	National Roma Self-Government (<i>See also ORÖ</i>)
ORÖ	Országos Roma Önkormányzat (National Roma Self-Government)
SRE	Subsidy Replacing Employment
SROP	Social Renewal Operational Programme
SROP	State Reform Operational Programme
TASZ	Hungarian Civil Liberties Union
TÁMOP	Social Renewal Operational Programme (<i>See also SROP</i>) (Társadalmi megújulás operatív program (TÁMOP))
TKKI	Türr István Training and Research Institute (Türr István Képző és Kutató Központ)
UN CEDAW	United Nations Committee on the Elimination of Discrimination against Women

⁷ Despite the fact that the literal translation would suggest a different acronym, throughout the EU documents the Strategy is regularly referred to as the Hungarian NRIS/NSIS, therefore we use both acronyms.

INTRODUCTION

It has often been said at international and national fora that Hungary has a good reason to be proud of its decisive role played as the country holding the EU presidency in developing the “European Framework Strategy on Roma Inclusion”.⁸ However, it is important to note that the elaborated EU document provides very few concrete means for individuals and organisations representing Roma to persuade inactive governments to launch mainstream or targeted programmes. Also, it includes few tools to hold Member States accountable at EU level for failure to implement the Strategy. Since the change of regime, it has become common to adopt mid-term action packages for Roma and, later on, to see that their implementation failed to yield favourable results; therefore, part of the Romani intellectuals did not have great hopes with respect to the new Strategy either, especially since in the adopted documents the Government was willing to allocate only minimal financial resources to the implementation of the objectives of the Strategy. Its implementation has mainly relied on the European Union funds.

The Strategy consists of four interrelated documents:

- the Strategy⁹ itself,
- the Situation Analysis¹⁰ which is an annex to the main document,
- the framework agreement¹¹ concluded by the Prime Minister with the head of the National Roma Self-Government and
- the more or less specific measures adopted¹² by the government for the first two years of the Strategy to which resources have also been allocated.

However, an important element of the process is that the Government has made efforts to place its National Social Inclusion Strategy in the complex system of other development strategies and programmes, partly integrating them and aiming to achieve a comprehensive approach.

Another important circumstance shall be mentioned here. This civil society monitoring report was written at a time when the relevant Government report which would be the basis of this report had not been written yet, but scheduled only for the second half of 2013 the earliest. This raises various issues:

- a. The authors of this report were writing about a significant part of the programmes while they were still in progress. Additionally, the tendering system is such that it is often nearly impossible to find out even by examining the winning applications exactly what grant has been awarded; in many cases it is difficult to find out even basic relevant information (for instance, whether kindergartens are planned to be built where there is a serious shortage of places, etc.).
- b. There were no significant statements made by government officials which could be supported, examined or questioned, therefore, only comparisons can be made of statements made in the media with statements made in oral or written interviews.
- c. Although there is a state secretariat responsible for the coordination of the Strategy, the diversity of stakeholders and the tension between their interests do not make it possible to argue

8 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0173:FIN:EN:PDF> (accessed: 15 March 2013).

9 <http://romagov.kormany.hu/download/8/e3/20000/Strat%C3%A9gia.pdf> (accessed: 15 March 2013).

10 http://romagov.kormany.hu/download/9/e3/20000/Strat%C3%A9gia_1sz_mell%C3%A9klet_Helyzetelemz%C3%A9s.pdf (accessed: 15 March 2013).

11 http://static.fidesz.hu/download/177/Kormany_ORO_keretmegallapodas_20110520_4177.pdf (accessed: 15 March 2013).

12 http://romagov.kormany.hu/download/6/67/20000/MK149_1_1.pdf (accessed: 15 March 2013).

for or against „one“ stakeholder, and the professional and decision- making competencies are also uncertain.

The Civil Consortium (Civil Konzorcium) has prepared the Civil society monitoring report with the support of the Decade of Roma Inclusion Secretariat Foundation (Secretariat) taking all the above into account and based on the provided pattern. The thematic chapters (education, employment, health care, housing and anti-discrimination) are followed by the structural conditions and a chapter on monitoring. Each chapter contains an overview of the situation and the review of the relevant measures undertaken under the Strategy and those of the broader professional political environment, and offers recommendation considered to be important by the Civil Consortium.

1. STRUCTURAL REQUIREMENTS

Introduction

This civil society monitoring report examines to what extent the structural embeddedness of the National Roma Inclusion Strategy has been promoted in Hungary, with a special focus on the following aspects:

1. capacities of the relevant national level stakeholders;
2. involvement of regional and local authorities, in accordance with their specific competences, in the review, implementation and monitoring of the NRIS; how is coordination ensured, and has the civil society been involved, in particular Roma organisations, in the implementation and monitoring of the NRIS;
3. How it is ensured that the state funding, the European Social Fund and the Structural Funds which are used to cover the costs of implementation of the Strategy strengthen the capacity of Roma organisations;
4. Has Hungary developed robust monitoring systems by setting the baseline, appropriate indicators and measurable targets in collaboration, where possible, with the National Statistical Office; what mechanisms have been developed, if any, to assess each programme's relevance, effectiveness, efficiency and impact.

In order to receive the answers to these questions, several interviews were conducted with representatives of national authorities,¹³ and a broad literature review was carried out by the Consortium. A consultation among civil partners was organised to collect information and receive feedback on the preliminary findings developed by the research team. We will focus on the core findings some of which are interrelated across the above listed issues, and propose related recommendations for each of them.

Designated government agencies

A serious limitation in this issue was posed by the circumstance that data about budget lines and resources, about challenges and organisational issues could only be collected indirectly. According to the Action Plan of the NRIS, the government body designated for its implementation is the State Secretariat for Social Inclusion, currently within the Ministry of Human Resources, in partnership with a number of other ministries and authorities that should take part in the review and revision of legislation, in the development of sectoral policies (in order to mainstream the NRIS) and which also need to develop interventions that serve the implementation of the goals of the NRIS. According to the organisational chart of the State Secretariat, it has four departments: the Strategic department, the Child Welfare (Chances for Children) Department, Planning and Evaluation Department and the Programme Implementation and Monitoring Department.¹⁴

13 Despite a letter officially sent by the Secretariat requesting an interview, the key actor, the National Contact Point, dedicated only 10 minutes for the interview. Upon request, the Consortium submitted a list of questions, but by the time of submission of the report it had not been provided another opportunity to speak to the responsible deputy state secretary. Thus, some of the information incorporated in this chapter was taken from conference reports where members of the Consortium addressed open questions, others were taken from news reports. Interviews with staff members from the National Contact Point were successfully carried out. For information on the methodology of the report see the relevant chapter.

14 Source: http://www.kormany.hu/download/5/43/00000/KIM_T%C3%A1rsadalmi%20felz%C3%A1rk%C3%B3z%C3%A1s%C3%A9rt%20felel%C5%91s%20C3%A1llamtitk%C3%A1rs%C3%A1g%20szervezeti%20C3%A1br%C3%A1ja.pdf (accessed: 14 December 2012).

Besides the departments, there are designated staff members who are responsible for liaison with another key stakeholder, the National Roma Self-Government (*Országos Roma Önkormányzat, ORÖ*), and there are several background organisations assisting the work of the Ministry, some of them playing a key role in the implementation of the Strategy, one of these being the Türr István Research and Training Institute (*Türr István Képző és Kutató Intézet, TKKI*), another, more recently established one is the Grant Agency for Human Resources (*Emberi Erőforrás Támogatáskezelő, EMET*). TKKI's role in Roma inclusion issues has been criticised by various actors because it seems to monopolize training elements in the local social inclusion programmes, it has a decisive role in the design of the local programmes and monitoring, and it is also responsible for the selection, training and operation of the equal opportunity mentors network without having developed sufficient human resources and lacking recognition among the local players and professionals.¹⁵ Based on the interview carried out in early 2013, it became obvious that the Social Inclusion Department has extremely limited capacities and considers the TKKI itself being a “project” organisation that has very recently tripled in size, while earlier it was mostly engaged only in vocational training. Thus, the organisation has to learn how to coordinate local players, has to build local trust (which, based on interviews with stakeholders at the local level, greatly varies across the country) and find the ways of providing demand-driven services, all of which would provide for a more adequate basis for its work rather than having monopolized functions.

Very similarly to the limited capacities of TKKI, the National Roma Self-Government has several tasks which until recently had not been part of its portfolio (see, for example, the chapter on employment). This, at the same time, means that there are special programmes needed to sufficiently run the programmes and projects that receive funding either through these organisations, or the organisations run these projects themselves. The most problematic issue, however, is the fact that these two organisations basically represent ‘monopolies’ when it comes to partnership and implementation of various chapters of the National Roma Inclusion Strategy.

There are some further cross-sectoral actors; for example the Inter-Ministerial Body for Roma Issues with several subdivisions, or, cross-segmental institutions, for example the ROK-T which is a Coordination Body for Roma Inclusion with 27 members set up by the conservative Orbán Government in 2011, and comprises various authorities, the National Roma Self-Government, churches and some civil organisations (the latter ones were selected in a tendering procedure).¹⁶

When planning the monitoring system, a mapping within the public administration (relevant ministries connected with the task) was carried out by the organisation developing one of the monitoring tools,¹⁷ thus, for each single intervention listed in the Action Plan of the NRIS, there are persons responsible for reporting on the progress. The monitoring system was piloted by the beginning of 2013, with success.

The financial resources dedicated by the State Secretariat for the implementation of the Strategy for 2013 are under planning, just like several other budget lines. Some selected thematic budgets (for example for inclusive education) are discussed in the relevant sub-sections of the report. A general picture about the financing of the implementation of the Strategy is provided in the section Financing the Strategy.

15 For example, as discussed in <http://magyarnarancs.hu/belpol/nem-veluk-nelkuluk-79864> (accessed: 14 December 2012) and <http://www.community.eu/2012/05/13/nem-kernek-a-telepprogrambol-a-batonyterenyei-Romak/> (accessed: 14 December 2012), or http://www.hetek.hu/hatter/201205/kotelezo_gyakorlatok (accessed: 14 December 2012).

16 Source: http://www.pafi.hu/_pafi/palyazat.nsf/9523a14b74c623bfc12576770037eea9/9cd64d0f22cf148dc125789b0040cb9d?OpenDocument (accessed: 14 December 2012). Members of the Coordination Council are: Minister for Public Administration and Justice (president), State Secretary for Social Inclusion (deputy president), State Secretary for National Minority, Church and Civil Relations (deputy president), Ombudsman for National and Ethnic Minorities (the position ceased to exist in 2011 and was replaced by the general ombudsman), 2 representatives of the National Roma Self-Government (one of them is co-president), 5 representatives of the local Roma Self-Governments, 6 persons representing Romani communities, 1 person representing the Association of Local Governments, 6 representatives of the churches (historical churches) and one person on the employers’ and one on the employees’ side of the National Negotiation Body for Labour affairs (OÉT), since then ceased, and one representative of the National Academy of Sciences.

17 This task was carried out by KPMG in close cooperation with the State Secretariat for Social Inclusion.

Role of the local and regional authorities and coordination between the different levels of governance (inclusive policy planning and partnership)

The potential and effective roles of the different state agencies in the planning and implementation of the NRIS in Hungary are constrained by structural and organisational issues. Thus, despite the fact that the NRIS acknowledges the key importance of involving local governments into policy planning and implementation, the experience of the every-day practice clearly shows a large variety of challenges for inclusive planning. Some of these challenges are structural, others are connected with the heavy centralisation processes that have been on the current government's agenda.

Some of the major challenges are the following:

- There is a general lack of funding:
 - at the local level, it is mainly development policy instruments (that is, EU funds) that serve social inclusion measures, partly serving the maintaining of the basic service delivery within development projects;
 - difficulties in ensuring the basic social services because of lack of funding (for instance, providing food for children in nurseries, kindergartens and schools).
- Regional disparities may cause an increasing gap in the level of service quality, for example in education, which will result in a further decline of the attractiveness of these (micro-)regions in terms of investment, exacerbating the general decline of these settlements
 - Regional inequalities can be tackled only to a very limited extent through mainstream policies because of the insufficient equalisation measures carried out by the state that serve as a basis for national and local level policy implementation and for running the bulk of municipal service delivery.
 - The effects of the dynamic changes in sectoral policies, municipal financing, allocation of tasks, etc. can still not be forecast since some of the basic rules for the reforms are still under discussion. Moreover, the next 7-year planning period has just been launched, thus, the thematic allocation of EU funds is also unclear. In various fora, the Ministry for Human Resources has claimed that all resources that are thematically incorporated in the future Human Resources OP make approximately half of the resources currently dedicated to similar issues (that is, approximately 700-850 billion HUF).
 - An important element of the system of conditionalities is the so-called 'segregation maps' which were produced, according to the data of the 2001 Census, by the Hungarian Central Statistical Office to support settlement and town development strategies taking into account two social indicators (education and employment status).¹⁸ These maps must be considered when drafting the equal opportunity plans of the settlements.¹⁹ The power of these strategic documents has been diminished by the 18 months moratorium set for their elaboration (they have to be developed by 1 July 2013). Similarly to the current urban development funding schemes, according to the Türr István Training and Research Institute responsible for quality insurance,²⁰ these plans should serve as a conditionality for accessing development funds. TKKI does not provide any information on the procedure of the implementation of the conditionalities and, as of March 2013, the State Secretariat for Social Inclusion had not had any information as to whether and how the local equality plans would be inspected, monitored and enforced. Moreover, the equal opportunity mentoring system decree was abrogated in mid-2012. Experience gained so far shows that the conditionality attached to equal opportunity driven mapping and local development strategy has had only a limited effect on the use of settlement development funding.²¹ So far, developing a quality plan itself has been

18 Page 115 of the Strategy.

19 Ministerial Decree No. 2/2012 (June 5) on the Procedure Regarding Equal Opportunity Plans and Government Decree No. 321/2011 (December 27) on Local Opportunity Plans and Mentors.

20 <http://www.tkki.hu/page.php?pid=84>.

21 For example, in the case of Miskolc, despite its practice of segregation in schools, it was provided 78 billion HUF in 2009 from which 1 billion was spent on the development of local schools. Source: <http://www.terkepter.nfu.hu> (accessed: 24 November 2014), focusing on the 2007-2009 period.

sufficient to access any development funds, regardless of whether municipalities planned interventions in congruence with these plans or not.

Besides specific developments in sectoral policies, the redistribution of funds and intergovernmental fiscal policies create a disadvantage for small and low revenue municipalities. Hence, in all of the disadvantaged settlements the policies increase the number of people living in poverty and exacerbate the level of poverty. Thus, measures can extinguish each other so that resources become useless and regional inequalities grow.

The participation of the municipalities in the Strategy's implementation is, almost exclusively, realized through calls for applications announced by the National Development Agency and the Ministries, so municipalities have a role only during the 'partnership period' (in practice only by commenting online the calls for applications) and during the implementation.

In the area of inclusion of disadvantaged social groups, the lessons of experienced and most affected municipalities are rarely, if at all, incorporated either in the action plans or during the implementation. Typical example of this is the Anti-Child-Poverty Program declared to be a flagship programme in which there is no access to funds for municipalities supervised by a so-called default (bankruptcy) commissioner (these are typically insolvent, defaulted municipalities that have accumulated a significant public debt, mainly due to a serious under-funding from the central budget and a lack of own revenue capacity). In these settlements, there are no employment opportunities or basic social services, there are significant problems with the public education, such as no heating in kindergartens or schools, no public catering, problems with the public transport and also health problems, maleficent living conditions, indebtedness and usury. The partner municipalities left these settlements out from the services, disregarding the problems this may cause in the future.

Organisational issues

Due to structural factors, weak or marginalised municipalities and civil organisations working on Roma related programmes in areas where significant problems are concentrated are left out from the system where partnership is a crucial feature. For example, participants of the consultation highlighted the lack of efforts to involve local stakeholders. The lesson of the consultation is that the local stakeholders would like to have a role in the Strategy's implementation and have a clear and appropriate vision about it. One of the relevant fields would be information, as these stakeholders can serve as a link or intermediary between the government or the implementing bodies and the target group. In order to improve cooperation between the National Roma Self-Government and the local municipalities, an effective system and structure should be designed. To achieve this, capacity building and fundraising are crucial for the Roma minority self-governments. Many interviewees complained that stakeholders who had been working already were still present, but no new stakeholders had been introduced.

The empowerment of the local Roma self-governments (RSG) is crucial; their capacity building can effectively improve the system. According to the participants of the consultations, much of the information and processes are stuck at this level. Local stakeholders (NGOs and RSG) would like to participate in the implementation of the Strategy by coordinating specific programmes. In the frame of the programmes they would provide employment on the local level. Local municipalities could have an important role in the implementation of the programmes and in the cooperation with the effective RSGs and local organisations, especially because they have information on skilled local organisations and in the distribution of resources and in monitoring.

An important objective of the Strategy is to involve civil organisations, Roma organisations and Roma self-governments. For example:

- *RSG*: The government appointed the National Roma Self-Government as one of the core implementing bodies of the Strategy. In the planning and implementation of Roma inclusion related programmes, the National Roma Self-Government is the only legitimate representative of the community or, saying it differently, the only stakeholder recognized as such by the government. The NRSRG has assignments and an exclusive responsibility regarding the new programmes, far

beyond its professional and operative capacities, while the experience of active civil stakeholders cannot be built on the measures of government, and their capacities are not applied or incorporated.²² The Strategy mentions local municipalities²³ among the implementing actors as well, but does not assign to them any specific tasks in the structure of the implementation. The basis for the involvement of Roma organisations is a written agreement concluded between the Prime Minister and the National Roma Self-Government. Local Roma self-governments are not directly mentioned in this document, nevertheless, their involvement should be implied in the implementation of the NRSNG tasks.

- *Civil organisations:* The Strategy states that the key to the long-term success is the active participation of the Romani community at all levels of policy-making, implementation and evaluation of the policy-making.²⁴ This refers to the comprehensive involvement of civil organisations.²⁵ The Strategy names the National Civil Programme (recently renamed as National Cooperation Fund) as the funding resource for their operation. Experience shows that this funding source can supplement the budgets but cannot sustain the operation of these organisations. Additionally, the selection procedure used in the allocation process and the implementation of the funds has been continuously criticized.
- *Civil participation:* During the civil consultation on the Strategy, the participants stated that they would devote an important role to the local Roma and non-profit organisations and that they find the involvement of these organisations into the process even more important. As they articulated, the implementation of the Strategy is impossible without the local organisations, still, their resources are kept very limited and their participation is low. An important observation made in the consultations and during the interviews with the local Roma representatives was that they do not see any efforts made on the national and central level to involve local organisations.
- *The implementation:* Reportedly, the lack of specific tasks and resources in the implementation phase are among the most significant issues in the involvement of RSGs and NGOs. One of the subsections in the Action Plan is on capacity building of local Roma self-governments,²⁶ and elsewhere the Action Plan refers to civil society organisations and RSGs in general concerning activities related to public security and the police.²⁷ There are no other references to the involvement of Roma self-governments and civil society organisations in the Action Plan. Another way of including these organisations is if they apply for and implement EU funded projects related to the Action Plan as project managers or as consortium partners. In its current structure, some of these organisations cannot apply for and participate in these programmes. In this regard, the Hungarian Consortium already formulated its recommendations in an earlier study.²⁸

Recommendations

Public policy level

1. The mainstreaming of the Strategy should be enhanced in all key sectors, such as education, labour market and welfare.

22 This message was included in the 2012 Civil Report about the Strategy. Source: „Javaslatok a Nemzeti Társadalmi Felzárkózási és Roma Stratégiához” [Recommendations for the National Social Inclusion Strategy], February 2012: http://www.partnershungary.hu/images/Letoltheto/civilek_magyar.pdf (accessed: 7 January 2013).

23 NRIS, p. 101.

24 NRIS, „A társadalmi felzárkózás politikai szervezeti és intézményi háttere, uniós finanszírozási keretei fejezet” [Institutional Background of Social Inclusion, EU funding framework chapter] 106.

25 The most recent amendment of the Fundamental Law of Hungary in early 2013 results in the amendment of various other pieces of legislation which list the NRSNG among the civil organisations.

26 Government Decree No. 1430/2011 (December 13) – (Action Plan) VI/1.

27 Government Decree No. 1430/2011(December 13) – (Action Plan) VI/9. This definition of competence contains criticism concerning the sector.

28 The February 2012 Report states (on the ineffectiveness of consultation): “In the field of social inclusion the feedback of social partners (NGOs, municipalities) is not ensured in planning of action plans. The platform for the social consultation is only formal, it is not a real forum for discussion. The common opinion of the civil actors is that their recommendations made at the civil forum have not been included in the calls, the content of the drafts for discussion have not been modified at all.” Source: Recommendations for the National Social Inclusion and Roma Strategy, February 2012, available at: http://www.partnershungary.hu/images/Letoltheto/civilek_magyar.pdf.

2. It is necessary to ensure that the development measures reach out to the most disadvantaged micro-regions and the most affected communities. Thus, during the implementation, establishing new organisations and capacity building of existing organisations should be supported. In those disadvantaged regions where there have not yet been Roma integration related developments, community building activities should be promoted and supported.
3. In order to improve the Operational Programmes and the related measures, it is important to ensure partnership both for professional players and the general public, just as feedback mechanisms and a partnership system that supplements the system of monitoring, all of which can enhance a more professional dialogue.²⁹

Methodology related improvements for a more effective planning and implementation of Roma inclusion policies

1. During the planning of the EU project related calls for proposals, it should be a priority to promote and require the implementation of a complex approach (at the same time reflecting the local conditions in the project design).
2. Until 2014, several more complex, more local-needs based and flexible programmes which ensure synergies between the development policy sectors should be implemented at the local level. For this, specifically tailored application procedures and techniques should be piloted (for example, two-round procedures, professional monitoring and assistance, iterative planning) and the lessons should be channelled into the next planning period.³⁰
3. In disadvantaged regions, solid support must be ensured for the development focused projects, for example, in the framework of at least 3-4 year long project cycles. It can make the municipalities interested in the long-term development and reduce their fears concerning the follow-up phases of projects. The improvement of information flow between several levels is crucial, in particular in case of Roma self-representation bodies.

Local level

1. Access to development funds for local organisations is crucial. "For the effective use of EU funds in the area of Roma integration, a comprehensive reform of the funding distribution system, capacity development of the institutional system, discontinuing the exclusiveness of such tender constructions which create and result in unequal competition, diversification of distribution techniques of funds is essential."³¹
2. Access to EU funds should be made subject to municipalities' obligation to design their applications in congruence with the local equality plans. The equal opportunity expert must be independent from the municipality. Local equality tasks should be strengthened and enforced, especially with the view to the very limited capacities of TKKI as an exclusive partner in the process.³²

29 Part of this process is preparing local level decision-makers to understand and comment on development policy concepts and to formulate local level priorities. The institutions of development policy should take this into account, because partnership should become a real interface for dialogue.

30 As of now, lessons of the Complex Roma Settlement Integration Program (TÁMOP 5.3.6), the regional extension of the Chance for Children Program and Sure Start Programs (TÁMOP 5.2.1, 5.2.2 and 5.2.3) and the integrated programmes for people living in deep poverty (TÁMOP 5.1.4) have not been drawn.

31 Recommendations for the National Social Inclusion and Roma Strategy, February 2012, available at: http://www.partnershungary.hu/images/Letoltheto/civilek_magyar.pdf.

32 As of 2011, the system of equal opportunity principle has been weakened. Although the Act CXXV of 2003 on Equal Treatment and Promotion of Equal Opportunities remained in force, the deadline of the settlements' equal opportunity programmes has been delayed several times, so in 2011-2012 this policy did not prevail. (The actual deadline is 1 July 2013). The amendment of the act on 23 December 2011 does not include any reference to experts responsible for quality insurance of local equal opportunity plans. The mentor network supposed to support the equal opportunity programming consists of 50 persons, but has been left without tools and its capacities were reduced to one third. The equal opportunity mentors do not possess any monitoring function, they can only provide assistance for the equal opportunity expert of the municipality. One colleague of the municipality is responsible for the equal opportunity programming which is very problematic. The quality of this depends if the colleague is ready to be confronted with his/her employer to represent the target group's interest. Participants of the consultation unanimously argued that equality programming of the municipality should be monitored by an independent actor, and specific sanctions should be imposed (for instance, withdrawal of financial support). Strengthening this function is supported within the ÁROP-2011/1.1.16 measure Capacity building for an equal opportunity tailored development policy.

3. Support should be ensured for organisations both during the planning and implementation. (The consultation participants mentioned OSF's MtM programme implemented by Autonómia Foundation which they view as a sustainable and extendable programme).
4. The capacity of local organisations needs to be utilized for the needs assessment to support national level development programmes in order to design relevant programmes at the local level. In addition to their involvement, the resources for the organisations' activities and operation need to be ensured.

Monitoring and evaluation

One of the priorities of the Strategy is to establish a monitoring system based on statistical data which measures the social trends named in the Strategy by measuring the results of the interventions at each level.³³

According to general methodologies, there are several options to set up such a system, for example through the analysis of existing data or through a systematic collection of new data with a new institutional background. To date, such initiatives have been carried out partly by research institutions that have the capacity to carry out analyses and evaluations, and partly by individual experts, or through the engagement of the experts of the State Secretariat for Social Inclusion under the Ministry of Human Resources.³⁴

The following three monitoring tools have to date been introduced by the Hungarian governments since 2006:

- 'Poverty maps': This is a variation of the segregation map based methodology developed by the World Bank. The method is based on the combination of the Census information and the data of EU-SILC, which is a well-functioning international practice. Several meetings have been carried out regarding this method with the participation of TÁRKI, the Central Statistical Office, the National Development Agency, the World Bank and the State Secretariat for Social Inclusion.
- A further monitoring tool (macro-level data) aims at assessing the strategic impact and was developed by TÁRKI.³⁵
- The monitoring system assessing the technical implementation of the NRIS' Action Plan was developed by KMPG, initiated by the State Secretariat on Social Inclusion and was first introduced to the general public on 23 November 2012. It can measure the results of the Strategy by reviewing the measures of all subchapters and step-by-step interventions, and, to a certain extent (indirectly) it can also provide information on the implementation of the EU 2020 objectives. There is no objective experience with the operation of the monitoring system yet, but the testing is in progress. There was no delay in developing the monitoring system. The piloting phase had been completed by the beginning of March 2013, and, based on our observations, there is real commitment demonstrated by various administrative units to maintain current the monitoring system.

Recommendations

There are many tools in the monitoring system which need to be expanded with further fact-finding methods.

1. Besides the experience gained during the first phase of the recently introduced monitoring system, large surveys on social phenomena shall be continued with a focus on the EU 2020 objectives which are particularly relevant for the next planning period. This way, it would contribute to the evaluation of the measures in their wider social context, for example school drop-out, child poverty issues and the living conditions of Roma in general.

33 NRIS, *Recommendations for the Monitoring System*, pp. 9, 56 and 112.

34 <http://www.kormany.hu/hu/emberi-eroforrasok-miniszteriuma/tarsadalmi-felzarkozasert-felelos-allamtitkarsag/hirek/reagalas-szabo-timea-nyilatkozata> (accessed: 14 December 2012).

35 Available at: <http://Romagov.kormany.hu/uj-monitoring-rendszer-a-tarsadalmi-felzarkozas-teruleten-ulesezett-a-Roma-koordinacios-tanacs> (accessed: 21 December 2012).

2. To expand available systematic data about the Romani population (and the non-Roma in Hungary), it is recommended to continue the Hungarian Life Course Survey (HLCS, 'Életpálya'), a panel survey originally carried out for 10,000 children, by now decreased to approximately 7,000, which so far has had 6 phases (it was launched in 2006). Its sample is designed to be representative at national level and to provide adequately in-depth information for the Hungarian Romani population. Its thematic focus is school drop-out and employment. The improved and updated version of the BCE Roma Survey of 2011 that had a dual sample of altogether 4,000 people shall also be implemented. Also, the results of the Youth Research (large sample survey that already had three phases) should be included as a source of information. In addition, in some of the sub-themes of the Strategy, additional surveys should be designed for monitoring, for example as thematic blocks in nationwide surveys.
3. It is important for the monitoring system to measure the extent to which Roma are covered by the allocated funds, and to what extent these funds benefit the Romani community, people living in segregated residential areas and disadvantaged children.

Financing the Strategy

The time span of the National Social Inclusion Strategy is the period of 2011-2020, thus, it covers the next planning period as well. The first Action Plan (Government Decree No. 1430/2011 (December 13) on the National Social Inclusion Strategy's Action Plan for 2012-2014) highlights the utilization of the development funds regarding social and Roma inclusion based on the action plans of the Regional Operational Programme (ROP), the Social Renewal Operational Programme and the Social Infrastructure Operational Programme, all resources that have served, among others, Roma integration and the social inclusion of marginalised groups. Other important elements of the Action Plan until 2014 are identifying national funds and budget lines that include certain objectives of the Strategy, for example: integrated educational programme or improving public employment.

The financial framework of the National Social Inclusion Strategy has two pillars: until 2014 it will be financed from the budget lines of the different policies and the Structural Funds. This suggests at least three conclusions:

- by extending the strategic focus, the development policy can channel further resources into the implementation of the Strategy that have not directly been dedicated to Roma inclusion,³⁶ or
- the resources dedicated to Roma Inclusion are so limited in the current policy budgets that any added activities and resources represent added value, thus, they should be covered by EU Funds, and, finally
- the state targets Roma primarily through its redistribution system (via social transfers and public employment schemes as main tools of integration policy).

As the result of this, the development policy finds itself in an area where it has been playing quite a particular role – to deliver a coherent framework of social (and Roma) inclusion. However, the tensions between the directions the sectoral (mainstream) policies and development policy have taken necessarily pose the question what will happen in the next period (after 2014). Especially since any future phases of the implementation of the Strategy are already included in the next planning period which has just been launched. Besides these uncertainties related to the development policy pillar of the Roma inclusion, recent budget cuts in the area of social services and transfers suggest that also the national pillar of the Strategy is becoming less powerful.³⁷

³⁶ For more details see: http://www.nfu.hu/Roma_integraciot_szolgalo_eu_s_fejlesztések_ertekelese.

³⁷ For example, the life-career programme for teachers http://www.napi.hu/magyar_gazdasag/matolcsy_bejelentette_az_ujabb_megszoritasokat.533249.html and <http://fn.hir24.hu/itthon/2012/10/05/matolcsy-leradirozta-a-pedagogus-eletpalyamodell/>, or the uncertainty related to the financing of the integrated educational system in 2013.

Based on the above, we can assume that there are certain key elements which can determine the availability of resources of the measures introduced in the following phase of the Action Plan which will be launched after 2014:

- EU Funds: a total of 25 billion Euro that was available between 2007-2013 from the European Social Fund, the Cohesion Fund and the Structural Funds is to be reduced. The Human Resources Operational Programmes are being implemented with a severely reduced budget.
- National Budget: as a result of the various austerity measures related to the public debt reduction, the budgets of selected fields, for example that of social inclusion, will be cut. The measures may result in further social tensions³⁸ (for example, significant decrease of the resources for social benefits in regions with high unemployment rate will contribute to mass impoverishment).
- The development policy is currently under reform. It is not clear which stakeholders will be included in the planning for 2014-20, precisely how the changes to be introduced within the National Development Agency will happen³⁹ and how the structure of the Operational Programmes will ensure the long-term development funds for the Strategy.
- Besides the public sector, the civil sector has a significant role to play concerning the utilization of Roma inclusion related development funds.⁴⁰ The empowerment process of the Roma and pro-Roma organisations may be altered due to their continuous operation within the call-based allocation of funds where resources are unpredictable. Moreover, their role in the local public service delivery may also change (there is an ongoing reform of the compulsory municipal tasks and duties and their financing). Capacity building measures of civil organisations will have a key role,⁴¹ but without exploring the results (or the lack) of harmonizing the mainstream tasks and the development oriented activities carried out by the civil sector, we cannot assess the effects of the changes.

A further important condition for a sustainable financing of the implementation of the Strategy is to ensure that the local communities and local governments of the most marginalised regions (for example, settlements within the 33 most disadvantaged micro-regions) can receive access to resources and become empowered in political and financial terms to tackle the most challenging issues at their levels, too. Currently, municipalities under debt management procedures are being excluded from any development policy resources (for example, in the framework of the Chances for children programme to be implemented at the micro-regional level and which develops a complex set of services for children and parents). In order to involve these municipalities into social inclusion developments, a revision of these rules (even if only on a case-by-case basis) is inevitable.

Recommendations

1. EU funds allocated for the 2014-2020 period should contribute to the objective aiming at equal access to quality public services for marginalised communities, especially in education, health and social services.
2. Monitor how the objectives of the strategy are ensured within the EU 2020 objectives and the next planning period for Hungary.⁴²

38 Available at: http://www.napi.hu/magyar_gazdasag/itt_az_ujabb_matolcsy-csomag.534403.html (accessed: 12 December 2012).

39 See: Government Decree No. 1449/2012 (October 16). Available at: http://www.magyarkozlony.hu%2Fpdf%2F14546&ei=WT-wUMmMBI2LswbQqoCQBw&usq=AFQjCNH0T4x_XHfDbHU1gOfgOcdAiv8N5w (accessed: 19 December 2012).

40 On page 88 of the Strategy, the text emphasises the importance of empowering Roma organisations. On the level of politics, the National Roma Self-Government has an exclusive role. The ROK-T composition lists many other stakeholders on pp.116 and 117 of the Strategy, footnote on pp. 66-67 (see the critical evaluation by civil organisations available at: http://www.romnet.hu/hirek/2011/09/26/megalakult_a_Roma_koordinacios_tanacs). As for the implementing organisations, there is no recent analysis available. For the period of 2004-2006, with a focus on the South-West Danubian Region a report is available at: http://www.nyme.hu/fileadmin/dokumentumok/ktk/Kepzes_doktori/2011/2011_AjkayAdrian_d.pdf (accessed: 9 December 2012).

41 Among the successful applicants of the TÁMOP 2.5.1 programme, there is only one Roma organisation. Available at: <http://www.terkepter.nfu.hu> (accessed: 24 November 2012).

42 http://ec.europa.eu/europe2020/europe-2020-in-your-country/magyarorszag/index_en.htm#content_1 (accessed: 1 December 2012).

3. Label the resources related to the objectives, for example, EU funds designated for the 2014-2020 period shall ensure the creation of 100,000 new jobs for Roma in the primary labour market, in line with the government programme and the agreement concluded between the government and the National Roma Self-Government.
4. Strengthen the equal opportunities related conditionalities and ensure their explicit inclusion in future Operational Programmes (or in one, social inclusion related Operational Programme).
5. Set up an institutional framework that ensures the effective allocation of resources, including for measures aiming at capacity building and empowerment of Roma and pro-Roma organisations, and for measures that concern mainstream developments and projects financed from national budgets. Involving defaulted municipalities into these measures shall be reconsidered.

2. ANTI-DISCRIMINATION

Introduction

General overview

Roma are discriminated against in almost all fields of life, also demonstrated in a survey conducted by the European Union Agency for Fundamental Rights (FRA) in 2008. In the survey, 90% of the respondents stated that discrimination based on ethnic origin is widespread in Hungary.⁴³ Furthermore, 62% of the respondents belonging to the Roma minority stated that they had been discriminated against in the preceding 12 months.⁴⁴ These results are confirmed by national research conducted in the past three years.⁴⁵

The employment rate among Roma has been below 30% since the beginning of the 1990s.⁴⁶ According to a survey conducted by the FRA, employment discrimination of Roma is widespread,⁴⁷ and Roma have a higher risk of losing their job.⁴⁸ As a conclusion of a project entitled Dignity of Work, the Commissioner for Fundamental Rights concluded that in the course of operating and organizing public work programmes, Romani job seekers may have been subject to direct or indirect discrimination and possibly victimisation on several occasions.⁴⁹

Segregation of Romani children is widespread: approximately one-third of them receive education in segregated classes. There are at least 3,000 classes in primary schools in Hungary where Roma are over-represented, and there are at least 1,200 classes attended exclusively by Romani students.⁵⁰ In many cases, students studying in segregated classes also suffer direct discrimination as education in segregated classes is of lower quality. (This issue is discussed in the chapter on education) According to the data of a research conducted by the European Roma Rights Centre in 2010, Romani children are over-represented in the state care system in Hungary: in the institutions examined, 65.9% of the children were Roma.⁵¹

According to the data published by the FRA in 2008, 41% of Romani respondents had been ID checked in the preceding 12 months, while this proportion was 15% in the case of non-Roma.⁵²

43 European Union Agency for Fundamental Rights, *EU-MIDIS Data in Focus Report: The Roma (2009)* p. 7, available at: http://fra.europa.eu/sites/default/files/fra_uploads/413-EU-MIDIS_ROMA_EN.pdf.

44 *Ibid.*, p. 4.

45 See: TÁRKI, 2011, <http://www.tarki.hu/hu/news/2011/kitekint/20110912.html> and Marketing Centrum, 2009. Available at: <http://www.marketingcentrum.hu/index.php?lang=hu&page=reszletek&id=28>.

46 Gábor Kertesi, *Roma foglalkoztatás az ezredfordulón – A rendszerváltás maradandó sokkja [Roma employment at the millennium – The persistent shock of the transition]* (Budapesti Munkagazdaságtani Füzetek 2005/4. MTA – Budapesti Corvinus Egyetem, Budapest, 2005) 5, available at: <http://www.econ.core.hu/doc/bwp/bwp/Bwp0504.pdf>.

47 32% of Romani respondents were discriminated against in the preceding 12 months when looking for work or at work. Source: EU-MIDIS, *Data in Focus Report: The Roma*, p. 5.

48 According to survey conducted by the TÁRKI in 2009, 27% of Roma had lost their jobs in the preceding 12 months, while this percentage was 16% with regard to the entire population. Available at: <http://www.tarki.hu/hu/news/2009/kitekint/20090612.html>.

49 Report of the Commissioner for Fundamental Rights in case no. AJB-5317/2012.

50 Gábor Havas, *Esélyegyenlőség, szegregáció [Equal opportunities, segregation]*, in *Zöld könyv a magyar közoktatás megújításáért 2008 [Green paper for the reform of the Hungarian public education system 2008]* (Budapest: ECOSTAT, 2008) 123. Available at: http://econ.core.hu/file/download/zk/zoldkonyv_oktatas_05.pdf.

51 European Roma Rights Centre, *Life Sentence: Romani Children in State Care in Hungary* (2011) p. 22. Available at: <http://www.errc.org/cms/upload/file/life-sentence-romani-children-in-state-care-in-hungary-20-june-2011.pdf>.

52 *EU-MIDIS Data in Focus Report 4: Police Stops and Minorities* (2010) p. 8. Available at: http://fra.europa.eu/sites/default/files/fra_uploads/1132-EU-MIDIS-police.pdf. See also Section 3 of the present chapter.

Between 2008 and 2011, the European Roma Rights Centre documented approximately 50 violent hate crimes committed against Roma. In the survey released by the FRA in 2008, 19% of the respondents stated that in the preceding 12 months they had become victims of violent assaults, harassment or threats due to their Romani origin.⁵³

Child poverty and the need for a solution to the problems identified in this are a high priority both in the Strategy and in the Action Plan. According to the situation analysis of the Strategy, in Hungary 11% of the children are considered endangered as far as poverty is concerned, and the proportion of endangered children is two to three times higher in the disadvantaged regions than in other regions. *“The number of children placed under state protection shows an upward trend and the number of highly endangered children admitted to the child protection system and placed at foster parents or in child care institutions has not decreased for years.”*⁵⁴

An EU document including, among others, the recommendations of the Europe 2020 Strategy also mentions that child poverty rate in Hungary is 1.5 times higher than the European average, therefore, it is of high importance that, besides the Strategy, both the Action Plan and further public policies pay special attention to this area.⁵⁵ In this situation, the enforcement of the rights of Romani children suffering from discrimination in many areas is especially important.

The basic principle of the best interest of the child is enforced by the law consistently, but it does not always apply in practice, especially in case of children belonging to the most vulnerable groups, for instance, refugees, asylum seekers and ethnic minorities (mainly Roma). Because of their ethnicity, Romani children are primarily affected by social stigmatization, exclusion and social and economical inequalities in the field of education, housing, health care and adoption.

Reducing the disadvantages Romani women face in the system of education and on the labour market is listed by the Strategy as an objective to be enforced horizontally.⁵⁶ In the section of the Strategy which includes conclusions,⁵⁷ it is stated that Romani women *“may be considered a group affected by multiple discrimination, but at the same time, due to their role played in the traditional family structure, they may constitute a high priority target group of programmes targeting families”*.

The problem of human trafficking is also discussed by the Strategy,⁵⁸ which also mentions that the available data are insufficient. At the same time, the Strategy emphasizes that minority communities (especially the Romani community) and Romani children raised in children’s homes (where Romani children are over-represented) are especially jeopardized by this human rights violation. The Strategy concludes that Hungary is, at the same time, a country of origin, a transit country and a destination country in terms of human trafficking aimed at the sexual exploitation of women and girls, and human trafficking aimed at forced labour, primarily affecting men. It also states that besides international human trafficking, domestic human trafficking is also an existing phenomenon. Furthermore, it is noted in the framework of the situation analysis that human trafficking aimed at sexual exploitation *“belongs to the hardly discussed issues even among Roma female activists”*.

Need for changing perspectives and involving the target group

In spite of the serial killings targeting Roma, the awareness of the public, the political forces and decision-makers towards the protection of the Roma as a vulnerable social group has not improved. Politicians and decision-makers are still failing to take a firm stance in the issue and to support citizens of Romani

53 EU-MIDIS Data in Focus Report 6: Minorities as Victims of Crime (2012) 11. Available at: http://fra.europa.eu/sites/default/files/fra-2012-eu-midis-dif6_0.pdf.

54 Strategy, „3.3. A gyermekek helyzete” [3.3. The situation of children].

55 Available at: http://ec.europa.eu/europe2020/pdf/nd/swd2012_hungary_en.pdf, Chapter 3.3. Labour market, education and social policy.

56 See the chapter entitled „Stratégiai környezet” [Strategic environment].

57 *Ibid.*, 3.2.4.

58 Available at: „A roma nők elleni jogsértések és erőszak” [Rights violations and violence against Romani women].

ethnicity; racist statements in common talk go without any consequences, and the Government and the police do not step up against verbal and physical attacks against Roma.

In 2011, various groups of the Hungarian far right gathered for a festival called “*Magyar Sziget*” (Hungarian Island). An especially outrageous lecture was held there which was recorded and leaked to the public. The leader of Betyársereg, a self-proclaimed Hungarian guerrilla group, told his audience that they must prepare themselves for new conditions under which they should be capable of “pulling the trigger on the rifle” at the sight of someone with a “shade of a [skin] colour”. “If it was your mother lying there cold in her blood, and a dirty Gypsy kept stabbing the knife into her, do you think you would observe the commandment not to kill?” It was assumed at that time that the speech violated Hungarian law on several counts, given its genocidal content and its explicit discriminatory intent and breach of human rights. For this reason, the Hungarian Helsinki Committee asked the Hungarian State Prosecutor’s office whether they had an intention to start an investigation in the case. Although an investigation was launched, the case was later dropped. Subsequently, the HHC submitted a legal complaint in the case arguing that the prosecutor’s office misinterpreted the law when implying that a criminal act of “inciting to hatred” occurs when it involves actual violence as its consequence. However, the prosecutor’s office refused to continue the investigation and closed the case with no further legal remedy.⁵⁹ In August 2012, in Cegléd, a town approximately 80 kilometres from Budapest, people belonging to extremist groups held a demonstration in a rowdy manner inducing fear in the local community with an obvious anti-Roma intention. The subsequent inquiry of the National Police did not consider it necessary either to launch investigation into the case. According to human rights NGOs, it is common that the police fail to qualify similar cases as cases of racial violence; instead of carrying out an investigation into a case of bias-driven violence and considering such an incident as a hate crime, the police focus on simple rowdyism.⁶⁰

Roma organisations found it problematic that the media still does not show any awareness of the Roma issue, and positive examples are not presented.⁶¹ There are no initiatives aimed at contributing to a change in the attitude of the majority population and at strengthening the Roma (double) identity.

Representatives of Roma organisations claimed⁶² that many newly adopted laws and amendments contain ostensibly neutral rules which indirectly put people in a difficult social situation, and Roma constitute a large proportion of the people living in deep poverty in disadvantaged regions. Other laws and regulations which negatively affect Roma are those lowering the age limit pertaining to compulsory education and criminal responsibility, the possibility of confinement of juveniles and limiting social benefits. In the view of civil and advocacy groups, several aspects of the newly adopted laws and their amendments are not in line with the Strategy. Roma organisations found it hypocritical that the establishment of a new juvenile reformatory is listed among the measures of the Action Plan⁶³ concerning child protection.

Deadlines provided for commenting on draft legislation are in many cases very short, which may easily preclude civil society organisations from having the opportunity to comment on draft legislation.

The new Criminal Code will come into effect in July 2013. In the course of drafting the Criminal Code, the Ministry of Public Administration and Justice consulted with NGO representatives⁶⁴ who stressed that it is outstandingly important for the state to take more efficient steps against perpetrators of hate crimes. One

59 For more information see: <http://helsinki.hu/folytassak-le-a-nyomozast-a-magyar-szigeten-elhangzott-gyuloletbeszed-ugyeben> in Hungarian. An article summarizing some of the events in English is available at: <http://thecontrarianhungarian.wordpress.com/2011/08/12/open-letter-by-the-hungarian-helsinki-committee-asks-viktor-orban-and-pal-schmitt-to-condemn-hate/>.

60 For more details see: <http://helsinki.hu/en/the-police-did-not-act-appropriately-but-fails-to-admit-it>.

61 See, for example, the broadcasting of the Pesty Fekete Doboz at: <http://videotar.mtv.hu/Kategoriak/Pesty%20Fekete%20Doboz.aspx>; the protest expressed by NGOs is available at: http://www.hirado.hu/Hirek/2012/03/20/15/Civilek_tiltakoztak_a_Pesty_Fekete_Doboz_adasa_ellen.aspx and the report of the Hungarian Ombudsman stating that the broadcasting was unbalanced and based on prejudice is available at: www.ajbh.hu/allam/jelentes/201203395.rtf.

62 Consultation.

63 Government Resolution No. 1430/2011 (December 13) on the National Social Inclusion Strategy and the Governmental Action Plan on its Implementation for the Years 2012–2014.

64 Amnesty International Hungary, Hatter Support Society for LGBT People, Hungarian Helsinki Committee, Legal Defence Bureau for National and Ethnic Minorities, as well as Hungarian Civil Liberties Union.

of the most important recommendations was to ensure a possibility for criminal prosecution of bias-motivated crimes not only with regard to crimes committed against persons, but also against property. Additionally, the NGOs recommended that the hate crime law should include the notion of harassment with a bias motivation. Even though the complex reform proposed by the NGOs⁶⁵ has not been incorporated in the draft bill on the new Criminal Code, some recommendations of the human rights organisations were accepted by the ministry working on the draft bill. For example, preparation for a hate crime will continue to be punishable.

In the framework of the UN Universal Periodic Review (UPR), Member States formulated a number of recommendations,⁶⁶ mentioning also that civil and professional organisations shall be involved in the execution of these recommendations. In early 2012, a Human Rights Working Group was established by the Government.⁶⁷ The main task of the Working Group is to consult with NGOs, advocacy and professional organisations so that they are provided an opportunity to contribute to the professional debate regarding the enforcement of human rights in Hungary, and to submit legislative proposals. The Working Group is supported by the Human Rights Roundtable in which, among others, NGOs, trade unions and professional organisations may participate.⁶⁸

Changes in the institutional system affecting the enforcement of rights

As of 1 January 2012, certain rules pertaining to the Equal Treatment Authority have been changed (rules of appointing the President and the presidential term).

The Equal Treatment Advisory Board ceased to exist in the 1st half of 2012.⁶⁹ The Equal Treatment Authority's advisory board consisted of outstanding experts and commented primarily on concepts and regulatory plans related to the enforcement of equal treatment and laws affecting the issue of anti-discrimination.

In view of the new rules on local equal opportunity plans and the introduction of the equal opportunity mentor network, the Equal Treatment Authority's competence to issue related official certificates (i.e. certificates issued upon the request of the local government, proving that the local government has prepared an adequate local equal opportunity plan which complies with the relevant legal provisions) was abolished. Equal opportunity mentors are responsible for assisting local governments in preparing local equal opportunity plans.⁷⁰

In the framework of the Roma Anti-discrimination Client Service Network which was established in 2001, in 44 offices located in the country clients could contact lawyers who provided legal advice and legal representation.⁷¹ On 3 November 2010, contracts concluded with the Network's lawyers were terminated by the Ministry of Public Administration and Justice.⁷² No prior consultation took place in this regard. Currently, Roma are entitled to legal aid in the framework of the general legal aid scheme if they qualify as indigent under the relevant legal provisions. However, despite the significant discrimination of Roma in almost all fields of life in Hungary, there is no specific legal aid network designed for them.

65 See the first, extensive proposal of the human rights NGOs in Hungarian, available at: http://helsinki.hu/wp-content/uploads/civil_szervezetek_gyuloletbcs_javaslat.pdf.

66 Available at: http://www.upr-info.org/database/index.php?limit=0&f_SUR=75&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=25&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly.

67 Government Resolution No. 1039/2012 (February 22) on the Human Rights Working Group.

68 Members of the Human Rights Roundtable include the following: a) members of the Working Group, b) the Commissioner for Fundamental Rights, President of the Equal Treatment Authority, President of the Hungarian National Authority for Data Protection and Freedom of Information, and c) the following stakeholders, invited jointly by the President and the Vice-President of the Working Group carrying out activities affecting the tasks of the Working Group: i) representatives of constitutional bodies, heads of central state administration bodies, ii) representatives of NGOs, advocacy and professional organisations.

69 Available at: Government Resolution No. 1452/2012 (December 22), Annex 1.

70 Since 1 March 2012, this issue has been governed by Government Decree No. 321/2011 (December 26) on the Rules of Preparing Local Equal Opportunity Plans and on Equal Opportunity Mentors.

71 See, for example: <http://www.kisebbségiombudsman.hu/hir-287-roma-antidiszkriminacios.html>.

72 See, for example: http://www.romnet.hu/jegyzetek/2011/01/05/ifa_bogdan_janos_roma_antidiszkriminacios_halozat_elt_9_01_05_11.html, <http://c-press.hu/201101047709/belfold/roma-antidiszkriminacios-halozat-elt-9-01-05-11-mcf-kozlemeny.html>.

On the basis of the Fundamental Law of Hungary and Act CXI of 2011 on the Commissioner for Fundamental Rights, the institution of the Parliamentary Commissioner for the Rights of National and Ethnic Minorities was abolished as of 1 January 2012; the former four Ombudspersons were replaced by the Commissioner for Fundamental Rights. The deputy of the Commissioner for Fundamental Rights responsible for the protection of the rights of nationalities living in Hungary has far less power and resources than the former Parliamentary Commissioner for the Rights of National and Ethnic Minorities. For instance, the deputy of the Commissioner may only propose that the Commissioner launches an *ex officio* investigation or files a submission with the Constitutional Court.⁷³ The deputy commissioner has a staff of three persons, while the former Parliamentary Commissioner for the Rights of National and Ethnic Minorities has 15 staff members.⁷⁴

Main changes affecting the rights of minorities

The Fundamental Law of Hungary ensures that minorities may participate in the work of the Parliament.⁷⁵ On the general parliamentary elections (commencing with the next elections in 2014), national minority self-governments may set up a list of candidates as a (national) minority list.⁷⁶ However, it is highly problematic that citizens registered as so-called minority voters may only vote for an “ordinary” national party list in the absence of a minority list.⁷⁷

On 20 December 2011, a new Act on Nationalities (i.e. minorities)⁷⁸ came into effect (hereinafter: Nationalities Act) which includes both positive elements (for instance, direct elections)⁷⁹ and numerous provisions that give reasons for concern.

For example, the Nationalities Act makes it depend on the census data whether local elections for minority self-government representatives are held and not on the number of persons registered in the minority voter registry.⁸⁰ This provision restricts minority group members’ right to self-determination to an extent which is unnecessary and disproportionate, since declaring affiliation with a minority group is a right, not an obligation. Furthermore, the aforementioned rule restricts the right of minority communities to establish local minority self-governments. This is particularly problematic in light of the fact that, according to the unanimous opinion of experts, census data concerning ethnicity may not be considered reliable. It is also important to highlight that, at the time of collecting census data in 2011, the consequences of declaring the affiliation with a minority group in terms of the elections was not known.

As far as local government decrees are concerned, it is not required that local (or regional) minority self-governments agree with the decrees (that is, they lost their right to veto regarding decrees on local media, the promotion of local traditions and culture and the collective use of the minority language),⁸¹ which

73 Act CXI of 2011 on the Commissioner for Fundamental Rights, Article 3(2).

74 This tendency goes against the report of the UN Independent Expert on minority issues which proposed that the role and powers of the Parliamentary Commissioner for the Rights of National and Ethnic Minorities should be strengthened. See: Report of the Independent Expert on minority issues, Mission to Hungary (26 June - 3 July 2006), A/HRC/4/9/Add.2, 4 January 2007, 91. c), <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/100/83/PDF/G0710083.pdf?OpenElement>.

75 The Fundamental Law of Hungary, Article 2(2).

76 Act CCIII of 2011 on the Election of Members of Parliament, Articles 7 and 9(1).

77 *Ibid.*, Article 12(2)(b).

78 Act CLXXIX of 2011 on the Rights of Nationalities.

79 See also: Vélemény a készülő nemzetiségi törvény tervezetéről [Opinion on the draft of the Nationalities Act], The Parliamentary Commissioner for the Rights of National and Ethnic Minorities, 14 November 2011, <http://www.kisebbségiombudsman.hu/hir-706-velemeny-keszulo-nemzetisegi-torveny.html>.

80 Nationalities Act, Article 56(1). In April 2012, the Commissioner for Fundamental Rights turned to the Constitutional Court and requested that the above provision be abolished due to the fact that it violates Article 29(1), Article 29(2) and, in conjunction, Article 1(3) of the Fundamental Law. (See: Case No. AJB-2709/2012. The press release of the Commissioner for Fundamental Rights related to his submission to the Constitutional Court, available at: <http://www.obh.hu/allam/aktualis/htm/kozlemeny20120429.htm>) However, the Constitutional Court did not find the concerned provision unconstitutional. See: Decision No. 41/2012 (December 6) of the Constitutional Court.

81 See: Nationalities Act, Article 81(1). This provision ensures the right to veto in the case of local government resolutions, but not decrees. (In the Hungarian legal system, local government resolutions are of an individual nature, while decrees establish the normative framework regarding certain issues.) Article 28(1) of the former Nationalities Act (Act LXXVII of 1993 on the Rights of National and Ethnic Minorities) set out that local government decrees related to the field of local media, the promotion of local traditions and culture and the collective use of language affecting the minority population may be passed only with the approval of the given minority self-government. Under Article 29(1), on this basis there was a possibility to challenge decrees passed without the consent of the minority self-government.

eliminates minority self-governments' right to decide on matters together with the local self-governments, since fundamental issues affecting minority communities shall be regulated in decrees.⁸²

Because of the lack of legislative and technical conditions for involving minority associations in the decision-making mechanism of local self-governments, minority associations are not able to exercise all of their rights granted to them by law.⁸³

Minority self-government representatives are entitled to a reimbursement for the income loss resulting from their work performed as representatives, and they may also be entitled to a salary, but it should be covered by the minority self-government from its own sources, in most cases from their very low state budget support. Furthermore, paying a salary to representatives may not "endanger" the minority self-government's compliance with its public duties.⁸⁴ Taking into account the limited state resources, it may often occur that minority self-governments are dependent on the good will of the local self-governments. Roma self-governments also claimed⁸⁵ that financially they continue to be highly dependent on the local self-government and the notary, and thus cooperation and its effectiveness may depend on personal relations. Local minority self-governments are requesting more involvement and information.⁸⁶

Analysis of the Action Plan with a view to the human rights of Roma

The proportion and number of Roma employees in the military and in the police; training and scholarship programmes

The Strategy and the Action Plan set out that the employment of young Roma by the law enforcement forces and the military shall be encouraged, and that they shall be supported through mentor programmes and with scholarships. In the unanimous view of the interviewed police officers and Roma organisations,⁸⁷ the number of Roma police officers has increased in the past years, but the change in this regard is insignificant. According to an official statement made by the Police and the Ministry of Defence, they do not register the number of employees of Romani ethnicity. However, according to the Minister responsible for the implementation of the Strategy, the number of Romani employees in the police force grows by 50 persons per year.⁸⁸ At the same time, according to the state secretary of the Ministry of Interior, in 2011 altogether 32 Roma were employed by law enforcement agencies (by the police force, the penitentiary system, the emergency response services, the military, etc.) upon the initiative of the National Roma Self-Government.⁸⁹ The police do not register the ethnic affiliation of employees and do not keep track of the career of those who receive a scholarship, thus, they do not have data on whether the number of Romani police officers increases or not.

Instead of directly increasing the number of Romani employees, the police and the military make efforts to increase the proportion of Roma within their forces through granting scholarships to, and organizing camps for, young Roma. According to the data submitted by the police, the number of scholarships has not

82 Curtailing the rights of minorities in this regard was also criticized by the Parliamentary Commissioner for the Rights of National and Ethnic Minorities: The Parliamentary Commissioner for the Rights of National and Ethnic Minorities, „Vélemény a készülő nemzetiségi törvény tervezetéről” [Opinion on the draft of the Nationalities Act] 14 November 2011, available at: <http://www.kisebbségiombudsman.hu/hir-706-velemeny-keszulo-nemzetisegi-torveny.html>.

83 The Commissioner for Fundamental Rights came to this conclusion in the course of his thorough *ex officio* investigation entitled “The Enforcement of Minority Rights” (see: Case No. AJB-7713/2012). The related press release is available at: http://www.obh.hu/allam/aktualis/hm/kozlemeny20121106_3.htm.

84 Nationalities Act, Article 109(1).

85 Consultation.

86 Consultation.

87 Roma minority self-governments, NGOs and National Association of Roma Police Officers.

88 See the speech of Zoltán Balog, Minister of Human Resources, delivered on 5 November 2012 in Strasbourg.

89 Source: speech of Károly Konrád, State Secretary of the Ministry of Interior, delivered in the framework of a political debate in the Parliament and entitled “A magyarországi cigánység felzárkóztatásának esélyei” [The chances of closing the gap for Roma in Hungary] on 20 November 2012. Available at: http://www.parlament.hu/naplo39/239/n239_0032.htm.

increased in the past years,⁹⁰ and only a few scholarship recipients could subsequently continue education in secondary schools or join the police force.⁹¹

In 2012, similarly to the previous years, the National Police Headquarters announced calls for scholarships for students of Romani ethnicity who achieved good results in higher education and for students in the upper classes of secondary schools and vocational schools, with the aim to facilitate the successful completion of their studies and prompt them to choose a career of a police officer.⁹² Both calls for scholarships establish conditions not only in relation to the applicants but also in relation to their family, for instance concerning their “lifestyle”. Extending the students’ liability in this way is illegitimate since it makes students responsible for the conduct of their relatives, which is particularly harmful if students complying with other scholarship conditions are declined on this basis, even though they aspire for a police career.⁹³

Efforts made by the police force and the military in recruiting employees of Romani ethnicity shall be acknowledged. At the same time, it shall be concluded that, based on the assumed proportion of Romani police officers and military personnel and the modest number (approximately 23 per year in the past 7 years without a rise in the trends) of scholarships, results are insignificant, furthermore, it is impossible to reliably measure the results since the police or the Ministry of Defence do not keep any data on ethnic affiliation.

Public security plans aimed at ensuring the peaceful coexistence of different communities

According to the Action Plan, public security plans shall be prepared in order to ensure the peaceful co-existence of different communities and the security of people living in the cities and in the countryside. In our view, the circumstance that public security measures are connected with the measures aimed at the Roma inclusion is quite problematic, since this gives the impression that ethnic origin is connected to criminality. Similarly problematic are those measures which suggest a connection between an impoverished group in need of inclusion and crimes (for instance, criminal offences against life).

In order to implement the Strategy, the National Police Headquarters elaborated questionnaires on the issue of public security and made them available in their offices. The public security plans were elaborated on the basis of responses provided by citizens and using crime statistics, and police actions were designed based on these plans. This initiative is an element of community policing, and it shall be fully supported. However, this is an intervention of a general nature and it is not aimed at social integration. The representatives of Roma organisations had no information about the measures above.⁹⁴

According to Order No. 27/2011 (December 30)⁹⁵ issued by the National Police Headquarters on police measures carried out in a multicultural environment, the heads of county police headquarters shall appoint minority liaison officers. According to the experience of Roma organisations, the minority liaison officers are overburdened, they started to operate without any training and their work has had no tangible results so far, but minority communities are aware of their presence.⁹⁶

90 The number of Romani scholarship recipients studying in secondary schools was as follows: in 2006-2007: 10; in 2007-2008: 16; 15; in 2008-2009: 24; in 2009-2010: 51; in 2010-2011: 16; in 2011-2012: 24; in 2012-2013: 42. The number of scholarship recipients in university or Police College was 2 in the 2012-2013 academic year, but no scholarship agreement was signed for 2012-2013. In 2012-2013 altogether 42 persons received scholarships.

91 According to the information provided by the National Police Headquarters, 30 previous secondary school scholarship recipients became students of the police vocational school, and two scholarship recipients became police officers.

92 In the academic year 2011-2012, the police concluded education agreements with 16 young Roma, while in the academic year 2012-2013 with 24 Roma. Source: speech of Károly Konrád, State Secretary of the Ministry of Interior, delivered in the framework of a political debate in the Parliament entitled “A magyarországi cigányság felzárkóztatásának esélyei” [The chances of closing the gap for Roma in Hungary] on 20 November 2012.

93 Source: Orders No. 1/2010 and 16/2011 of the National Police Headquarters.

94 Consultation.

95 See in Hungarian at: http://www.police.hu/data/cms947183/27_11.pdf.

96 Consultation.

Local crime prevention programmes applying community building and awareness raising tools

According to the Action Plan, in towns with considerable ethnic tensions, programmes focused on conflict management, mediation, community development and community crime prevention and rehabilitation shall be launched.

The Action Plan is operational between 2012 and 2014. However, unlike State Budget Acts in the preceding 10 years, the State Budget Act for 2012 did not allocate separate resources for crime prevention, thus this task remained without any financing.⁹⁷ However, making use of European Union resources, in a tender announced in the framework of the Social Renewal Operational Programme 5.6.1. (TÁMOP), the National Development Agency submitted in 2012 a call for proposals in the area of victim support and children and juvenile crime prevention, containing also community crime prevention elements, in the amount of over 1 billion Hungarian forints.

Police officers responsible for regional (county) minority liaison working groups may participate in conflict management and mediation trainings.

Roma volunteers in victim support (TÁMOP 5.6.²⁹⁸); training material for victim support personnel

According to the Action Plan, efficient support to victims of crime shall be facilitated. To achieve this goal, Roma volunteers shall be involved, and with their help trainings for victim support personnel shall be organised to enable them to carry out their work in the future without bias.

The aim of the TETT Programme⁹⁹ was to expand the victim support system with new services. The programme operated between 2007 and 2012 in the three most disadvantaged regions of the country. The network established in the framework of the programme consists of altogether 200 volunteers providing victim support services, 14 of them are Roma. These 14 Roma provided assistance in 13 cases; no special request for the involvement of a Romani victim support provider was received. Most of the representatives of Roma organisations interviewed had no knowledge about the TETT Programme. In the framework of the call for proposals connected to the TETT Programme, altogether 2.5 billion Hungarian forints were distributed among 24 state and civil organisations to implement victim support programmes.¹⁰⁰ In the preparatory phase of the programme, a training material was developed for volunteers. According to the official information provided by the Office of Public Administration and Justice,¹⁰¹ the general training received by victim support personnel does not include any special information regarding Romani victims, and, within that group, victims of hate crimes. According to this information, victim support staff members did not participate in trainings delivered by Roma organisations, and the mandatory training material for professionals was not expanded with any new elements.

The aims and results of programmes completed deserve support. At the same time, the Victim Support Service, maintained and operated by the state, has undergone some institutional changes since 2010: the number of victim support officers has notably decreased, the entire management has changed, the Service does not operate any more in a professional individual manner since it is supervised by, and incorporated into, the county government offices, therefore, it is unable to perform its mandatory duties of general nature. Due to general institutional deterioration, renewal and provision of services are not realistic expectations.

97 Available at: <http://www.bunmegelozes.info/?q=hu/node/42>.

98 As specified above, TÁMOP refers to the EU-funded Social Renewal Operational Programme supplemented with a small financial support from the Hungarian state budget.

99 A high priority project of the Social Renewal Operational Programme 5.6.2, TETT Programme – For the Perpetrators and the Victims, available at: <http://www.tettprogram.hu>.

100 Consultation.

101 Available at: <http://www.kih.gov.hu>.

Further measures against discrimination and racism

The Hungarian Helsinki Committee conducted a research into the practice of ID checks in Hungary in 2007 and 2008.¹⁰² The results of the research show that Roma are approximately three times more likely to be stopped for a check than non-Roma.¹⁰³

In a procedure conducted in 2011 (the Rimóc case),¹⁰⁴ the Equal Treatment Authority examined whether the Nógrád County Police Headquarters complied with the principle of equal treatment in certain petty offence procedures. The procedure in which the Hungarian Helsinki Committee was involved, demonstrated that the proportion of the Roma fined was four times higher than in the case of non-Roma, even though there is a high probability that Roma commit unlawful acts in the same proportion as non-Roma. In the procedure, the Equal Treatment Authority concluded, and the police acknowledged, that even though the individual measures of the police were lawful, the practice of petty offence related procedures taken as a whole may have violated the right of Roma to equal treatment. This was the first case in Hungary in which discrimination committed by the police (ethnic profiling) was substantiated and was partly admitted by the police. The commitments undertaken by the police in the agreement concluded with the Hungarian Helsinki Committee are remarkable. Taking action in similar strategic cases is extremely difficult due to the lack of access to data, even though, based on experience of local organisations and Roma activists, discriminative police procedures conducted against Roma are systematic. Results of research summarized in a study written in 2012¹⁰⁵ revealed that, similarly to the data of 2003,¹⁰⁶ police officers are extremely biased against minorities, which was also confirmed by Roma advocacy organisations.

In 2012, events organised by extreme far-right groups aimed at inciting hatred against Roma and at intimidating them became regular. In certain cases, the police failed to provide adequate protection to Romani communities, and decision-makers failed to raise their voice to ensure support for Roma citizens in their statements.¹⁰⁷

According to the official statistics, hate crimes are rare in Hungary.¹⁰⁸ In contrast, the database of the Athéna Institute,¹⁰⁹ news released in the media and the experience of NGOs unequivocally show that, in reality, the number of hate crimes is much higher. Another negative tendency is that criminal law provisions designed to protect groups affected by bias are applied by the authorities to sanction the (criminal) actions of members of the protected group.¹¹⁰ The magnitude of these problems was considered significant also by the representatives of Roma organisations.¹¹¹ For example, in 2012 the Miskolc Municipal Court¹¹² sentenced 11 Roma defendants to a total of 34 years' imprisonment for violence committed against a member of a community. In the case, a few weeks after the series of attacks committed against Roma in 2008 and 2009, Roma formed self-defence groups as they had previously received information that far-right extremists were planning to carry out attacks against Roma. One night, in the Romani neighbourhood of Miskolc, Roma attacked a car

102 András Kristóf Kádár et al., *Control(l)ed Group – Final Report on the Strategies for Effective Police Stop and Search (STEPSS) Project* (Budapest: Hungarian Helsinki Committee, 2008), 36. Available at: http://helsinki.hu/wp-content/uploads/MHB_STEPSS_US.pdf.

103 Their proportion was 32% among those aged between 14 and 16, and 28% among those aged between 17 and 18.

104 The summary of the case in English is available at: http://www.non-discrimination.net/content/media/HU-40-HU_flash_r_racial_profiling.pdf.

105 Ferenc Krémer et al., *Technika vagy érték a jogállam? A jogállami értékek átadása és az előítéletek csökkentése a jogászok és rendőrtisztek képzésében [Is Rule of Law a Technique or a Value? Conveying the Values of the Rule of Law and Reducing Bias in the Training of Lawyers and Police Officers]* (L'Harmattan Könyvkiadó és Terjesztő Kft., 2012).

106 Ferenc Krémer, *A rendőri hatalom természete – Társadalmi szerep és foglalkozási kultúra [The Nature of Police Power – Social Role and Employment Culture]* (Napvilág Kiadó, 2003).

107 The most outrageous events happened in the town Devecser, where local Roma citizens were thrown with stones by the far-right demonstrators and the police remained inactive while witnessing the violation. According to the National Police and the Ministry of Interior the police entirely fulfilled their duties, no violations have been made. See in detail in Hungarian: <http://helsinki.hu/etnikai-mocskolodas-es-megkovezes-%E2%80%99Ebekes-jelleggel%E2%80%99D>. The police complaint procedure initiated by the Hungarian Helsinki Committee is on-going. Another example is the Cegléd demonstration referred above and could be read in English at: <http://helsinki.hu/en/the-police-did-not-act-appropriately-but-fails-to-admit-it>.

108 Available at: http://tandis.odihr.pl/hcr2010/pdf/Hate_Crime_Report_full_version.pdf.

109 Available at: http://www.athenaintezet.hu/gyuloletbuncselekmey_lista.

110 Available at: http://helsinki.hu/onvedelem_helyett.

111 Consultation.

112 Decision 22.B2418/2011/64.

which they believed looked suspicious with shovels and sticks; on one of the wooden sticks there was an inscription saying “Death to Hungarians”. The two victims suffered light physical injuries (healing within 8 days) caused by the shards of glass from the car’s broken window. The sentence reflects a disproportionately severe punishment. The Hungarian Helsinki Committee and the Hungarian Civil Liberties Union which provided legal representation for some of the Romani suspects in the case claim that the actions committed by the Roma were wrongly classified by the court, since an act of hate crime or ‘violence against a member of the community’, as specified in the Criminal Code, requires a bias motivation against the group the victim belongs to. In this case the attack was carried out at night on a suspiciously slowly moving vehicle with tinted windows in a segregated Romani neighbourhood of the city, soon after the racially motivated serial killings committed against Roma and showing circumstances resembling those cases. In connection with this case there were serious concerns that hate crime provisions are not interpreted and applied by the authorities. The case may also support the suspicion that hate crime regulations are intentionally applied in a contrary way since bias motivated acts against Roma rarely end in indictment or imprisonment in Hungary.¹¹³

Neither the police nor the Ministry of Interior supervising the police have ever acknowledged the deficiencies concerning the investigation and monitoring of hate crimes.¹¹⁴

Tackling hate speech is almost impossible in Hungary due to the very restrictive judicial and Constitutional Court practice developed in the course of the past years. As a result of the Constitutional Court’s interpretation, in order to establish that an instance of hate speech or incitement to ethnic or racial hatred as defined in the Criminal Code occurred, it should contain an element of actual violence as the outcome of the speech in order to bring criminal charges against that person. However, if hate speech leads to violence, it needs to be classified as a preparatory step of this violent act and not as hate speech. But, in accordance with the present practice, if no violence occurs as a clear consequence of the incitement to hatred, the investigating authorities refuse to apply the hate speech provision even if the risk of violence was high in the given case (like in the above case of the “Magyar Sziget”).

A number of NGOs¹¹⁵ protested when the Ministry of Interior ordered that a model programme should be established with the aim to motivate Romani children to observe the law.¹¹⁶ After a series of consultations, the Ministry of Interior changed the name of the programme.¹¹⁷ The model programme was subsequently elaborated without involving human rights organisations. In the framework of the programme, crime prevention training will be provided to those involved in public employment schemes who will subsequently work with children in educational institutions. However, there are no resources to be devoted to the model programme.

Compliance with European Union and Council of Europe instruments

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

The powers of the Equal Treatment Authority go beyond the powers required by the Directive,¹¹⁸ since the Equal Treatment Authority reaches an administrative decision in a case before it and applies sanctions if

113 See the press release on the case in English at: <http://tasz.hu/node/2785> and a Hungarian language article assessing the case at: <http://szuveren.hu/jog/minosithetetlen-szigorusag>.

114 See the above mentioned cases regarding the far-right demonstrations held in Devecser and Cegléd intimidating Romani citizens.

115 Chance for Children Foundation, Hungarian Helsinki Committee, Legal Defence Bureau for National and Ethnic Minorities, Hungarian Civil Liberties Union.

116 The Ministry of Interior set up an Action Plan to implement its own tasks in the framework of the Strategy. Section 5 of the Action Plan requires the elaboration of a model programme. The Action Plan of the Ministry is not publicly available. The press release of the NGOs criticizing the terminology of the Ministry can be accessed at: <http://helsinki.hu/a-bm-szerint-csak-a-cigany-gyerekekkel-van-gond>; the letter sent to the ministers is available in Hungarian at: http://helsinki.hu/wp-content/uploads/orkf_mcsoprol_TFA_BM.pdf.

117 See the press release of the government at: <http://www.kormany.hu/hu/belugyminiszterium/hirek/a-belugyminiszterium-felulvizsgalta-a-nemzeti-tarsadalmi-felzarkozasi-strategia-intezkedesi-tervet-kozlemeny>.

118 Council Directive 2000/43/EC, Article 13.

the principle of equal treatment has been violated. The result of this broad scope of action is that the Equal Treatment Authority devotes most of its resources to this quasi-judicial activity, and, as a consequence, fulfilling other tasks enshrined in the directive is somewhat overshadowed.

It may be suggested that certain provisions of Act CXXV of 2003 on Equal Treatment and the Promotion on Equal Opportunities (Equal Treatment Act) are in contradiction with the Directive. While the Directive's material scope is limited, within that its personal scope is not; in the case of the Equal Treatment Act the personal scope is limited, which means that persons within the private sector shall comply with the principle of equal treatment only in certain cases set out by the Equal Treatment Act.¹¹⁹ The possibility of providing an objective justification as enshrined in Article 7(2)(b) of the Equal Treatment Act is less strict than the requirement set out by the Directive concerning indirect discrimination.¹²⁰ Furthermore, the Equal Treatment Act contains special exempting clauses in relation to education, trade and the use of services,¹²¹ however, this is not allowed by the Directive in case of direct discrimination. The Strategy does not cover these issues.

The European Convention on Human Rights and the case law of the European Court of Human Rights

Hungary has not ratified Protocol No. 12 to the European Convention on Human Rights which provides for a general prohibition of discrimination with regard to all rights ensured by State Parties and allows applicants to turn to the European Court of Human Rights if the principle of equal treatment is violated.¹²²

The European Court of Human Rights has established the violation of Article 14 of the Convention by Hungary in only one case so far, read in conjunction with Article 8.¹²³ In that case, the Hungarian authorities refused to pay maternity leave to a father with Hungarian citizenship, claiming that he would be entitled to a maternity leave only if his wife – the mother of their children – would be deceased. At the same time, his wife was not entitled to a maternity leave under the Hungarian legal rules either since she was a Romanian citizen and did not have a residence permit in Hungary. The Strategy does not refer directly to the European Convention on Human Rights.

Collective complaint mechanism

According to the Equal Treatment Act and Act CXL of 2004 on the General Rules of Administrative Proceedings and Services, *actio popularis* procedures may be initiated both before the Equal Treatment Authority and the courts.¹²⁴

Since 1 February 2012, NGOs have been able to launch *actio popularis* proceedings only if their articles of association or the organisation's statutes include the exact protected characteristic relevant to the given *actio popularis* case and that the NGO aims to contribute to the social equality of disadvantaged groups and the protection of human and civil rights, exactly defined through the protected characteristics.¹²⁵

Romani children

Enforcement of the rights of children and, thus, of Romani children affects almost all of the Strategy's intervention areas: in the social, educational and health care fields measures concerning children are in direct connection with the fundamental rights of the children. The present chapter focuses on the areas and

119 Equal Treatment Act, Article 5.

120 See: Council Directive 2000/43/EC, Article 2(2)(b).

121 Equal Treatment Act, Articles 28 and 30.

122 Article 1 of Protocol No. 12 sets out the following: "The enjoyment of any right set forth by law shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."

123 See: *Weller v. Hungary* (Application no. 44399/05, Judgment of 31 March 2009).

124 Equal Treatment Act, Article 20; Act CXL of 2004 on the General Rules of Administrative Proceedings and Services, Article 169/D(3).

125 Act CLXXIV of 2011 on the Amendment of Act CXL of 2004 on the General Rules of Administrative Proceedings and Services, Certain Related Acts and Certain Acts Related to the Review of Ministerial Powers, Article 38(1); Equal Treatment Act, Article 3(e).

problematic situations related to the enforcement of children's rights which do not concern the Strategy's intervention areas mentioned above.

As mentioned earlier in the chapter, the human rights aspect is absent from the Strategy and thus only a few measures deal with children's rights. Currently, Hungarian data protection rules strictly limit the collection and processing of data on national or ethnic origin since, according to the Data Protection Act,¹²⁶ such data are considered sensitive.¹²⁷ Accordingly, given the extent of disadvantages and rights violations Romani children face, we should rely on research and reports of human rights organisations. It was also mentioned earlier that the Strategy is not exclusively on Roma and, thus, it is difficult to identify measures targeting specifically the rights of Romani children.

From the child welfare measures included in the Action Plan, the following two should be mentioned:

- One of the measures states that „adequate placement of Roma children in need of care shall be ensured through the training of Roma deputy parents and foster parents”.¹²⁸ The deadline of the implementation of the measure is 31 December 2014, and no relevant progress has been made so far in this area.
- The other measure aims to widen the scope of the probation system in a way that it covers juveniles and is included into the child protection system.¹²⁹ The transformation of the probation system has been realized in a way that it also covers juvenile offenders. Although practice shows that since January 2012 the operational protocols of the probation system differ from county to county, which is the restoration of the system which had been in place before the 2003 reform that created a standardised probation system supervised by one specialised office throughout the country. In several counties the probation officers deal with both adult and juvenile offenders and the number of cases per officer is very high.¹³⁰

In contrast, there are certain phenomena that draw the attention to the rights of children and to the related problems, and which affect juveniles living in a peripheral situation, among them Roma. The Government should pay special attention to these issues.

Research carried out by the European Roma Rights Centre revealed that Roma children are over-represented in the child protection system, and their proportion (65.9% in the examined institutions) largely exceeds the proportion of Romani children within the entire population.¹³¹ The main reasons for taking Romani children from their families are poor financial circumstances and deep poverty, even though this is explicitly prohibited by the Child Protection Act.¹³² The report indicates that detailed descriptions of child endangerment¹³³ and clear methodological guidelines for assessing it are lacking in Hungary, and this creates significant opportunities for subjective interpretation or misapplication of child protection provisions by authorities, and may have a disproportionately negative impact on Romani families.¹³⁴ Respondents of

126 Act CXII of 2011 on Informational Self-Determination and Freedom of Information.

127 The Data Protection Act provides that “[sensitive] data may be processed according to Article 6, and under the following circumstances: a) when the data subject has given his consent in writing, or b) when processing is necessary for the implementation of an international agreement promulgated by an act concerning the data under Point 3. a) of Article 3, or if prescribed by law in connection with the enforcement of fundamental rights afforded by the Fundamental Law, or for reasons of national security or national defence, or law enforcement purposes for the prevention or prosecution of criminal activities, or c) when processing is necessary for the performance of a task carried out in the public interest concerning the data under Point 3(b) of Article 3.”

128 Action Plan, I/8.

129 *Ibid.*, I/9.

130 An expert interviewed by the Consortium reported that the number of cases dealt with by probation officers varies between 100 and 300.

131 According to official estimates, based on Council of Europe's data, the proportion of the Roma is approximately 7% of the total population of Hungary (see: Annex of the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – An EU Framework for National Roma Integration Strategies up to 2020, available at: http://ec.europa.eu/justice/policies/discrimination/docs/com_2011_173_en.pdf), however, the proportion may be higher with respect to the younger generations due differences in the demographic structure of the Romani population.

132 Life Sentence – a report by the European Roma Rights Centre, Bulgarian Helsinki Committee, Milan Šimečka Foundation and Osservazione: Romani Children in Institutional Care, June 2011.

133 Act IV of 1978 on the Criminal Code, Article 195.

134 European Roma Rights Centre, Bulgarian Helsinki Committee, Milan Šimečka Foundation and Osservazione, *Life Sentence: Romani Children in Institutional Care* (2011).

the research in Hungary reported that Romani children experience ethnic discrimination in institutional care, and some Romani children said that they were harassed due to their ethnic background by their peers in the care homes.¹³⁵

- The amendment in 2010 of the previous Act on Petty Offences¹³⁶ led to a situation in which juvenile¹³⁷ offenders committing petty offences may be imprisoned for up to 45 days, among them juvenile prostitutes as well for “illegal soliciting”.¹³⁸ The possibility of detaining minors for committing petty offences was also upheld by the new Act on Petty Offences adopted in 2012.¹³⁹ The Commissioner for Fundamental Rights petitioned the Constitutional Court to revise the measures of the new Act on Petty Offences on the detention of minors, claiming violation of the principles of the Fundamental Law of Hungary and of the UN Convention on the Rights of the Child which has been ratified by Hungary.¹⁴⁰
- In May 2012, the Commissioner for Fundamental Rights raised concerns about the proposal for a new Criminal Code which would decrease the minimum age of criminal liability from 14 to 12 years.¹⁴¹ The Parliament adopted the new Criminal Code¹⁴² in June 2012 which will enter into force in 2013 and which defines the minimum age of criminal liability at 12 years in cases of serious crimes.
- The Trafficking in Persons Report published by the US Department of State in 2010 mentions that Romani girls who grow up in institutional care homes in Hungary are highly vulnerable to internal trafficking for the purpose of sexual exploitation. The report of the European Roma Rights Centre on trafficking in Romani communities also indicates that growing up in state care increases the likelihood of falling victim to trafficking.¹⁴³

Due to the discrimination which Roma face, the issues presented above endanger the rights of Romani children to a higher extent, thus, special attention shall be paid to the above issues.

Measures against the discrimination of Romani women

The Strategy describes the problems of Romani women in Hungary in the chapter analysing the current situation in a comprehensive way, taking into account the context, and identifies a number of relevant areas where intervention is necessary. However, indicators reflect gender aspects only to a limited extent.

The chapter of the Strategy presenting the current Hungarian situation¹⁴⁴ includes a detailed analysis of the disadvantaged situation of Romani women and girls regarding education and access to employment; the connection between the low level of education, employment rates and Romani women having children, Romani women’s state of health, and rights violations and violence committed against Romani women.

135 *Ibid.*

136 Act LXIX of 1999.

137 In the Hungarian legal context, an offender aged between 14 and 18 is referred to as a juvenile.

138 Providing sexual services is not illegal in Hungary, that is, the prostitute herself or himself is not punishable for providing sexual services, however, Article 172 of Act II of 2012 on Petty Offences defines “illegal soliciting” which involves cases when the prostitute offers services in an area which is considered to be a protected area by a resolution of the local municipality (for example, areas close to schools and church buildings), or the prostitute’s behaviour is harassing, or the prostitute does not have a medical certificate.

139 Act II of 2012 on Petty Offences, on Petty Offence Procedures and on the Petty Offence Registration System.

140 Press release of the Commissioner for Fundamental Rights entitled “Az ombudsman alkotmánybírósági indítványa a fiatakorúak elzárásával és őrizetbe vételével kapcsolatos rendelkezések miatt” [The ombudsman’s motion submitted to the Constitutional Court concerning the provisions on the confinement and short-term arrest of juveniles], 15 April 2012, case no. AJB-3298/2012, available at: www.obh.hu/allam/aktualis/htm/kozlemeny20120415.htm.

141 Press release of the Commissioner for Fundamental Rights entitled “A büntethetőségi korhatár leszállításának tervéről” [On the plan of decreasing the minimum age of criminal responsibility], 15 May 2012, available at: www.obh.hu/allam/aktualis/htm/kozlemeny20120515_3.htm.

142 Act C of 2012 on the Criminal Code.

143 European Roma Rights Centre, Bulgarian Helsinki Committee, Milan Šimečka Foundation and Osservazione, *Life Sentence: Romani Children in Institutional Care* (2011).

144 See chapter entitled “Helyzetelemzés” [Situation analysis].

The chapter on intervention areas¹⁴⁵ emphasizes the necessity for interventions aimed at increasing the level of education and employment rate of Romani women, improving their state of health, facilitating their access to micro loans and supporting their access to individualized family-planning methods. The section which lists indicators suggests that data on poverty, on support to become an entrepreneur, labour market integration and public work programmes shall be presented by gender. Data on the ratios of teenage pregnancies may also be considered as gender-related indicators.¹⁴⁶

In contrast, the Action Plan for the years 2012-2014 contains only one measure affecting specifically Romani women: according to the Action Plan, programmes promoting employment of Romani women by institutions that provide social, child welfare and child protection services shall be launched.¹⁴⁷ Additionally, the Action Plan mentions that when granting certain conditional support preference shall be given to the employment of persons with a low level of education and, within that group, especially women and Roma, and to companies which are willing to provide training for such employees.¹⁴⁸

Information is available only on one governmental programme which targeted Romani women in 2012. The aim of the programme is to support the employment of 1,000 Romani women in the social sphere; the programme was launched in all the 19 counties and in the capital, and has been financed from the Structural Funds. In the framework of the programme which will run until the end of August 2014, primarily disadvantaged Romani women are involved in trainings and, according to the expectations, at least 750 of them will also obtain a profession. As part of this training programme which has a budget of more than 1.5 billion Hungarian forints, participants may obtain, among others, the following qualifications: nursing assistant, instructor, social worker and nurse, geriatric nurse, home nurse and Roma social helper. (The second phase of the project, having a budget of 1.4 billion Hungarian forints, enhances the employability of participants who successfully obtained a profession by ensuring one-year supported employment and the continuing training of employees.) According to the official statement of the Ministry of Human Resources responsible for the project, it is expected that “Romani women participating in the training will serve as a link between social institutions and the several thousand indigent persons who so far have not resorted to the social, child welfare and child protection services.”¹⁴⁹

The programme described above covers the only measure of the Action Plan which specifically targets Romani women, both in terms of the programme’s content and resources devoted to it. It shall be noted that, even though the programme is expected to have positive effects both on the direct target group and in the wide social context, it is problematic that no willingness is shown for granting access to Romani women to other employment areas which are better-paid or which ensure higher mobility chances. It may thus be criticized that the conditions for getting into the programme and the selection process are not transparent. It turned out during the consultation¹⁵⁰ that this is an element of the Action Plan about which most of the participants had information, and they also participated in the process of making recommendations for future trainees. Participants stated that, in their view, certain elements of the programme are positive and the programme has certain potential advantages.

Combating human trafficking

According to the chapter of the Strategy on intervention areas,¹⁵¹ in order to efficiently tackle usury, human trafficking and forced prostitution, targeted law enforcement measures shall be applied (including meas-

145 See chapter entitled “Beavatkozási területek, eszközök” [Intervention areas and means].

146 See: “Monitoring és indikátorok” [Monitoring and indicators] (1), (1.1.2), (1.1.3), (1.1.4), (3.3).

147 *Ibid.*, 4.

148 *Ibid.*, 5.

149 Source: National News Agency (MTI) – Ministry for Human Resources, *Ezer roma nő kaphat szakképzést, majd munkát a szociális ellátórendszerben („Nő az esély!”) [A thousand Romani women may receive vocational training and work in the social services system]* (2012), available at: <http://www.romagov.hu>. See also separate chapter on the Flagship in this report.

150 See Methodology section for more information about the consultations.

151 See: “Beavatkozási területek, eszközök” [Intervention areas and means], VI. 4. „Közösségi konfliktusok – közbiztonsági problémák” [Community conflicts – public security problems].

ures taken against criminal groups which may be connected to the phenomenon of organised migration). Furthermore, participating in the international fight against human trafficking is necessary, and efforts related to crime prevention and the prevention of victimization shall be enhanced (among others, through the recruitment of young Roma by law enforcement agencies).

The Action Plan for the years 2012-2014 solely repeats the relevant parts of the Strategy concerning the tasks, and sets out the following: "Targeted law enforcement measures shall be taken in order to tackle the phenomena of usury, human trafficking and forced prostitution efficiently."¹⁵² Measures outside the scope of law enforcement, such as socio-political measures aimed at the social (re)integration of the victims of human trafficking, are not mentioned in the Action Plan.

As far as human trafficking is concerned, two legislative amendments made in 2012 shall be mentioned. In order to establish a child friendly justice system, the Criminal Code was amended,¹⁵³ as a result of which the limitation period for certain serious criminal offences, for example human trafficking, may not end until the victim becomes (or would have become) 23 years old. The amendment to the law on victim support¹⁵⁴ intends to solve the situation of victims of human trafficking who are third-country citizens.

In 2012, the National Coordination Point for Combating Human Trafficking which operates within the Ministry of Interior's Deputy State Secretariat for European Union and International Matters initiated that a new data collection form for identified victims of human trafficking shall be introduced.¹⁵⁵ In addition, the body carried out an awareness raising campaign at the Sziget Festival in August 2012¹⁵⁶ and prepared a Government Decree.¹⁵⁷

Recommendations

General recommendations related to the enforcement of human rights of Roma:

- The human rights and fundamental rights approach should be broadened in the implementation of the Strategy.¹⁵⁸
- The Strategy or its Action Plan should include specific anti-discrimination measures and tools aimed at reducing bias and facilitating a change in attitudes, and designed to improve steps taken against offences committed with racist motives; separate financial resources should be devoted to this goal. Considerations regarding the protection of fundamental rights and the related specific measures should have at least the same importance as socio-economic and geographical aspects. Crime prevention aspects should be included in the Strategy, and stigmatization should be avoided in order not to increase anti-Roma public sentiments.
- The Hungarian Government should consistently take a stand for the protection of Romani citizens and should condemn attacks motivated by anti-Romani bias.
- It is essential that representatives of affected target groups, advocacy organisations and NGOs shall be actively involved in the planning and implementation of all measures which target them. This principle shall be applied at all levels of organisations (national, regional and local), partly because of the principle of subsidiarity and also to ensure the effective flow of information.

152 Government Resolution No. 1430/2011 (December 13) on the National Social Inclusion Strategy and the Government Action Plan On Its Implementation for the Years 2012-2014, 11.

153 Act LXII of 2012 on the Amendment of Certain Acts Related to the Realization of Child Friendly Justice, Article 1.

154 Act CXXXV of 2005 on the Support of Victims of Crimes and State Compensation, Article 1(e).

155 Source: Ministry of Interior.

156 Sziget Festival 2012 – Civil tent „Emberkereskedelem elleni küzdelem” [Combating human trafficking] (8-12 August 2012), available at: <http://emberkereskedelem.kormany.hu/sziget-fesztival-2012-emberkereskedelem-elleni-kuzdelem-civil-sator-2012-augusztus-8-12>.

157 For the draft, see: Government Decree on the Process of Identifying Victims of Human Trafficking, available at: <http://www.kormany.hu/download/f/24/a0000/emberkereskedelem.pdf>.

158 Cf.: The importance of the protection of fundamental rights in relation to improving the situation of Roma was also stressed by the Council of the European Union. See: An EU Framework for National Roma Integration Strategies up to 2020 (Council conclusions, Section 13, 24 May 2011) available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2011:258:0006:0009:EN:PDF>.

- Powers of the deputy of the Commissioner for Fundamental Rights responsible for the protection of the rights of minorities living in Hungary should be strengthened, along with ensuring adequate financial and human resources.
- Establishing an efficient, state-funded anti-discrimination legal aid service should be considered.
- The Nationalities Act should be amended in order to eliminate deficiencies regarding, for example, the conditions set for local minority elections, and minority self-governments' rights in terms of the adoption of local minority-related decrees, and in order to abolish discriminative provisions.
- Court registries should indicate with respect to associations if they carry out activities related to minorities.
- Amending the Equal Treatment Act should be considered in order to fully comply with Council Directive 2000/43/EC.
- Hungary should ratify Protocol No. 12 to the European Convention on Human Rights.
- Coordinated measures should be taken concerning hate crimes committed against groups which face bias (especially Roma), in the following areas: data collection, accessibility of court decisions, preparing an adequate investigation protocol, training and awareness raising for law enforcement professionals, providing information to victim groups.
- Follow-up and information on the career path of Romani employees in the police force and the military is necessary.
- Conditions related to applicants' family members in scholarship schemes should be deleted from police and military calls for applications. Increasing the number of scholarships and mentoring scholarship recipients in the course of the training should be considered.
- The training of future law enforcement personnel should cover knowledge and skills related to equal treatment, while for those in service, awareness raising trainings should be organised.
- The police should provide NGOs with information, similarly to that agreed upon in the Rimóc case, in order to monitor whether discriminative treatment on behalf of the police is generally typical throughout the country or not. Depending on the results of the research, further measures could be considered.
- The police should be trained in order to handle assemblies and hate crimes adequately. (Trainings should be based on the assessment of prior events with the involvement of NGOs.)

Specific recommendations related to the enforcement of the rights of Romani children

- The Government should establish efficient methods to eliminate discrimination within the child protection system, to ensure a standardized approach in child endangerment cases and to make greater efforts to ensure that children stay in their families.¹⁵⁹
- Prevention methods and programmes should be applied and children leaving the system should be subject to follow-up in order prevent that children growing up in institutional care become victims of human trafficking and other criminal offences.
- Provisions of Act II of 2012 on Petty Offences, on Petty Offence Procedures and on the Petty Offence Registration System violating children's rights should be amended.
- The minimum age of criminal responsibility should be restored to 14 years.
- The operation of the probation system for juveniles should be standardized throughout the country. The number of cases per probation officer should be decreased significantly.

Specific recommendations related to the equal opportunities of Romani women:

- The principle of gender mainstreaming should be applied also in order to improve the situation of Romani women.
- Public policy measures targeting Romani women should take into account the phenomenon of inter-sectionality.
- Besides the apparently familialist value system, the principle of social equality between men and women should be taken into account.

159 European Roma Rights Centre, Bulgarian Helsinki Committee, Milan Simečka Foundation and Osservazione, *Life Sentence: Romani Children in Institutional Care*, (2011). This report contains detailed recommendations.

- The gender-related awareness of decision-makers should be enhanced, with special regard to issues affecting Romani women and girls. Special mentor systems should be established in the education for Romani children and youth which should also take into account gender-related aspects.
- Special programmes aimed at preparing Romani women for taking leading positions should be established.
- Adequate care should be provided for Romani victims of domestic violence; special programmes for prevention should be launched.
- A special support system (scholarships and mentor system) should be established for Romani women who intend to learn and work in the social, health care and law enforcement area.
- Possibilities of, and access to, different forms of family-planning should be granted. The most disadvantaged women should have access to the different methods of conception control.

Specific recommendations related to combating human trafficking

- When planning public policy measures, it should be taken into account that human trafficking and prostitution are areas where inequalities based on gender, ethnicity and social status interconnect.
- An inter-professional cooperation system should be established with the participation of relevant authorities, other state actors and NGOs.
- Victims of human trafficking should be provided with integrated services.
- Education and employment opportunities should be provided for victims of human trafficking.
- Financial support to NGOs providing protection to victims of human trafficking should be ensured.



3. EDUCATION¹⁶⁰

Purpose of the chapter

In the Civil society monitoring report we consider it important to focus on the mainstream provisions related to public and higher education, as Roma should have equal chances for accessing quality education services and completing their educational carrier with good outcomes. However, the criteria elaborated for the inclusion and development programmes to measure the knowledge and social capital of disadvantaged and multiply disadvantaged people without explicitly assuming any ethnical target and based on the above are worth examining.

The Strategy and the related situation analysis is a well-elaborated and thorough document. It uses a number of statistical sources and materials published by, and data collected by, well-known researchers. As the documents are based on the conclusions drawn from these data, we can say that they are based on solid foundations. The contents of the Strategy and of the education and child welfare chapter are not without any preliminaries. The preparations for the Roma Integration Decade Programme¹⁶¹ (RIDP) started already in 2003, and this Strategy, too, set important guidelines in the field of education, housing, employment and health care. At the same time, it has remained without any serious commitment, and the large-scale programme has become integrated in the subsequent strategies, and its initiatives have since then been completed.¹⁶² Its major philosophical ideas (among them decreasing segregation in schools, creating the opportunity of having equal access to educational assets) have not been included in the Strategy.

One of the goals of the report is to point to the tendency of how the objectives of the Strategy and those included in the agreement concluded with NRSZ fail in the course of bargaining within the Government, and to what extent the tendencies are in contradiction with the mainstream legislation and the reality. In addition to the governmental interventions which have often unstable resources and partial embeddedness, we also examined the results that the parallel initiatives have achieved. The Roma Education Fund¹⁶³ has been the only organisation whose work is visible, quantifiable and perceivable for the Romani community.

Overview of the situation

Disadvantages Romani children face in schools

The disadvantages Romani children face may be best illustrated by the summary of a research conducted by UNESCO in 2008: „The principle of equal opportunities does not prevail in the Hungarian practice of public education because the system does not provide an education service of the same quality for all children of school-age. The significant social and economic differences between families and the selection pressure that can be felt from the middle classes play a determinant role in the development of educational inequalities as a result of which great differences can be observed between the education

160 Chapter prepared by the Association of the Roma Minority Representatives and Spokesmen of Nógrád County (Nógrád Megyei Cigány Kisebbségi Képviselők és Szószólók Szövetsége) and the Romaversitas Foundation (Romaversitas Alapítvány).

161 Available at: http://www.romadecade.org/files/downloads/Decade%20Documents/Hungarian%20NAP_hu.pdf.

162 A significant part of the Roma society remembers RIDP as a flat balloon, which only „gave money to the Roma” but nothing happened. If only for nothing else, it was good for founding social prejudice.

163 Available at: <http://www.romaeducationfund.org>.

standards and the composition of students of the individual schools. The Hungarian education system not only maps but also promotes the development of social inequalities, i.e. it increases the so-called brought-along disadvantages arising out of the family background because strong selection and segregation mechanisms prevail at all levels of the public education, while the compensation capacity of education is quite meagre".¹⁶⁴

Definition of disadvantaged children

Until recently, those children were considered by law to be disadvantaged whose parents were entitled to receive child protection benefits on a regular basis (that is, they had a low income), and multiply disadvantaged are the ones whose parents, in addition, had low education.

However, draft bill No. T/10047 on the amendment of acts on social affairs and child protection in relation to the Magyar Simplification Programme¹⁶⁵ and on the amendment of other acts (February 2013) has changed this categorisation (Section 42).

By virtue of the new regulation, those children are considered to be multiply disadvantaged whose parents are entitled to receive child protection benefit on a regular basis and out of the following three conditions at least two exist simultaneously: low education of the parents, low employment of the parents and poor housing conditions endangering health. This group shall also include those provided with follow-up care. Those children are considered to be disadvantaged whose parents are entitled to receive child protection benefits on a regular basis and at least another one of the circumstances listed above exists.

When conceiving the definition of disadvantaged children, the fact that the part related to the housing conditions is insufficiently defined needs serious consideration. Those children shall be considered disadvantaged who, according to draft law no. T/10047 „... have an insufficient living environment or housing conditions, if it can be established that the child lives in a living environment declared to be segregated in the integrated urban development strategy, in a home with only half of the modern conveniences or with no modern conveniences at all, in a temporary accommodation, or in housing circumstances where the conditions required for healthy development are ensured only to a limited extent". The legal regulation does not specify which authority will determine the above and based on what system of conditions.

Therefore, this means that the categories have become "stricter"; those with a low income (that is, entitled to regular child protection benefits) are not considered to be disadvantaged any more and, consequently, fall out of the scope of the related targeted allowances. In addition, for the category "multiply disadvantaged", poverty and under-education are not "sufficient"; additional conditions also need to be met.

Based on the above, the following outcomes can be expected:

1. many Roma will fall out of the scope of allowances disadvantaged people are entitled to;
2. many will be reclassified from the category of multiply disadvantaged into the category of disadvantaged, therefore the scope of services available to them will narrow down unless services are not re-tailored or re-categorised,
3. from statistical point of view, there will be an improvement due to the decrease of the number of disadvantaged children and diminishing the seriousness of the category of disadvantaged;
4. at the same time, it is clear that there is no real improvement in the background; only the change introduced in the definition of the categories will cause a change in the data relating to multiply disadvantaged children.

¹⁶⁴ Farkas Lilla et al, *Diszkrimináció az oktatásban: UNESCO nemzeti jelentés, Magyarország (Oktatáskutató és Fejlesztő Intézet, 7 [Discrimination in education: UNESCO national report, Hungary] (Institution for Education Research and Development, 2008) 7 (accessed: 20 March 2013).*

¹⁶⁵ <http://www.parlament.hu/irom39/10047/10047.pdf>, Section 42, p. 15.

As a reminder, some data from the past 6 academic years:

Table 1: Development of the headcount of disadvantaged and multiply disadvantaged students between 2006-2012

Academic year	Total number of students	Total number of disadvantaged students	Total number of multiply disadvantaged children (within the group of disadvantaged children)
2006-2007	831,262	217,328	61,494
2007-2008	811,405	228,349	85,798
2008-2009	790,722	241,739	100,119
2009-2010	775,741	257,335	106,539
2010-2011	758,560	271,403	105,734
2011-2012	749,865	266,407	103,951

Source: Statistical data provided by the Educational Authority in February 2013

Comparison of targeted and mainstream programmes

According to the 2001 Census, 190,046 inhabitants identified themselves as Roma or, in other words, Gypsies in Hungary (at the time of writing the report, preliminary data for 2011 became available;¹⁶⁶ additional data are expected to be published around summer 2013). At the same time, the data of the census significantly differ from the results of surveys carried out by sociologists. Of these, even the lowest number of Roma in Hungary is estimated at approximately 650,000 people, with an age structure which is different from the average. Its characteristic feature is that the proportion of Roma under the age of 18 in this the cohort is higher than in the entire society, while the life expectancy is shorter by nearly 10 years.¹⁶⁷ Based on the above, we can safely say that there are several hundreds of thousands of Romani children in the entire public education.

Based on these facts we can say that the school problems faced by Roma cannot be resolved by the occasionally forgotten second-chance schools, the "extra-curricular Afternoon School" (Tanoda) programme introduced many times and rightly considered as a good practice, or certain schools maintained by churches/foundations/associations, only by the mainstream education system. In this context, any decision that may have a negative impact within the education system has an exponentially negative impact on those who are barely capable of enforcing their interests, are less mobile, have a poor network of relationships or little knowledge capital. This is why in the last section of the chapter we examine the impact of the changes to Roma people in accordance with the articles of the document entitled "Information on the Act on National Public Education"¹⁶⁸ – Coming into force" ("Tájékoztató a Nemzeti Köznevelésről Szóló Törvényről – A törvény hatályba lépése").

This conclusion is particularly true for areas where the unspecified legal regulations or the responsibility transferred to the intermediate institutions would result in uncertainty rather than specific support.

Need for monitoring, its deficiencies and the positive signs appearing in the plans

The Strategy in itself makes several important conclusions in respect of the necessity of building a monitoring system, but it does not solve the fundamental dilemma of ethnic data collection. The monitoring databases of the educational integration developments do not contain any ethnic data either, although some developments are explicitly aimed at the improvement of academic achievement of disadvantaged Romani students.¹⁶⁹

166 Based on http://www.ksh.hu/nepszamlalas/tablak_teruleti_00, the number of Roma is 308,957; the significant increase is explained by the effective campaign carried out by Roma NGOs to encourage Roma to identify themselves as Roma.

167 András Csire and Nándor Németh, *A születéskor várható élettartam kistérségi egyenlőtlenségei az ezredforduló Magyarországon [Inequalities in life expectancy in the small regions at the turn of the millennium]* (Kormányzás, Közpénzügyek, Szabályozás [Governance, Public Finances, Regulation] Vol. II, Issue 2, 2007) 257- 289.

168 Available at: http://www.kormany.hu/download/4/c6/70000/nefmi_cxc_tajekoztato_01.pdf (Ministry of National Development – information).

169 Available at: http://egyenlobanasmod.hu/tamop/data/Teller_Nora_Eselyegyenloseg_es_Integracio_Projektiroda_2012nov15.pdf (Equal Opportunities and Integration Project Bureau).

Features of the Strategy: deficiencies, possibilities

Education related political elements of the agreement¹⁷⁰ concluded between the Government and the National Roma Self-government, and failure of advocacy efforts

The agreement includes three commitments related to education which can be implemented only by way of transformation of the mainstream education system. These numbers are large enough to influence the entire education system: „*The Parties conceive as an objective to be achieved by 2015 that they will support [...] the implementation of a comprehensive education programme by the help of which 20,000 Roma youths will be able to learn a marketable profession in 50 vocational schools participating in the inclusion. Further, they will help 10,000 Roma youths in learning within the framework of trainings giving a secondary school leaving certificate and will also help the preparation of 5,000 talented Roma persons in order that they comply with the conditions of participating in higher education.*”¹⁷¹

Despite the fact that NRSNG and its head are in possession of unprecedented power due to their personal social capital and institutionalisation, they have not had any impact on the most important mainstream changes. The government enacted the Act on Public Education and reduced the state-financed university places without their objection. Before the deadline for enrolling to the universities, neither the government nor the NRSNG helped informing potential entrants; it did not establish a special scholarship programme for achieving the indicators included in the formal agreement. Looking at the changes in mainstream education in the past two or two and a half years, we cannot see any initiative that could be considered as a step taken to reach the target figures. Moreover, just the opposite is taking place in the legislative processes regarding mainstream education: the number of secondary school places which provide graduation, the number of state-financed university places and the number of classes taught in general literacy subjects in vocational schools and also the opportunities of mobility within the education system are significantly decreasing.

Nationalisation: missed opportunities

Following a non-transparent preparation which took several months, as of 1 January 2013 the Government executed the nationalisation of schools coordinated by Klebelsberg Kunó Institution Maintenance Centre (Klebelsberg Kunó Intézményfenntartó Központ). Although a number of omens implied that a change of such a pace and scale could only be implemented without any conflict and serious problems according to thoroughly prepared plans.^{172 173 174} The everyday operation of schools and the work of teachers was and is still hindered by a number of problems; for instance, teachers' salaries in several places have decreased (as the non-mandatory benefits provided by the self-government had been withdrawn); the instruction system within the institutions is uncertain in many places, and it is also important to examine the powers the state as the owner has come into possession of.¹⁷⁵

Overall, the current situation is a historical opportunity to ensure that all disadvantaged and multiply disadvantaged students receive quality education of uniformly high standard provided by the state, with the potential to efficiently compensate for any disadvantage arising from students' social background. Up until now, there have been no signs of this taking place; moreover, in many cases the opposite processes are taking place. All this is manifested in the following areas:

170 Irrespective of the content of the agreement, it is important to take the facts which make the basis of the document thoroughly into account and to examine the events through their focus. NRSNG is not a civil organisation; its membership and composition are not permanent (the members are elected for four years, and the elections coincide with the self-government elections). Theoretically, it is not a politically organised entity, still, in almost all cycles the NRSNG was led by a prominent personality supported by one of the parties. In the current cycle this has reached its peak: the president of NRSNG is, at the same time, the head of Lungo Drom National Gypsy Advocacy and Civil Association, has maintained election cooperation with the governing party for 12 years and is also a Member of Parliament. Despite these occupied positions, one cannot see how the provisions of the Government-NRSNG agreement would be implemented.

171 Source: <http://romagov.kormany.hu/download/8/58/20000/Annex%202.PDF> (12 May, 2013).

172 Available at: http://mandiner.hu/cikk/20130124_iskolai_allamositas_biztos_bizonytalansag, 24 January 2013.

173 Available at: http://hvg.hu/velemeny/20130205_iskolaallamositas_Rado, 5 February 2013.

174 Available at: http://index.hu/belfold/2013/01/11/kaoszhoz_vezetett_az_allamositas_egy_budai_gimnaziumban/, 11 January 2013.

175 Available at: http://www.njt.hu/cgi_bin/njt_doc.cgi?docid=156713.232575.

Financing: in theory, there is no obstacle for developing in every institution taken over by the state a completely identical system of conditions (school equipment, teaching aids and well-prepared teachers). In respect of financing such a development, no steps had been taken until February 2013.

School districts: despite the fact that the significance of the school districts developed in accordance with the aspects of the maintainers has ceased to exist with the change of ownership, the State Secretary responsible for this field said that only "*minimal minor adjustments which also occurred earlier and which will follow the structure of the settlement*"¹⁷⁶ shall be expected. This means that the Government essentially rejects the possibility of restructuring the school district system elaborated "creatively" by major self-governments, or the effort aiming to prevent segregation within settlements.

Sector neutrality: There were several months between the first news of nationalisation and the elaboration of related legal regulation. Therefore self-governments of several settlements considered maintenance by churches safer and, at least at the beginning of academic year 2012-2013 still more generously financed by the state. Despite the fact that quite a number of institutions being the single learning and inclusion opportunity for families living in deep poverty are maintained by churches, in the past few months mainly those schools which are attended by the elite of the given settlements have become maintained by churches. The Government could have avoided such separation by a more efficient communication and through a sector-neutral financing.

Change in compulsory education

In Hungary the compulsory school age has been reduced from 18 to 16 years. This limit is not extremely low in Europe (other countries that have the same compulsory age limit usually perform better than Hungary in international comparison programmes); however, any decrease in the age limit is not customary in the developed countries of the EU.

It is important to note that despite the fact that the legal regulation became fully effective only on 1 January 2013 and thus affected those students who had started the first grade of secondary school in the academic year 2012-2013, a phenomenon, which was not completely new, was reported on several occasions that certain schools made efforts to get rid of students considered to be problematic (typically multiply disadvantaged students, usually Roma).¹⁷⁷ This circumstance led large numbers of Romani students to leave school early by decreasing their motivation to receive education that would enable them to find have better chances in the job market. Some students may try to enrol in the so-called "Bridge training" or "zero grade" before starting secondary education, which can potentially result in spending one or even two years out of the secondary education and finally leaving the education system without qualification. Therefore, the number of students without secondary education can increase. It is similarly not in line with the agreement concluded between the government and the NRSRG which undertakes the commitment to increase the number of Romani students in the secondary and tertiary level, and is also not compatible with the objectives set in EU 2020 regarding the reduction of early school leaving.¹⁷⁸

No governmental document or impact evaluation has so far been able to present the national economic and competitive benefit of the change in the legal regulation. Otherwise, the amendment fits well in the process which aims at a strongly established central order. Because of the introduced sanctions and the official communication in relation to this issue, the pre-school participation of children may become perceived by parents as punishment rather than support.

176 Available at: http://index.hu/belfold/2013/02/22/hiaba_kerultek_egy_kezbe_az_iskolak_maradnak_a_regi_korzetek/.

177 Hungarian Anti-poverty Network (Magyar Szegénységellenes Hálózat), „Szakpolitikai ajánlások a magyar ALEN projekt tapasztalatai alapján” (vezetői összefoglaló) 4 [Professional political recommendations based on the experience of the ALEN Project (executive summary 4)], (accessed: March 2013).

178 Available at: <http://www.romaeducationfund.hu/publications/policy-documents>, position of the REF Network on the Hungarian Public Education Act plan (in Hungarian), 24 October 2011.

Introduction of a mandatory curriculum

Education which focuses on competence development, on the one hand, provides a basis for life-long learning and, on the other hand, is especially efficient in the inclusion of those disadvantaged children who lag behind their peers in terms of school performance not due to their mental capacities, but because their basic competencies must be strengthened. Several educational methodologies (application of project pedagogy, cooperative learning, complex teaching of subjects, etc.) are available to provide efficient competence development support for disadvantaged students. Making the curriculum and the teaching methods uniform and narrowing the options in this area decrease the number of tools available for teachers in strengthening the competences of students and for closing the achievement gap among students.

The uniform approach in the education system is not only problematic because children are not identical, but also because the lack of optional educational means (for example, the re-introduction of failing, rejecting textual evaluation, etc.) further increases competitiveness in schools at a very early stage, and increases the chances of failure and being unsuccessful for the entire school career.

Re-introduction of failing

Failing that can be applied already from the first class affects primarily disadvantaged, among them Romani children, as repeating a school year is one of the main reasons for early selection¹⁷⁹. We believe that failing a child in the first grade is not the fiasco of the child but of the school. By ensuring individual progress, it would become possible to evaluate children's development based on the progress compared to an earlier stage. This would, by all means, be desirable as 6-year-old children entering the school system have very diverse backgrounds, knowledge and competencies, and it can take several years to bring these to the same level. Letting children fail makes this impossible. Disadvantaged children would have to be educated in an integrated way and within the framework of a whole-day school by experienced teachers able to integrate certain elements of developing pedagogy in the mainstream. These children would have to be developed and supported, and not stigmatised by letting them fail which leads to drop out from the education system without the slightest prospects for employment and normal life.

Supporting child nutrition

In 2012, a tender was announced for the self-governments of settlements for funding child nutrition in the summer period. Despite the positive intention of boosting the local economy, the conditions (purchasing from local contractors and primary producers) excluded a number of self-governments that are in a difficult financial situation from participating in the tender. As a result, in the summer in many settlements of the disadvantaged micro-regions not only warm food prepared from local products was not available for children, but they could not have lunch made from canned food.

It would be important for the Government to make a 12-month plan in the budget for the nutrition of children, so summertime nutrition would be a routine task for self-governments and a problem which has existed for years would be resolved.

Performance of activities listed in the Action Plan in the field of education

Mandatory enrolment to kindergarten

As of 1 September 2014, it will be mandatory for children to go to kindergarten from the age of 3. Despite the fact that in Hungary the number of available kindergarten places is, at national level, theoretically nearly the same as the number of children of pre-school age (at least those of pre-school age according to the

179 Gábor Kertesi and Gábor Kézdi, *Általános iskolai szegregáció, I. Rész: Okok és következmények [Gábor Kertesi and Gábor Kézdi, Segregation in Elementary Schools, Part I: Reasons and Consequences]* (Budapest: Economy Review, Vol. I II, April 2005) 317-355.

effective legal regulation), the distribution of such places is quite uneven; there are significant differences also in the condition of buildings and devices.¹⁸⁰

According to the 2011-2012 data released by the Hungarian Central Statistical Office, there were 374,870 kindergarten places while the number of children aged between 3 and 6 was 341,190. However, as it is pointed out in the situation analysis, too, according to the statistical data of KSH for 2009, there were no kindergartens in 926 settlements most of which are small villages; still, among them there were approximately 50 settlements where the number of children of this age-group would justify the operation of at least one kindergarten.

The chapter of the Strategy on education essentially repeats the contents of the situation analysis but does not contain any proposal for solving the problem. It only makes general conclusions like “the insufficient kindergarten capacities need to be expanded”. With a deadline of 31 December 2013, the Action Plan sets out as an objective that, in order to expand the kindergarten care of disadvantaged children, a plan has to be elaborated for 3-year-old children based on which kindergarten care has to be accessible in every settlement where the number of disadvantaged and multiply disadvantaged children so justifies, and such care has to be made available also where no kindergarten places are available. It identifies the Regional Operational Programmes as resources;¹⁸¹ the amount of available resources is HUF 880 million.¹⁸² Increasing the number of kindergarten places and expanding the insufficient capacities is a priority objective, therefore, measures required to realise these objectives shall be funded.

Table 2. Budget lines of the New Széchenyi Plan dedicated to increasing the number of kindergarten places and available at the time of the announcement of the tender

Operational Programme (OP)	Million HUF
Southern Great Plain OP	59%
Northern Great Plain OP	57%
North Hungarian OP	59%
Central Hungarian OP	41%

Source: EMIR, 11 March 2013

Table 3. Statistical data on submitted applications

	DAOP	ÉAOP	ÉMOP	KMOP	Total
Number of applications received	39	39	28	62	168
Grants applied for (HUF)	5,250,662,980	4,970,218,744	3,392,958,061	9,784,130,153	2,3397,969,938
Number of funded applications	22	23	21	46	112
Amount awarded (HUF)	224,6947,273	1,928,300,325	1,944,560,584	2,723,030,284	8,842,838,466
Number of payments made	11	4	1	2	18
Amount of payments (HUF)	187,242,003	44,963,678	2,820,963	53,634,875	288,661,519
Payments in percentage	8.33%	2.33%	0.15%	1.97%	3.26%

Source: EMIR, 11 March 2013¹⁸³

As we can see, payment has not yet been disbursed with respect to part of the applications, even one year after the submission of the applications. Besides, there is no data either on whether all the 50 settlements

180 National Social Inclusion Strategy, situation analysis, page 32: “This is particularly typical in disadvantaged settlements and regions where in certain places a serious shortage of kindergarten places hinders the fulfilment of obligations defined in the act on public education, namely, that as of 1 September 2008 local self-governments must ensure that multiply disadvantaged children can use kindergarten education from the age of 3.”

181 Government Decree as an annex to the Strategy, Section II, Article 1.

182 Available at: http://www.nfu.hu/uj_palyazati_lehetoseg_a_nyugat_dunantuli_nevelesi_intezmenyek_fejlesztesere (accessed: 11 March 2013).

183 Available at: https://emir.nfu.hu/nd/kozvel/?link=umft_1_1&sc=2&ml=4&sr=1674&offset=9&id_op=10&id_tamogatascel=14&id_paly_tip=22&id_paly_altip=2286 (accessed: 11 March 2013).

that are mentioned in the study and where the number of children aged between 3 and 6 would justify the establishment of kindergartens are among the winners.

Relationship between the Second chance school and other extra-curricular (Tanoda) services, and the decrease in the number of early school-leavers (accessibility of the resources of TÁMOP 3.3.9)

In the interest of preventing students from dropping out and assisting dropped-out students to re-enter the education system, the Strategy indicates the strengthening of school and extra-school supporting services among the priorities. In the interest of implementing the above, the Action Plan indicates TÁMOP (Social Renewal Operation Programme) 3.3.9. as a resource:

Altogether HUF 7.5 billion is available for tenders under „Measures aimed at decreasing the drop-out of multiply disadvantaged students from school”. All tenders were to be announced between 1 August 2012 and 31 August 2012, and with respect to the implementation period of the projects, applicants could plan between 20 and 28 months from their commencement.¹⁸⁴

Statistical data related to the submitted applications:¹⁸⁵

Table 4. Basic data on the extra-curricular afternoon school (tanoda) tenders

	Number of applications received	Requested grant (HUF)
TÁMOP-3.3.9.A-12/1	43	1,267,124,215
TÁMOP-3.3.9.A-12/2	97	2,876,847,621
TÁMOP-3.3.9.B-12/1	9	395,447,720
TÁMOP-3.3.9.B-12/2	12	554,262,865
TÁMOP-3.3.9.C-12	212	6,242,517,711
TÁMOP-3.3.9.D-12	12	524,911,762

Source: EMIR

In connection with the above tenders, it must be noted that in the absence of new tender announcements the sustainability of these programmes cannot be foreseen for the period following the end of the grant period. This is supported by the fact that the majority of interviewees asked within the framework of a research¹⁸⁶ conducted in 2008-2009 indicated the discontinuity of tenders as a fundamental problem: until now, usually more than a year passed between the announcement of two extra-curricular afternoon school tenders (Támop-3.3.5/A/08/1 with the submission deadline of 20 April 2009; TÁMOP 3.3.9.C-12 with the submission deadline of 30 September 2012). Due to this circumstance, many of the experienced teachers working in an extra-curricular afternoon school and who know the children well could simply look for another job.

In addition, such funding entails the danger that, by undertaking the tasks of public educational institutions, these extra-curricular schools will become overburdened, which may result in a decrease in their performance. Overall, the present form of tendering and funding extra-curricular afternoon schools cannot completely fulfil the requirements set for them.

Continuation and extension of different educational and scholarship programmes for disadvantaged students, among them Roma

- The Strategy continues to attribute fundamental significance to scholarship programmes by creating opportunities, and lays special emphasis on cooperation. In the course of academic year 2011-2012, scholarship programmes entitled *Útravaló* (travel package) and MACIKA (Public Foundation for Hungarian Gypsies) were merged. Before the merging of the two scholarship programmes, the

184 Available at: http://www.nfu.hu/uj_palyazatok_a_tanoda_tipusu_programok_tamogatasara (accessed: 6 March 2013).

185 Available at: https://emir.nfu.hu/nd/kozvel/?link=umft_1_1&sc=2&ml=3&sr=2167&offset=9&id_op=11&id_tamogatascel=45&id_paly_tip=57&id_paly_altip=-1 (accessed: 6 March 2013).

186 Available at: <http://www.tarki-tudok.hu/file/tanulmanyok/tanodaelemzes.pdf> (accessed: 4 March 2013).

Útravaló programme¹⁸⁷ had a budget of HUF 2.2 billion (in 2010), while MACIKA¹⁸⁸ had a budget of HUF 400 million compared to the HUF 1.1 billion it received in 2004. Within the framework of the new integrated scholarship programme, HUF 1.89 billion were disbursed in 2011. Out of the 9,631 applications submitted by student-mentor pairs, 8,800 were formally accepted and 4,189 applications were funded for the Út a középiskolába (way to the secondary school) sub-programme.

- Out of the formally valid 4,731 applications of the 5,604 student-mentor pairs that submitted applications, 2,021 applications were funded in respect of the *Út az érettségire* (Way to the secondary school leaving certificate) sub-programme.
- Out of the formally valid 3,526 applications of the 4,138 student-mentor pairs that submitted applications, 1,728 application were funded for the *Út a szakmához* (Way to profession) within the framework of the *Útravaló-MACIKA* Scholarship Programme in 2012.¹⁸⁹

Among the objectives of the Programme, priority was given not only to increasing the number of students newly joining the programme, but also to involving Romani students in all equal opportunities sub-programmes up to at least 50% of all scholarship recipients. However, no data is available regarding the proportion of Romani students among the 20,000 disadvantaged and multiply disadvantaged students, and the more than 10,000 mentors who received scholarships. What is known is that within the framework of the MACIKA scholarship programme previously exclusively announced for Romani students, in 2008 12,334 Romani students were awarded scholarships. Therefore, based on the above figures it can be concluded that with the 50% Romani students are receiving less support in comparison with the previous years. In Act CCIV of 2012 on Hungary's central budget for 2013, there is HUF 2,067.1 billion among the allocations in the chapter entitled Roma Scholarship Programmes compared to last year's HUF 2,223.1 billion. In addition, the act sets forth that the Government may perform a regrouping to the debit of the expenditures of Chapter LXIII of the National Employment Fund to the benefit of Chapter XX of the Ministry of Human Resources for implementing the sub-programme Way to Profession of the Scholarship Programme entitled *Útravaló*.

Overall, it can be concluded that the different state-financed scholarship programmes will continue also in 2013 with a further reduction of the resources, but data on follow-up and the proportion of Romani students participating in the programme are still not available.

Scholarship programmes for disadvantaged children and coordination of EU-financed programmes

Under Section II Article 6 of the Action Plan, the scholarship programmes aimed at disadvantaged children, the European Union developments targeting the improvement of academic achievement and the integrated educational system need to be coordinated in order to increase the efficiency of the programmes. The Action Plan does not allocate any resources with the indication "not relevant" behind the task and sets the date of 1 September 2012 as a deadline. As regards coordination, there is no such information, that is, currently one person may receive scholarships from both resources, while others may fall out from both resources.

Extension of the special college network for Roma and the guarantees of the legislative environment for its safe operation (resources: TÁMOP (Social Renewal Operational Programme) 4.1.1. and other national resources)

Recognising the importance of the situation analysis, the Strategy gives priority to the establishment of the special college network for Roma in order to ensure the talent management for, and academic achievement of, Romani students of higher education institutions. The Action Plan assigns the Támop 4.1.1.D component to implement the objectives. Applications for tender TÁMOP 4.1.1.D-12 entitled "Provision of grants for special colleges for Roma people" announced within the framework of the New Széchenyi Plan could be submitted between 2 July 2012 and 15 August 2012. In the central Hungarian region a budget of HUF 150 million, while for the six convergence regions HUF 1 billion is available for projects submitted for a duration of 34 months.

187 Available at: <http://www.nefmi.gov.hu/miniszterium/2010/ovabbra-is> (accessed: 12 March 2013).

188 Available at: http://www.parlament.hu/naplo38/256/n256_061.htm (accessed: 12 March 2013).

189 Available at: <http://www.emet.gov.hu/tarsadalmi-felzarkozas-szocialis-kohezio-igazgatosag/utavalo-macika/dontes-utavalo-macika> (accessed: 12 March 2013).

Statistical data related to submitted applications:¹⁹⁰

Table 5: Data on applications submitted for special colleges for Roma

	4.1.1.D-12/1/KMR.	4.1.1.D-12/1/KONV.
Number of applications received	1	9
Requested grant (HUF)	149,991,300	2,069,935,838
Number of funded applications	1	5
Awarded amount (HUF)	149,991,300	965,059,986

The agreements have been signed but no payment has been disbursed yet in connection with the above agreements. The tender was seriously criticised also in the course of the social consultation. Part of the proposals were accepted, but the majority of the criticised issues remained unchanged. What was a positive circumstance is that the large-scale (and unjustified) participation of the National Roma Self-Government was omitted from the tender procedure. With a view to the fact that the National Roma Self-Government in itself does not have any education or inspection related or any other professional knowledge in this area, it would have been unjustified to give any role to the NRSG in developing the content of, or in following up, the programme or creating the system and criteria of selection of students.

Additionally, what is difficult to justify is that most of the money was intended to be given to churches which launched their Roma special colleges at the beginning of the given academic year and neglected organisations with several decades of experience both in terms of running talent promotion programmes for young Roma, as well as in implementing successful projects. In addition, according to the announcement, it is sufficient if “at least 60% of the admitted students are of Romani ethnicity”. Consequently, how the main objectives are realised with respect to the 40% non-Romani students becomes questionable. Such objectives include, for instance, that “the special college for Roma should contribute to the forming of Gypsy intellectuals committed to assuming tasks in public life, conducting an active social dialogue and merging professional excellence with sensitivity for community and social matters”.

The tender is difficult to justify also in terms of financing with a view to the fact that the selection criteria do not include the calculation of the specific amount allocated to one student. The application guidelines provided a guidance with respect to a condition that in the programme the number of members of the special college for Roma has to reach 25 persons by the end of the second academic year. This means that in the maximum 10 winning applications 250 people will have to be funded within the framework of the programme from a budget of HUF 1.15 billion (HUF 4.6 million/person/36 months). So far, the resources of financing the special colleges after the expiry of the 36 months are unknown. The 2013 Budget Act includes an allocation of HUF 510 million for running “Programmes and special colleges promoting the balancing of social, economic and regional disadvantages”.

Further development of pedagogical programmes, system of whole-day schools and colleges and ensuring support by equal opportunity experts in the field of inclusion and education

Under Section II Article 10 of the Action Plan, educational programmes promoting inclusion shall be elaborated in particular for the development of whole-day schools and colleges and employing supporting professionals in educational-teaching institutions, with special regard to segregated settlements and disadvantaged regions. TÁMOP 3.3.8 A-B and 3.3.11 A-B have been indicated as resources, with a deadline of 1 September 2012. From among the indicated tenders, tender TÁMOP 3.3.8. B-12 entitled “Funding of equal opportunity based developments of public educational institutions” was announced with a submission timeframe between 1 September 2012 and 30 September 2012, and with a budget of approximately HUF 2 billion. The fundamental objective of the initiative is that the public education-

190 Available at: https://emir.nfu.hu/nd/kozvel/?link=umft_1_1&sc=2&ml=4&sr=2231&offset=9&id_op=11&id_tamogatascel=131&id_paly_tip=213&id_paly_altip=2486 (accessed: 12 March 2013).

al institutions shall become suitable for the successful education of multiply disadvantaged children/students, including Romani children as well, and that they shall promote their academic performance in disadvantaged and most disadvantaged micro-regions. In addition, the initiative also supports educational institutions attended by large numbers of multiply disadvantaged students and which pursue educational activities within the framework of the whole-day school and promote the improvement of students' academic achievement.

The tender has been closed; altogether 178 applications have been received and the requested amount is HUF 4,839,267,131.¹⁹¹ With a view to the fact that no additional information (number of funded applications, etc.) can be found on the website of the National Development Agency, we can conclude that the applications have not yet been evaluated.

No information, neither regarding their closure, nor their planned announcement, can be found in respect of the TÁMOP 3.3.8 A tender. The TÁMOP 3.3.11 tender entitled "Funding of quality education based on the principle of equal opportunities and life-long learning in the most disadvantaged micro-regions" is planned to be announced in the first quarter of 2013 according to the tendering schedule, with the allocation of a budget of HUF 1.28 billion.¹⁹²

In light of the above it can be concluded that the objective related to the educational programmes had not been not achieved by September 2012, therefore, no information is available regarding the employment of experts either.

Leisure and sports opportunities (especially on weekends and during school holidays) for disadvantaged groups and Roma

The Strategy gives priority to launching sports programmes for young Roma relying on the active participation of the NRSG. Through such programmes, 30,000 young Roma were intended to be involved into community-building and personality-shaping sport activities. In the interest of implementing these plans, the Budget Act of 2012 includes the following allocations, also indicated in the Action Plan:

- Funding leisure sports: HUF 413.3 million;
- Funding sports possibilities for students: HUF 335.2 million;
- Funding sports possibilities for disabled people: HUF 230 million.

It shall be noted that, based on these budget lines, it is not possible to conclude how and to what extent these amounts would reach Roma and, therefore, the way in which the performance of initiatives will be reported is also unclear.

The budget of 2013 also includes these lines with the following allocations:

- Funding leisure sports: HUF 372 million;
- Funding sports possibilities for students: HUF 501.7 million;
- Funding sports possibilities for disadvantaged people: HUF 230 million.

This year, too, it is doubtful whether the above amounts reach the Roma; no report can be found on last year's commitments; only an interview¹⁹³ refers to the fact that simultaneously with the introduction of everyday physical exercise in schools, the government provided this year significant additional subvention also for promoting the introduction of athletics in schools.

191 Available at: https://emir.nfu.hu/nd/kozvel/?link=umft_1_1&sc=2&ml=4&sr=2191&offset=9&id_op=11&id_tamogatascel=45&id_paly_tip=57&id_paly_altip=2560 (accessed: 12 March 2013).

192 Available at: http://www.nfu.hu/palyazati_menetrend (accessed: 12 March 2013).

193 Available at: <http://www.europaiut.hu/index.php?submenu=articles&id=414&details=1&cat=3&mcat=3> (accessed: 12 March 2013).

Development of the main issues of education

Segregation-inclusion?

Despite the expectations of all affected stakeholders, the 126-page Strategy does not mention in any respect the need to eliminate segregated schools. The Strategy mentions desegregation only twice, and the message of its strongest sentence related to education („The most fundamental remedy for the problem is, of course, inclusion, possible desegregation and ensuring the mitigation of institutional discrimination in the fields of education, employment, housing and health care.”¹⁹⁴) is also significantly questionable. Several declarations¹⁹⁵ made by the minister responsible for this field also support this uncertain approach.

The changes of the past period back up the presumption that the Government does not support active desegregation despite the fact that:

- the state secretary heading the Office of the Prime Minister, earlier as a mayor, had successfully implemented desegregation in a well-documented and easily disseminable manner,^{196 197}
- the nationalisation of schools enabled the state to implement different techniques (for instance, establishment of mandatory associations or modification of the school districts, re-diagnosing children with special educational needs, etc.);
- in possession of unprecedented political and public administration power in Hungary, the government has the possibility to withdraw the issue of school inclusion/segregation from the local political fights and through this to give an appropriate answer to the demands for segregation, which still in many places is explicitly voiced at local level.
- the European Court of Human Rights has ruled¹⁹⁸ that Hungary has violated the European Convention on Human Rights in a case of segregated education of Romani children (Mr Horváth and Mr Kiss), as they received education in a school for the mentally disabled. The court's decision underlined that misdiagnosing and segregation are considered to be direct racial discrimination.

Obstacles to disseminating inclusive methods

There are a number of tools for renewing the educational culture, typically known as alternative educational techniques. In the past 20 years, the education management would have had the opportunity to launch serious educational changes by incorporating these techniques into the mainstream. No similar attempt has been made with the exception of the single programme of the same kind (introduction of the IPS); moreover, the new education management specifically selects tools from the repository of traditional Prussian education.

As regards the IPS methodology, 12 additional training programmes were developed in the period between 2004 and 2009, out of which the first to have been accredited was a 120-hour programme entitled Theory and Practice of Inclusive Education. The new name of the training is *Theory and Practice of Inclusive Education, Inclusive Pedagogy*. Currently, no new tenders have been announced for financing the trainings following 2010. Information is not available regarding the operation of the Office of the National Integration Network, the governmental body responsible for the provision of professional support to the institutions applying the IPS. The Office operated in different units of public administration following 2010 and no data is available regarding its current operation,¹⁹⁹ just like regarding the way the financing of the IPS and

194 National Social Inclusion Strategy, p. 89.

195 Available at: http://hvg.hu/itthon/20121222_Balog_nincs_szegregacio_a_Huszarlepi_r (accessed: 12 March 2013).

196 Valéria Kelemen, „A szegedi és hódmezővásárhelyi deszegregációs modell tapasztalatai” (előadás, Dél-Alföldi Regionális Társadalomtudományi Kutatási Egyesület) [Valéria Kelemen, „Experiences of the Szeged and Hódmezővásárhely desegregation model” (lecture, Southern Great Plain Regional Research Association for Social Sciences)].

197 Katalin Tóthné Kecskeméti, „A hódmezővásárhelyi modell” (Hódmezővásárhely Megyei Jogú Város Oktatási, Kulturális, Ifjúsági és Sport Bizottság elnöke Hódmezővásárhelyi Varga Tamás Általános Iskola igazgatója) [Katalin Tóthné Kecskeméti, „The Hódmezővásárhely model” (President of the Educational, Cultural, Youth and Sports Committee of the City of Hódmezővásárhely with County Rights, Director of the Varga Tamás Elementary School of Hódmezővásárhely)].

198 Available at: [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-116124#{„itemid”:\[„001-116124”\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-116124#{„itemid”:[„001-116124”]}).

199 Available at: <http://www.nefmi.gov.hu/kozoktatas/eselygyenloseg/orszagos-oktatasi> (accessed: on 11 March 2013).

the spreading of the methodology developed following the process of taking the schools over by the state in January 2013. In the 2012 budget, the financial support for teachers participating in the inclusion-based system was indicated in a separate line in the form of allocation of approximately HUF 3,253 million, but no such budget line can be found in the 2013 budget.

It is included in the Action Plan that the training and output requirements of teachers and the curriculum of the accredited further trainings of teachers need to contain such theoretical and practical knowledge and competencies which may promote the integrated education of disadvantaged people, among them Roma children and youths, the development of their personalities and the involvement of their skills and talent. However, the Action Plan does not assign any resource to this task.²⁰⁰

Despite the fact that, with respect to the tools, all are available (legal regulations, the nationalisation of schools and the capacity of state to exert influence on the operation of teacher training faculties of universities) to the Government for incorporating the inclusive methods of alternative pedagogy into the mainstream, but the necessary steps still have not been taken. It is unclear what additional external changes still need to take place to achieve this goal.

Discrimination in education

So far, several research documents and studies have already demonstrated that Hungary is on a bad track regarding discrimination in education.²⁰¹

Most of the documents have also concluded that the situation can only be changed if the systems of legislation, control, support and inspection are coupled with a long-term and consequently followed-up educational renewal programme. Currently, most cases of discrimination in education remain invisible as there is no functional signalling system and legal assistance service, and no uniform judicial practice has been developed either. At the forefront of revealing cases of discrimination in education is the Chance for Children Foundation which has, so far, won all of its lawsuits, but the court victories have not created any precedent in the Hungarian legal system. Schools and maintainers supported by non-Romani parents wishing to segregate regularly elaborate newer and newer techniques (unduly degrading Roma to having special educational needs, unjustified use of the private student status, etc.) in order to satisfy the demand for segregation.

The Ministry of Administration and Justice submitted to the Hungarian Parliament a draft amendment which would change, besides many other issues, also the Act CXXV of 2003 on Equal Treatment and Promotion of Equal Opportunities. The “equal opportunities” would according to the amendment be replaced with “equal opportunities and catch-up segregated classes” which will provide an acceptable reason for segregating children. According to the civil sector, if this amendment goes through, it will not only violate the Hungarian Constitution but also the EU Racial Equality Directive, which could lead to infringement proceedings against Hungary.

Drop-out issues: extra-curricular afternoon schools (Tanodas)

So far, almost every government provided particular support for extra-curricular afternoon schools having nearly 20 years of practice and experience. The issue of supporting extra-curricular afternoon schools has not been solved for years as no domestic resources have been allocated for their support (this is not addressed in the Strategy either). All extra-curricular afternoon schools work waiting from tender to tender. The order of contracting, payment and reporting is not in line with the academic year and the logic of education (for instance, summer camps are recommended to be organised in July and August, while for this purpose the resources are typically allocated in the period from December to February).²⁰²

200 Section II, Article 7 of the Government Decree includes the definition of “not relevant” next to the resources.

201 Jack Greenberg, Report on Roma education today: from slavery to segregation and beyond, in Columbia Law Review, May 2010.

202 In the most recent invitation for tender, the projects can be implemented by „halving” the academic years as starting the academic year in September is not supported because the projects need to be commenced within 90 days of the announcement of the results. The submission deadline has been modified several times; feedbacks on the evaluation were received after 3 months, but no decision has yet been announced.

Consequently, just very few of the nearly 50²⁰³ extra-curricular afternoon schools, only reaching a fragment of the children being in the need of their services, can maintain such services and without the possibility of continuous work many cannot reach the indicator figures they had undertaken to reach.

The budget that can be applied for is HUF 30 million, and the extra-curricular afternoon schools needs to be operated for at least 20 months. It is expected to fully observe the provisions of the elaborated and modified extra-curricular afternoon schools standard²⁰⁴ (pedagogical programme of a new type, professional concept, Rules of Organisation and Operation, rules of the house, full-scope documentation of the individual development plans, situation analysis introducing the settlement, letters of intent concluded with the children's public educational institutions on cooperation and the supporting declaration of the local representative body). These changes mean a serious step backwards compared to the original extra-curricular afternoon schools programmes; with expectations of institutional level, the new standard entails lower headcount. The message of the new system is that now quantity has become important even if to the detriment of the quality, and institutions and churches have been founded which have never worked in this field.

However, beyond the financial and technical innovations, the announced tender has suffered an important change. There can be extra-curricular afternoon schools within schools, too; moreover, the new extra-curricular afternoon school standard specifies in several points the obligation to cooperate with the school the children attend. As a result of that, it may easily happen that a teacher, having been unsuccessful for any reason during the morning school lesson of the child, is given authorisation (and EU resources) for remedying the situation created by himself as an afternoon-teacher. This creates a possibility for "pirating" the system operated by the civil sphere and producing serious results.

The system of conditions of the new extra-curricular afternoon school standard and the boundary conditions included in the latest tender announcement may collectively quite easily result in the extra-curricular afternoon schools being established within the institutions, principally meaning only extra resources for the maintainers instead of an educational workshop capable of correcting the mistakes made by schools. With this, the main point of the entire system becomes questionable.

Kindergarten enrollment

It also raises concerns that the regulation included in the currently still effective Act on Public Education setting forth that kindergartens may not refuse the admission of multiply disadvantaged children has been left out of the Act on National Public Education. This resulted in the fact that from September no additional places were ensured but the admission of multiply disadvantaged children was not mandatory either.

At the time of writing this report (spring of 2013), the drastic capacity increase to be implemented in September 2014 is questioned by the fact that such self-governments are obliged to follow the tender process implemented in the current procedural order where the self-governments are typically small settlements without own resources and appropriate human resources, and the 18 to 32 months required for the entire project cycle are not available any more.

While it may seem to be a minor issue compared to those listed above, it is still important to mention that the system of exemptions provides a possibility primarily for the children of families with good interest enforcing capabilities to achieving exemption from the obligation of attending kindergarten from the age of 3 in the future, and as the failure to comply with the obligation of compulsory education entails financial consequences (for instance, the withdrawal of the family allowance), the kindergarten (similarly to school) assumes the characteristic of an authority rather than the role a service provider.

203 Társi-Tudok Tudásmenedzsment és Oktatáskutató Központ Zrt., *A tanoda-típusú intézmények működésének, tevékenységének elemzése [Társi-Tudok Knowledge Management and Education Research Plc., Analysis of the operation and activity of extra-curricular afternoon school type institutions (Research report, edited by Szilvia Németh)].*

204 Available at: www.nfu.hu/download/40591/Tanoda_program_sztenderd.doc.

Flagship initiative: scaling up the Széchenyi micro-regional level programme for combating child poverty (2006-2015)²⁰⁵

With the professional support of the Hungarian Academy of Sciences, directly linked with the National Strategy to Combat Child poverty in Hungary (2007-2032), a team comprising academics and field workers started to elaborate a territory-based complex programme in the micro-region of Szécsény. The programme aimed at tackling child poverty, based on a profound needs assessment, by improving local service delivery, harmonizing stakeholders' interests, and last but not least, channelling a considerable amount of resources and human capital into the micro-region to mobilize and facilitate improvements. In the course of the years 2008-2011, a robust methodological framework was elaborated and various background materials were produced to cover all related fields, for example education, social work, health care, complex service organisation, etc. The Hungarian Academy of Sciences provided both professional and financial support for a professional group which conducted an "action research" and facilitated the implementation of local interventions. After the Szécsényi micro-region's pilot programme, starting from 2008-2009, 11 additional micro-regions were involved in the programme using EU funding.

In 2011, the methodological component run by the Academy was discontinued, and the state withdrew the funding from the Hungarian Academy of Sciences and shifted the responsibility for the professional background support to the Sándor Wekerle Fund Management and the Maltese Charity Service. With the transfer of the Sándor Wekerle Fund Management's responsibilities first to the Public Administration and Home Office, then to the Human Resource Support Office within the Ministry of Human Resources, the programme's professional background is now shared between the Ministry of Human Resources' background intermediary body and the Maltese Charity Service. The methodological framework has been changed; there is less of monitoring and more of mainstreaming of the programme into the tender-based funding system (which is common in all EU-funded projects). The professional support component is more constrained to deliver assistance in planning, and to follow-up local activities rather than to be actively involved in the programme delivery. However, some former staff active in the 2008-2011 phase of the programme have also been included in both the methodological component and in the fieldwork. In Szécsény, no funding was secured either from TÁMOP or from national budget lines, despite the fact that the micro-regional programme has been acknowledged as best practice by the EU.²⁰⁶ Today, some very limited other resources are available, and the local interventions are run by a fraction of the former professional group.

At the end of 2012, 12 further micro-regions received funding to carry out their complex programmes. In this phase, EMET and the Maltese Charity were heavily involved in the tender submission phase (as opposed to the Szécsényi phase of the project, where it was largely community-based planning) with varying success.

The advantages of the complex programme are that it targets various "sources" of child poverty by coordinating and fostering service delivery. The relevant areas as spelt out in the Strategy (today most goals are incorporated in the NRIS) are:

1. Employment, improving labour market opportunities.
2. Access to services improving the financial situation of families with children.
3. Improving the security of tenure and housing conditions.
4. Facilitating access to services that enhance skills and school performance, decreasing school segregation.
5. Improving personalised and professional services for families with children.
6. Ensuring a healthier childhood.

205 The background materials used: Zs. Farkas, TÁMOP 5.2.1. „Gyerekesély program országos kiterjesztésének szakmai-módszertani megalapozása és a program kísérése” (manuscript, 2012); Zs. Ferge and Á. Darvas, *Gyerekesély programok kistérségi alkalmazása, a gyakorlat dilemmái és tanulságai* (Budapest: GYERE), and a PowerPoint Presentation of Sz. Lantos, "Magyar Máltai Szeretetszolgálat: Gyerekesély program" in the PAIRS project (Endrefalva, 20 March 2013).

206 See the peer review results compiled by Jose Manuel Fresno, http://www.gyerekesely.hu/index.php?option=com_phocadownload&view=category&download=200:gyermekek-trsadalmi-integracijnak-elsegtse-htrnyos-helyzet-vidki-trsgekben&id=32:egyeb.

All programmes have to target the most vulnerable families with specialised services, launch “Sure Start” children’s houses close to or within segregated residential areas mostly inhabited by Roma, run community services, take support services to schools which face particular difficulties in working with vulnerable children, among them Roma, organise after-school programmes and summer programmes, etc. Moreover, the programmes have to facilitate the elaboration of micro-regional level strategies to combat child poverty.

Some of the activities listed in the Strategy (which are very closely linked with child poverty, for example housing) cannot be directly included in the local level programmes, because the programmes are financed from ESF. The 2-3 year programmes have an average budget of 400-500 million HUF.

The scaling up has been ongoing in the least developed micro-regions of Hungary, where there is a severe lack of local services (due to the heavy under-financing of the smaller municipalities in general) and problematic access to various services for families where there is little income, no resources to access these services (for example, visits to a general practitioner, to specialised health care services, getting to kindergarten, school, secondary school, etc.). Romani neighbourhoods and segregated villages are in an extremely difficult situation.

To sum up, besides a structural reform both in terms of how the programme content of an EU-funded project can be adjusted to complex needs, and in terms of combining professional and financial support in order to achieve long-term results at local levels, some problematic points have been observed: in many cases, it is challenging to secure sufficient human resources to perform activities at the local level. The programmes of the very recently started third wave will end in mid-2015, although based on the lessons of the Szécsényi pilot programme, relatively short programme periods will have only limited effects. And last but not least, as evaluations of the Szécsényi programme demonstrated, it is less about the added resources than about the attitudes of local service providers (and the local elite) that have to be reshaped to have sustained results in tackling child poverty, which proportionately affects more Romani than non-Romani children.

In the meanwhile, several sectoral policies have been developed which are in contradiction with some of the basic elements and the philosophy of the programme, among them the change of the level of transfers, imposing conditionalities to social transfers, expanding the unproductive public employment scheme, etc. Moreover, the change of the public administration and service delivery system in Hungary (by which, for example, micro-regions do not receive added funding if they run social or education services at micro-regional level, and schooling is nationalised) drastically changes the settings of the programme design. Therefore, it is difficult to anticipate what results the currently ongoing local interventions will achieve and what challenges they will face.

Recommendations

In the field of education, we would generally recommend that the international and national legal regulations must be observed, and the international recommendations related to decreasing discrimination in schools shall be included into the system.

Sector neutrality independent from the maintainer is also an essential interest of the education system; that is, institutions should not be given less state normative grants only because they are not maintained by a church.

The following should be considered as an important common fundamental value: the institutions operating parallel to the national administration system (for instance, schools maintained by the National Roma Self-Government) are by no means suitable for taking over the responsibility of educating all Romani students, since in this case it is a couple of dozen or a couple of hundred of Romani students attending national schools.

Area-specific recommendations

Child nutrition: The Government should budget the catering of children for 12 months which will make nutrition in the summertime a routine task for self-governments, and a problem which has existed for years would be resolved.

Kindergarten: It would be important to receive information on current kindergarten construction and enlargement programmes, which will allow to see clearly whether all children will have the possibility to start attending kindergarten by the date indicated in the law. While we do agree in the importance of going to kindergarten and school, it would be important for these institutions not to operate as authorities but as institutions providing public services. Instead of the increasingly strict sanctions, it would be better to achieve that children attend school with joy.

Elementary school: As a result of transferring the majority of the institutions into state maintenance, an opportunity has opened for the commencement of streamlining processes which earlier were impossible due to the interest relationship system of the actors in the system of education. The fair transformation of the school districts, the elimination of segregation in schools, the elimination of differences between educational services and by eliminating the possibility of selection of children by schools have all become easily implementable.

Secondary school: It would be important to clearly see the real educational goals the Government pursues by decreasing the upper age-limit of compulsory school attendance; the related economic and impact assessment shall be made public. Access to secondary schools which provide graduation certificates and the necessary related conditions (student hostels, scholarships, reimbursement of travel costs, etc.) shall be made available for all talented students who wish to pursue such studies. With respect to this, it is important to clearly communicate the concrete form and operation of the “Bridge programme” which is a 0 class before entering secondary level.

In addition to that, since early school leaving might increase from secondary education, first appropriate programme needs to be developed to decrease this risk, and quality second chance programmes need to be introduced as well, which will enable the early schools leavers to channel back into the school system.

Higher education: without delay, adequate measures need to be taken in order to create transparent, clear and reliable conditions. As within two years the number of those wishing to continue their studies in higher education dropped by nearly 40%, it should be concluded that the uncertainties around the universities generally, and the quotas in particular, the entire system of conditions for admission, uncertainties around the scholarships, tuition related costs and the financing of higher education have kept away a number of potential students even from applying, presumably primarily those for whom the cost of studying in higher education would have been unmanageable. As the government has, despite its promise, still introduced the tuition fees, it would be important for it to launch scholarship programmes aimed at multiply disadvantaged, in particular Roma.

It would also be important for the government to deal with more Roma university students also by operating the means of mainstream education control and that it should not expect any breakthrough from the (otherwise extremely expensive) church programmes supporting a couple of dozens of students.

Vocational training: by nearly completely abolishing the general subjects, this form of education becomes hardly interoperable. It is essential that no such institutions are involved in vocational training, as they could become the “educational repository” of disadvantaged and multiply disadvantaged children. Creating a system of quality vocational training is essential for those who wish to set vocational training as an achievable goal.

4. EMPLOYMENT

General situation: the challenges of the Roma employment in Hungary²⁰⁷

The current problems on the labour market in Hungary have been present since before the crisis in 2008: the rate of employment has practically stagnated since 2003 having been the lowest in the region for years. The employment rate of uneducated workers, and thus that of the great majority of Roma, is especially low and has shown no signs of improvement in the past ten years.

Insufficient data is available about the employment situation of the Roma.²⁰⁸ As shown by the results of a survey commissioned by the UNDP, the World Bank and the European Commission on Roma in Hungary in 2011,²⁰⁹ 23% of Roma aged between 15 and 64 were employed,²¹⁰ 61% of them were employed as unskilled workers and 66% of the unemployed Roma had earlier been employed as unskilled workers.

According to another survey, in the 35-50 year age-group, the proportion of Romani men engaged in some regular work is about one-third of that of the non-Romani men, and the employment position of Romani women (compared to that of Romani men) is much worse than that of the non-Romani women.²¹¹ Romani women are practically excluded from employment due to multiple disadvantages they suffer on the labour market, disproportionate distribution of work in the family and limited access to day care institutions for children (nurseries, kindergartens and day care at school), and only 13-16% of them are employed.²¹²

The chance of employment for Roma is highly determined by education. The chance of finding a job for a Roma with secondary education is 27 times higher than the chance for a Roma with no education (Mód 2011, quoted in Messing 2011).²¹³ Less than one third of the population with maximum eight years of primary education (no longer a student) is employed, and this proportion is even lower in counties with higher Romani population. In the period of 2008-2012, however, the employment rate of the unskilled has risen to a small degree in those two counties (Borsod and Szabolcs) which are the most densely populated by Roma, whereas it decreased in the counties of Heves, Nógrád and Szolnok.²¹⁴

207 Ágota Scharle (Budapest Institute) has made a significant contribution to the employment chapter with calculations on the labour market situation of Roma and the analysis of the economic and labour market policy environment.

208 Vera Messing, Comparing data available in national and international survey reports is rendered difficult by differences between definitions of Roma and categories of employed and unemployed" (presentation entitled "The employment situation of Roma in five EU member states. Lessons of an international comparative study." made at the "The employment situation of Roma" workshop organised by Autonómia Foundation for professionals, Budapest, 14 March 2013), available at: <http://autonomia.hu/hu/programs/eu-forrasokkal-a-Romak-integraciojaert?page=6>.

209 The UNDP/WB/EC survey was conducted in May-July 2011 on a random sample of Romani and non-Romani households living in areas with higher density (or concentration) of Roma populations in the EU Member States of Bulgaria, Czech Republic, Hungary, Romania, Slovakia, and the non-EU Member States of Albania, Bosnia and Herzegovina, Croatia, FYR of Macedonia, Montenegro, Republic of Moldova and Serbia. In each of the countries, approximately 750 Romani households and approximately 350 non-Romani households living in proximity were interviewed.

210 The Roma Survey used the definition of ILO for calculating the rate of employment: employed is any person who had any paid work in the past week.

211 Gábor Kertesi and Gábor Kézdi, *Roma employment in Hungary in light of the parental sample in the Hungarian Life Course Survey (HLCS) (2006-2010)* (Pályaságó Public Workshop IV. 14 February 2013).

212 UNDP, Hungarian Life Course Survey.

213 Vera Messing, *Remarks for the margin of a "Roma project"* (socio.hu, online magazine of the Sociology Research Institute of the Hungarian Academy of Sciences, Issue 2011-2012), available at: <http://www.socio.hu/2pdf/3messing.pdf>.

214 The comparison involves the 15-74 years of age (not in education) in the first quarters of 2008 and 2012. A few data concerning the whole year 2012 are slightly better than the averages of year 2008, because of the increased number of people involved in public work and of those working in foreign countries. Source: Calculation by Ágota Scharle (Budapest Institute) based on the data of the first quarter Labour Survey of the Central Statistical Office.

The chances for low educated individuals on the labour market are limited by a relatively high labour cost of their employment. According to the findings of a research report published in February 2013,²¹⁵ the employment rate of low educated and Romani individuals is the lowest in Hungary and Slovakia in the region, due to high employment costs of low educated workforce in these countries. In some countries, the high employment rate of Roma, even though low educated, is explained by the fact that small enterprises tend to use Roma labour force in those countries. In addition, labour market discrimination is the strongest in the region in Hungary and Slovakia, according to the EU-MIDIS survey.²¹⁶

Regrettably, no reliable official information is available about occasional employment in general or, that of the Roma in particular, although occasional employment represents a significant part of the labour market activity of Roma. Based on the Hungarian Life Course Survey (HLCS) of 2006-2010, 21% of Romani men and 17% of Romani women aged 35-50 were engaged in casual work, while the proportion of non-Romani men and women doing casual work was much lower: 4 and 3%, respectively. An information gap is closed by the 2011 UNDP Survey of Roma, as it offers data concerning the proportion of informal or hidden employment. Among the active Roma, the proportion of those engaged in informal or hidden employment in the age-group 15-64 is 20%, while it is 17% among young Roma aged 15-24 (and 24% among young Romani men aged 15-24), which is a high proportion in comparison to other countries in the region (and these figures do not include seasonal work). The proportion of those engaged in informal work is much lower (5-6%) for non-Roma who live in the proximity of Romani respondents.

The high proportion of casual work and informal or hidden employment among the Roma of active age can clearly refute a misbelief which is based on a negative stereotype (confirmed regularly since 2010 by communications of the Government and in policy and development policy documents, for instance, the draft National Development Concept in December 2012²¹⁷), namely that most Roma do not work and rely on social transfers as their only livelihood. That rhetoric has been used by the Government as a basis for significantly reducing social benefits and introducing certain conditions to entitlement to them.

As opposed to that, the available data, research reports, and positions issued by professional and non-government organisations clearly suggest that the main difference of the employment situation of the Roma compared to majority workers is the higher participation in informal employment, which is not consequence of any individual decisions or choices by the Roma but exactly the opposite, the result of their lacking choices and being excluded from the labour market.²¹⁸ Roma workers face much higher vulnerability and uncertainty at a lower level of income, because no legal protection is available for workers in informal or occasional employment.

The National Social Inclusion Strategy (NSIS/NRIS) identifies three pillars of employment targeted developments: 1) promoting open labour market employment, 2) social economy (temporary employment) and 3) public work. That latter one is "closely related to the transformation of the system of social benefits so as to provide incentives to work, (...) [public work programmes] enable the state to organize temporary employment for those to whom no realistic job opportunity may currently be offered from the first two pillars."²¹⁹

215 Klara Bozovicova et al., *Overview of the labour market situation of low educated and Roma population and regulations affecting their employment (2013)*, available at: <http://www.neujobs.eu/publications/state-art-reports/overview-labour-market-situation-low-educated-and-roma-population-and>.

216 European Union Agency for Fundamental Rights, *European Union Minorities and Discrimination Survey*, available at: <http://fra.europa.eu/en/project/2011/eu-midis-european-union-minorities-and-discrimination-survey>.

217 The opinion of Autonómia Foundation and the Hungarian Antipoverty Network on the Draft version of the National Development Policy issued for Public Consultation by the Office for National Economic Planning with a deadline of 31 January 2013: "The organisation of social services, as a factor serving as "counter-incentive" is mentioned many times and in many places in the policy, however, it is not mentioned that masses of people have been fully excluded from social services in past years as a result of changes initiated along this very argument (...)", available at: http://autonomia.hu/sites/default/files/files/1302/4024/otfk_aa.pdf and http://www.msze.hu/letoltheto_document_ok/OFTK_velemenysmsze_130131_ki.pdf (accessed: 22 March 2013).

218 In the UNDP 2011 Survey, 94% of Roma respondents of 16-64 years of age would prefer an employment with fixed working hours, 40 hours a week, which provides security, as opposed to other forms of employment involving more free time. 94% of them would choose some regular employment, even though it involved lower income than irregular or casual work, if it represented a predictable and secure income for them.

219 *Ibid.* 75.

Since the time when the National Social Inclusion Strategy was adopted, only one relevant change has occurred in policies which can explain the modest increase in the employment rate of the unskilled workers in the two counties with the highest Roma population (Borsod and Szabolcs) in the period of 2008-2012: the reorganisation and the expansion of public work. Interventions concerning the primary labour market have led to deteriorated (rather than improved) chances of employment for unskilled workers. It is presumed that measures taken since 2010 have reduced the employment rate on the open labour market (as opposed to statements of the Government), however, this is something that cannot be asserted in the lack of detailed impact assessment studies (Elek and Scharle 2011).²²⁰

The negative impacts of the crisis have undoubtedly been strengthened recently as a result of frequent changes (with retroactive effect, in some cases) in economic, administrative and taxation regulations. All this has created an unpredictable economic environment, leading to reduced investments and forming an obstacle to increased demand for labour force (OECD 2012).²²¹ The labour cost of unskilled workers has also increased as a result of the introduction of increased minimum wages and expected salary compensations. These actions could not be offset by the reduction of employer contributions and the introduction of occasional wage subsidies (involving special administration and application processes).²²²

Before 2009, the main focus points of the policy on stimulating labour market supply included the reduction in the amounts of various benefits, the strengthening of job seekers' activity and services offered by the Public Employment Services (Duman and Scharle 2011).²²³ In 2011, Employment Centres with reduced staff and financial resources were placed under the supervision of Government Offices. The proportion of funds spent on public employment from the fund available for labour market instruments has risen to a record high amount. The amount of financial benefits (and access to them) has been further reduced (Busch et al 2012).²²⁴ As a significant change, multiple types of benefits, all offered based on damage to health, have been merged and the amounts of benefits available to people with reduced capacity to work have been reduced significantly. These restrictive measures have affected the Roma especially, as their participation in these forms of benefits is above the average.

Public work has been present in Hungary since the first half of the 1990's.²²⁵ The current system of public work has been introduced under the National Public Work Programme in 2011, and has followed a trend of changes since 2009 to the extent that social benefits are employment-tested according to rules further tightened and, in parallel, the promotion of reintegration into the open labour market is eliminated.

Finally, according to findings of research, chances for the Roma population on the labour market are more and more limited by discrimination in Hungary. According to attitude surveys, prejudices against the Roma, though decreasing in the 1990s, have strengthened again in the past few years (Ényedi

220 Elek, P and Scharle, Á., "Crisis measures on the labour market", in *The Hungarian labour market*, ed. Fazekas and Molnár (Review and analysis 2011).

221 OECD, 2010: OECD Economic Surveys: Hungary 2010, OECD, Paris; OECD, 2012: OECD Economic Surveys: Hungary 2012, OECD, Paris.

222 The tax wedge of the minimum wage was 40.3% in 2008 and 49% in 2012. The total wage cost of the minimum wage increased by nearly 20% in 2012 (Labour Market Mirror, MTA KTI, 2012) 397.

223 Duman and Scharle, *Fiscal pressures and a rising resentment against the (idle) poor*, in *Regulating the Risk of Unemployment*, ed. Clasen and Clegg (OUP, 2011).

224 Irén Busch, Zsombor Cseres-Gergely and László Neumann, *Transformation of the institutional environment of the labour market between September 2011 and August 2012* (Labour Market Mirror, MTA KTI, 2012).

225 About this see, for instance, *Esély*, 2010/1 (Thematic issue about the study assessing the impacts of the programme "Path to work"), available at: http://www.esely.org/kiadvanyok/2010_1/01csoba.indd.pdf; K. Fazekas and G. Kézdi, *Labour Market Mirror, 2011* (Budapest: MTA KTI, OFA), available at: http://econ.core.hu/file/download/mt_2011_hun/egyben.pdf.

and co-authors 2004,²²⁶ Medián 2009,²²⁷ Sik–Simonovits 2012,²²⁸ quoted by Lovász 2012²²⁹). Less funds are allocated by the Orbán Government for measures launched before 2010 to reduce the impacts of discrimination (for instance, Equal Treatment Authority, Scholarship Programme for Roma in Public Administration). Since the time when the National Social Strategy was adopted, no programmes have been implemented to reduce the discrimination of Roma in employment. The Strategy itself fails to specify efficient instruments (with proper emphasis on them) which the Government could use for acting against the discrimination of Roma and groups exposed to multiple discrimination (for instance, Romani women), a fact already highlighted in reports by human rights and non-governmental advocacy organisations.²³⁰

Specific commitments concerning employment and training as contained in the 2011–2013 Action Plan of the National Social Inclusion Strategy

Development programmes run under SROP Priorities 5.3 and 1.1. to stimulate the employment rate of the disadvantaged

The implementation of employment and adult training programmes as planned under SROP continued in the period of 2011–2013. Grant programmes as listed in the Action Plan were announced; however, generally projects started with a significant delay (6–12 months) as compared to original deadlines. A large number of calls for proposals were issued, which represented a high overload for programme managers and applicants alike. In response to increased pressure of absorption towards the end of the programming period, rules concerning the financial settlement of many grant programmes have been simplified: definitely a positive development for applicants. Having said that, in a situation where calls are issued at an accelerated pace, evaluation processes are simplified, and the distribution of funds is automatic, it may easily happen that several applicants deserving development support are excluded from “over-applied-for” grant programmes.²³¹

Some of the assessment studies being currently conducted for the National Development Agency deal with employment and employability programmes. As results of an available assessment report (concerning earlier development programmes aimed at the Roma specifically)²³² suggest, Roma are involved in many programmes, but the proportionate number of them is low, and creaming off typically happens. This is closely related to the fact that calls for applications usually allow the involvement of a larger target group, and expected indicators of the projects represent a high risk for those implementing them and, therefore, project implementers do not tend to involve Roma who are deemed to represent increased risk, are of lowest education and status and live in deep poverty. In addition, the territorial distribution of projects is uneven: some sub-regions (and mainly the centres of them) in regions densely populated by Roma receive a lot of funds for development, while no funds remain for other settlements. As a short time period and limited resources/capacities are available for their implementation, training and em-

226 Zsolt Enyedi, Zoltán Fábrián and Endre Sik, *Have Prejudices Increased in Hungary?* in *Social report 2004*, ed. Tamás Kolosi, István György Tóth and György Vukovich (Budapest: Társki), 375–399, available at: <http://www.tarki.hu/adatbank-h/kutjel/pdf/a809.pdf> (accessed: 22 March 2013).

227 Medián, *Around freezing point* (Medián, 26 February 2009).

228 Endre Sik and Bori Simonovits, eds., *The chances of Abena, Sára, Chen and Ali in Hungary* (Budapest: Társki); Bori Simonovits and Júlia Koltai, *Employers employee selection practices in the light of discrimination* (Research report, Equal Treatment Authority), available at: http://www.egyenlobanasmod.hu/tamop/data/2.2_kivalgyak_majus18.pdf (accessed 22 March 2013); Bori Simonovits and Júlia Koltai, *Relationships between the attitude of employers and labour market employment of workers with protected features and ensuring proper working conditions* (Research Report, Equal Treatment Authority), available at: http://www.egyenlobanasmod.hu/tamop/data/2.4_Vedett_tulajdonsagu_mvall.pdf (accessed: 22 March 2013).

229 A. Lovász, *Labour Market Discrimination*, in *Pension, aid, public work. Two decades of Hungarian employment policy (1990–2010)*, ed. K. Fazekas and Á. Scharle (2012) p. 7, available at: <http://econ.core.hu/file/download/20evfoglpol/kotet.pdf> (accessed: 22 March 2013).

230 Available at: http://www.partnershungary.hu/images/Letoltheto/civilek_magyar.pdf (accessed: 22 March 2013) and http://www.partnershungary.hu/images/Letoltheto/civilek_angol.pdf (accessed: 22 March 2013).

231 Available at: <http://index.hu/gazdasag/2013/02/05/tamop-ugy/>, http://index.hu/belfold/2012/10/05/mindenki_akart_senki_se_kapott/ and http://index.hu/gazdasag/2013/03/18/ujabb_eu-palyazat_ami_egy_napot_elt_meg (accessed: 22 March 2013).

232 Hétfá Center for Analyses Ltd. – Pannon Office for Analyses Ltd. – Metropolitan Research Institute Ltd., *“An assessment of EU developments aimed at Roma integration”* (report, 2011), available at: http://www.nfu.hu/download/39813/Roma_ertekelesi_zarajelentes_V.pdf and http://www.nfu.hu/download/39813/Roma_ertekelesi_zarajelentes_V.pdf (accessed: 22 March 2013).

ployment projects (such as SROP 1.4.1) cannot increase the involvement of those who are the furthest away from the labour market, and there are no series of projects built on each other to reach out for them by offering more complex services over a longer period of time. The experiences of project implementers²³³ are unanimously positive about the fact that they offer significant benefits for those involved. However, the sustainability of the achievements of projects is questionable, as disadvantaged workers have low capacity to retain their jobs, especially in regions characterised by a general decline in economy and the lack of employers in addition to the impacts of the crisis present since 2008.

“Unless domestic development and employment policies are integrated”, these developments may have a similar future as transit employment projects had earlier, which followed a negative path from “containing diverse and innovative solutions to containing local initiatives that are standardized, over-regulated, and bound tight by the top level” (Keller-Bódis, 2012).²³⁴

Trainings providing qualifications to assist workers in returning from public work to the primary labour market

SROP Key Program 2.1.6 “Learning again” (started in 2012, with a budget of HUF 20 billion) is aimed at enabling adults with low education, no skills, or obsolete/uncompetitive qualifications to participate in training to improve their labour market position. Under the programme, special support is provided to trainings connected to public work. The Key Project owner, the National Labour Office (NLO), has made a commitment that the number of Roma involved in trainings under the project should reach 3,000. Despite the huge amount of available funding, the efficiency of the planned training programmes remains questionable until it is not ensured that the offered training services are tailored to labour market needs, and offer competence-based development for individuals. The quality and efficiency of training services should be monitored and evaluated rigorously.

As the National Roma Self-Government (ORÖ) reported, “A list of training programmes has been provided to the National Labour Office, with the recommendation to include them in the list of trainings subsidized under the Key Project. Of the 18 trainings recommended by ORÖ, one item is on the announced list of trainings. Trainings for Roma have been selected based on recommendations from public work agencies, which – according to the position of ORÖ – will not foster the entry of Roma into the primary labour market.”²³⁵ Concerning the trainings offered for public workers, please see a description of Start Work (Startmunka) Model Projects at the end of this chapter.

Increasing the employment of Roma and disadvantaged groups through the development of small and medium-sized enterprises

In 2008-2010, programmes for the development of small and medium-sized enterprises (SME) included so-called complex support programmes for sub-regions disadvantaged (or the most disadvantaged) from the aspects of economy and employment, and in 2011-2012 projects were launched for job creation specifically (Economic Development Operational Programme (EDOP) 2.1.3 and 2.2.4). Until the end of 2012, a budget of nearly HUF 100 billion was available for SME development programmes supporting job creation specifically, and nearly HUF 70 billion from it was distributed. EDOP has a programme supporting Roma workers particularly (EDOP 3.5.1-12/C), and from its budget of HUF 3 billion²³⁶ contracts were made in a total amount of HUF 351 million only. Although fostering equal opportunity was identified as one of the objectives in each call for proposals, no assessment is available yet about the impacts of the programmes in terms of creating jobs and, especially, involving Roma.

233 Autónomia Foundation participated in the preparation of a number of projects aimed at employment in the period 2009–2012. Interviews were made with the implementers of six successful SROP projects aimed at Roma employment in February 2012.

234 Lajos Bódis and Judit Keller, *Local governments of Settlements, in Pension, Aid, Public Work. Two Decades of the Hungarian Employment Policy, 1990–2010*, ed. Károly Fazekas and Ágota Scharle (Budapest: Institute for policy Analysis–MTA KRTK Institute of Economics) 63–76, available at: <http://econ.core.hu/file/download/20evfoglpol/kotet.pdf> (accessed: 22 March 2013).

235 On 20 March 2013, ORÖ replied in a letter to the questions sent by the Consortium of NGOs preparing the civil society monitoring report.

236 The objective of the programme is to create proper workplace environment, and to introduce services which can ensure equal opportunities for workers in disadvantaged situation.

Social land programmes to help disadvantaged families make a living

A social land programme has operated in Hungary since 1992 with the objective to help disadvantaged families who live in an environment appropriate for agricultural production make a living. Started under a closed (now open) tendering procedure, the programme has operated from domestic funds and had been administered by the Ministry for Social Affairs until 2011.²³⁷

In the period ending in 2009, social land programmes were operated in nearly 500 settlements. Based on the implemented programmes, it may be stated that the social land programme is a programme specifically for small settlements and tiny villages. Based on experience gained so far, the operation of the programmes is highly influenced by the local power relations. The income received did foster the living for families, but was not sufficient to lay the foundations for a continued market presence (Rácz 2008).²³⁸

In 2012, the social land programme underwent significant changes as compared to previous years:²³⁹ for instance, applicants must cooperate with the Roma minority self-government of the settlement or of the county, and three independent components were created under the programme: 1. Social land programme connected to public work; 2. Equipment purchase and development sub-project under which successful applicants may apply for subsidies for purchasing equipment for processing and selling agricultural produces; 3. Gardening and small animal farming sub-project enabling participants to gather useful experiences for the purposes of farming on their own household farms.

The enlargement of the group of applicants and the transformation of objectives in 2012 was coupled with a significant reduction of the budget available for the projects as compared to the previous year. While subsidies²⁴⁰ in total amounted to HUF 300 million in 2011, this amount was only HUF 170.5 million in 2012,²⁴¹ from which 101 programmes were implemented as compared to 168 in the previous year.

Social economic development to provide temporary employment for disadvantaged job seekers and inactive workers

Under the Act on Cooperatives as amended in 2012, local governments or minority self-governments may become a member of a cooperative, and a new term has been introduced: 'Employment Cooperative' which may be established by 500 natural persons and a national minority self-government. The purpose of these amendments is (i) to allow Cooperatives to undertake a greater role in public work and (ii) that Employment Cooperatives may provide work for their members by job placement and posting workforce.²⁴² In addition, this amendment allows public workers to establish social cooperatives.

Where public workers have worked for at least two years under a legal relationship of public work and agree to work together for another two-year period as members of a social cooperative, they will receive (under a leasing agreement or, in certain specific cases, the ownership of) productive assets (land, machinery) and animal stock that are provided by the public work agency to members for the purpose of public work. According to a draft bill of 2013, the Government would stipulate that a representative of the state must be involved in decisions by the cooperative on utilizing the assets received. As a result of these proposals, the Hungarian type of social cooperatives will move even further away from the social enterprises

237 1992-2009 Ministry for Social Affairs and Labour (and its predecessor) and the Regional Development Council. 2011-2012: Commissioned by the Ministries of Public Affairs and Justice, Sándor Wekerle Fund Management, and then Human Resources Support Managing Organisation.

238 Katalin Rácz, *On the Way to a Social Economy? Report on the Past Achievements of a Productive Social Policy Programme* (MTA RKK Department of Regional Development Research, 2008).

239 Available at: <http://www.kormany.hu/hu/emberi-eroforrasok-miniszteriuma/tarsadalmi-felzarkozasert-felelos-allamtitkarsag/hirek/kiboviti-a-kormany-a-szocialis-foldprogramot>.

240 Intensity of support was 100% from 2011 (earlier it was 90%). The budget was HUF 136.8 million in 2010, HUF 134.6 million in 2009 and HUF 283 million in 2008.

241 Available at: <http://www.emet.gov.hu/tarsadalmi-felzarkozas-szocialis-kohezio-igazgatosag/szocialis-foldprogram> (accessed: 22 March 2013).

242 Justification of Draft Bill No. T/6320 of March 2012.

that work well and are viable in all over Europe.²⁴³ Instead of operating as voluntary cooperatives, these social cooperatives will more and more become an extended arm of the system of public work system under an increasing influence by the state. An extreme example of this system is the Employment Cooperative of the Roma Self-Government: the ORÖ establishes an Employment Cooperative with 500 members to carry out workforce posting activities under conditions not clarified yet. The state intends to earmark HUF 4.995 billion for this large “social experiment”, with no significant professional debate and no attempt at creating consensus about it (for details, please see the section entitled Role of ORÖ).

In March 2013, several new calls for proposals were announced under the New Széchenyi Plan to develop the social economy, however, no information about the running projects is available yet.²⁴⁴ Since 2010, the Government has earmarked significant funds for programmes aimed at the development of the social economy and is clearly committed to continue this process. However, there are no clear signs of any thoroughly prepared, overall and detailed policy framework to back up those funds. The development of social enterprises is limited nearly exclusively to ‘public benefit’ enterprises (quasi-non-profits) operated as cooperatives but, even in the case of these funds, long-term sustainability is missing together with the consideration that services and products to be developed must be marketable or should satisfy a special social need. Contrary to the recommendations of the European Economic and Social Committee, current policy guidelines and regulations have been developed without the involvement of a wide group of those concerned (non-governmental organisations, private and public sector stakeholders) on various levels (local, regional and national).²⁴⁵

A summary of the employment policy actions in the National Social Inclusion Strategy

Services fostering inclusion into the open labour market; subsidy for job seekers

The amount of funds spent on labour market instruments from the Labour Market Fund has been decreasing in the past years. A large proportion of funds earmarked for improving the employment situation is used for public employment. A significant number of services available as active incentives for participation in the labour market are provided through SROP development programmes subsidized from European Union funds.

Based on the results of a recent survey,²⁴⁶ it may be stated in general that labour market services (training, mentoring, advising job seekers) may increase the chances of employment for the disadvantaged job seekers together with, or even without, providing wage subsidy for the employer. However, the same assessment also suggests that there are three significant barriers to measuring the impact of the programmes, the most important of them being is that one cannot tell whether the beneficiaries involved are similar to those applicants who did not get into the programmes: whether creaming off is present.²⁴⁷

243 According to the definition of NESsT: Social business is a consciously planned activity which is evolved to provide innovative solutions for social problems. Social business may be non-profit organisations which apply business models to achieve their fundamental mission, and may be business enterprises which have a business objective but in addition to it they aim for achieving significant social impact. Their fundamental principle is dual optimization and keeping the balance between economic and social objectives. The situation of social enterprises in Hungary, 2011.

244 SROP-2.4.3 D-2 entitled “Developing social economy”. It contains organisational development components, research and design resources required to lay the foundations for entering the market and the required assets for the newly established and operating organisations. Available budget is HUF 8.01 billion in the six Convergence Regions and in the Central Hungary Region. SROP-2.4.3 D-1 entitled “Development of the social economy” focuses on subsidizing social cooperatives aiming for self-sustainability with a simplified call for proposals, providing initial subsidy to newly established social cooperatives to help people in disadvantaged situations to support themselves. Total budget: HUF 1.995 billion.

245 European Social and Economic Committee, „Social entrepreneurship and social enterprise” (uncovering opinion) (2012/C 24/01) (The Official Gazette of the European Union, January 2012).

246 Based on the first results of the assessment of Budapest Institute on the efficiency of the services of SROP 1.1.3.

247 On the other hand, one cannot see whether someone has lost his job, so that another person can be recruited as a recipient of support – Labour Centres have no incentive to reveal such abuses, everybody is interested in a successfully implemented programme – on paper. Another problem about how to measure the long-term employment impacts of the programme is that nobody knows exactly how many of those leaving a programme get into public work. 50-70% of those joining the SROP 1.1.3 programme in 2009 and 2010 found a job (until late 2012). If recipients of wage subsidies are taken out of the sample, 44-64% is the proportion of those employed. It follows from this that the so-called soft services: training, mentoring may be effective in increasing the chances of employment for disadvantaged people. It was included in the presentation delivered by Ágota Scharle at the workshop titled “The employment situation of Roma” organised by Autonomia Foundation for professionals, Budapest, 14 March 2013.

The most significant ongoing labour market programme to be mentioned is SROP 1.1.2 (“Improving the employability of the disadvantaged, Decentralized programmes in the Convergence Regions”). The programme is to be implemented during 2011-2015 with a budget of HUF 106 billion (the Government increased the original budget by HUF 20 billion in the Convergence Regions and by HUF 7 billion in the Central Hungary Region).²⁴⁸ The extra funds were provided mainly for the inclusion of young career starters. All groups struggling with disadvantages in the labour market are named as the target groups of the project. The programme will reach a total of 110,000 people (about one-fifth of those concerned) in 2011-2015, and each year about 30,000 individuals will receive services under it. (In 2011, over one-third of those participating in labour market training programmes received training under SROP 1.1.2 and the parallel programme implemented in the CHR.)²⁴⁹ The programme fosters employment in the open labour market by providing “tailor-made services using a complex approach” at an average cost of HUF 1 million per participant. The most important elements of the services provided by the National Employment Service include: paying for labour cost; wage subsidies; training, mentoring, job try-out.²⁵⁰

According to the manager responsible for development programmes at the Ministry for National Economy (MNE), it is clear that not these developments will ensure the fulfilment of the commitments in the NRSG (ORÖ)-Government Framework Agreement (the ambitious indicators include “100 thousand more Roma on the labour market by 2015”).

As a step forward compared to preceding programmes, the SROP 1.1.2 programme includes a target indicator for each disadvantaged target group, and the most disadvantaged receive high priority in the selection process. The Ministry for National Economy (MfNE) maintains an internal monitoring system under the SROP 1.1.2 programme where data is acquired and processed on a monthly basis. The programme is expected to involve minimum 16,500 Romani individuals (still a small fraction of Romani job seekers). Over 50% of that target is reached even though the implementation of the programme is not yet half-way through. Data acquisition concerning Roma is based on reports by Romani individuals. As part of the NSIS monitoring process, data acquisition concerning the Roma is a uniform practice.²⁵¹ Unfortunately, this is not the case in the rest of the labour market programmes and services.

The uncertainties mentioned above concerning the effective participation of low educated and Roma groups in labour market programmes, and services were corroborated by the experiences and opinions Romani individuals voiced at non-governmental consultations regarding labour market services. Many of them mentioned that Roma can hardly get involved in adult training programmes organised by the Employment Centres, while many times non-Roma with several qualifications may participate in training, enjoying priority over individuals with no qualification.²⁵² In Baranya county Romani women of over thirty explained that, though they have been registered as unemployed for the past fifteen years, they have been referred to no single workplace and received no training. Several of them complained about the fact that they were required to complete the satisfaction survey questionnaire concerning the services of the Labour Centre in front of the administrator.²⁵³

248 85% of the programme budget is spent on services.

249 “In 2011, a total of 35,600 people participated in labour market training (including trainings for the employed), and this number is only 57.7% of the number of people affected in 2010. In 2011, 13,800 persons participated in training under SROP 1.1.2 (and SROP 1.1.4) programmes. National Labour Office, *Key figures for active employment policy instruments in 2011*, p. 9, available at: http://www.afsz.hu/engine.aspx?page=full_AFSZ_A_foglalkoztataspolitikai_eszkozok_mukod (accessed: 22 March 2013).

250 Job try-out: 100% of the labour cost is paid for 3 months and it represents no obligation for the employer, then 8 months of subsidised employment and 3 months of continued employment must be organised by the same work place.

251 Interview with Department Head Noémi Danajka, Department of Employment Programmes, 8 March 2013.

252 “In 2011, among those involved in trainings for people who had no employment relationship, the proportion of job seekers with secondary education is the highest (41.9%), which is 1.5 percentage points higher than in 2010 and in 2009. The proportion of those having only primary education was 27.2% in 2011, 0.4 percentage point higher than in 2010. (...)” National Labour Office, *Key figures of active employment policy instruments in 2011*, pp. 15-16, available at: http://www.afsz.hu/engine.aspx?page=full_AFSZ_A_foglalkoztataspolitikai_eszkozok_mukod (accessed: 22 March 2013).

253 Consultations organised by the consortium of NGOs preparing the civil society monitoring report: Budapest (November 2012), Pécs (28 February 2013), Miskolc (5 March 2013).

Programmes assisting workers in acquiring their first work experience

Since 2009, subsidy has been available for helping career starters acquire work experience after receiving their qualification: employers may receive subsidy amounting to 50-100% of the relevant labour cost for one year.²⁵⁴ The number of individuals receiving such subsidy in 2010 and 2011 was 2,581 and 4,255, respectively. No data is available about the number of young Roma receiving subsidized employment in 2010-2011.

In 2012, the Government announced the "First Job Guarantee" labour market programme using domestic funds to improve the labour market situation of job seekers younger than 25 years of age. As statements of the Government suggest, the programme continues in 2013 from HUF 5 billion. No data is available about the number of young Roma employed with assistance from the programme in 2012.

According to plans of MfNE, non-registered young job seekers will also be involved in labour market programmes, by, for instance, providing referral services such as strengthening career orientation (preparation of teachers, local events, methodological assistance, development of instruments, for instance, fostering more well-founded choice of first career and getting familiar with occupations with the involvement by Chambers). The programme owner is the National Labour Office. In addition, parallel projects are planned to foster that young Roma can make a well-informed choice of occupation and acquire qualification; the programme budget will be HUF 6 billion and the beneficiary will be the ORÖ, which has no prior experience in this field.

Fostering the process of becoming self-employed or an entrepreneur to promote the employment of Roma

Although the Action Plan of the Strategy clearly identifies *Kiút* (Way Out) type of programmes for micro-lending and fostering the process of becoming self-employed as areas of intervention, no action has been taken in this regard. After the election the current Government terminated the Cooperation Agreement signed in 2010 between the previous Government and the *Kiút* project (which was implemented as part of the Roma Pilot projects of the European Union).²⁵⁵ The *Kiút* Programme and prior experimental micro-lending and financial development programmes implemented for marginalised communities by, for instance, the Autonomía Foundation, have not been followed by any state initiative. Although disadvantaged unemployed Roma cannot access the subsidy designed to support the starting of entrepreneurship (for instance, a cover of minimum HUF 2 million is required for it, which is typically not feasible for this target group).

In July 2012, a grant programme was announced under SROP 2.3.6 "Assisting young people in becoming an entrepreneur" with a budget of HUF 2 billion. As to the planned inclusion of Roma, ORÖ provided the following information: "To ensure that the target group is included in the programme, successful applicants will cooperate with social organisations fostering the employment of young disadvantaged labour market groups, especially young Roma, and primarily with the National Roma Self-Government. (...) Reaching out for and including young Roma in the programme will significantly contribute to the performance of indicators agreed in the Frame Agreement."

Rural development funds applied to foster labour market participation by Roma in rural areas

Within the framework of the European Agricultural Fund for Rural Development (EAFRD)-financed rural development programme, no concrete action has been taken to improve, as a specific target, the mobility or quality of life of impoverished Roma living in rural areas.

According to the opinion of experts involved in rural development, the majority of developments managed by LEADER Local Action Groups did not focus on these target groups either. Very few Roma minority self-governments or pro-Roma non-governmental organisations participated in local action groups of recognized LEADER communities, and they have not undertaken a significant role. Therefore, using Technical

254 Art. 2 of Government Decree No. 70/2009 (April 2).

255 György Molnár, "Options for and barriers to becoming self-employed and micro lending. The experiences of the Way Out programme" (presentation made at the workshop titled "The employment situation of Roma" organised by Autonomía Foundation for professionals, Budapest, 14 March 2013), available at: <http://autonomia.hu/hu/programs/eu-forrasokkal-a-Romak-integraciojaert?page=6> (accessed: 22 March 2013).

Assistance funds, a Roma Integration Programme Office is operated whose original task was to achieve that the highest possible number of Roma organisations become involved in LEADER action groups forming local development programmes. The Roma Integration Programme Office organised the Rural Development Roma Academy in two rounds. Many Roma activists have been trained in issues related to rural development and a great deal of project ideas were developed but they are not yet implemented (hindered by rigid administrative and financial conditions of the LEADER programme²⁵⁶). Local action groups still cannot always offer proper answers in Local Rural Development Strategies to the situation of the local Roma. The main activity of the Roma Integration Programme Office is currently aimed at providing information.

The operation of the public work system

According to the NSIS, "it is clear that the primary labour market cannot currently provide appropriate work to some of those who have been excluded from work for a long period of time (...) the state itself wants to take action so that it can offer work instead of financial aid to the highest number of people in the form of public work already in a short time."²⁵⁷

Therefore,

- "the system of public work should function as a complementary component that serves to complement the other two pillars in order to ensure that it should not become a dead-end for those engaged in public work. To achieve this, it is necessary to ensure, on the one hand, that public work should not restrict individuals in their efforts to find a job and, on the other hand, that public work should not unnecessarily withdraw resources (...) from businesses";
- "according to the new public work policy, it is of particular importance, with a view to the principle of social inclusion, that the involvement in public work of those disadvantaged and most disadvantaged from an employment point of view should be a top priority in public work. A solution must be offered to people with low educational qualifications which provides a living for them in the long run and helps their re-integration into the primary labour market."²⁵⁸

In mid-2011, the responsibility for coordinating and planning public work was shifted from the Ministry for National Economy (MNE) to the Ministry of Interior (MI).²⁵⁹ The Ministry of Interior prepared, among others, the Start Model Programme for 94 disadvantaged sub-regions (for details please see the Chapter on Flagships).

The Government changed the former system of public work in 2011 by introducing the legal relationship of public work (for a definite period).²⁶⁰ The relevant law identifies (i) short programmes (maximum four months, four hours a day), (ii) long programmes (maximum 12 months, 6-8 hours a day) and (iii) nationwide public work programmes (and subsidy for public work mobility).²⁶¹ The current system of public work was created in 2012, involving the introduction of the Subsidy Replacing Employment (SRE) (to replace the Wage Supplement Subsidy), a reduction in the amount of the aid and tightened entitlement criteria.²⁶² The system is aimed

256 According to expert opinions (Tamás Eperjesi, NAKVI and Kriszta Magócs, VÁTI) communicated on a "Local economy development" workshop organised by the Autonomia Foundation on 29 March 2013.

257 National Social Inclusion Strategy, "Deep poverty, child poverty, Roma (2011-2020)". KIM State Secretariat for Social Inclusion. p. 75, available at: <http://Romagov.kormany.hu/download/8/e3/20000/StratpercentC3percentA9gia.pdf>.

258 *Ibid.*, 75-77.

259 Government Decree No. 1192/2011 (June 14) on Changing the responsibilities of the Government in connection with developing the new system of public work.

260 A person of over 16 years of age may become a public worker if he is a job seeker registered by the Labour Office or a recipient of rehabilitation service. Act CVI of 2011 on public work and the amendment of laws connected to public work and other laws; Government Decree No. 170/2011 (August 24) on Setting Wages in Public Work.

261 Government Decree No. 375/2010 (December 31) on Subsidies Available in Connection with Public Work.

262 The amount of the Subsidy Replacing Employment (SRE) decreased (as of 1 January 2012) from 100% of the minimum pension to 80% of it, that is, from HUF 28,500 to HUF 22,800. It did not change in 2013. [Art. 33(7) of Act III of 1993; Art. 20 of Act CVI of 2011]. If there is a child in the family who is under protection then, from 2012, some of the SRE (max. 60%) may also be provided in kind or in Erzsébet card [Art. 3(2) of Act CXVIII of 2012]. (Á. Darvas and Zs. Farkas, Changes in the Situation of Children in Hungary in the Years of the Crisis: Government's Intentions in the Light of Legal Regulations, in (2012) Non-government report on 'child chances', ed. Darvas, Ferge (Budapest: Gyerekesély Public Benefit Association, 2011), available at: http://www.gyere.net/downloads/Civil_jelentes_2011.pdf (accessed: 22 March 2013).

at providing support to long-term unemployed people, "job seekers, and job seekers suffering multiple disadvantages, and especially recipients of Subsidy Replacing Employment, by offering public work".²⁶³ SRE is a conditional aid²⁶⁴ with the additional eligibility criterion that the recipient has to have had an employment relationship of at least 30 days in the previous year. Local governments of the settlements may impose an additional requirement (in a local decree), namely that the recipient's living environment must be kept tidy. The recipient must cooperate with the Public Employment Centre and may use the services (for instance, group training, information) as a registered job seeker. Refusing to do the public work offered or violating the obligation to cooperate will be sanctioned by two years of exclusion from the system. The wage of public workers is lower than the minimum wage (77% of the minimum wage or 85% of it where secondary education is a minimum requirement for doing some public work).²⁶⁵ In 2013, the wage of public workers was adjusted to inflation (was raised by 5.2%) (but its proportion compared to the minimum wage did not change), and the weekly payment frequency, criticized by many, was changed back to monthly frequency.²⁶⁶ Training programmes are planned to be connected to both the nationwide and the sub-regional/settlement model programmes: professional trainings organised according to the needs of the public work agency, and agricultural trainings connected to the Start Model Programme. Problems arose in delivering most of the training programmes in 2012, and they were organised with delay, or not at all.²⁶⁷

According to a summary report of the National Employment Office, the number of participants in public work was 186,000 in 2010, 265,600 in 2011 and 261,700 in 2012.²⁶⁸ In 2011, over two-third (68.6%) of them were public workers for a short period, less than one-fifth (17.8%) of them for a long period and one-tenth (10.7%) of them participated in the nationwide public work programme. In 2012, the majority (67%) of public workers participated in the longer form. In 2013, the objective is to involve 300,000 individuals in public work,²⁶⁹ primarily by offering public work of 4-6 hours a day.

52% of public workers have primary education only, 46% of them finished secondary school and only 3% of them took part in tertiary education. In 2012, 24% of public workers were below 25 years of age, two-third (65%) of them were between 25 and 50 and one-tenth of them were over 50.²⁷⁰ The average duration of public work is 4 months, which is not longer than the top limit of the short-term public work scheme.

Hardly any official data and statistics are available about the system of public work operated since 2011. No impact assessment studies have been conducted.²⁷¹ According to earlier studies, "the increasingly popular public work programmes (...) do not help participants find a job, but make them circle round between aid and casual work – a majority of the unskilled who become unemployed will sooner or later find themselves in that dead-end".²⁷² Given its large scale, this expensive public work system (which recreates itself) tends to

263 József Bagó, *The purpose and regulation of public work* (Labour Market Mirror 2013/1) p. 4.

264 In a household, the income per one consumption unit cannot be more than 90% of the minimum pension (HUF 25,650 in 2012 and 2013).

265 As of 1 January 2012, the gross wage per month for public work not requiring any vocational/secondary education is HUF 71,800; the minimum wage is HUF 93,000; the gross wage per month for public work requiring at least vocational/secondary education is HUF 92,000; and the relevant minimum wage is HUF 108,000.

266 About this see: Act CVI of 2011 on Public Work and the amendments of law connected to public work and other laws; and Public Employment Services' Information on public work concerning the most important changes of the law taking effect on 1 January 2013, available at: http://www.afsz.hu/resource.aspx?ResourceID=nfsz_kozfoglalkoztatás_jogszabalyvaltozas (accessed: 22 March 2013).

267 Ombudsman's report on public work AJB-4162/2012, available at: http://www.obh.hu/allam/aktualis/htm/kozlemeny20121002_3.htm (accessed: 12 March 2013). Reports by participants in public work programmes at non-governmental consultations organised by those who prepared the civil society monitoring report.

268 According to summary information available on the Government portal, in 2011, the number of those entering public work financed by MNE was 268,100. The number of those employed in public work programmes operated by MI was 33,900. Available at: http://www.kormany.hu/download/5/83/70000/MfNE_Belepó_Letszam_2011_12.xls#!DocumentBrowse; http://www.kormany.hu/download/4/83/70000/Mol_Kozfogl_Programok_2011_12percent20hpercent3percentB3.xls#!DocumentBrowse (accessed: 22 March 2013).

269 Leó Lőrincz, "Planning public work for 2013" (Presentation, Department Head of Public Work and Logistics Department, MI).

270 Luca Koltai and Márton Kulinyi, *Values of those organising public work* (Chance Laboratory Association, 2013).

271 According to János Köllő, a personal data survey would cost HUF 50-70 million, which is about 0.003% of the total amount of funds spent on public work in the past ten years. As compared to that, they changed the system seven or eight times since 2000, so that no aggregated figures were available to decision-makers. (Based on presentation by János Köllő.)

272 K. Fazekas and Á. Scharle, *Labour market diagnosis, in Pension, Aid, Public Work. Two Secades of Hungarian Employment Policy, 1990-2010*, ed. K. Fazekas and Á. Scharle, p. 7, available at: <http://econ.core.hu/file/download/20evfoglpol/kotet.pdf> (accessed: 12 March 2013).

withdraw resources from active labour market programmes and state subsidies (Köllő 2012).²⁷³ The amount of budget available for public work was HUF 64 billion in 2011 and HUF 137.5 billion in 2012.²⁷⁴ According to plans, HUF 153.8 billion will be spent on that purpose in 2013.²⁷⁵ However, these figures do not include the cost of organising and managing public work programmes.

In 2012, in response to complaints by citizens, the Ombudsman launched an investigation of, among others, the circumstances of getting into and leaving public work programmes organised by local governments, the working conditions, the difficulties of acquiring the 30-day employment relationship and the fact that relevant trainings were not delivered.²⁷⁶ According to the Ombudsman's report, "the requirement of legal certainty and the right to a fair treatment is violated by the uncertainty in scheduling the payment dates of wages to public workers, and that prior information about the date of paying wages is provided occasionally only, and there is no exact procedure. It was a general experience that, due contradictory specifications of tasks and requirements, the obligations concerning training programmes were neglected and, even though required by law, trainings for nationwide public work programmes were not delivered, a fact adversely affecting the effectiveness of agricultural programmes. (...)"

The Trade Union of Public Workers which was institutionalized in 2012 also framed a number of problems: public work does not fall within the scope of the Labour Code and, therefore, some of the legal arrangements which protect workers do not apply to public workers.²⁷⁷ The principle of equal wages for equal work is not observed, and public workers do not receive supplementary holidays. Many public work agencies fail to comply with work safety regulations, moreover, frequently there is uncertainty about what rules are applicable to public workers. Checks of compliance with work safety regulations are incomplete. Participants in consultations conducted in rural areas prior to the preparation of the civil society monitoring report said that many of those involved in public work are insulted day by day and are continuously controlled. A good relationship with the mayor and council members can form the basis of longer-term (8-12 months) employment, while, as they reported, parents of several children are offered to participate in public work only for 2-3 months, or not at all. Public work grant programmes may cover the costs of wages, tools and training, in theory. Participants mentioned very simple trainings of a few hours (for instance, teaching public workers involved in the digitalization of the archives how to scan documents), and work safety trainings which were delivered only occasionally.

Being separated from the institutional system of employment policy, public work is currently operated by the Ministry of Interior: an organisational structure leading to professional problems. Employment Centres are involved in organising public work only on the operational level and, in actual fact, the local public work organiser/mayor's office makes decisions about recruitment, tasks and working conditions, an arrangement leading to personal dependence in small settlements.

Two recent surveys of TÁRKI-TUDOK and IPSOS, implemented in the SROP 5.5.5 project of the Hungarian Equal Treatment Authority, reported that Roma frequently suffer from discriminatory attitude of decision-makers (employers, job supervisors) when applying for, and also when taking part of, public work (for instance, Roma reported that they assume they were ordered to do harder tasks, than non-Roma, or tasks not requiring any qualification that they have obtained, because they are Roma).²⁷⁸

According to the National Federation of Local Governments of Settlements (TÖOSZ) this system is characterised by temporariness and unpredictability. Problems include too much administration; the difficulties

273 Based on the presentation by János Köllő, made at thematic workshop "Fundamental rights and public work" of the Dignity of Work Project, OBH, on 3 October 2012.

274 "Active employment policy instruments are subsidized from the National Employment Fund and, partly, from European Union funds. Expenses of the Fund amounted to HUF 283.5 billion in 2011." *Ibid.* 5.

275 Leó Lőrincz, "Planning of public work for 2013" (presentation, Department Head of Public Work and Logistics Department, MI).

276 Ombudsman's Report on Case no. AJB-4162/2012, available at: <http://www.ajbh.hu/allam/jelentes/201204162.rtf> (accessed: 12 March 2013).

277 About this see in detail: http://www.afsz.hu/resource.aspx?ResourceID=nfsz_kozfoglalkoztatas_tudnikell (Main difference compared to employment relationship, p. 3.) (accessed: 12 March 2013).

278 Research findings were presented on a workshop organised by the Equal Treatment Authority (ETA) on April 23. Final reports of the surveys will be available from May 2013 on the website of the ETA at www.egyenlobanasmod.hu/tamop.

connected to weekly payment (this was eliminated after the amendment in January 2013), problems with sick pay and holidays and that trainings and employment are aligned occasionally only.²⁷⁹

Only one member of the family is entitled to receive social benefits available for the active-age group, excepting the case where one member receives Subsidy Replacing Employment and the other receives regular social aid. Opinions voiced at the consultations suggest that married couples increasingly tend to separate and move to separate addresses in an effort to ensure access to the SRE.

In Hungary, many people have been excluded from social benefits because they had no opportunity to participate in public work, and therefore were unable to document at least 30 days of employment (which is the condition of receiving SRE). In many settlements, the local government had no information about how they could organise public-benefit voluntary work, and they were also uncertain about how and what documents are to be presented to certify work carried out in the form of simplified employment or household work.^{280 281}

The requirement of a 30-day employment is practically impossible to meet by those unemployed people who live in tiny villages and cannot get into public work. Public institutions (only a few are present on small settlements) cannot offer sufficient work for all those concerned, and the amount of the aid is insufficient to cover the cost of commuting to a larger settlement. As a consequence, the number of adults not receiving social benefits has further increased in Hungary since January 2013. As experts estimate, currently about 300,000 people live without any social benefit in Hungary.²⁸² According to the 2012 data of the Central Statistics Office, 350,000 inactive people do not receive any social benefits in Hungary.²⁸³ This figure was expected to further increase in the first quarter of 2013, for example because of the huge number of individuals losing their eligibility on account of not being involved in public work in 2012. The situation of those left without any benefits is characterised by complete uncertainty and lack of access to any welfare services, and many of them will also lose their eligibility for state-funded health insurance (social security).

A draft bill prepared by the Government in March 2013 will further increase the number of those who may be excluded from public work or the Subsidy Replacing Employment.²⁸⁴ According to the position of the Hungarian Civil Liberties Union (HCLU), the draft bill “violates, in many aspects, the right to human dignity (protected by the Constitution), and violates the requirement of legal certainty (deriving from the principle of the rule of law).”²⁸⁵

According to reports made by participants at consultations and opinions of employment experts and researchers, the system of public work produces market-distortion impacts in disadvantaged regions. A further growth in public work may trigger a negative spiral which may lead to lower wages on the labour market, or public workers may replace workers employed on the open labour market.

The findings of a recent survey of public work agencies clearly reinforce the fact that public work, in its current form, is less of a labour market reintegration instrument than before. According to the recent research about public work by the Chance Laboratory Association (Esélylabor Egyesület), the majority (76%)

279 Based on presentations by Gábor Zongor (TÖÖSZ, Secretary General) and László Kordás (Public Workers Trade Union, Secretary General). Both presentations were made at a thematic workshop discussion entitled “Fundamental rights and public work” of the Dignity of Works Project., OBH, on 3 October 2012.

280 According to current regulations, only those are eligible for social benefit who work at least 30 days a year. “Voluntary public work” and household work can substitute employment.

281 About public work AJB-4162/2012, available at: http://www.obh.hu/allam/aktualis/htm/kozlemany20121002_3.htm (accessed: 12 March 2013).

282 “In the interview Zsuzsa Ferge spoke about the fact that there are about 300,000 people in Hungary who are not employed, receive no benefits and nobody knows what they are living on, available at: “http://hvg.hu/itthon/20121015_ferge_zsuzsa_matolcsy_csomag (accessed: 12 March 2013).

283 Available at: www.ksh.hu/docs/xstadat/xstadat_evkozi/15_64_abra_1212.pdf (accessed: 12 March 2013).

284 Proposal T/10241.: A job seeker must be excluded from public work when his child of compulsory schooling age is absent from school or he fails to meet his obligation specified in municipal decree requiring him to keep his living environment (garden, courtyard, public areas connected to the property as stipulated by law) tidy.

285 The Government would penalize again those living in deep poverty. 19 March 2013, available at: <http://tasz.hu/Romaprogram/ismet-melyszegenysegben-eloket-buntetne-kormany> (accessed 12 March 2013).

of the 870 public work organizers providing data are of the opinion that public work “offers cost saving labour force”, 84.8% of respondents do not believe that public work “may be used for addressing long-term unemployment” and 80.8% of them think that it “cannot help in finding a job later”. Public work agencies are of the opinion that 90% of those participating in public work will rely on social aid again after the end of the programme.²⁸⁶

Role of the National Roma Self-Government (NRSG/ORÖ) in the employment of the Roma

Under the so-called Frame Agreement made between NRSG (ORÖ) and the Government in 2011, ORÖ is the strategic partner of the Government in implementing the National Social Inclusion Strategy. ORÖ is responsible for the three most important programmes in the area of employment:

- SROP 5.3.1 “Chances are increasing” programme (for details please see the flagship analysis of the health care chapter of the Civil society monitoring report),
- 2.2.15 Key Project under the State Reform Operational Programme (StROP) and (iii) the public work network operated by the methodological institute of ORÖ.

ORÖ implements significant amount of diverse development projects and operates programmes whose magnitude, as highlighted in professional and non-government positions, significantly exceeds its professional, organisational and administrative capacities. The operation of programmes is not transparent and no efforts can be seen to establish consensus concerning the fundamentals of the developments assigned to ORÖ, which cost billions. In several cases, developments result in the creation of structures that are parallel to mainstream policy institutions, a fact raising professional, sustainability and social policy concerns.²⁸⁷ In addition, as a special risk in the implementation of ORÖ responsibilities, the main applicant in many projects is ORÖ itself, but a great part of the professional activities is carried out by the Türr István Training and Research Institute (TKKI), highly influencing the effectiveness and professional content of projects. Mistrust in the project staff of ORÖ (and that the two organisations are intertwined) are best illustrated by the fact that ORÖ’s SROP 2.2.15 project is managed by the director of TKKI Budapest. However, ORÖ is specified as the entity bearing the main responsibility for projects and, accordingly, the political responsibility undertaken for the community represented by them will also rest on them concerning the outcome of the programmes and the accomplishment of the targets in the Frame Agreement.

In the public work network, 360 social coordinators and social mentors are employed, who, according to original ideas, were supposed to provide mentoring for 30,000 Roma participating in public work.²⁸⁸ In practice, mentors gathered data about the labour market situation of the Roma (as far as we know, they recorded the labour market details of 20,000 Roma and 4,000 employers). ORÖ employed the mentors as public workers between June 2012 and March 2013, and there is hardly any publicly available information about their activities and tasks.²⁸⁹

Under the employment pillar of SROP 2.2.15 Central Project, the development of “a public-benefit network for organising job placement” is planned in the capital city and 19 counties. The setting up of the public-benefit network has started. The sub-concept of the project is that Romani job seekers will be placed in employment with the help of Romani officers at Employment Centres. According to information from ORÖ, under SROP 1.1.2 (“Improving the employability of disadvantaged people, Decentralised programmes in Convergence Regions”), as part of the project and as proposed by ORÖ, two Roma employment coordinators were prepared and recruited in each county over a period of three months starting from September 2012. The network, though called “public-benefit network for job placement”, will carry out the “lending of workforce” (under the

286 Márton Kulinyi, “Path to the world of labour. Chance Laboratory Association” (presentation, made at the workshop entitled “Employment situation of Roma” organised for professionals by Autonómia Foundation, Budapest, 14 March 2013, available at: <http://autonomia.hu/hu/programs/eu-forrasokkal-a-Romak-integraciojaert?page=6>, (accessed 12 March 2013).

287 Autonómia Foundation et al., *Recommendations based on NGO opinions voiced at preparatory discussions titled “Role of EU-funds in promoting Roma integration” of European Commission and non-government organisation* (Manuscript).

288 Aim of the project: Inclusion of 30,000 unemployed Roma in public work programmes and developing a coordination organisation required to help 30,000 people get involved in public work and stay in the programme.

289 On 20 March 2013, ORÖ replied in a letter to the questions sent by the Consortium of NGOs preparing the civil society monitoring report.

act on promoting employment).²⁹⁰ No plan or report is publicly available about the implementation of the SROP 2.2.15 Central Project to clarify the concept of the planned workforce landing network.

The third employment related programme of the ORÖ, the so-called Employment Cooperative will serve as the operating structure for the job placement network. National minority self-governments are given the right exclusively to establish such cooperatives with 500 members. According to the position of ORÖ, "The cooperative, as a form of organisation, will provide employment for one thousand or more people." The legal framework of the operation of this cooperative has not been elaborated yet. At the same time, the call for proposals of the programme SROP 2.4.3/D-3-13/1 "Development of social economy – Supporting the creation of employment cooperative" has already been prepared with an allocated budget of HUF 4.995 billion.

Recommendations²⁹¹

Establishing employment chances for Roma

- To lay the foundations for better chances on the labour market, the educational level of young Roma should be increased and powerful actions should be taken to reintegrate marginalised young people (see also in Chapter on Education).
- The Government should introduce effective measures targeting the problem of discrimination against Roma by relying on non-governmental experience in successfully implemented employment projects and the experience of legal cases dealt with by the Equal Treatment Authority.
- Unless predictable and rational economic regulatory environment is created, administrative burdens are dramatically reduced and the labour cost of low educated people is reduced, the development funds planned to be spent on the development of small and medium-sized enterprises cannot ensure the strengthening of the sector and cannot contribute, in a sustainable manner, to the improvement of the employment situation of disadvantaged groups, especially Roma.

Public work

- Research and analysis is required concerning the system of public work and its macro-economic impacts so that more informed policy decisions can be made. A solution should be found for data acquisition about the Roma engaged in public work (Ministry of Interior, National Labour Office). A follow-up of those leaving public work programmes is indispensable for measuring the effectiveness of the programmes.
- The structure and the content of the system of public work should be transformed by taking into account the recommendations in the Ombudsman's Report and those of the Trade Union of Public Workers, professional and non-governmental organisations and TÖOSZ. The system of public work should be transformed in a way that it can truly foster entry into the labour market, offer opportunities for workers to engage in meaningful work and handle participants in a differentiated manner. Those who have chances for finding a job should be assisted in achieving that goal during the period of public work by providing tailor-made services (mentoring, training) to them and assigning tasks to them as suited to their skills and education; however, those who have no chance for employment in the open labour market within a few years should be assisted by materially reducing their poverty and uncertainty of income and offering security. The punitive nature and sanctions of public work should be eliminated, increased expertise should be involved in organising public work, working conditions of public workers should be checked and any offence or infringement should be sanctioned. All programmes should be monitored, data collected and evaluated independently and feedback considered in future policy planning. Monitoring system should be set up independent of local governments and by relying on professional foundations

²⁹⁰ Interview with the project manager of SROP 2.2.15 Central Project, 5 March 2013.

²⁹¹ Recommendations are made based on opinions and proposals voiced at the workshop "Employment situation of Roma" organised by Autonómia Foundation in Budapest on 14 March 2013, available at: <http://autonomia.hu/hu/programs/eu-forrasokkal-a-Romak-integraciojaert?page=6> (accessed 12 March 2013).

to check whether, for instance, parents with children and disadvantaged groups and Roma can access public work.

Labour market services and support

- More funds should be made available for (i) providing labour market services that directly promote labour market participation, and (ii) the development of instruments, the institutional system and external service providers. Specific expectations should be set up for programmes concerning the inclusion of disadvantaged groups and deliberate and consistent professional follow-up should be ensured during the implementation of programmes. Methodological and monitoring instruments should be used in programmes to prevent the “creaming off” of the target group.
- A transformation of the wage-type subsidies scheme is needed as, under current conditions (for instance, obligation of providing long-term employment to recipients after end of programme), it cannot improve the employment chances for groups in marginalised position on the labour market (relying on casual work, social aid, short-term employment) and thus it cannot significantly foster the employment of Roma. Wage-type subsidy combined with assistance and training tailored to personal needs can efficiently increase the chances of employment for unskilled workers.
- To promote self-employment, a normative subsidy (not only loans) should be introduced for unemployed people to help them become self-employed. Rules relevant to small enterprises should be simplified and administrative burdens should be reduced. Furthermore, rigid regulatory barriers should be removed as they currently represent obstacles to choosing forms of livelihood different from traditional 40-hour employment relationships (for instance, multiple employment, employment relationship and enterprise, employment relationship and enterprise while receiving child care benefit).
- Enterprise incubation programmes (successfully applied in many countries in Western Europe) need to be developed and rolled out. Experience from the Way Out (*Kiút*) Programme (and the micro-lending and financial development programmes serving as premises in Hungary) should be used in policy planning and for changing the regulatory framework.
- Lack of mobility represents a serious obstacle to labour market integration. Mobility of workers should be promoted and supported by further developing the existing accommodation subsidy scheme and enlarging the group eligible for the support.²⁹² This subsidy should be made available not only under projects but as a normative subsidy nationwide. Travel costs should also be subsidised to promote employment where commuting is involved.

Development programmes promoting employment

- Innovative small projects (supported mainly from European Union funds) and their instruments should be integrated into the system of employment policy instruments, and access to them should be ensured continuously and predictably (for instance, by financing accredited labour market services).²⁹³ These services should be provided in increased volume and in a longer term in regions disadvantaged from the aspect of the labour market. Projects should be better aligned, and any special subsidies should be integrated into an overall development policy. In these regions, special local economic development programmes (not financed through competitive grants) are also needed to promote local human resource development, community development, provision of capital, as well as economic and social inclusion at the same time.²⁹⁴
- Existing adult training programmes for job seekers should be expanded and the qualifications they lead to should be adjusted to market demand. More flexible forms of training should be introduced to promote participation by those living in small settlements. Any training programmes

292 After one and a half years, additional tailor-made contribution is needed to cover accommodation costs (in the absence of this, many people will be forced to return to the settlement where they have living accommodation but have no chance to get a job there). On the other hand, housing allowance is currently provided only if travelling time is over five hours.

293 The service was developed under SROP 2.6.1 programme.

294 The recommendations are made based on the case studies and summary report prepared as part of the Local Economy Development project, Autonómia Foundation OSI – Planning (Policy recommendations for planning period 2014-2020).

delivered for developing basic competences should be adjusted to the skills and knowledge of participants, in a differentiated manner.

- Targeted instruments should be developed for increasing the chances of employment for Romani women. The SROP 5.3.1 programme should be implemented in a timely manner, and it should provide high quality training and promote employment for Romani women. Women who cannot get involved in the existing “Growing Opportunity” (SROP 5.3.1) programme should be involved in ongoing labour market programmes (for instance, SROP 1.2.1 and 1.4.1), and women who have not completed 10 years of education should be involved in “catch up” programmes. To that end, efficient coordination should be carried out between ongoing programmes.
- The project organisation and project management system of the Türr István Training and Research Institute should be further developed to ensure timely, professional and cost-effective implementation of programmes, the transparency of their programmes should be improved in terms of professional financial aspects and efficiency of services, an effective monitoring and evaluation system should be developed and the outcome indicators of the training programmes and training providers should be made public.²⁹⁵

295 The Audit Office audited the activities of the Regional Training Centres in 2007–2010 and the operations of the Türr István Training and Research Institute which merged these in July 2011. Auditors involved found that the activities of training centres were not efficient, not effective, therefore, the operation of those centres did not foster the implementation of employment policy objectives. The evaluation system used for trainings was not suitable for measuring performance, available at: http://www.figyelo.hu/cikkek/376990_asz_nem_volt_hatekony_a_regionalis_kepzo_kozpontok_mukodese (accessed 12 March 2013).

5. HEALTHCARE

General picture

According to the situation assessment of the Strategy, one of the most relevant health aspects of social exclusion is the significant territorial inequality regarding health care. Disadvantaged regions are characterised by vacant positions for general practitioners and lower access to services. This statement is supported by the findings of a research project of the Health Insurance Inspectorate, published in 2010, which concludes that the regional inequalities in the use of health care are not caused by the differences in needs.²⁹⁶ According to a research report published in 2004, the Roma are over-represented in municipalities without resident general practitioners.²⁹⁷ In 2005, the number of vacant general practitioner's positions was 159; by January 2011, the number of the vacant positions was 171 (increased by 7,5%): 41 positions for general practitioners specialised on adults, 28 positions for paediatricians and 102 'mixed' positions. The proportion of vacant positions was: 8% in Nógrád County, 7.7% in Tolna County, 6.4% in Borsod-Abaúj-Zemplén County and 6.7% in Jász-Nagykun-Szolnok County.²⁹⁸ According to the results of other research projects, the higher the proportion of Roma in a micro-region, the lower the life expectancy at birth is²⁹⁹ and the rate of life expectancy at birth of the Roma is lower compared to the average rate of the entire population.³⁰⁰ According to the situation assessment of the "Semmelweis Plan" (a concept paper of the government): „Considering health status and its decisive factors [i.e. social determinants of health], territorial and socio-economical inequalities are significant in Hungary. The health of multiple disadvantaged Roma population is exceptionally poor”.³⁰¹

The situation assessment of the Strategy emphasises that public health measures do not reach out effectively to the most disadvantaged. According to data published by the United Nations Development Program in 2011,³⁰² 39% of non-Romani men and 40% of non-Romani women have heart check-ups, while the same is true only for 25% of Romani men; and 29% of Romani women. According to the same source, 46% of Romani men and 49% of Romani women have no access to essential medication, while the same is true only for 22% of non-Romani men; and 23% of non-Romani women. According to a study published in 2004, some of the general practitioners provide less costly treatments for socially marginalised, poor,

296 Dr. Vitray, J et. al, *Szükségletre korrigált egészségügyi ellátás igénybevételének egyenlőtlenségei Magyarországon [Need-adjusted inequalities in the use of health care in Hungary]* (2010), available at: http://www.egeszsegmonitor.hu/dok/Igenybeveteli%20egyenlotlensegek_2010.pdf (accessed: 22 March 2013).

297 Delphoi Consulting, *Hozzáférési különbségek az egészségügyi alapellátásban I. – Struktúra és esélyegyenlőség [Differences in access to primary health care I. – Structure and equal opportunities]* (2004), available at: <http://www.delphoi.hu/haziorv-1.html> (accessed: 22 March 2013).

298 See National Audit Office, *Jelentés a háziorvosi ellátás működésének és pénzügyi feltételrendszerének ellenőrzéséről [Monitoring report on the functioning and funding of the general practitioner system]*, (November 2011) 41, available at: <http://www.asz.hu/jelentes/1126/jelentes-a-haziorvosi-ellatas-mukodesenek-es-penzugyi-feltetelrendszerenek-ellenorzeserol/1126j000.pdf> (accessed: 22 March 2013).

299 András Csité and Nándor Németh, *A születéskor várható élettartam kistérségi egyenlőtlenségei az ezredforduló Magyarországon [Inequalities between micro-regions regarding the rates of life expectancy at birth in Hungary around 2000]* (Kormányzás: Vol. II. (2007) no. 2) pp. 257–289, available at: http://www.kormanyzas.hu/072/06_Csite-Nemeth.pdf (accessed: 22 March 2013).

300 Ferenc Babusik and dr. Géza Papp, *A cigányság egészségi állapota – szociális, gazdasági és egészségügyi helyzet Borsod-Abaúj-Zemplén megyében [The Health Status of the Roma – Social, Economic and Health Situation in Borsod-Abaúj-Zemplén County]* (Delphoi Consulting, 2002), available at: <http://www.delphoi.hu/download-pdf/roma-BAZ-eu.pdf> (accessed: 22 March 2013).

301 Ministry of Human Resources, State Secretariat for Health, *Semmelweis Plan for the Rescue of Health Care: Resuscitated Health Care – Recovering Hungary* (K. Public health, K.2. „Situation assessment, system diagnosis”, 27 June 2011) 106.

302 UNDP in Europe and Central Asia, *Data on Roma*, available at: <http://europeandcis.undp.org/data/show/D69F01FE-F203-1EE9-B45121B12A557E1B> (accessed: 22 March 2013).

unemployed or Romani patients, and the quality of their communication with these patients is lower, while the occurrence rate of conflicts with them is higher.³⁰³

The Strategy emphasises the connection between the health conditions of children and the socio-economic situation of their parents. According to the “National Social Report 2012, Hungary” submitted by the Hungarian government to DG Employment, Social Affairs and Inclusion of the European Commission, “The multiple disadvantaged situation of the Roma population originates in the fact that the other factors increasing the risk of poverty, i.e. low employment and education, large families, rural residence, over-indebtedness, are cumulating among them. Their poverty rate reaches 70%. About half of children living in poverty are also Roma.”³⁰⁴ An NGO report published in 2011 on the opportunities of children warns on the health risks of poverty, with a special attention to Romani children, and to the fact that current financial difficulties of children’s care homes are risking already the health perspectives of children (for instance, poor quality of food).³⁰⁵ According to the Background Paper of the “National Action Plan against Smoking 2005-2010”, while 16% of pregnant women smoke in the general population, 26% of pregnant Romani women smoke.³⁰⁶ According to research results, 45% of Romani teenagers are smoke regularly, while 18% of non-Roma teenagers do so; 78% of Roma teenagers have smoked at least once, while 45% of non-Roma teenagers have done so; 22% of 13–16-year-old Roma teenagers have already used some kind of drugs, while 2% of the non-Romani teenagers have done so.³⁰⁷ A research report from 2006 suggests that more attention should be paid to the mental health of young Roma, as Romani teenagers scored significantly higher on a ‘depression scale’ compared to their non-Romani peers (range of the scale: 0-16; average score of the Romani teenagers: 7.99; average of the total group: 2.30).³⁰⁸

The situation assessment of the Strategy emphasises that the health conditions of the Roma are significantly worse compared to the national average. According to a communication released by the National Health Council in March 2011, the available indicators regarding the general health status of Roma in Hungary are scarce but worrisome. Moreover, the communication indicated that Roma are often subjected to discrimination in the field of health care,³⁰⁹ therefore, targeted measures should be implemented and prevention and awareness raising programmes should be launched.³¹⁰ However, the National Health Council was closed down a couple of months later in 2011, and its successor, the National Patients’ Forum, started to operate only in February 2013.³¹¹

The Strategy highlights on the phenomena that disadvantaged women are affected more by the negative health consequences of abortions, early pregnancies and early child births, which is connected to the lack of access to adequate family planning methods. This problem is identified in the Concluding Observations of the UN CEDAW Committee considering the last governmental report of Hungary, published on 1 March 2013, by urging Hungary „to improve the quality of and increase women’s access to sexual and reproduc-

303 Delphoi Consulting, *Hozzáférési különbségek az egészségügyi alapellátásban II. – Orvosi attitűdök és esélyegyenlőség [Differences in Access to Primary Health Care I. – Attitudes of the Doctors and Equal Opportunities]* (2004), available at: <http://www.delphoi.hu/haziorv-2.html> (accessed: 22 March 2013).

304 National Social Report 2012, Hungary, p. 2., available at: <http://ec.europa.eu/social/BIobl,Servlet?docId=7674&langId=en> (accessed: 22 March 2013).

305 GYERE, *Civil jelentés a gyerekesélyekről* (NGO Report on the opportunities of children, 2011), available at: http://www.gyere.net/downloads/Civil_jelentes_2011.pdf (accessed: 22 March 2013).

306 National Institute for Health Development, *Dohányzás Ellenés Nemzeti Akció Terv 2005-2010 – Háttér tanulmány [National Action Plan against Smoking 2005-2010 – Background paper]* (2005), available at: http://color.oefi.hu/melleklet/DENAT_2005_2010.pdf (accessed: 22 March 2013).

307 Gerevich J et al., *Substance Use in Roma and Non-Roma Adolescents* (The Journal of Nervous and Mental Disease, Volume 198, No. 6, June 2010).

308 Éva Huszti, *A roma gyermekek jól-léte és életmódja Szabolcs-Szatmár-Bereg megyében [The well-being and life-style of Roma children in Szabolcs-Szatmár-Bereg County]* (2006), available at: http://www.szszbmo.hu/szemle/dokumentumtar/doc_download/218&prev=/search%3Fq%3Droma%2Bfiatalok%2Bpszich%25C3%25A9s%26hl%3Den%26rlz%3D1C1AVSX_enHU390HU390%26biw%3D1024%26bih%3D475&sa=X&ei=eVVRUZLXMobmOtLtgTA&ved=0CC0Q7gEwAA (accessed: 22 March 2013).

309 MTI, „NET: „szinte nincs is roma idős ember” [National Healthcare Council: There are hardly any elderly Roma people] (HVG: (29 March 2011), available at: http://hvg.hu/egeszseg/20110329_egeszseg_roma_lakossag (accessed: 22 March 2013).

310 Index, „A cigányok sokat dolgoznak és korán halnak” [The Roma work a lot and die early], (*Index*: 29 March 2011), available at: http://index.hu/belfold/2011/03/29/a_ciganyok_sokat_dohanyoznak_es_koran_halnak (accessed: 22 March 2013).

311 Decree No. 50/2012 (December 19) of the Ministry of Human Resources on the National Patient Forum.

tive health services, in particular for women with disabilities, women with low income, Romani women and women living in rural areas, and ensure that women living with HIV/AIDs or suffering from sexually transmitted diseases have access to health services.³¹² According to a public statement of the Head of the OSCE Contact Point for Roma and Sinti Issues, “Poverty, lack of education, early marriage, segregation and isolation in ghetto-type settlements – all these factors reinforce each other in producing dire consequences for the status of Romani women ... Health problems faced by the Roma and particularly Romani women should be addressed as a matter of urgency.”³¹³

The situation assessment of the Strategy discusses the prevalence of discrimination against Roma in general, and also in the field of health care, for instance, by referring to a recently published report of the European Union’s Fundamental Rights Agency (FRA),³¹⁴ concluding that access to health care is impeded by ethnic discrimination as well, and according to the survey, 18% of the Roma in Hungary experienced discrimination in the field of health care during the previous period of one year. Following a statement by Zoltán Kovács, State Secretary for Government Communication, in May 2012 saying that „According to our concepts, there is no discrimination against Roma in Hungary”. The Hungarian Civil Liberties Union addressed an open letter to the State Secretary suggesting that, among others, health care is one of the main fields of discrimination against Roma.³¹⁵ The Government did not respond to the open letter.³¹⁶

Coercive sterilisation (female sterilisation without informed consent) performed on Romani women is an extreme form of discrimination against Roma in Hungary. In 2006, the UN CEDAW Committee found the Hungarian government to have violated Articles 10(h), 12 and 16 of the Convention³¹⁷ in a case concerning the sterilisation of a Romani woman, Ms A.S., in the absence of her fully informed consent.³¹⁸

The European Roma Rights Centre (ERRC) and the Legal Defense Bureau for National and Ethnic Minorities are currently involved in a case pending on appeal before domestic courts in which a Hungarian woman, member of the Romani community, was coercively sterilised.³¹⁹

The Action Plan

The Action Plan for 2012-2014 lists the planned health and health care related measures:

- Promoting the participation of disadvantaged young people in student and leisure time sports;
- Facilitating the employment of Romani women in institutions providing social services, child welfare services and child protection services;

312 UN Committee on the Elimination of Discrimination against Women: Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women Combined seventh and eighth periodic reports of States parties Hungary (March 1, 2013) CEDAW/C/HUN/CO/7-8, available at: <http://www2.ohchr.org/english/bodies/cedaw/docs/54/CEDAW-C-HUN-7-8.pdf> (accessed: 22 March 2013).

313 Office for Democratic Institutions and Human Rights, *Roma women need better access to health care*, says OSCE Roma Adviser (3 August 2012), available at: <http://www.osce.org/odihr/88848> (accessed: 22 March 2013).

314 EU Fundamental Rights Agency, *European Union minorities and discrimination. Main results* (European Union minorities and discrimination survey 2009), available at: http://fra.europa.eu/sites/default/files/fra_uploads/664-eumidis_mainreport_conference-edition_en_.pdf.

315 Hungarian Civil Liberties Union, “There is discrimination” (Open letter to Zoltán Kovács, State Secretary for Government Communication, 31 May 2012), available at: <http://tasz.hu/en/comment/reply/2728> (accessed: 22 March 2013).

316 Information provided by HCLU for the purposes of the present report.

317 Convention on the Elimination of All Forms of Discrimination against Women, U.N.T.S. Vol. 1249, 1979, 13. Promulgated in Hungary by: 1982. évi 10. törvényerejű rendelet [Decree Law 10 of 1982].

318 UN CEDAW Committee, 36th Session, Communication no. 4/2004, available at: <http://www.un.org/womenwatch/daw/cedaw/protocol/decisions-views/Decision%204-2004%20-%20English.pdf> (accessed: 22 March 2013).

319 Decision No. 25.P.21.782/2010. (documentation of the lawsuit is on file with the European Roma Rights Centre). The case happened in a public hospital in 2008. In November 2012, the first instance court made a finding of fact that the claimant requested the sterilisation, and despite the lack of an informed consent form and adequate counselling procedure, awarded damages to the claimant of approximately 350 EUR for the technical breach but failed to establish that her right to fully informed consent was violated. (The claimant appealed, the next hearing will be held on the 18 April at the Regional Court of Debrecen).

- Extending screening programmes aimed to improve early identification of and intervention for young children with developmental problems;
- Introducing services aimed at addressing the mental health problems of children and adolescents;
- Providing disadvantaged parents with up-to-date children's health information;
- Launching public health and health development campaigns, with the involvement of Romani experts (for instance, encouraging disadvantaged people, with a special attention to the inhabitants of segregated neighbourhoods, to participate in preventive health screenings);
- Introducing programmes to decrease the number of vacant general practitioner's positions through incentive and support, with a special attention to disadvantaged regions;
- Launching health protection programmes in public education institutions (for instance, addiction prevention programmes).

The Semmelweis Plan includes the following measures, addressing explicitly the health conditions of the Romani population:

- "Coordinated development of services in social, educational, employment and health areas and their implementation is required in order to reduce unfair inequalities in disadvantaged regions as regards the Roma population, persons planning parenthood and child supporting care in particular."³²⁰
- "The organic integration of the network of health visitor nurses into the system of primary care is especially important. Their presence should be strongly encouraged in disadvantaged regions, in Romani communities and among disadvantaged families."³²¹

Implementation of the Action Plan during the reporting period:³²²

IV. 1. "Programmes must be launched for the purpose of reducing the disadvantages arising from territorial differences. Capacities for early recognition and screening must be extended in the interest of early childhood development with a view to the methodological improvement of development-related screening tests."

- The priority programme 'Early childhood, 0-7 years' (TÁMOP 6.1.4) is being implemented by a consortium consisted of the Organizational Development in Health care and Medicines (as leader), and of the National Medical Offer Office (as partner). Between 1 October 2012 and 31 March 2015, the programme operated with a total budget of EUR 87,771,920. The project is targeting the actors of primary health care (health visitors, paediatricians, general practitioners) and parents. The direct aim of the project is to involve approximately 600,000 children under the age of 7 years into regular, quality health screening programmes in order to ensure the early and effective identification of developmental problems, in order to prepare children more effectively for school and in order to decrease the regional and social inequalities in this field.³²³

IV. 2. "Targeted services covering the entire territory of the country must be introduced for the treatment of childhood and adolescent mental problems as they hinder their successful participation in education."

- At this point, budgetary laws are identified as sources of funding; noting that relevant measures will be implemented in 2013 at the earliest and are "subject to opportunities afforded by budgetary laws" (that is, by the annual acts on the central budget of Hungary).

320 Ministry of Human Resources, State Secretariat for Health, „Semmelweis Plan for the Rescue of Health Care: Resuscitated Health Care – Recovering Hungary” (June 27, 2011), K.3. "Proposed solutions, measures", p. 110., available at: http://www.gyemsi.hu/conf/upload/BEK610_001.pdf (accessed: 22 March 2013).

321 Ibid., M. "Improvement of Hungarian Health Care Services for Infants and Children" M.2. "Main measures and priorities – Primary health care", p. 124.

322 Source of the citations from the document: the English translation of the Action Plan, published on the website of the Government, available at: <http://romagov.kormany.hu/download/6/58/20000/Strategy%20Action%20Plan.PDF>.

323 Available at: https://www.antsz.hu/projectek/tamop_614_koragyermek (accessed: 22 March 2013).

IV. 3. "Access to up-to-date information on child health must be provided for disadvantaged parents in the interest of the improvement of children's health status through the dissemination of information, training and the promotion of awareness raising."

- See IV. 1.

IV. 4. "Through supporting public health and health development campaigns, the most important messages related to health development must reach the disadvantaged population. In the localities situated in the most-disadvantaged micro-regions, programmes involving the Roma must be launched in order to encourage wider participation in national health screenings, with special regard to those living in segregated living environments."

- The call entitled "Health education and awareness raising life-style programmes – Local scenes" (TÁMOP 6.1.2, offering funds ranging from EUR 3,500 to 35,000 to NGOs, public educational institutions/municipalities etc., for implementing programmes aimed at workplace health campaign, information campaign, leisure-time activities for children etc.) and published in 2012 resulted in a scandal in February 2013 when the list of beneficiaries was published, as a group of rejected applicants challenged³²⁴ the lawfulness of the selection process, as it turned out that all the 83 successful proposals were submitted on the very first day (23 July 2012) of the application period, by courier service,³²⁵ which is prohibited by the Guidelines of the call. The National Development Agency announced that they were considering expanding the budget of the programme in order to support more proposals.³²⁶
- Calls entitled "Health education and awareness raising life-style programmes in the most disadvantaged micro-regions" (TÁMOP-6.1.2/LHH) in 2012 are aimed to encourage the spread of healthy behavioural patterns and community values, to introduce community programmes aimed at improving the quality of life, to prevent cardio-vascular diseases, cancer and decreasing early mortality rates by healthier lifestyle and to decrease health inequalities.³²⁷
- The call of TÁMOP 6.1.3 priority programme entitled "Development of public health communication" was published on the website of the National Development Agency in late December 2012. The call is aimed at providing funding for effective public health communication on the national level, accommodating the diverse needs of different social groups, supporting health protection programmes, leisure time sports, etc. According to the official communication of the call, a total sum of EUR 6,491,228 is allocated for the funding of the programme.³²⁸

IV. 5. "In the interest of enhancing equal opportunities in access to health care, the number of regions with vacant family doctor positions must be reduced through incentive and support programmes. It is necessary to reinforce the care services of infant paediatricians, paediatricians and health visitors. A plan of action must be drafted in order to lay the foundations."

- A Government Decree³²⁹ (in force since January 2012) defined the term of "permanently vacant general practitioner's position", and tasked the National Institute of Primary Care to maintain a database on vacant positions. This measure is aimed to facilitate the monitoring and the coordination of efforts in this field, given that the National Institute of Primary Care operates (since 2006) the programme ('Praxisprogram') aiming to cover vacant positions.³³⁰ Within the framework of this

324 Available at: <http://www.gwconsulting.hu/hu/cimlap/item/321-tiltakoz%C3%A1s-a-t%C3%A1mop-612/11-1-k%C3%B3djel%C5%B1-p%C3%A1ly%C3%A1zatok-%C3%B6nkorm%C3%A1nyzatokat-%C3%A9rint%C5%91-agg%C3%A1lyos-d-%C3%B6nt%C3%A9shozatali-elj%C3%A1r%C3%A1s%C3%A1val-szemben> (accessed: 22 March 2013).

325 Balázs Szentkirályi, "Egy percen múlt hárommilliárd sorsa" [3 Billion Forints' Fate Decided by a Minute], (*Index*, 5 February 2013), available at: <http://index.hu/gazdasag/2013/02/05/tamop-ugy> (accessed: 22 March 2013).

326 MTI, "Többet kaphat az egészségnevelő program" [The health education programme may receive more funding] (Törszedefórum, 5 February 2013), available at: <http://tozsdeforum.hu/gazdasag/tobbet-kaphat-az-egeszsegnevelo-program/> (accessed: 22 March 2013).

327 Available at: <http://www.nfu.hu/doc/3293>; <http://www.nfu.hu/doc/3347> (accessed: 22 March 2013).

328 Available at: http://www.nfu.hu/modosult_a_nepegeszsegugyi_kommunikacio_fejlesztese_erdekeben_kiirt_kiemelt_projekt_dokumentacioja2 (accessed: 22 March 2013).

329 Government Decree No. 313/2011 (December 23) on the implementation of Act II of 2000 on Independent Medical Services.

330 Available at: <http://www.oali.hu/koezterdek-anyagok/praxisprogramok> (accessed: 22 March 2013).

programme, doctors without general practitioner's exam are eligible to apply for general practitioner positions as trainees, and doctors specialised on clinical medicine are eligible to apply for covering general practitioners. In November 2012, the Ministry for Human Resources announced that scholarships (700 EUR monthly) would be granted for 20 prospective paediatricians who were ready to work in disadvantaged regions.³³¹

IV. 6. "In the interest of accomplishing the Comprehensive Health Development project, programmes must be launched in public education institutions, with special regard to the health risk factors and problems particularly endangering disadvantaged social groups, including the addiction prevention."

- See IV. 4 (TÁMOP 6.1.2).

Policies

Changes regarding access to health care and basic social security coverage and services

A relevant – negative – development regarding access to primary health care is the modification of the system of social/unemployment benefits, for instance, the introduction of the '30 days rule' regarding the 'benefits for people of active-age' ('regular social aid', 'employment substituting allowance') resulting in the circumstance that those disadvantaged people who are no longer eligible for social benefits will lose their entitlement to primary health care as well,³³² which means that they will be required to cover out-of-pocket their health insurance contribution, a monthly amount of approximately EUR 23.³³³

During the consultation series,³³⁴ participants mentioned the 'kindergarten benefit' as a relevant, recent development affecting positively the health of disadvantaged children, as kindergartens may play an important role in health education and health protection of young children (families with multiple disadvantages have been entitled to this benefit since 2009 if they send their children to kindergarten at the age of 3 or 4 years, and if they ensure that the child visits the kindergarten regularly). According to the estimations provided by Kertesi and Kézdi and produced in a research,³³⁵ the impact of the benefit was slightly positive. The results show that, in 2010, the number of children going regularly to kindergarten supposedly increased by 1/6. However, the authors note that the measure did not include developments regarding the kindergarten infrastructure and that the new law on public education (Act on National Public Education, 2011)³³⁶ decreased the minimum age of compulsory kindergarten education to 3 years. Therefore, the original aim of the measure is not relevant anymore.

Formal barriers impeding access to health services

According to the accounts of participants of the consultation series, Romani women living in deep poverty might be impeded in access to abortion in cases of unwanted pregnancies, as they are not eligible for cost free abortion care according to the current regulation,³³⁷ or at least, according to the interpretation of the current regulation by social service providers (abortion may be free of charge for women receiving certain social benefits), only for the reduced fee options (50 or 70%) which are not affordable for them.

331 MTI, „Városokból is hiányzik a házi gyermekorvos” [Vacant paediatrician positions in cities as well], (Weborvos, 12 November 2012), available at: http://www.weborvos.hu/egeszsegpolitika/varosokbol_is_hianyik_hazi/198206/ (accessed: 22 March 2013).

332 The eligibility criterion for the so-called "benefit for people of active-age" is that the applicant must have been working at least for 30 days in the previous year or participating in a labour market programme or a training programme; see: Art. 36 of Act III of 1993 on Social Administration and Social Benefits.

333 Available at: http://www.nav.gov.hu/nav/ado/jarulek/jaruj_101105.html.

334 See methods of the consultations in the 'Methodology' sections.

335 Gábor Kertesi and Gábor Kézdi, *Az óvodáztatási támogatásról: Egy feltételekhez kötött képzéztámogatási program értékelése [Kindergarten Attendance Allowance in Hungary. Evaluation of a conditional cash transfer program]*, (Budapesti Munkagazdaságtani Füzetek, Magyar Tudományos Akadémia Közgazdaság- és Regionális Tudományi Kutatóközpont Közgazdaság-tudományi Intézet, Budapesti Corvinus Egyetem, Emberi Erőforrások Tanszék Budapest, BWP – 2012/6), available at: <http://www.econ.core.hu/file/download/bwp/bwp1206.pdf> (accessed: 22 March 2013).

336 Art. 8 of Act CXC of 2011 on National Public Education.

337 Decree No. 32/1992 (December 23) of the Ministry of Welfare on the implementation of Act LXXIX of 1992 on the protection of fetal life.

Access to health care services in disadvantaged regions

The register of “permanently vacant general practitioner’s positions” is maintained by the National Institute of Primary Care which is the coordinator institution of the programme (‘Praxisprogram’) aimed at covering vacant general practitioners’ and paediatricians’ positions.³³⁸

Participants of the consultation series reported decreasing quality and accessibility regarding primary health care services, specialised health services and emergency health services. Moreover, they noted that the marginalisation of disadvantaged patients is increasing because wealthier patients are able to buy certain priority services within the public health care system (for instance, receiving therapy/care on the “patient’s own initiative”, which is an official procedure, for partial or for full fee).³³⁹

Discrimination against Roma within health care

Coerced female sterilisation, an extreme form of discrimination against Roma, is still a concern in Hungary. According to the position of human rights organisations, the relevant regulations in Hungary should be amended³⁴⁰ as Hungary has failed to fully implement the recommendations of the CEDAW Committee in the relevant 2006 decision.³⁴¹ The legal provisions regulating sterilisation do not comply with international standards on medical indication as a basis for sterilisation and the reversibility of sterilisation procedures.³⁴² Although informed consent is required, the Hungarian Health Care Act³⁴³ still mandates sterilisation on the basis of a medical indication, while sterilisation for prevention of future pregnancy cannot be justified on grounds of medical emergency. It is problematic as well that the legislation requires the provision of relevant information to patients on the “chances of reversibility” which suggests that sterilisation is a non-permanent procedure.³⁴⁴

Patients’ rights

According to the accounts of the participants of the consultation series, while complaints mechanisms in cases of patients’ rights violations are ‘theoretically’ available, and while posters with contact information of the appointed patients’ rights representative are displayed in the waiting rooms of health care institutions, disadvantaged patients are not likely to file complaints and seek remedy. According to the impressions of the respondents, patients are reluctant to report rights violations /discrimination for various reasons: for instance, they are not aware of their rights, they do not trust the authorities and they wrongly suppose that the complaint procedure is not free of charge.

The Hungarian Civil Liberties Union, within the framework of a project supported by the Royal Netherlands Embassy Budapest, published a booklet on patients’ rights, in comic strip format. The booklet is designed for socio-economically disadvantaged people who are at risk of discrimination in the health care system and of exclusion from health care services.³⁴⁵ Representatives of the Hungarian Civil Liber-

338 See details in part 3 of the present section of the report.

339 See: National Health Insurance Fund Administration: „Ellátások betegség esetére – orvosi ellátás” [Care services in cases of illness – medical care] (1 July 2012), available at: 2012/03.http://www.oep.hu/pls/portal/docs/PAGE/LAKOSSAG/OEPHULAK_EBELLAT/ELLATASMO/ORVOSI_ELLATAS_2012_03.PDF (accessed: 22 March 2013).

340 European Roma Rights Centre – Hungarian Women’s Lobby, *Alternative report submitted to the UN CEDAW Committee for consideration n relation to the examination of the combined seventh and eighth periodic reports of Hungary* (January 2013), available at: http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/HWlandERRC_Hungary_ForTheSession_Hungary_CEDAW54.pdf (accessed: 22 March 2013).

341 See details in part 2 of the present section of the report.

342 European Roma Rights Centre, Letter to the UN Special Rapporteur on the Right to the Highest Attainable Standard of Physical and Mental Health, to the UN Special Rapporteur on Violence against Women, and to the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Re: involuntary sterilisation of Romani women in Europe (3 June 2011), available at: <http://www.errc.org/cms/upload/file/letter-to-un-special-rapporteurs-on-health-torture-and-violence-against-women-3-june-2011.pdf> (accessed: 22 March 2013).

343 Act CLIV of 1997 on Health Care, Article 187.

344 Guidelines on sterilisation of women issued by the International Federation of Gynecology and Obstetrics, available at: <http://www.figo.org/files/figo-corp/FIGO%20-%20Female%20contraceptive%20sterilization.pdf> (accessed: 22 March 2013).

345 Hungarian Civil Liberties Union, „Jogod van! – Képregény a jogaidról az egészségügyben” [You have the right! – Comics on your rights in the health care system] (January 13, 2012), available at: <http://tasz.hu/betegjog/jogod-van-kepregeny-jogaidrol-az-egeszsegugyben> (accessed 22 March 2013).

ties Union gave lectures about the booklet in three settlements: Halmaj, Putnok and Sajókaza; the events were organised together with local Roma. Besides presentations provided by lawyers, the participants discussed local problems and discrimination in the field of health care, and some cases were forwarded to the Roma Programme (legal assistance and counselling for Roma/disadvantaged people) of the Hungarian Civil Liberties Union.³⁴⁶

Targeted health awareness campaigns to ensure that preventative health care reach out to Roma/disadvantaged groups

Since the beginning of the implementation of the Strategy (January 2012), several relevant calls have been launched within the framework of TÁMOP, in accordance with the measures identified by the Action Plan: "Health education and awareness raising life-style programmes – Local scenes" (TÁMOP 6.1.2; the selection process was openly criticised by a group of rejected applicants); "Health education and awareness raising life-style programmes in the most disadvantaged micro-regions" (TÁMOP-6.1.2/LHH; these projects may reach out to Romani communities because of the territorial target of the programme); "Development of public health communication" (TÁMOP 6.1.3 priority programme); "Early childhood, 0-7 years" (TÁMOP 6.1.4 priority programme implemented by a consortium of the Organizational Development in Health Care and Medicines and of the National Medical Offer Office, targeting, among others, health visitors and disadvantaged families).³⁴⁷

In September 2012, the Deputy State Secretary for Social Inclusion of the Ministry of Human Resources Ms Katalin Langerné Victor announced at a professional seminar (with participants representing the WHO, National Roma Self-Government, National Institute for Health Development and Türr István Training and Research Institute) that the Hungarian government planned to involve 150,000 Roma in preventive health screening programmes within the framework of the agreement between NRSRG and the government. This communication was widely covered by the media in September 2012; however, no further information is available on the implementation of the planned programme.³⁴⁸

Another relevant development (outside of the context of the implementation of the Strategy) is that in February 2012 the UN World Health Organization designated the Department of Preventive Medicine in the Faculty of Public Health of the University of Debrecen as a WHO Collaborating Centre on Vulnerability and Health. The Centre aims to promote awareness, political commitment and action on the disadvantaged social conditions that make certain groups (such as Roma) vulnerable to health problems and to initiate research on Roma health.³⁴⁹

Coordination between sectors and agencies on health; training Roma in the field of health care

The programme known as "Growing Opportunity!" (proposed in the framework of TÁMOP 5.3.1 "Training and employment of Roma people in the fields of social services and child welfare services") is operated in the context of the Strategy and is aimed at the vocational training of Romani women, partly in the field of health care. The programme is being implemented by the consortium of TKKI and NRSRG.

The Roma Medical Training Programme operated by the Semmelweis University and the Avicenna International College was launched outside the framework of the Strategy; however, its aims are in accordance with the Strategy.³⁵⁰ Besides the aim of increasing the number of Romani medical experts (and Romani professionals in general), the programme is aimed to tackle territorial inequalities by encouraging the participants of the programme to cover vacant positions in disadvantaged regions. The programme is being

346 Information provided by HCLU for the purposes of the present report.

347 See details in part 3 of the present section of the report.

348 MTI, „Százötvenezer roma egészségügyi szűrését célozza meg a kormány” [The Government aims to involve 150,000 Roma into preventive health screenings] (Népszabadság Online, 29 September 2012, available at: http://nol.hu/belfold/szazotvenezer_roma_egeszseguyi_szureset_celozta_meg_a_kormany (accessed: 22 March 2013).

349 World Health Organization Regional Office for Europe, *Vulnerability and health: WHO opens new collaborating centre in Hungary* (18 February 2012), available at: <http://www.euro.who.int/en/what-we-do/health-topics/health-determinants/social-determinants/news/news/2012/02/vulnerability-and-health-who-opens-new-collaborating-centre-in-hungary> (accessed: 22 March 2013).

350 Available at: <http://cigany-orvoskepzes.eu> (accessed: 22 March 2013).

implemented within the framework of the New Hungary Development Plan (TÁMOP-4.1.1). In 2011 and 2012, altogether 20 young Roma participated in the preparatory courses, 15 of them started to study at different medical programmes of the Semmelweis University; a course is to be launched in 2013 as well.

Recommendations

Strategic goals, partnerships

- Romani experts should be integrated into the work of policy-making institutions and involved into the planning, implementation and evaluation of health care programmes.
- Roma NGOs should be involved into the planning, implementation, monitoring the process of implementation and evaluation of the outcomes of programmes aimed at improving the access of Roma to health care (and Romani women's NGOs should be involved in programmes targeting Romani women).
- NGOs with experience in implementing successful projects in the field of health/health care funded by non-(Hungarian)-state donors should be involved in the implementation of state-funded health projects.
- Programmes should be launched to follow-up the medical treatment of patients identified during health screening programmes in disadvantaged communities (for instance, in segregated Romani neighbourhoods).
- Cooperation with, and reinforcement of, the health visitor service network should be given priority.

General policy recommendations

- National legislation should be harmonised to be in line with international norms in the issue of female sterilisation; professional protocols should be amended to ensure that sterilisation is performed only upon a written request of the patient, based on her prior, full and informed consent.
- The competent ministry should launch awareness raising and information campaigns on patients' rights reaching out to disadvantaged communities, aimed at promoting the access of disadvantaged people to legal remedies.
- Funding for programmes aimed at decreasing the number of vacant general practitioner's positions and improving the quality of health care in disadvantaged regions should be allocated from the central budget.
- The National Development Agency should ensure the opportunity for NGOs and local municipalities for successful application for calls on health education and health care.
- Problems identified by the Strategy but not addressed by the Action Plan
- Romani women' access to adequate family planning should be improved in order to ensure their reproductive rights and to protect their reproductive health by awareness raising programmes and financial support within social health insurance.

Promising initiatives

- More employment programmes for Romani women should be launched combined with training in the fields of social services and health care.
- More initiatives should be launched aimed at integrating young Roma into higher education in the field of medical sciences.
- More programmes should be launched aiming to train and integrate Romani professionals into policy-making institutions and state agencies in the field of health care.

6. HOUSING

General conditions

The housing stock in Hungary is dominated by privately owned homes; only 3% of inhabited homes are municipal rentals and an additional 4-8% of them are private rentals.³⁵¹ This low proportion of rental units represents a serious obstacle to labour market mobility. Due to the lack of social rental stock,³⁵² a large proportion of low-income households are forced to live in privately owned homes, and many of these homes are located in peripheral locations and are of low quality. Although the quality of the housing stock has been improving, 13% of homes were of low housing quality in 2005, and over 11% of the population lived in these homes.³⁵³ In 2010, 6.6% of the population lived in homes with no lavatory, and 4.4% of them in homes with no shower or bathtub.³⁵⁴

The affordability of housing related expenses deteriorated significantly in the early 2000s. Average housing related expenses of households increased from HUF 18,000 in 2001 to about HUF 40,000 in 2009, which meant that, on average, 19.6% of household income was spent on housing costs in 2001 and 23.5% of it in 2009. Concurrently, the proportion of households spending over one-third of their income on household expenses rose from 10% to 15%.³⁵⁵ The deterioration in the affordability of housing related expenditures is also shown by the increasing number of people falling into arrears.³⁵⁶

The municipal rental stock is of low proportion and also of rather low housing quality. Nearly half (47%) of the stock of about 130,000 flats has only one room and about one-fourth of them are of low quality.³⁵⁷ However, many of the higher quality homes (38% of the full stock) are heated by district heating with high expenses. Territorial segregation is present in the sector: a number of segregated residential areas in cities are composed of municipal rental flats. The general situation of tenants in municipal rental flats is best illustrated by the fact that about half of them are rent defaulters.³⁵⁸ Debts represent a fundamental problem in spite of the fact that municipal rents are about 20-60% of rents on the market. Income from low rents is insufficient to cover maintenance and renovation costs in that sector and, consequently, local governments are not interested in expanding the sector or maintaining the existing stock.

351 The data of the 2011 Census by CSO, containing detailed figures for the housing stock was not available in early March 2012. The full stock at the time of the 2011 Census was 4.4 million homes 11.5% of which was uninhabited. No exact data is available about private rental flats due to typical tax avoidance in the sector, therefore, we provided an expert estimate there which summarises the results a various surveys.

352 In addition, only some (though the more significant) part of municipal rental stock is operated as social rental units. The municipal rental stock has decreased from 26% at the time of the change of regime to the present level because of the continuous process of privatization which is still ongoing. The rental units have always been privatised to the inhabitant.

353 Microcensus, 2005. Low quality category includes flats with no lavatory or bathroom or a building without foundation.

354 Eurostat, *Statistics on Income and Living Conditions (SILC)*, 2010.

355 CSO, *Household Budget Surveys, in Társadalmi Helyzetkép, Lakáshelyzet*, Gáborné Székely (Social Status Review, Housing, CSO 2010).

356 In 2003, the number of those falling into arrears with electricity bills was 335,000 (7.1% of all electricity consumers), it was 68,000 for gas (2.2% of all gas consumers), while in 2009 the number of those with arrears of electricity rose to 556,000 (11.2% of all electricity consumers) and of gas to 446,000 (14.3% of all gas consumers). (Balázs Herpai, *A lakossági díjhátralékok alakulása egy felmérés tükrében (Esély 2010/6)*. [Trends in number of citizens with arrears of fees in the light of a survey (Chance 2010/6)]. Data show over 30-day arrears.

357 Microcensus, 2005.

358 For instance, SZOVA Szombathely Asset Utilization and City Management Zrt., *Összefoglaló jelentés a Szombathely Megyei Jogú Város Önkormányzat tulajdonában álló lakások 2012. évi hasznosításáról* [Summary report on utilizing flats in the ownership of the Municipality of Szombathely City with County Rank in 2012].

The housing situation of the Roma is significantly worse than that of the average population. According to the 2011 Survey carried out by UNDP,³⁵⁹ 29% of Roma live in bad quality (run down) homes or in ghettos (as opposed to 8% of the non-Romani population); 30% of them have no access to good quality/public water supply, and one-third of them have no access to public sewer, whereas these circumstances apply to only 8 and 12% of the non-Romani population, respectively. Most of the Romani households (81%) use wood for heating, while only half of non-Romani households do so. In terms of electricity supply, no significant difference is shown: 96% of Roma have electricity in their homes. The Romani population live more crowded in: a Romani person has 21.6 m² of space, which is about half of the density data for non-Romani population (40 m²/person). Half (52%) of the Roma live in households with arrears of some sort, mainly with water and electricity utilities. However, it represents an important signal for decision-makers with respect to ghetto programmes that 84% of Roma prefer to live in a mixed community as opposed to a segregated living environment.

According to data of a 2010 Survey,³⁶⁰ a total of 1633 ghettos inhabited by poor or Romani people are located in 823 settlements and in 10 districts of the capital city, that is, in one-fourth of all settlements. 60% of the ghettos are located in (large) villages. A total of 280-315 thousand people (3% of the total population of the country) live in those ghettos. Two-thirds of the ghettos are located on the periphery of settlements and 14% of them in areas which are defined as a non-residential area by the given local governments. In half of the ghettos more than 75 people live, and one thousand or more people live in 49 ghettos. In 16% of ghettos there is no access to piped water supply, and in 77 ghettos there is no public tap. 184 ghettos cannot be accessed through surfaced roads, and a surfaced road leads to only the edge of 422 of them; there is no public lighting in 118 segregated neighbourhoods.

The most important housing problems include:

- The rental (and particularly the social rental) sector is small, a fact forcing many low-income people, including a significant number of Romani families in deep poverty, into the home ownership sector or to live in homes of low quality and in bad locations.
- Housing quality problems are still present in one-tenth of inhabited homes. At the same time, the proportion of low-quality homes is even higher in the municipal rental sector, and also the problem of segregation is present in the rental stock.
- Affordability of housing expenses significantly deteriorated in the 2000s, and the number of those falling into arrears increased significantly, a problem particularly severely affecting Roma living in deep poverty.
- Housing circumstances for the Roma are much worse than for the non-Roma, the problem of segregation in their living environment affects many Roma, a situation coupled with worse housing options.

The general picture of the Strategy identifies, in line with the problems described above, the most severe problems in the area of housing, and defines some of the existing housing policy instruments and the improvement of their effectiveness as necessary measures. It can be concluded that the existing instruments aimed at addressing housing problems include no effective answers to the problems of people in segregated residential areas and people hit by other problems of housing exclusion. Based on this, three main directions of necessary interventions are identified: to create housing security, to increase the social rental stock and to apply a complex programme for segregated residential areas (regeneration and elimination).

Accomplishment of activities listed in the Action Plan

The Action Plan identifies four measures concerning housing. The overall review of housing subsidies (measure 1) to ensure increased housing security has not taken place, even though the Action Plan identified a

359 UNDP-WB-European Commission Regional Roma Survey 2011. Commissioned by European Commission, Regional and Urban Policy Directorate General.

360 Veronika Domokos, *Analysis of Locations and Infrastructure Circumstances of Ghettos Inhabited by Poor and Gypsy people, and Segregates in cities* (Ecotrend Bt. Commissioned by NDA KOR IH LHH Development Programme Office, 2010).

deadline (31 December 2012) for it. An important measure was introduced to ensure that housing expenses are more affordable: 10% reduction in energy (gas and electricity) prices; however, this measure is not targeted to the poorest and covers all households. This was possible because the Government had earlier introduced the mechanism of regulatory price setting for energy prices, as well as water and sewer services.

Other types of measures to ensure housing security included answers to the problems of mortgage loan borrowers (preferential full loan repayment, loan repayment at fixed exchange rate, the state purchasing real properties from families threatened by eviction, etc.). However, these measures are not included in the Action Plan of the Strategy.

The Strategy has not allocated funds to housing policy related measures. This implies that those who elaborated the Strategy assumed that the problem of housing security may be addressed without using extra funds, merely by improving the efficiency of the existing subsidy system and applying other types of measures (for instance, the system of regulatory prices).

Programmes aimed at the rehabilitation of segregated neighbourhoods in cities and run-down residential areas (measure 2) are to receive funds from Regional Operational Programmes (ROP) under the Strategy. This measure continues the city rehabilitation programmes under ROPs defined for the period of 2007-2013; it is a positive fact that the majority of the remaining funds were reallocated to socially sensitive rehabilitation interventions as opposed to city centre rehabilitation. After the adoption of the Strategy, calls for applications were issued in most of the regions in autumn 2012, and cities with county rank were allowed to continue submitting their applications. In response to calls, 39 project proposals were submitted, while 10 cities with county rank are developing their projects and five key projects in the Central-Hungary Region are in the phase of contracting.³⁶¹

In addition, a call for applications was issued in connection with the pilot programme aimed at eliminating segregated residential areas (to implement the ERDF Regulation as amended in 2010³⁶²) in three regions³⁶³ in December 2012. This was a registration call inviting local governments to submit only their project "ideas" as proposals, and approved projects are to be developed in the first part of 2013. A total of 26 applications were submitted.

The Strategy provided that complex programmes aimed at the social inclusion of ghettos and ghetto-like residential areas (measure 3) are to be implemented under two sub-programmes, by using two sources of funds. SROP funds basically allow soft interventions, while funds from the Social Infrastructure Operational Programme (SIOP) may be used for housing and infrastructure developments. In terms of the SROP 5.3.6. call for applications, settlements are required to develop complex programmes including combined social, community, training, employment and health interventions for people living in ghettos, for which a total of HUF 4.7 billion is available. 22 successful applicants in the first phase have already started their projects, and applications which were submitted in the second phase are being evaluated. There is a delay in issuing a call which is complementary to the SROP 5.3.6 programme, namely the SIOP 3.2.3 call which is aimed at the development of housing conditions. The public consultation on the call took place in February 2013, and the call is not published yet. A budget of HUF 1.5 billion, planned to be used at 6-8 locations, is allocated to housing interventions.

A concept for increasing social rental stock (measure 4) should have been developed by Ministries concerned before 31 May 2012. However, this did not happen. In fact, the Strategy and the Action Plan itself provide no details of what kind of measures such concept should include.

361 Source: NDA, EMIR, available at: https://emir.nfu.hu/nd/kozvel/?link=umft_1_1 (accessed: 25 March 2013).

362 Regulation (EU) No. 437/2010 of the European Parliament and of the Council of 19 May 2010 amending Regulation (EC) No 1080/2006 on the European Regional Development Fund as regards the eligibility of housing interventions in favour of marginalised communities.

363 The registration call was issued in the South-Transdanubian, the North-Great-Plain, and the North-Hungarian regions.

Main processes in the areas of housing policy and development policy

This chapter provides an overview of the most important housing policy and regional/settlement development measures of the past 1-2 years in order to assess the implementation of the housing policy and regional development measures identified in the Action Plan, and whether they can provide an answer to housing problems identified in the general picture of the civil society monitoring report and in NSIS.

Housing policy measures

One of the most important findings of the assessment of housing measures in a broader sense is that, since the change of regime, Hungary has been without any coherent housing policy strategy, and, in particular, social housing policy to identify clear objectives and measures along the objectives.³⁶⁴ This is true in spite of the fact that there are some strategic documents which contain housing policy related measures. Such strategic document is, for instance, the Home Creation Programme of the New Széchenyi Plan. However, the measures identified in it are not coherent with each other and with the housing related measures identified in the National Social Inclusion Strategy.

An objective clearly set out in the New Széchenyi Plan is the stimulation of economy, where construction industry and housing constructions represent important solutions. Consequently, the focus of housing policy is promoting the acquiring of home ownership and new housing construction, in particular, while experience of the past 20 years has proven that low-income groups in society, including a significant proportion of the Roma, are unable to acquire ownership. Forcing these groups into home ownership contributed to the strengthening of processes connected to housing exclusion (low quality homes, peripheral location). Priorities in the Home Creation Programme identify the middle class as the target group. The Home Creation Programme includes programmes for urban rehabilitation and elimination of ghettos, as a special sub-programme, but provides no details of the method to use. The Programme also deals with the issue of increasing the rental stock, but identifies people having work as the target group. However, it fails to deal with the problem of making more efficient use of the existing rental stock and the anomalies in maintaining them.

In early 2012, in line with the Home Creation Programme, two subsidies were reintroduced: the housing loan interest subsidy with differentiated conditions for HUF-based loans for new and used flats and a non-refundable cash subsidy for families with children to increase their down payment capacity for the construction or purchase of new flats and, with some limitations, for the purchase of used flats.³⁶⁵ The main objectives of reintroducing these subsidies were to promote housing constructions (dramatically declined as a result of the crisis in 2008³⁶⁶) and to stimulate the housing market. The lack of any social component has long been criticised about this subsidy; both subsidies may represent assistance for the middle class, and low-income people cannot access subsidies which foster the acquisition of ownership. It is important to note that, when the subsidy was reintroduced, it was an important consideration to eliminate any possibilities for abusing the system in a similar way as before, and to exclude any dysfunctional impacts³⁶⁷ of the subsidy. The reintroduction of the subsidy is mentioned in NSIS (in the chapter on instruments for intervention) but not mentioned in the Action Plan. However, the eligibility criteria set up finally exclude the target groups of the Strategy: people living in deep poverty, including Roma.

Housing policy measures in the past two years have mainly been aimed at helping troubled housing loan borrowers, which is understandable given that the number of the over-90-days past due loans secured by

364 See, for instance, József Hegedüs, Eszter Somogyi and Nóra Teller, *Reformjavaslatok egy korszerű szociális lakáspolitikára kialakítására [Reform proposals for developing a modern social housing policy]*; Metropolitan Research Institute Ltd. and Habitat for Humanity Magyarország, *Éves jelentés a lakhatási szegénységről, 2011 [Annual report on housing poverty, 2011]*.

365 Government Decree No. 256/2011 (December 6) on Housing Construction Subsidy and as it is amended by Government Decree No. 71/2012 (April 12).

366 The number of flats constructed has fallen dramatically: between 2008 and 2011 there was 65% decline in the number of housing constructions, and the number of occupation permits was 12,655 in 2011 (CSO).

367 As generally known, the cash subsidies for home construction and purchase provided assistance to people in having access to housing in areas with marginalised groups and high unemployment rates due to low house prices and, then they contributed to increased territorial housing segregation in case of the Roma, too.

real property as collateral was 145,000³⁶⁸ in late 2011. One of the important measures with high impact was to allow the full repayment of foreign currency based loans at a favourable exchange rate. For those who could not use that option, it was allowed that they can convert their foreign currency loans at a specified exchange rate. This latter option, however, has been used by few people yet. As the most important component of the rescue package for borrowers, the National Asset Management Plc. (NAM) was established.³⁶⁹ For the sake of borrowers most in need, the organisation purchases homes designated for forced sale from creditor banks and operates them as rental flats. Then borrowers may remain in their flats as tenants. The programme is available to families with children and recipients of pension or nursing fee (or persons with a member in their family who is a recipient of such benefit) whose flat is below a certain threshold in value and the household is a recipient of one of certain specified benefits.³⁷⁰ The Government plans to take over a total of 25,000 properties until the end of 2014. NAM took over a total of 1970 properties from banks until the end of 2012, and is allocated a budget of HUF 33 billion for purchasing 13,000 properties in 2013. In this way the NAM programme may become the largest social rental housing programme in the period after the change of regime, truly aimed at providing housing to groups in need. The arrangement, however, includes significant threats. First, many families (mainly foreign currency loan borrowers) will still have outstanding housing loan debts after NAM purchases their property. Secondly, most households who defaulted on their loans have accumulated not only mortgage arrears but also debts to public utilities and other debts. In addition, many households who are on low income will be unable to pay their debts even after joining the programme and, therefore, they are still threatened to lose their homes. Their situation should be consolidated.

Another sub-programme aimed at rescuing borrowers, though less important when considering its current size, is the so-called social housing construction programme. Until now one project has been started with only 83 flats, much fewer than planned. This programme offers an alternative option to families whose homes are designated for forced sale. The project implemented in the outskirts of Ócsa receives many criticism, mainly because it is implemented at a location that is far and isolated from the settlement of Ócsa and on land that is not serviced, so the per unit investment cost is very high and basic services (transportation, shops, education, etc.) are non-existent or difficult to access.

It may be stated about both of the above arrangements that they are aimed at preventing the loss of homes among masses of people within a given target group. However, they have not been able to help families efficiently resolve their payment difficulties until now, and cannot flexibly handle the needs of families. The aspect of mobility is missing from the programme, which cannot ensure, therefore, that participants can move into flats which are more affordable to them or into flats which are located in settlements more advantageous in terms of employment. If the 25,000 properties encumbered with mortgage are purchased by the state as planned, then the number of those living in social rental housing will significantly increase. But it does not represent an option for accessing to housing for those who currently need social rental flats. The target group of the programme does not include people who live in long-term deep poverty, including the Romani population, because housing loan borrowers typically come from the middle and lower-middle classes.

As stated in the status review of the Strategy, affordability of housing expenses represents one of the most severe housing problems in Hungary today. The relevant measures introduced in the period reviewed cannot efficiently mitigate the problem. Measures aimed at transforming subsidies which had been started by the previous Government were continued in September 2011 and included the abolishment of gas and district heating subsidies, a move receiving much criticism, as new subsidies are not targeted enough and require too much funding. In parallel, the group entitled to the central normative housing allowance was expanded. This change was aimed at achieving that not only the poorest but also other households in

368 HFSA, *2012 Risk report*, available at: http://www.pszaf.hu/data/cms2352357/prudencialis_jelentes_2012majus.pdf (accessed: 25 March 2013).

369 Act CLXX of 2011 on Providing Housing to Private Persons who Cannot Meet their Obligations Arising From Loan Agreements.

370 Eligibility criteria for participation in the programme included: the market value of the home, at the time of contracting, was not allowed to be higher than HUF 10 million, or HUF 15 million in the capital city, and in the family there had to be at least one child who is eligible for family allowance, and also the debtor or his spouse or partner had to be a recipient of regular social aid or housing allowance or had to be a public worker or the child had to be a recipient of regular child protection subsidy.

need have access to this subsidy. At the same time, starting from 2012, local governments were no longer allowed to provide local housing allowance (either to a larger group or as an extra subsidy to recipients of normative housing allowance). The impact of these measures may be illustrated by the fact that, as a result of the enlargement of the target group, the number of recipients of home maintenance subsidy in late 2011 was 35% higher than a year before, that is, 486,000 households received this subsidy compared to 361,000 households in the previous year. However, the average annual amount of subsidy for one household decreased to 78% of the amount in the previous year (this means HUF 3,500 per month on average). In 2011, a total of 84,000 households received housing allowance, and about 53,000 of them did not receive any normative housing allowance.

Improving affordability of housing costs is in the focus of the 10% reduction of energy fees (electricity, gas, district heating) which was introduced recently, in December 2012. This measure does not involve any direct expense from the budget as the Government has reduced energy fees by using its regulatory price setting competence, and service providers have to finance the gap from their own funds. The Government plans to introduce additional fee reductions in the near future, setting the objective of 20-30% reduction in housing costs. This so-called "housing cost reduction programme" is disputed by experts; first, because it is not targeted: while assisting middle class households more intensely (although their consumption is higher anyway), the programme cannot resolve affordability problems arising from severe shortage of income suffered by people most in need. Secondly, reduced prices will not represent any incentive for a more conscious consumption; and thirdly, energy suppliers, who are currently impacted by the measure, argue by saying that services to citizens are loss-making already and withdrawing more funds will jeopardise the quality and reliability of services as maintenance and development cannot be carried out due to lack of funds.³⁷¹ The household consumer sector within the energy sector may become loss-making also because of special taxes introduced by the Government (which cannot be passed on to consumers by service providers).

Please note that the affordability of housing costs is not only influenced by subsidies connected to household expenses but also by changes in the rest of the social benefits. From that aspect, it is important to understand that the transformation of the system of benefits and a general reduction in the amount of them further deteriorated household capacity to pay for people most in need (living in deep poverty, including the majority of Romani families). Measures set out in the Strategy (to increase housing allowance offered in kind, to install electricity meters operated by cards, to introduce regulatory price setting and to reduce housing costs) cannot basically change this trend.

The debt management services system has not been changed radically.³⁷² Interventions in the Strategy, such as more efficient ways of providing information to citizens about the importance of requesting help in time, can prevent the deepening of the problem to some extent, but cannot eliminate the causes leading to indebtedness. On a system level, it may be established that the debt management services system, its entitlement criteria, the amount and the required down payment are all reasons why the programme may offer limited assistance to families, as it cannot address the lack of income on the part of those living in deep poverty and groups in need. This latter problem may only be resolved through a housing allowance of appropriate amount, while the debt management subsidy may provide assistance in case of crisis arising in temporary and extraordinary situations in life, but to the poorest who have no regular income it cannot represent help even in those situations.

In the light of all this, it may be established that the existing housing measures cannot improve the housing situation of those living in deep poverty, including Romani families. Subsidies promoting access to housing and using significant budgetary funds, such as the preferential housing loan policy, the cash subsidy for home construction and purchase, typically cannot reach Romani families under current conditions. The social rental sector has not been expanded, and the state-run social rental sector which is being developed is not targeted to those living in deep poverty and Romani families. The housing cost reduction programme has marginal impact on the affordability problems of Romani families. As a result of a reduction in local

371 Interview with László Varró, Head of the Gas and Electricity Market Division of the National Energy Agency, available at: http://index.hu/gazdasag/2013/01/02/varro_laszlo/ (accessed: 20 March 2013).

372 The period of reapplication, however, increased in the case where the debtor failed to meet his obligations.

housing allowance- and social subsidies, paying for household expenses represents an increasingly difficult problem for those living in deep poverty and Romani families.

Measures relevant for regional development

Regional development measures impacting the housing situation have been implemented from EU funds, and are included in the Action Plan of the Strategy.

Socially sensitive urban rehabilitation programmes implemented under regional Operational Programmes have represented the only interventions until now which had an impact on the improvement of the quality of publicly owned housing. As a compulsory element of the programme, there is a housing intervention which allows the renovation of the existing stock in run-down areas in cities, and had to be implemented by using an area based approach. As housing construction/purchase was not allowed outside the action area, programmes did not allow mobility outwards from ghettos.

The findings of the assessment of socially sensitive urban rehabilitation programmes in late 2011³⁷³ included that only a few of the programmes being/having been implemented tend to affect areas with a high Romani population: six out of 20 projects in 2007-2010. Since then, five of eight projects approved for cities with county rank have affected areas with a Romani population. As pointed out in the assessment, housing interventions represent a low priority in projects (and not only in projects aimed at Roma), because of low funding and, in some cases, the ownership of homes. In addition, local governments have not been interested in subsidizing housing investments (especially not in areas with condominiums), because they wanted to use EU funds primarily for financing infrastructure investments which fall within their own responsibility (development of public areas and infrastructure, renovation of institutions). In addition, housing interventions were not accompanied by such municipal measures which could improve the affordability of housing expenses for residents. The existing social rental housing management and allocation systems have not been redesigned in the course of projects. Thus, there is a chance that improvements in housing circumstances will not be long-term ones, especially not among those living in deep poverty, including Romani households. The assessment also established that under the implemented projects interventions aimed at social inclusion have been given limited importance compared to physical interventions.

Due to changes in the system, professional support to projects is not ensured. Calls for applications now include only one round, while mentors supporting project planning of cities with county rank were recalled in summer 2010, and the new mentoring system was not set up until March 2013.³⁷⁴

The above-mentioned pilot projects which are aimed at housing mobilization of those living in segregated residential areas may produce important results in eliminating ghettos: not so much because of the volume of interventions but because they may serve as a model for complex programmes to be developed in the next EU planning period to eliminate ghettos using an integrated approach. As an important aspect of programmes that are currently in the phase of registration call, they allow interventions for improving housing circumstances and housing integration on the level of cities and small settlements alike, by creating possibilities for mobility (even between settlements).

In the current period, the Action Plan included another objective: starting complex programmes for ghettos by using SROP-SIOP (ESF + ERDF) funds. As discussed above, some complex programmes under SROP 5.3.6 (social inclusion of those living in ghettos) have been started recently and also the budget allocated to it has been increased (to HUF 5.7 billion from HUF 4.7 billion). Funds available under the SIOP 3.2.3 arrangement (which constitutes the housing integration component) is expected to be sufficient for subsidising 6-8 projects. This is much less than the planned number of projects (30-35) to be implemented under the SROP 5.3.6

373 Eszter Somogyi, *A regionális operatív programok szociális városrehabilitációs konstrukciójának értékelése a roma integrációs hatás szempontjából [Assessment of the Socially Sensitive Urban Rehabilitation Measures of Regional Operational Programmes from the Aspect of Impacts on Roma Integration]* Commissioned by NDA as part of the project titled "Assessment of EU Developments Aimed at Roma Integration" in 2011. Project manager Nándor Németh, lead researcher Nóra Teller. Consortium of Pannon Office for Analyses Ltd, Hétfa Center for Analyses, and Metropolitan Research Institute Ltd. 2011.

374 Among others, for setting up the mentoring system; the result of the call issued by NDA in autumn 2012 has not been published until now.

arrangement. This is not a problem in itself because, if similar housing programmes are launched in due time (in 2014) in the next planning period (2014-2020), then ongoing SROP programmes may sufficiently prepare specific communities for implementing housing projects. This is hindered by the fact that there is no specific policy about the method in which these projects should ensure housing integration. The most serious problem in connection with the SROP arrangement (housing interventions) is that, under current plans, it is only aimed at the rehabilitation of existing ghettos, and does not create an opportunity for families to move into an integrated part of the settlement (after getting prepared for it with help from programmes).

It must be mentioned also that a project aimed at the housing integration of 6 Romani ghettos has recently been implemented from domestic funds. Criticisms toward these projects highlighted shortcomings similar to those mentioned concerning the SROP 3.2.3 arrangement: they are aimed at the improvement of housing circumstances *within* ghettos and do not create an option for mobility *outwards*.

Therefore, housing interventions to be (or having been) implemented concerning run-down parts of cities and ghettos are not aiming for a reduction in the number of those living in segregated residential areas, which makes it questionable whether these programs can efficiently address the problem of segregation. In that aspect, calls issued for pilot projects to be implemented under regional Operational Programmes in three regions may bring about a breakthrough in terms of methodology as they are pilot projects for the actual purpose of modelling housing mobilization.

Implementation of structural expectations of the Commission

The European Commission identified no expectations in the area of housing policy. As mentioned earlier, there is no coherent social housing policy in Hungary and responsibilities for housing are extremely fragmented within the Government structure, which makes it increasingly difficult to develop efficient measures. Local governments are responsible for developing local housing policy and maintaining the social rental stock owned by them. Due to lack of funds and lack of central housing policy instruments, there is practically no local housing policy in Hungary and local governments are not interested in maintaining their social rental stock. It follows from all this that there is no partnership present either nationwide or on local level for developing a more efficient social housing policy, in spite of the fact that, for instance, the Home Creation Advisory Body formally exists, including nearly 40 organisations. The Body has a marginal role in developing housing policy.

Recommendations

Recommendations falling within the scope of housing policy

1. A comprehensive and coherent social housing policy should be developed to provide an efficient set of instruments for addressing the housing problems of groups living in deep poverty and hit by housing exclusion. Without that, any programme launched to address the housing problems of the Roma cannot be effective or sustainable.
2. When addressing housing problems of the Roma and those living in deep poverty, it is crucial to improve the affordability of housing expenses and to increase the amount of housing allowance by adjusting to level of need, in a differentiated manner. This is the only way to reduce the problem of indebtedness threatening with the loss of home and arising from continuous lack of income in these groups. Additionally, the debt management subsidy should be expanded to cover all settlements and the conditions to it should be made more flexible. The introduction of personal bankruptcy should be considered, which could increase the efficiency of the consolidation of mortgage loan borrowers.³⁷⁵

³⁷⁵ This requires an amendment to Act III of 1993 on Social Services and Social Benefits.

3. The social rental stock should be increased in order to provide affordable and stable housing to those who cannot enter the home ownership sector (those living in deep poverty, including Romani families), and to increase their chances of access to housing. To that end, the efficiency and transparency of municipal housing stock management practices should be increased; frame conditions for eligibility to social housing and criteria concerning social rentals should be stipulated by law. In addition, forms of social rental flat should be expanded by introducing efficient instruments, for instance, by including private rental flats for a long term and in a secure way. Segregation should be eliminated via altered practice of allocation of social rentals by avoiding concentration of low status households.³⁷⁶
4. The system of housing subsidies should be further developed in a way that beside promoting home ownership it also ensures sufficient expansion in the social rental supply and improves affordability of housing maintenance costs. Sufficient funds should be distributed to the relevant measures as well.

Recommendations falling within the scope of regional development policy

5. Standard guidelines should be developed and followed when implementing programmes to address segregated housing (complex programmes for ghettos, socially sensitive urban rehabilitation programmes). As part of that effort, it should be ensured that each programme (regardless of the source of funds used) includes an option for mobility *outwards* from segregated living environments, regardless of whether the elimination or the rehabilitation of ghettos is the aim. Therefore, in segregated residential areas, the number of inhabitants should be reduced as a basic requirement, and the heterogeneity of the mix of society should be increased in suitable areas (that is, not in segregated residential areas).
6. Programmes should be of a longer term than currently and high complexity should be ensured. Special emphasis should be attached to the sustainability of housing interventions and, as an important solution, employment options should be increased in a long term for this target group. In addition, to foster sustainability, housing policy and regional development policy programmes (ghetto programmes, socially sensitive urban rehabilitation) should be aligned.

Recommendations falling within the scope of equal opportunity policies

7. Local Desegregation Plans and Equal Opportunity Plans should be aligned, and key interventions identified in Desegregation Plans should be integrated into Equal Opportunity Plans. Local Romani citizens, Roma non-government organisations and other institutions and organisations affected by addressing the problem should be involved in the planning process. To provide quality assurance for plans, a network of competent experts should be created and a set of minimum criteria should be identified which must be satisfied in plans.
8. Public players responsible for public services should also be involved in the preparation and implementation of plans because it is not the municipalities which are the competent players concerning a number of key equal opportunity issues (for instance, education, certain forms of social benefits, child protection). As a significant quantity of services have recently been shifted to churches, therefore, churches providing services in a given settlement should be involved in the processes of planning and implementation. Without that, it cannot be ensured that coherent programmes are developed to promote the social inclusion of Romani communities living in that settlement.
9. The efficiency of the monitoring process for the implementation of plans should be increased, and the sufficient scheduled implementation of the plans should be made a requirement for receiving national and EU funds. In case of non-municipal players (for instance, state, foundations, churches), it should be ensured when awarding funds that the operations of the given organisation can satisfy equal opportunity criteria.

³⁷⁶ The state-owned rental sector, evolving as homes of troubled housing loan borrowers are purchased, should be integrated into the social rental sector and an efficient institutional system should be developed for property management.

CASE STUDIES

Flagship initiative: Financing system and methodology of the Integration Pedagogical System (IPS) in kindergartens and schools

The financing part of the terms of reference included in Section II, Article 2³⁷⁷ of the government decree being an annex to the Strategy will be performed by the Government with Resolution 30/2012 (IX.28.) EMMI on grants serving for equal opportunities in education in the first part of 2013. The resolution determines the order of applying for an additional grant and additional allowance that can be established for the first semester of academic year 2012-2013. Based on the resolution, the grant can be applied for by local self-governments, local national self-governments and multipurpose small-region associations. In case of skills-development and inclusion preparation, the amount of the additional grant is HUF 16,000/person, and in case of a kindergarten development programme it is HUF 18,000/person. Besides, the resolution also sets forth the amount of additional allowances for teachers.³⁷⁸ The additional grant can be used for performing activities and duties defined in the integration pedagogical programme for kindergartens and schools and for the implementation of objectives determined therein.

With the introduction of the Integrated Pedagogical System (IPS), a large-scale methodological development started in 2003 in the Hungarian system of public education. A pilot programme extending to 45 schools has by now become a wide-scope programme extending to a significant part of the institutions of public education, among others to a quarter of places for performing elementary school duties. The programme reaches more than 10,000 teachers, over 250,000 students and nearly 35,000 children of kindergarten-age. In the past ten years, the IPS had a significant impact in respect of the examined indicators like drop-out from school, further education, competence results and the number of people participating in lessons and in programmes outside the school and within this the disadvantaged and multiply disadvantaged students regularly achieved better results in everything.

Employment flagship

“Start Work” model programmes in micro-regions

The Government Decree specifying state funds available for public work³⁷⁹ allows that public work model programmes may be started and the full amount of relevant investment and non-personnel costs may be covered from state funds. In October 2011, the Ministry of Interior, the entity responsible for public work, launched micro-regional model programmes in 26 disadvantaged micro-regions and in five settlements in the Gyöngyös micro-region.

In 2012, the Start Work programme was expanded to all the 94 disadvantaged micro-regions and, based on individual decision, three additional ones. The main beneficiaries of the model programmes are local governments of settlements and local government associations, and 100% of the cost of wages and contributions of

377 The organisation of integration and skills-evolving preparation has to be supported in activities performed in accordance with the kindergarten development programme and in basic and medium level education. Supplementary remuneration has to be ensured for teachers working in institutions participating in the system.

378 Available at: <http://www.emet.gov.hu/taf-szockohezio/ipr-2012/kihirdetesre-kerult> (accessed: 10 March 2013).

379 Art.s 7/B(1)-(2) of Government Decree No. 375/2010 (December 31).

those employed under the programme is covered from the fund. The duration of employment for participants in model programmes is maximum 8 hours a day over a period of maximum 12 months. Unemployed individuals who refuse to participate when invited to “value creating” Start Work cannot receive any social aid.³⁸⁰

As listed in NSIS, the Start Work programme (which is operated in disadvantaged micro-regions and is combined with compulsory training) promotes, among others, the following objectives: increasing employment, creating jobs, fostering that public workers return to the primary labour market and the competitive sector and “providing incentive for work, as a socialization function”. In NSIS, public work is viewed not as an objective in itself but as an instrument used to increase employment, and it is declared that “as part of the Start Work programme, useful work creating value is carried out, which is also the interest of the public”.³⁸¹ Micro-regional model programmes may be launched concerning seven activities: agriculture (plant growing, animal husbandry), repairing agricultural paths, developing and maintaining groundwater drain systems, maintaining watercourses, eliminating illegal waste sites, installing biomass boilers and repairing public roads.

Agriculture is identified as the core of the new type of public work strategy, and most of the model programmes were started in that area. Public workers participating in agricultural programmes are not only required to work but to participate also in compulsory training. According to the ideas of the Ministry of Interior: “Agricultural activities will in first years be carried out in the form of social-purpose training farms and then, where they become and stay viable, these training farms may be transformed into social cooperatives.”³⁸² The programmes are aimed initially at producing products for own use or use in public catering, and later at “producing marketable goods by having capacity for traditional conservation processes whenever needed”. As a future goal, centralized machinery storage/repair stations are to be developed and professional advisory staff is to be set up by relying on the network of village agronomists.

According to figures published by the Ministry of Interior, HUF 8.5 billion was available for financing Start Work model programmes in 2011. Therefore, the number of those job seekers involved in the Start Work programme is only a fraction (about 7.3% in 2011) of those engaged in public work,³⁸³ while the cost per one participant in the programme is about 180% of the same cost in other forms of public work.³⁸⁴

The operation of micro-regional Start Work model programmes was examined under an investigation concerning public work by the Ombudsman in 2012.³⁸⁵ The investigation report mentions the initial success of agricultural programmes, by highlighting, however, several factors which represent obstacles to their implementation. One of the most important obstacles is that many of the compulsory trainings required by law were not delivered or were delivered with delay. “A lack of training caused tangible damage: serious loss was generated from time to time as agricultural programmes had to be implemented under START Model Programmes with no relevant expertise or skills possessed by public workers”. The success and sustainability of agricultural programmes largely depends on the expertise of those coordinating local programmes, and the Ombudsman’s report found problems in that area too.

Very few trainings were delivered also under the non-agricultural types of model projects, and most of them were required only from work safety aspects. The sustainability of the productive units developed under the programme is rather questionable, and no study has been conducted about their presumed market-distorting impact or about whether they replace jobs on the market. Analysing this latter aspect would be extremely important so as to assess social and economic return on public work programmes.

380 Available at: <http://www.hir24.hu/belfold/2011/10/01/pinter-optimista-az-uj-kozmunkaprogram-miatt>.

381 *Ibid.*, 43.

382 Available at: <http://www.kormany.hu/hu/belugyminiszterium/kozfoglalkoztatasi-helyettes-allamtitkarsag/hirek/papp-karoly-a-feltetelek-rendelkezesre-allnak> (accessed: 12 March 2013).

383 In 2011, in 13 counties, in a total of 482 settlements 960 programmes were started with the participation of 14,501 public workers, while in nationwide model programmes 3,472 people, and in the social land programme 1,590 people participated. In 2012, 2,304 people participated in the “value creating” public work, and 80,809 people in the nationwide programme.

384 In 2011, HUF 64 billion was available for 265,000 workers in public work, and HUF 8.5 billion was available for 19,563 individuals under Start Work programmes.

385 Ombudsman’s Report about Case no. AJB-3025/2012.

The problematic aspect of model projects, as in the case of any other public work programmes, is that their financing is unpredictable and uncertain. Projects finished in late 2012 may be restarted in spring 2013, at the earliest, (after their budget figures have been recalculated several times), a fact representing at least three months of complete uncertainty and unemployment for those involved in Start Work programmes. Of the agricultural activities, those engaged in animal husbandry may find it especially difficult to tend animals in these “empty” months. Participants in consultations in rural areas complained that the Start Work programme eats up all funds available for public work, and hardly any budget is left for regular public work programmes which would provide employment for more people.

CASE STUDY

“Flagship” programme: Professional training for 1,000 Romani women: “Nő az esély!” [Growing opportunity!]³⁸⁶

In the context of the implementation of the Strategy, a programme entitled „Growing Opportunity! – training programme for 1,000 Romani women” has been developed. The programme proposal was submitted in the framework of the call “Training and employment of Roma people in the fields social services and child welfare services” (TÁMOP 5.3.1; launched on 28 June 2012). The programme is being implemented by the consortium consisted of TKKI and NRSZ in all the 19 counties and in the capital city, and will close in August 2014.

Within the framework of this programme, 1,000 Roma may be provided with vocational training (theory and practice) and then provided with employment opportunities as assistant nurses, assistant social workers, etc.

Funding for the programme includes EUR 5,333,333 for the training component and EUR 4,912,280 for the employment component.

The direct target group of the programme are Romani women who are currently seeking employment, and are facing disadvantages in the labour market due to the lack of up-to-date, marketable vocational training. Participants are required to have at least completed primary education.³⁸⁷ Participants are granted maintenance allowances during the time of the training courses and reimbursement of their related travel costs.

The tasks of the consortium include the preparation of selected applicants for employment, through vocational training courses (listed on the National Training Registry), competence-building courses and mentoring (during the entire time of their participation). TKKI is responsible for hiring trainers and ensuring professional practice venues. The consortium is supposed to sensitise prospective employers (social service providers, child welfare and child protection institutions), as well as to establish connections between prospective employees and employers.

Aims, expected results

The direct aim of the programme is to reinforce the labour market positions of the participants: 1,000 disadvantaged persons (first of all, Romani women) would be provided with vocational training courses (theory and practice) in the fields of social services and child welfare services, and would be provided with employment opportunities for at least one year. Participants will be offered continuing training opportunities as well.

The strategic aim of the programme is to contribute to the establishment of functional relationships between Romani communities and social service providers, as well as to reinforce mutual trust. According to the concept of the programme, the participants will serve as ‘bridges’ between social service providers and

386 Written information was provided for the purposes of the present report by Ms Katalin Langerné Victor Deputy State Secretary for Social Inclusion, Ministry of Human Resources.

387 Despite the original plans, the programme will not include ‘upgrading’ courses for participants without completed primary education (aimed at finishing the last grades of elementary school), therefore, applicants without completed elementary education will be, eventually, rejected. Source: interview with the project management team of the NRSZ (27 February 2013).

thousands of people/families in need, which have not used before, or have used only to a limited extent, social service, child welfare and child protection services.

The general aims of the programme include increasing employment rates and promoting social integration and the social inclusion of Romani women. Within the framework of the programme, institutions providing primary social and child welfare services, as well as specialised social and child welfare services are eligible to apply for funding to cover salary costs for 12 months; applicants are required to cover the costs of three more months of employment.

According to the original plans, 1,000 participants will be involved into training courses. For the time being, the implementation of seven different training courses is planned:³⁸⁸ six of the courses are listed in the National Training Register (two of the courses are based on secondary education, four courses are based on elementary education³⁸⁹); one of the courses is an accredited training course (based on elementary education).³⁹⁰ So far, kindergarten assistant nurse courses have been launched which are popular among the applicants, and according to the professional supervisor of the programme, there is an actual demand for assistant nurses by employers.³⁹¹ However, the employment of the beneficiaries is strongly limited by the condition that public education institutions are not eligible to apply to the programme for funding. Approximately 750 participants are expected to finish successfully the training courses and apply to institutions in the field of social services, child welfare and child protection. According to the plans, 700 women will be employed at least for 15 months.

Latest news about the programme

The first five county-level recruiting events of the programme took place in Szolnok, Nyíregyháza, Szarvas, Miskolc and Eger during the first two months of 2013, with the participation of representatives of Roma National Self-Government, prospective participants and employers.³⁹² The training courses involve in Szabolcs-Szatmár-Bereg county 120 participants; kindergarten assistant nurses and assistant social workers will be trained;³⁹³ in Nyíregyháza 21 women participate in a kindergarten assistant nurse training course from March 2013; three local kindergartens will offer them professional practice opportunities.³⁹⁴

Visibility of and reactions to the programme

News and details about the programme are permanently published on governmental websites.³⁹⁵ According to the official communication, the recruiting events attracted the attention of the local media³⁹⁶ which might be supported by the fact that numerous local media outlets reported about the events.³⁹⁷

388 Source: interview with the project management team of the NRSRG (27 February 2013).

389 In the case of those applicants who have finished elementary education after 1998-1999, the requirement is to have at least 10 grades of elementary education (with the exception of the nursery assistant training within the framework of the National Qualification Registry system, where only 8 grades of elementary education is required from the applicants).

390 The original plans had to be modified because the regulation of the training of nurses was modified, resulting that training programmes on nursing can be provided only in the framework of in-school education. Source: interview with the project management team of the NRSRG (27 February 2013).

391 Source: interview with the project management team of the NRSRG, (27 February 2013).

392 TKKI, „Nő az esély – elkezdődtek az első képzések” [Growing opportunity – the first training programmes have started] (7 February 2013), available at: <http://www.tkki.hu/page.php?pid=297> (accessed: 22 March 2013).

393 TKKI, „Nő az esély” [Growing opportunity] (7 February 2013), available at: <http://www.tkki.hu/page.php?pid=296> (accessed: 22 March 2013).

394 TKKI: „Nő az esély” – indul a gyakorlati óvodai dajkaképzés” [Growing opportunity – Practice-oriented nursery assistant training programme is to start] (18 March 2013), available at: <http://www.tkki.hu/page.php?pid=316> (accessed: 22 March 2013).

395 Available at: <http://www.tkki.hu>, <http://romagov.hu> (accessed: 22 March 2013).

396 TKKI: „Nő az esély” – elkezdődtek az első képzések [Growing Opportunity – the First Training Programmes Have Started] (7 February 2013), available at: <http://www.tkki.hu/page.php?pid=297> (accessed: 22 March 2013).

397 See eg. Janka Kovács, „Ezer roma nő képzése indul el országosan” [National-level training programme for thousand Romani women is launched] (*Szolnoki Napló*, 16 January 2013), available at: <http://szolnokinaplo.hu/2013/01/16/ezer-roma-no-kepzes-indul-el-oroszagosan/> (accessed: 22 March 2013); SZON: „Ezer asszony a cigány kisebbség soraiból kap lehetőséget oktatásra a Nő az esély című kezdeményezésben” [Thousand Romani Women Were Given a Chance for Education within the Framework of the Initiative Entitled 'Growing Opportunity'] (*Szabolcs Online*, 22 January 2013), available at: <http://www.szon.hu/ezer-asszony-a-cigany-kisebbség-soraiból-kap-lehetoseget-oktatásra-a-no-az-esely-cimu-kezdemenyezésben/2173627> (accessed: 22 March 2013); Kinga Somogyi, „Nő az esély” [Growing opportunity] (*Eger Televízió*, 7 February 2013), available at: <http://www.tveger.hu/hirekreszlet.php?hir=6546> (accessed: 22 March 2013).

One and half years ago, an applicants' list of approximately 4,000 names was already submitted by county-level Roma National Self-Governments,³⁹⁸ while county-level recruiting events are still being organised. According to the experiences of the consultation series, the programme is relatively well known by the public, and the opinions on the initiative are rather positive: local experts, representatives of Roma national minority self-governments and NGOs expressed high hopes and expectations; however, they also shared some concerns regarding the sustainability of the programme.³⁹⁹

The reflections on the gender-aspects of the programme should be also mentioned. On the one hand, several times during the consultation series, sporadic comments were made by some participants (by Roma and non-Roma) criticising the basic concept of the programme: "Women should not be highlighted, because it might cause tensions within families"; "It won't be healthy if women will be the only breadwinners in families."⁴⁰⁰ On the other hand, senior representatives of the NRSRG explicitly welcome the initiative from its gender equality aspect: "... traditionally, only boys were provided with education in Romani communities. Now women have training opportunities."⁴⁰¹

Assessment

Scarce human capacities of the TKKI project management team⁴⁰² and the shortcomings in the planning risk the implementation of the programme.

According to the original schedule, the whole programme was supposed to start on 1 July 2012, while training courses were planned to start on 1 November 2012 (when usually no seasonal work is available for the rest of the year), and to finish during the Spring of 2013. More attention should be paid to the timely implementation of the training courses in order to ensure time for longer (11-12 months) courses instead of short (3-4 months) courses.

The TÁMOP 5 and TÁMOP 2 frameworks should be harmonised in order to ensure that every group of disadvantaged, unemployed people are provided with adequate vocational training, for instance, to ensure that the under-educated applicants (without completed primary education) who were rejected during the selection process for TÁMOP 5.3.1 will be directed automatically to programmes operating within the frameworks of TÁMOP 5.3.8 and 5.3.10.

A flagship initiative: the Desegregation Plan

In the current EU programming period, one of the most important measures aimed at diminishing housing and social segregation processes was that cities were required to prepare a so-called Desegregation Plan as part of Integrated City Development Strategies. A Desegregation Plan serves the purpose of identifying systemic interventions (relevant to the entire city) to stop or reduce processes causing segregation and to create mechanisms for reducing segregation in existing segregates and run-down areas of cities. In addition, it is an important aspect that impacts leading to segregation of planned developments should also be prevented so that the number of existing segregated residential areas and ghettos should not increase and no new ones may evolve.

398 Source: interview with the project management team of the NRSRG (27 February 2013).

399 See methods of the consultations in the 'Methodology' sections.

400 *Ibid.*

401 TKKI, *Nő az esély* – elkezdődtek az első képzések [Growing Opportunity – *the First Training Programmes Have Started*] (7 February 2013), available at: <http://www.tkki.hu/page.php?pid=297> (accessed: 22 March 2013).

402 At the beginning, the project management team consisted of a professional supervisor and a project assistant. When the professional supervisor left the project in October 2012, the head of the Békéscsaba branch of TKKI was appointed to this position. In mid-October 2012, a part-time financial officer joined the project team. Between October 2012 and January 2013, only one part-time project assistant worked on TÁMOP 5.3.1 and 5.3.10 priority projects. From January 2013, a full-time project assistant has been working solely on the project "Growing Opportunity!" Source: interview with the project management team of the NRSRG (27 February 2013).

The methodology for preparing an Desegregation Plan (DP) is provided in detail in the Urban Development Manual⁴⁰³ offering guidelines to the preparation of the Integrated Urban Development Strategy (IUDS) for cities which are about to submit an EU urban rehabilitation proposal. Thus IUDS, with DP included, are pre-conditions to getting EU city rehabilitation funds, which is a significant innovation in the evolving system because now an important equal opportunity aspect is part of the mechanism used for distributing funds. DPs were prepared with assistance from desegregation mentors appointed by the Ministry of Social Affairs and Labour, and they had to sign off DPs (and also a municipal resolution of approval was needed) so that DPs become valid. As a precondition to signing off the DP, compliance with some minimum criteria had to be ensured (segregated areas defined spatially; measures to achieve that the existing segregated population should not grow and that no new segregates should evolve). Segregated residential areas were defined spatially based on predefined indicators and also data made available by the Central Statistical Office. Thus it was impossible not to include run-down areas in development strategies. An Action Plan had to be prepared concerning defined segregated residential areas by including interventions for not only housing integration but for other sectors too, possibly by using a complex approach.

Experiences regarding the effectiveness of DPs are not too favourable concerning the extent to which DPs can actually influence municipal policies on segregation processes. One of the main shortcomings of the system is that monitoring of, and accountability for, implementation is not ensured. Local governments objected (most of them rightfully) to the fact that no central funds and programmes are available for implementing measures aimed at integration (or the existing ones are not sufficient enough), which was especially true concerning efforts of addressing housing problems. Thus DPs and measures provided therein (and the IUDS itself) have not become integral parts of sector and development policies of municipalities, and were viewed only as preconditions to getting grant money.

At the same time, the preparation of DPs was reinforced from two sides via changes to legal regulations: as an integral part of the IUDS, DPs became one of the settlement development documents regulated by law and also became part of local Equal Opportunity Plans.

Local Equal Opportunity Plans became a statutory requirement for local governments under the Equal Opportunity Act⁴⁰⁴ as amended in 2010. The methodology for, and the process of, preparing an Equal Opportunity Plan were set out in Government Decrees⁴⁰⁵ connected to the Act. Thus local governments were required to follow a specific set of considerations when preparing an Equal Opportunity Plan, for which detailed guidelines were developed. A data set to be used when preparing the overall assessment was identified, and an equal opportunity expert had to be involved, which also served as a quality assurance component. A person could become an equal opportunity expert after successfully participating in training. The Orbán Government recalled the equal opportunity experts who had been already appointed, and amended the Equal Opportunity Act⁴⁰⁶ by creating a new Implementing Decree⁴⁰⁷ connected to it. The amendment, in essence, included that (i) local Equal Opportunity Plans have to be prepared by municipal employees who have to participate in a relevant training programme; and (ii) that local governments are allowed to involve Equal Opportunity Experts when preparing their plans. The original deadline set for preparing Equal Opportunity Plans was November 2012, which was extended until June 2013. The Plan became an obligatory component of a high number of calls. Trainings and experts are provided by TKKI, however, local governments are not yet clear about whether it is obligatory for them to involve those experts. As far as the methodology is concerned, the need to reduce segregation is not mentioned in connection with housing segregation, and the requirement of including the Desegregation Plan in the Equal Opportunity Plan is not present. It is also unknown what monitoring system is planned by TKKI.

403 Urban Development Manual, available at: www.nfu.hu/download/38840/S_7_Varosfejlesztesi_kezikonyv.pdf (accessed: 1 March 2013).

404 Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities.

405 Relevant Government Decrees: No. 118/2010 on the Requirements of Training to Equal Opportunity Experts; on the List of the National Equal Opportunity Experts; on the Activities of Equal Opportunity Experts and the Conditions thereof; No. 119/2010 on the Operations of the Expert; and No. 120/2010 on the Considerations for Preparing the Local Equal Opportunity Programme.

406 Amendments of Acts CCI of 2011, CLXXIV of 2011 and CLI of 2012.

407 Government Decree No. 321/2011.

Content requirements for the Integrated Settlement Development Strategy (ISDS) as a settlement development strategy document are identified by Government Decree No. 314/2012.⁴⁰⁸ The Annex to that Decree sets out the content requirements for ISDS (and for the overall assessment, which is identified as part of the settlement development policy). DP is described with similar content requirements as before, although it is important to note that requirements are merely listed as if in a table of contents, and no detailed methodology is added to it there.

The key factor in the effectiveness of DPs (and consequently ISDS) and local Equal Opportunity Plans is whether partnership is created in the course of planning and implementing plans, and whether the people concerned and competent organisations are or are not involved. Experience has shown that partnership has been a very weak point in the preparation of DPs, and Roma advocacy organisations and local non-government organisations typically have not been involved in the preparation process.

In summary, the introduction of DPs and Equal Opportunity Plans for settlements are potentially of great importance in the housing situation and the social integration of Roma living in a segregated environment. However, the efficiency of the preparation and the implementation of plans largely depends on the criteria identified concerning (i) the content of plans, (ii) the professional development of plans, (iii) the accountability of their implementation and (iv) the involvement of citizens and organisations concerned. Experience has shown that there are significant shortcomings along these dimensions and that relevant criteria have been softened in the past two years. In connection with DPs and also local Equal Opportunity Plans, it may be mentioned that, as a result of increasing centralisation of public services (for instance, social benefits, education) and that an increasing number of services are operated by churches, local governments have a diminishing field of play to influence local policies, service levels and access to services. Thus the DP itself is less and less able to identify relevant measures falling within the competence of municipalities. Municipal responsibility is still relevant to housing interventions, however, as more and more funds are withdrawn from municipalities, the field of play for municipalities is diminishing also in that area, and the local level will not be able to achieve real changes unless central programmes are introduced and/or EU funds are utilized.

CASE STUDY

“Flagship” programme: Equal Treatment Authority – Combating discrimination

The Equal Treatment Authority (hereinafter: Authority) launched a high priority TÁMOP-5.5.5/08/1 programme entitled “Combating Discrimination – Shaping Societal Attitude and Strengthening the Work of the Authority” on 1 April 2009,⁴⁰⁹ in order to interfere with discriminative mechanisms also by means other than fulfilling its duties as an authority. The budget of the programme is almost 915 million Hungarian Forints, it is carried out between April 2009 and June 2013⁴¹⁰ and it affects approximately 3,500 persons directly. With the programme, the Authority aims to change social attitudes and to raise and strengthen the awareness of the society towards equal treatment. In the framework of the programme, the Authority intends to reach the aforementioned goals by improving its county-level client service network, by a series of trainings aimed at sharing its special knowledge and experience and by the means of integrated communication.

In the framework of the programme, the Authority undertook to introduce the possibilities for a remedy to those affected by discrimination. Possible victims of discrimination need up-to-date and precise information and accessible help and support for making decisions and enforcing their rights. As far as the response to these needs is concerned, personal meetings have proven to be the most effective from among the means available. Accordingly, the Authority decided to establish a county-level customer service network in all the 19 counties of Hungary in the framework of the TÁMOP 5.5.5 programme. Since 1 September

408 A Government Decree No. 314/2012 (November 8) on the Settlement Development Policy, the Integrated Settlement Development Strategy and Instruments for Spatial Planning and Specific Legal Arrangements for Spatial Planning.

409 In Hungarian: “A diszkrimináció elleni küzdelem – a társadalmi szemléletformálás és a hatósági munka erősítése”. High priority programme of the Social Renewal Operational Programme (TÁMOP).

410 The programme is supported by the European Union and is co-financed by the European Social Fund.

2009, complainants may visit equal treatment referees who operate in the local Houses of Chances and also visit rural areas every month in order to provide services. Equal treatment referees are all lawyers with a considerable experience in the area of equal treatment and equal opportunities.

The Authority constantly strives to provide high quality services to its clients and partners. However, in the framework of the programme it undertook much more: it developed a training material and a training programme on anti-discrimination and conducted the adult education accreditation procedure. Education is not among the basic tasks of the Authority stipulated by the Equal Treatment Act,⁴¹¹ but programme accreditations and trainings enable it to share its special knowledge and experiences, gathered in the course of its five-year long operation, with a wide circle of those affected by and interested in the issue. Training programmes contribute to developing and strengthening an attitude necessary to enforce equal treatment. In the course of the trainings, anti-discrimination and Roma experts delivering the training sessions pay special attention to the awareness raising of participants.

Besides trainings delivered in Budapest, the Authority organizes trainings in all regions of the country. Target groups of trainings were identified in a way that they cover different macro and micro communities both in geographical and structural terms, as widely as possible. The Authority offers trainings to social and civil human rights organisations, members of interest representation groups of employers and employees, authorities, people working at minority self-governments and in the public administration, local decision-makers and employees in the education and the social sphere. In the framework of the project, between September 2010 and October 2012 the Authority organised 56 training programmes in different parts of the country.

At the 25 trainings organised in the first phase of the project, between 1 September 2010 and 1 October 2011, most of the participants (27%) were members of civil society advocacy organisations, while 7% of the participants represented minority self-governments. Most of the altogether 1,073 participants of the trainings lived in non-disadvantaged areas, while 30% of them stemmed from the disadvantaged and the most disadvantaged areas, or from the most disadvantaged areas to be supported with complex programmes.⁴¹²

The research elements of the programme aim to reveal the different forms of discrimination. Out of the seven social science researches of the programme, four researches deal with the practices resulting in negative discrimination and causal links regarding employment and the use of services (including public services), especially through the experience of the protected groups of women, Roma and disabled persons. A separate research programme assesses and analyses the level of rights awareness regarding equal treatment, and experience concerning discrimination on an individual and on a societal level. The research has two phases: it is based on a representative national sample of 1,000 persons and on a sub-sample of 3x200 persons.⁴¹³ The latter research examines whether victims and perpetrators of discrimination know their rights and obligations. One of the two further related research programmes explores exclusionary mechanisms within the public administration, while the other examines the practice within the public administration aimed at the elimination of social exclusion. Subject matters of research programmes carried out in the framework of the research "Equal opportunities in employment" in cooperation with the TAMOP 2.5.2⁴¹⁴ are the following: enforcement of the principle "equal pay for equal work", the discriminative nature of the practice of choosing employees, effects of equal opportunity plans and their connections with the attitude of employers, the employment of disabled persons on the labour market and assuring adequate working conditions. In relation to the employment of persons with protected characteristics, the research into the attitude of employers revealed that Roma were 10 times more likely to be the victims of discrimi-

411 The list of the Equal Treatment Authority's tasks included in Article 14(1) of the Equal Treatment Act sets out that the Equal Treatment Authority shall, among others, (i) regularly inform the public and the government about the situation concerning the enforcement of equal treatment; (ii) in the course of performing its duties, co-operate with the social and representational organisations and the relevant state bodies; (iii) continually provide information to those concerned and offer help with acting against the violation of equal treatment. Training and educational activities as such are not included as tasks in the related legislative provisions.

412 Available at: http://egyenlobanasmod.hu/tamop/data/Pancel_Marta_EBH_2012nov15.pdf.

413 Available at: <http://www.egyenlobanasmod.hu/tamop/kutatasok>, <http://www.egyenlobanasmod.hu/tamop/kutatasok#kutatasiprogramok>.

414 Social Renewal Operational Programme 2.5.2.

nation on the basis of their origin in 2010 than other employees examined. The research also demonstrated that organisations in the private sphere employ Roma in a greater proportion than companies in the private business sphere, and that workplaces focusing on physical work contract Romani employees at a greater proportion.

By publishing research results, the Authority contributes to increasing rights awareness.

Wide distribution of research results and studies published in 2013 may lay the foundations for the concepts of further (equal opportunities) programmes and the continuation of professional discussions. Hopefully, research results may serve as an inspiration for further research. Based on the research results, the Authority will draw up proposals for legislation and measures which may contribute to a decrease in, and the prevention of, negative discrimination.

The Authority realized that communication activities are necessary means of combating discrimination, and that shaping attitudes is not possible without involving the public. The staff working at the Authority believe it to be important that the public receives information about those activities of the Authority which aim to change attitudes and aim to submit information on results achieved so far.

In the framework of the programme, the Authority organizes travelling exhibitions, delivers knowledge transfer workshops, sends out a newsletter and strives to make the Authority's and the programme's aim, tasks and activities known to the public. In the course of the project, nine whole-day workshops were organised with an average of 100 participants. Workshops are aimed at creating a dialogue, at knowledge transfer and the exchange of experiences in order to enable participants to identify discriminatory mechanisms, to handle them adequately and to contribute to the strengthening of conditions ensuring equal opportunities for the most disadvantaged social groups.

Nevertheless, based on the results of the consultation,⁴¹⁵ communication activities related to the programme should be improved in order to enhance the programme's effectiveness, and to ensure that affected target groups have as much knowledge about the programme as possible.

⁴¹⁵ Only three organisations participating at the consultation had information about the programme, representatives of two organisations received information about the establishment of the customer service network and one of them had knowledge about trainings organised in the framework of the programme. Three staff members of the latter organisation participated at a training.

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Methodology

The compilation of the partial report was based on a combination of methods.

Document review

The review of the past year's processes regarding the changes in policies and the legal framework was carried out mainly based on document review. Besides the National Roma Inclusion Strategy (its official title is National Social Inclusion Strategy – Extreme Poverty, Child Poverty, the Roma – (2011–2020), referred to as NRIS, NSIS or Strategy) and its contextualizing documents and annexes, other strategies, reports and news items were included in the analysis. All resources are indicated in footnotes.

Interviews

Besides the document review, the experts conducted interviews with the main stakeholders in order to receive answers to the specific questions listed in the Template for the Civil society monitoring report, and to reflect on the main challenges of the implementation of the Strategy. Therefore, several national authorities and ministries, the Equality Body, the National Roma Self-Government, the Türr István Training and Research Institute (the recently established key stakeholder) and players connected with the monitoring process were interviewed either in person, on the telephone or in writing. We had difficulties in getting the National Contact Point (the State Secretariat responsible for the implementation of the NRIS) to answer our questions, and finally in February 2013 we received answers to selected questions in writing.

Besides that, Partners Hungary Foundation (PHF) interviewed several Romani leaders from the countryside about the implementation of the strategy, and included their opinions in the report.

The citizen consultation

The third method was citizen consultation focusing on four issues that were the focus of the report. The first consultation was held in Budapest in the second half of November 2012, the second in February 2013 in Pécs and the third one in March 2013 in Miskolc.

The citizen consultation is a method to bring together citizens and discuss important issues which affect the entire society. The goal of the consultation is to share information, confront and exchange opinions, and to formulate recommendations about the given topic. The methodology was developed in the European Citizens' Consultation (ECC) project started in 2006 by the European Union in cooperation with the King Baudouin Foundation. ECC was the largest project of the European Commission's Plan D. Partners Hungary Foundation was the Hungarian implementer of the ECC programme.⁴¹⁶

Since 2006, PHF has been using citizen consultations in various programmes in order to involve citizens into the decision making processes.

416 Available at: <http://ecc.european-citizens-consultations.eu/69.0.html> (accessed: 7 January 2013).

In the first consultation of the Civil society monitoring report project, there were 29 representatives of NGOs, minority governments and local institutions representing 21 different organisations from all over Hungary. Nine representatives of the consortium were also present. At the second meeting, six representatives of the consortium and 56 representatives of NGOs, minority governments and local institutions were present from the South-West regions; at the third one, five representatives from the consortium and 35 representatives of NGOs, minority governments and local institutions took part.

They had a discussion about the implementation of the strategy and the first results of the analyses prepared by the consortium members. During the discussion, the consultation had a special structure in order to collect feedback on the implementation of the strategy (grouped into thematic questions) and also to formulate recommendations.

This report was prepared by a civil society coalition comprising the following organisations: Partners Hungary Foundation (lead organisation), Autonómia Foundation, Chance for Children Foundation, Habitat for Humanity Hungary, Hungarian Women's Lobby, Hungarian Helsinki Committee, Alliance of Gypsy Minority Representatives and Spokespeople of Nógrád County, Partners Hungary Foundation, Romaversitas Foundation and the Metropolitan Research Institute. Further consortium partners were Amnesty International and Colourful Pearls Foundation. The lead researcher of the coalition is Nóra Teller (Metropolitan Research Institute) and the project manager is János Wagner (Partners Hungary Foundation).

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The following organizations have been involved in the advising on the report: the Decade of Roma Inclusion Secretariat Foundation, the Central European University's Department of Public Policy, the European Roma Rights Centre, Habitat for Humanity, the Roma Education Fund, and from the Open Society Foundations: Making the Most of EU Funds for Roma programme, the Roma Initiatives Office, and the Roma Health project.

In the pilot year of 2012, the Decade Secretariat decided to support reports from civil society coalitions in seven countries (Albania, Bulgaria, Hungary, Macedonia, Romania, Slovakia, Spain) and the Roma Initiatives Office commissioned an additional report from the Czech Republic. In addition, the Decade Secretariat made a template public in order to encourage additional civil society actors to monitor the implementation of National Roma Integration Strategies and Decade Action Plans.

In the reports, civil society coalitions supplement or present alternative information to Decade Progress Reports submitted by Participating Governments in the Decade of Roma Inclusion and to any reports submitted by State parties to the European Commission on implementation of their National Roma Integration Strategies. These reports are not meant to substitute for quantitative monitoring and evaluation by State authorities but to channel local knowledge into national and European policy processes and reflect on the real social impact of government measures. The civil society reports provide additional data to official ones, proxy data where there is not official data, or alternative interpretation of published data.

The project is coordinated by the Decade of Roma Inclusion Secretariat Foundation in cooperation with the Making the Most of EU Funds for Roma programme and the Roma Initiatives Office of the Open Society Foundations.



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