



Updated Civil Society Monitoring Report

on the implementation of the National Roma Integration Strategies
and Decade Action Plan in 2012 and 2013 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
Romaversitas Foundation ■ the Metropolitan Research Institute



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Chance for Children Foundation
Esélyt a Hátrányos Helyzetű Gyerekeknek Alapítvány



NŐI ÉRDEK
Magyar Női Érdekvédelmi Szövetség



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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



DECADE OF
ROMA INCLUSION
2005-2015
www.romadecade.org



OPEN SOCIETY
FOUNDATIONS

Published by

Decade of Roma Inclusion Secretariat Foundation
Teréz körút 46.
1066 Budapest, Hungary
www.romadecade.org

Design and layout: www.foszer-design.com

Proofreading: Gwendolyn Albert

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In the pilot year of 2012, the Decade of Roma Inclusion Secretariat Foundation decided to support reports from civil society coalitions in seven countries (Albania, Bulgaria, Hungary, Macedonia, Romania, Slovakia and Spain) and the Roma Initiatives Office commissioned an additional report from the Czech Republic.

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 Strategy (NRIS). 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 no official data, or alternative interpretation of published data. All reports are available at <http://www.romadecade.org/civilsocietymonitoring>.

When the European Commission requested further input for assessing NRIS impact in 2012 and 2013, the Decade Secretariat decided to support the civil society coalitions to update and streamline their reports.

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





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LIST OF ABBREVIATIONS

DP	Desegregation Plan
EDIOP	Economic Development and Innovation Operational Programme
ERRC	European Roma Rights Centre
ERS	Employment Replacement Subsidy
ESF	European Social Fund
EU	European Union
EUR	Euro
HLCS	Hungarian Life Course Survey
HRDOP	Human Resources Development Operational Programme
HUF	Hungarian Forints
ISDS	Integrated Settlement Development Strategies
LEOP	Local Equal Opportunity Programme
MSG	Minority Self-Government
NEKI	Legal Defence Bureau for National and Ethnic Minorities
NET Zrt	National Asset Management Company
NDA	National Development Agency
NGO	Non-Governmental Organisation
NRIS	National Roma Integration Strategy
NRSG	National Roma Self-Government
NSIS	National Societal Integration Strategy
OP	Operational Programme
PISA	Programme for International Student Assessment
RIDP	Roma Integration Decade Programme
ROP	Regional Operational Programme
SG	Self-Government
SIOP	Social Infrastructure Operational Programme
SME	Small to Medium Enterprises
SROP	Social Renewal Operational Programme
StROP	State Reform Operational Programme
SWOT	Strengths, Weaknesses, Opportunities and Threats
TKKI	Türr István Training and Research Institute



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- UN CEDAW** United Nations Committee on the Elimination of Discrimination against Women
- UNDP** United Nations Development Programme
- UNESCO** United Nations Educational, Scientific and Cultural Organisation
- WHO** World Health Organisation

1. EDUCATION

In the “Civil Society Monitoring Report 2012” (and also in this update) we consider it important to focus on mainstream provisions related to public and higher education, because it is mainstream education services that should and could ensure that all children, irrespective of their ethnic background, would have equal chances to access quality education services and complete their educational careers with good outcomes.

In the “Civil Society Monitoring Report 2012” we claimed that the Strategy’s situation analysis Strategy is a well-elaborated, thorough document. It uses a number of statistical sources and materials with data collected and published by well-known researchers. Since the background situation analysis documents¹ are based on conclusions drawn from these data, we can say they are based on solid foundations. Previous strategic documents² have remained without any serious commitments, and the large-scale programme has become integrated into subsequent strategies. For example, the Roma Integration Decade Programme (RIDP) and its initiatives have since been completed since then.³ Unfortunately, the major philosophical ideas of the RIDP (including decreasing school segregation, creating the opportunity for equal access to educational assets) have not been included in the Strategy.

Compared to the original “Civil Society Monitoring Report 2012”⁴ (published in spring 2013), a considerable amount of change has taken place in the Hungarian educational policy domain. Most of the interventions that were then in their planning phase have since been implemented. We briefly review these steps below.

One of the goals of the report is to highlight the tendency for the Strategy objectives and those included in the Framework Agreement contracted with the National Roma Self-Government (NRSNG) to fail, and to explore to what extent the actions taken result in processes that contradict mainstream legislation. In addition to governmental interventions which often feature unstable resources and low embeddedness, we also examine some parallel initiatives’ results.

1.1 Most Important Measures in 2012 and 2013

Currently, the issues which have been of great concern in this sector are school segregation and lack of access for Roma to early childhood development services, as well as pre-school services and quality education at both primary and secondary level.

Early school leaving and a low level of participation in tertiary education have not improved either. Some of these issues have been targeted by mainstream education policies, generally with very poor impacts on Roma. Moreover, the policy direction taken is clearly working towards diminishing the potential impacts

1 1st Annex to the National Societal Integration Strategy Situation Analysis 2011-2010 “Deep poverty, child poverty, Roma” see: http://ec.europa.eu/justice/discrimination/files/roma_hu_strategy_annex1_hu.pdf.

2 The contents of the Strategy and of the education and child welfare chapter are not unprecedented. The preparations for RIDP started already in 2003, and this strategy, too, set important guidelines for the fields of education, housing, employment and health care. The RIDP is available at: http://www.romadecade.org/files/downloads/Decade%20Documents/Hungarian%20NAP_hu.pdf.

3 A significant part of Roma society remembers the RIDP as a flat balloon, which only “gave money to the Roma” but produced no other results. It was good for founding social prejudice, if nothing else.

4 “Civil Society Monitoring Report 2012”, available at: http://romadecade.org/cms/upload/file/9270_file8_hu_civil-society-monitoring-report_en.pdf.

of equal treatment policies that were put into practice around 2010. For example, school segregation is among the supported approaches in schooling and is labelled as offering a “catch-up opportunity”, according to official political statements. Although theoretically speaking the approach is to support integrated education as such, in practice these “catch-up” schools lead de facto to segregation of those who are most at risk of early school leaving, including many children from disadvantaged social backgrounds.⁵

These policy changes are in part contradictory to the conclusions and the goals of the National Societal Integration Strategy (NSIS), as well as the massive experience gathered over the past two decades in relation to the educational situation of Roma.

Actions taken that contradict the NSIS goals:

- The **reduction of the mandatory 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 **uniform educational programme** made obligatory for schools will most probably also deliver less individualized needs-based education for the neediest.
- The **significant change to the university admission system** and reduction in the number of places financed by the state will most probably further cut the very low share of Roma in tertiary education, too. Obviously, this step will further foster the “early selection” nature of the Hungarian education system, especially impacting children from disadvantaged social backgrounds.⁶
- The Hungarian education system not only reflects but also **promotes the development of social inequalities**, i.e., it increases concomitant disadvantages arising from social background, because strong selection and segregation mechanisms prevail at all levels of public education while the capacity of that education to compensate for background is quite meagre.⁷
- Because of the **change according to the definition on disadvantaged children**⁸ it is highly possible that many Roma will fall out of the scope of allowances, and/or many will be reclassified from the category of multiply disadvantaged into the category of disadvantaged; the scope of services available will therefore be narrowed.
- As of 1 September 2014⁹, it will be **mandatory for all children to enrol in kindergarten** from the age of 3.¹⁰ Even though we consider this a very positive approach towards disadvantaged children, including Romani children, the fact is that the distribution of kindergarten places and the condition of their equipment and facilities is quite uneven; many Roma-populated villages or parts of cities are still without sufficient kindergarten places; in the past half-year no crucial changes were implemented.
- The **state-financed scholarship programmes** for Roma and/or disadvantaged children continue in 2013 with a further reduction of resources. Data on follow-up and the proportion of Roma students participating in these programmes are still not available.

5 According to officials, this separation is needed for a certain period in time, although that they don't specify its length.

6 According to the Programme for International Student Assessment (PISA) results, while the pupil/teacher ratio is among the lowest, and general public spending in Hungary is relatively high, the skills acquired are very limited compared to other European countries; for more, see: http://www.oktatas.hu/pub_bin/dload/kozoktatasi/nemzetkozi_meresek/pisa/PISA2009_Executive_Summary.pdf.

7 Farkas Lilla et al, *Diszkrimináció az oktatásban: UNESCO nemzeti jelentés, Magyarország* (Oktatáskutató és Fejlesztő Intézet, *Discrimination in education: UNESCO national report, Hungary* (Institution for Education Research and Development, 2008) 7, available at: www.ofi.hu/download.php?docID=177 (accessed: 20 March 2013).

8 Hungary, Budapest, *Bill No. T/10047 on social and child protection acts in accordance with Magyarly simplification modification programme*, Section 42, p 15; available at: <http://www.parlament.hu/irom39/10047/10047.pdf>.

9 2011. évi CXCV. törvény a nemzeti köznevelésről – Law on education No. CXCV. 2011

10 The regulation was brought forward for new debate in the Hungarian Parliament in November 2013.

1.1.1 The Government's Approach to the Question of Segregation/Inclusion

Despite the expectations of all the affected stakeholders that it would do so, the Strategy does not mention the need to eliminate segregated schools in any respect.¹¹ Several declarations¹² (as the mentioned interview given by minister Balog to several daily newspapers) reinforce this approach, and the steps taken 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 had previously successfully implemented desegregation locally as mayor in a well-documented, easily replicable manner;¹³
- the nationalization of schools would enable the state to implement different techniques (for instance, establishing mandatory merging or modification of school districts, re-diagnosing children with special educational needs, etc.);
- hence, based on the centralisation of primary education as of 2013, the government has the possibility to remove the issue of school inclusion/segregation from local political fights and give an appropriate answer to demands for segregation, which is still explicitly voiced in many places at local level;
- the European Court of Human Rights has ruled¹⁴ that Hungary has violated the European Convention on Human Rights in the case of the segregated education of Roma children (Mr Horváth and Mr Kiss) who were educated in a school for the mentally disabled. The court's decision underlined that the Hungarian practice of (mis)diagnosing Roma is considered indirect discrimination;
- in the case of the village of Piliscsaba an active desegregation process has been reversed. In 2011 the municipality decided to wind up a segregated local school with only 35–40 students over the next four years; but the government (or more precisely its institution) took the school over and reopened it. The minister and the state secretary expressed their full agreement with this process by officially opening the school year at the school;
- In June 2013 the Government established an Anti-Segregation Roundtable with the involvement of several church representatives experts and NGOs. The aim of this initiative is to review current issues of educational integration and segregation; to discuss civil, ecclesiastical, local and state government actors' competencies and role-taking opportunities; to jointly review current professional standards; and, where appropriate, to propose new directions. Since its start, two NGO representatives have resigned from the roundtable, referring to the "meaninglessness of the meetings and the permanent non-response of the Government".¹⁵

1.1.2 Education-Related Political Elements of the Agreement Concluded Between the Government and the National Roma Self-Government (NRSRG)

Before getting into the critical details of this Agreement, it is important to note the weaknesses of its institutional arrangements. The Agreement sets out that the NRSRG is the key stakeholder and main counterpart (and partner) in implementing and monitoring the pro-Roma interventions and programmes described in the agreement (the previous Civil Society Monitoring Report contains more on its targets).

11 The Strategy mentions desegregation only twice, and its strongest sentence related to education reads as follows: "The most fundamental remedy for the problem is, of course, inclusion, possibly desegregation and ensuring the mitigation of institutional discrimination in the fields of education, employment, housing and health care." NSIS Strategy, p. 89.

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

13 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)]; 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)].

14 European Court of Human Rights, *Horváth and Kiss v. Hungary*, Application no. 11146/11, 29 January 2013) 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#{).

15 See: Erzsébet Mohácsi has marched out: http://nol.hu/belfold/20130925-mohacsi_erzsebet_is_kivonult?ref=ss0.

There is a dependency relationship between the NRSRG and the government, caused by the fact that the NRSRG is not a civil society organization. It is not a professional body either, because its membership and composition are not permanent (the members are elected for four years, and the elections coincide with Self-Government elections). It serves as the political representation of Roma voters in Hungary, and in almost all cycles the NRSRG has been led by a prominent personality supported by one of the parties. In the current cycle, the president of the NRSRG is also the head of the Lungo Drom National Gypsy Advocacy and Civic Association, which has been in permanent election cooperation with the governing party for 12 years. In this term we can say that the functions and authorities of a national political representation body, a policy coordination agency, and a larger project beneficiary are being merged here without the NRSRG having any tangible necessary skills in the latter two functions.

The Agreement includes three commitments related to education which can be implemented only by transforming the mainstream education system. The figures are considerable within the entire education system (where, for example, the number of yearly enrolled students in elementary schools is approximately 90,000):

„The Parties conceive as an objective to be achieved by 2015 that they will support [...] the implementation of a comprehensive education program 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.”¹⁶

Despite the fact that the NRSRG has become the exclusive partner in steering mainstream policies into pro-Roma directions, evidence shows the NRSRG has not formulated any concerns, nor has it taken any corrective steps related to some of the most important mainstream education changes. For example, the government enacted the Act on Public Education and reduced state-financed university places without the NRSRG objecting. Before the deadline for enrolling in the universities, neither the government nor the NRSRG helped inform potential entrants; it also did not establish a special scholarship programme for achieving the indicators included in the formal agreement.

Thus, looking at the changes in mainstream education in the past two or two-and-a-half years, there are few initiatives that could be considered as steps taken or as indirect measures leading to reaching the target figures set out in the Agreement. Moreover, some actions resulting in discarding the goals of the Agreement have taken place. For example, the number of secondary school places providing graduation, the number of state-financed university places, the number of classes taught in general literacy subjects in vocational schools and also opportunities for mobility within the education system have been significantly decreased (these actions were being planned during the submission of the previous Report in spring 2013). It is also important to mention that the NRSRG itself is involved in running segregated education; it is the sustainers of some segregated schools that have been formed as “catch-up” schools (see above).

1.1.3 EU Funds

According to the draft of the Human Resources Development Operational Programme¹⁷ (OP) for 2014–2020 (under public consultation at the time the update was submitted) there are some important statements:

- The OP does not refer to any of the commitments in the above-mentioned Agreement, although the NSIS is one of the core references in the document;
- contrary to the Agreement, the NSIS does not refer to any concrete measures, indicators or target numbers;

16 See: National Social Inclusion Strategy – Extreme Poverty, Child Poverty, The Roma – (2011–2020) Framework Agreement Between the Government of Hungary and the National Roma Self-Government <http://romagov.kormany.hu/download/8/58/20000/Annex%202.PDF> 20th May 2011.

17 See: [http://www.nfu.hu/forum_topic_pate/766/filter?offset=0&theme_filter=.](http://www.nfu.hu/forum_topic_pate/766/filter?offset=0&theme_filter=)

- although the document recently sent for public consultation several times explicitly refers to the need for anti-segregation steps, it is uncertain who is responsible for their implementation or monitoring and in what respect; it also does not say whether related equality measures will be applied and under what conditions.

1.2 Impact of Measures

Currently **none of the implemented measures or programmes has had clearly unequivocally positive impacts**. With reservations, we claim that the above-mentioned Agreement between the Government and the NRSRG is the only written material available consisting of concrete, measurable indicators relating to Roma inclusion. It is now in its implementation process (it was signed on 20th May 2011 and most of it is supposed to be achieved by 2015).

As highlighted in the previous Report, **the nationalisation of schools can be understood as a potentially positive but insufficiently designed and implemented programme**. Following preparations which took several months only, as of 1 January 2013 the Government executed the nationalization of the schools, which was coordinated by the Klebelsberg Institution Maintenance Centre (Klebelsberg Intézményfenntartó Központ). A number of warning signs implied that without thorough preparations, implementing change of such a pace and scale could only result in conflicts and serious problems.^{18,19,20}

The everyday operation of the schools and the work of teachers was (and still is) hindered by a number of problems; for instance, teachers' salaries have decreased in several places (because non-mandatory benefits provided by the SGs have been withdrawn); the instruction system within the institutions is also uncertain in many places. It is also important to examine the authority of the state as the owner has come into possession of.²¹ Despite the fact that the centralisation of primary education could ensure that all disadvantaged and multiply disadvantaged students receive quality education of a uniformly high standard provided by the state, with the potential to efficiently compensate for any disadvantage arising from students' social backgrounds, up until now there have been no signs of this taking place. On the contrary, measures increasing inequalities have been taking place. To sum up, currently **there is strong ambiguity from the Government** in the field of education. Although several official documents state the Government's commitment and willingness to provide integrated education supported via a direct support system based on conditions of equal opportunity, in reality the measures taken do not serve this end. For example:

- Reversed desegregation programmes (see the reopening of segregated primary schools in Nyíregyháza and Piliscsaba);
- The phenomenon of "white flight" by non-Roma pupils, which is still supported by different financial methods, such as normative financing for students coming from residential areas that are not included in the catchment area of the given primary school;
- The unequal national support system for different school maintainers has resulted in the fact that some of the most prestigious schools were more likely to have been taken over by churches. Church schools do not have specified school catchment areas and have the right to organize enrolment exams for children at the elementary levels (otherwise prohibited for any other school). This can foster the absence of disadvantaged children from these schools.

18 Available at: http://mandiner.hu/cikk/20130124_iskolai_allamositas_biztos_bizonytalansag 2013 (school nationalisation - certain uncertainty) 24 January.

19 Available at: http://hvg.hu/velemeny/20130205_iskolaallamositas_Rado 2013 (school nationalisation) 5 February.

20 Available at: http://index.hu/belfold/2013/01/11/kaoszhoz_vezetett_az_allamositas_egy_budai_gimnaziumban/ (nationalisation has led to chaos in a high school in Buda) 11 January 2013.

21 Hungary, Budapest, *Act CLXXXVIII of 2012: Maintenance of public involvement in some government-run educational institutions performing public functions*; available at: http://www.njt.hu/cgi_bin/njt_doc.cgi?docid=156713.232575.



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2. EMPLOYMENT

Regarding the employment situation of Roma we can only repeat the facts of the Civil Society Monitoring Report 2012 because no updated data are available. The employment rate of Roma men aged **35–50 is about one-third of that of non-Roma men**, and the employment position of Roma women is much worse than that of non-Roma women.²² **Roma women are practically excluded from employment due to the multiple disadvantages they suffer on the labour market**, for example, disproportionate distribution of work in the family and limited access to day care. As a result, only 13–16 % of Roma women are employed.²³

The chance of employment is highly determined by education level. Less than one-third of the population with only eight years of primary education is employed, and the proportion of undereducated persons employed is even lower in counties with higher Roma populations.

The main feature of the employment situation of the Roma compared to the majority population is their higher participation in informal employment. Roma workers face much higher job uncertainty and vulnerability at a lower income level than non-Roma workers because no legal protection is available for workers in informal or occasional employment. **Chances for the Roma on the labour market are becoming more and more limited by direct and indirect discrimination in Hungary.**

2.1 Most Important Measures in 2012 and 2013

The NSIS identifies three pillars of employment-targeted developments:

1. promoting open labour market employment;
2. social economy (temporary employment); and
3. public work.

This last 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.”²⁴

We will only mention some of the most important measures in this section. More detailed descriptions of some specific measures will follow in section 1.2.2.

After 2009, the main focus employment policy included reducing the amounts of various benefits (e.g., merging and reducing benefits based on disability or infirmity); the strengthening of job-seekers’ activity; and offering services through Public Employment Services.²⁵ **The proportion of funds spent on public employment from the fund available for labour market instruments has risen to a record high**

22 Gábor Kertesi, Gábor Kézdi, “Roma employment in Hungary in light of the parental sample in the Hungarian Life Course Survey (HLCS) (2006–2010)”, Pályasúgó Public Workshop IV, 14 February 2013.

23 United Nations Development Programme, Hungarian Life Course Survey.

24 National Societal Integration Strategy page 75.

25 Duman és Scharle, “Hungary: fiscal pressures and a rising resentment against the (idle) poor”, in *Regulating the Risk of Unemployment*, Clasen and Clegg (editors) (OUP, 2011).

amount in 2012–2013. The amount of the financial benefits (and access to them) has been further reduced.²⁶ Employment and training measures introduced during 2012–2013 were mainly financed from EU funds, which will reach hundreds of thousands of beneficiaries.

2.1.1 Public Work

Public work has existed in Hungary since the 1990s with different types of coverage, forms and targets. The current public work system was created in 2012, involving the introduction of the Employment Replacement Subsidy (ERS), a reduction in the amount of aid, and stricter entitlement criteria.²⁷ Public worker wages are below minimum wage.²⁸ Training programmes are connected to several public work programmes, both nationwide and sub-regional/settlement model programmes; the latter ones include professional trainings organised according to the needs of the public work agency and agricultural trainings connected to the Start Model Programme. It is still a question whether these trainings efficiently address labour demand and facilitate the reintegration of participants into the primary labour market.

The number of participants in public work was 186,000 in 2010, 265,600 in 2011, and 311,500 in 2012.²⁹ **In 2013 the objective is to involve 300,000³⁰ individuals in public work.**³¹

Large-scale as it actually is, this expensive public work system tends to draw resources away from active labour market programmes and state subsidies. Data on public workers is not disaggregated in the employment data, so their number seemingly increases the country's employment rate.³² The budget available for public work was HUF 64 billion in 2011 and HUF 137.5 billion in 2012.³³ **According to plans, HUF 153.8 billion will be spent on this purpose in 2013.**³⁴

The findings of a recent survey of public work agencies clearly reinforces the fact that public work in its current form is less of a labour market reintegration instrument than it once was³⁵ and that Roma frequently suffer from the discriminatory attitudes of decision-makers (employers, job supervisors) when applying for and taking part in public work.³⁶ Still, there are some progressive public work programmes, as described in section 1.2.2.

- 26 Irén Busch, Zsombor Cseres-Gergely, László Neumann, "Transformation of the institutional environment of the labour market between September 2011 and August 2012", *Labour Market Mirror*, Hungarian Academy of Sciences Subsidised research Group 2012.
- 27 The amount of the ERS (ERS) decreased (as of 01 January 2012) from 100% of the minimum pension to 80%. The amount has not changed in 2013. See 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 (special care status of the child), then from 2012, some of the ERS (60% maximum) may also be provided in kind or in Erzsébet card (food voucher) [Art. 3(2) of *Act CXVIII of 2012*]. ERS is a conditional aid: in a household, the income per one consumption unit cannot be more than 90% of the minimum pension, 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 settlements may impose an additional requirement (by local decree).
- 28 Public worker wages are 77% of the minimum wage or 85% where secondary education is a minimum requirement for performing the public work. In 2013, the wage of public workers was adjusted for inflation (it was raised by 5.2% but its proportion of the minimum wage did not change). (170/2011. (VIII. 24.) gov. decree)
- 29 The number of public work contracts is from the National Employment Service, "Data of the active employment measures in 2012". Data of the National Employment Service
- 30 As of October 2013 more than 298,000 persons had taken part in public work; the average number of public workers was more than 114,500 according to the Ministry of National Economy (press release 21 October 2013).
- 31 Leó Lőrincz (Department Head, Public Work and Logistics Department, Ministry of Interior), "Planning public work for 2013" (presentation).
- 32 János Köllő (presentation, Thematic Workshop on "Fundamental rights and public work", Dignity of Work Project, National office of Courts, 3 October 2012).
- 33 "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." National Societal Integration Strategy p. 5.
- 34 Supra note 30.
- 35 Márton Kulinyi, "Path to the world of labour", (presentation at a workshop on the "Employment situation of Roma", Chance Laboratory Association, 14 March 2013).
- 36 A. Kegye, K. Megyeri, Sz. Németh, H. Szarvas, M. Pánczél, T. Szabados, A. Wéber, "Barriers to access to administrative decision making of the protected groups", Equal Treatment Authority, 2013. Participants in the public employment programmes were chosen locally.

2.1.2 *Trainings Providing Qualifications and Competence Development*

The implementation of adult training and employment programmes as planned under the SROP continued in the 2011–2013 period. Generally, the projects started with a significant delay (6–12 months) compared to their original deadlines. **Roma people are involved in many programmes, but the proportion of them that benefit from them is low, and “cream-skimming” often happens.**³⁷ In addition, **the territorial distribution of the projects is uneven.** As only a short time period and limited resources/capacities are available for their implementation, **training and employment projects** (such as SROP 1.4.1 “Supporting community labour market programmes”) **cannot increase the involvement of those who are the furthest away from the labour market. Moreover, there is a lack projects building on previous results to reach the most vulnerable by offering more complex services over a longer period of time.**³⁸ (Some recently- started projects do have similar features in their approach, such as SROP 1.4.3 “Supporting innovative experimental employment programmes” and SROP 1.4.6/12 “Transit employment in the construction industry”. Since these are ongoing projects, no evaluation of their results is yet available.)

A series of key training-oriented programmes began in 2012 and 2013. More information about them will follow in section 2.2.

2.1.3 *Services Fostering Integration into the Open Labour Market; Job-Seekers’ Subsidy*

The most significant ongoing labour market programme financed from EU funding 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 and plans to reach 110,000 people (about one-fifth of all concerned); more than 58,000 individuals had already been involved by the first quarter of 2013.³⁹ About 46% of those who complete the project are employed after a 180-day period, which is a fairly good result.⁴⁰ **As a step forward, compared to preceding programmes, the SROP 1.1.2 programme includes a target indicator for each disadvantaged target group (including Roma), and the most disadvantaged (by intersection of disadvantages) receive high priority in the selection process. The programme is expected to involve 16,500 Roma individuals minimum, which represents only a small fraction of Roma job seekers.** Over 50% of that target has been reached, although the implementation of the programme is not yet halfway through.

2.1.4 *Employment Projects of the National Roma Self-Government (NRSG)*

Under the Framework Agreement between the NRSG and the Government in 2011, the NRSG is the strategic partner of the Government in implementing the NSIS. The NRSG is responsible for the three most important programmes in the area of employment:

- i. SROP 5.3.1. “Growing Opportunity” programme (“Training and employment of Roma people in the fields of social services and child welfare services”): This project aimed to provide qualification and supported employment opportunities to Roma women in child care and social services (including segments of basic health care services). By 31 October 2013, 2,080 Roma had been involved in the projects and about 960 of them had started trainings.⁴¹

37 Report by Hétfa Center for Analyses Ltd., Pannon Office for Analyses Ltd., Metropolitan Research Institute Ltd., “An assessment of EU developments aimed at Roma integration”, 2011 available at: http://www.nfu.hu/download/39813/Roma_ertekelesi_zarjelentes_V.pdf http://www.nfu.hu/download/39813/Roma_ertekelesi_zarjelentes_V.pdf (accessed 22 March 2013).

38 Report by Hétfa Center for Analyses Ltd., “Evaluation of developments fostering Social Inclusion”, 2013; available at: www.hetfa.hu http://www.nfu.hu/a_tarsadalmi_befogadast_szolgalos_fejlesztések_tamop_5_prioritas_ertekelese.

39 We have no later data.

40 Rita Szombathelyi, Ministry of National Economy presentation 9 September 2013.

41 Túrr István Training and Research Institute (TKKI) data received during a meeting on 4 November 2013. The consortium would like to thank TKKI that despite the short deadline they met our researchers on 4 November 2013 and provided the consortium with first-hand information about TKKI’s projects. We would also like to thank them for commenting on an extract of the relevant parts of the draft report. Their comments were taken into account when the consortium finalized this report.

- ii. 2.2.15. Central Programme under the State Reform Operational Programme (StROP) (**The development of “a public-benefit network for organising job placement”**): A sub-concept of this project is that Roma job-seekers will be placed in employment with the help of Roma officers at Employment Centres. According to information from the NRSRG, under SROP 1.1.2 “as part of the project and as proposed by NRSRG, 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 a “public-benefit network for job placement”, will carry out “manpower leasing” (under the act on employment promotion).⁴² As of November 2013, no plan or report is publicly available about the implementation of the SROP 2.2.15 Central Programme to clarify the concept of the planned manpower leasing network.
- iii. The public work network operated by the methodological institute of the NRSRG: In this framework, 360 social coordinators and social mentors are employed who, according to the plans, are supposed to provide mentoring for 30,000 Roma people participating in public work.⁴³ In practice, mentors have gathered data about the labour market situation of Roma. The NRSRG 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.⁴⁴
- iv. Employment Cooperative: The Employment Cooperative will serve as the operating structure for the job placement network. National Minority Self-Governments are exclusively given the right to establish such cooperatives with up to 500 members. 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 cooperatives” has already been prepared with an allocated budget of HUF 4.995 billion and was issued in March 2013. Funding was exclusively awarded to the NRSRG.

We highlighted in the previous report that the NRSRG implements a significant amount of diverse development projects and operates programmes whose magnitude, as highlighted by both NGO and professional positions, significantly exceeds its professional, organisational, and administrative capacities. In addition, a special risk in the implementation of the NRSRG’s responsibilities is that while the main applicant in many projects is the NRSRG itself, a great part of the professional activities is carried out by the Türr István Training and Research Institute (TKKI a national government organisation). In 2013 these risks seem to have been neither addressed nor reduced. **However, the NRSRG is specified as the entity bearing the main responsibility for these projects and accordingly, the political responsibility undertaken for the community it represents will also rest on the NRSRG when it comes to the outcome of the programmes and the accomplishment of the Framework Agreement targets.**

2.2 Impact of Measures

It is very hard to evaluate any of these projects as they relate to the NSIS, as most of them are ongoing or have started only recently. There is not enough data or information available to the public about the impacts or results of the measures. Most of the projects are presumed to have the potential for both negative and positive effects. There are some project clusters or series answering crucial needs in a forward-looking way (like training-oriented public work and some other innovative but experimental measures with limited scope).

2.2.1 The Role of Public Work and More Complex Public Work Projects

As one of the three pillars of the NSIS employment-targeted developments, public work has become the most important measure in employment schemes for vulnerable people, including Roma. As previously

⁴² Interview with the project manager of the SROP 2.2.15 Central Programme on 5 March 2013.

⁴³ 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.

⁴⁴ On 20 March 2013 the NRSRG replied in a letter to the questions sent by the Consortium of NGOs preparing the civil society monitoring report.

mentioned, public work now involves a record number of participants. Most of the programmes are run without providing any employment opportunities or social services to develop the labour-market chances of the participants. Still, there are a few more complex public work programmes. **As listed in the NSIS, the Start Work Programme (which is operated in disadvantaged micro-regions and is combined with compulsory training) is dedicated to promoting employment, creating jobs, fostering the return of public workers to the primary labour market and the competitive sector and aims “to provide incentive for work, as a socialization function”.**⁴⁵ Agriculture is identified as the core of the new type of public work strategy. Public workers participating in programmes are not only required to work but also to participate in compulsory training. The number of those job seekers involved in the Start Work programme is only a fraction of the masses of those engaged in public work (more than 18,500 people were employed in Start Work programmes in 2012–2013, 16% of them were Roma⁴⁶), while the cost per participant in the programme is about 180% of the same cost in other forms of public work (due to a longer training and employment period).⁴⁷ Three training packages have been provided in the projects (gardening and small animal farming, small animal farming, gardening and food conservation). According to the Ombudsman’s Report, **problems arose in delivering most of the training programmes in 2012 and they were either organised with delays or not at all.**⁴⁸ **Even though the agricultural competencies can contribute to participants’ better living conditions (for example, in some cases they can produce food for their own consumption) the labour market relevance of these trainings is questionable, as there is very limited labour market demand in the agricultural sector.**

The sustainability of the productive units developed under the programme is rather questionable. 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.⁴⁹ Their long-term sustainability is planned to be ensured by forming social cooperatives and providing funding for them through European Social Fund (ESF) projects.⁵⁰ A Social Cooperatives Project Coordination Office has been formed to help the creation and development of these social cooperatives. We presume these units will be sustainable in the long run only with permanent financial support.

Still, the Start Work Programme has been providing opportunities to some localities to design new ways of public work and organise more diverse jobs. Nevertheless, the project planning and delivery highly depends on commitment level of individual local decision-makers. **No study has been conducted about the impacts of this measure, the presumed market-distorting impact of these social cooperatives, or whether they will replace jobs on the market.** Analysing this latter aspect would be extremely important so as to assess the social and economic return on public work programmes.

In the beginning of November 2013, a Winter Public Work programme started (and will be implemented until the end of April 2014). About 200,000 people will be employed in the programme and half of them will get training. About 48,000 people will participate in basic competence training, 4,000 participants will receive catch-up training (basically to finish the 7th and 8th grades of elementary school), 20,000 participants will get professional training, and another 29,000 will take part in some kind of “introductory training” (information is not available on whether this will qualify the participants for any further training or labour market activity).⁵¹

There is very little data available about the effects of public work, and there is an ongoing debate of its possible impacts and aims. Analyses suggest that increased expenditure on such programmes does not

45 NSIS, p 43.

46 TKKI data.

47 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.

48 Ombudsman’s Report on Public Work No. AJB-4162/2012; at: http://www.obh.hu/allam/aktualis/htm/kozlemeny20121002_3.htm (accessed March 12, 2013). Reports by participants in public work programmes at non-governmental consultations were organized by those who prepared the Civil Society Monitoring Report.

49 Ombudsman’s Report about Case No. AJB-3025/2012.

50 Dr. Sipos Gyula, Ministry of Interior presentation 26 September 2013.

51 Ministry of Interior Press release 24 October 2013; at: <http://www.kormany.hu/hu/nemzetgazdasagi-miniszterium/foglalkoztataspolitikaert-elelos-allamtitkarsag/hirek/ketszazezren-vesznek-reszt-a-teli-kozmunkaprogramban>.

reduce (and may even slightly increase) long-term unemployment.⁵² Still, in several localities there is no relevant demand for unskilled workers and thus no real chance for a number of inactive persons to reintegrate into the primary labour market. Mass public work provides an opportunity for those who are furthest from the labour market to attain higher incomes and to be active, in a way. So public work is, in its present form, more of a welfare support (a rather expensive one) aimed to ease deep poverty than an employment measure.⁵³ It is therefore highly problematic for two major reasons: First, if public work is not providing real employment opportunities, then it should not be included in the official employment statistics, but on the other hand it is operating with conditions which cannot incentivize employment in practice. If understood as a welfare support, ERS does not suffice to fulfill basic social protection or poverty reduction needs either. Recent research has also concluded that the tightening of social benefits in Hungary has not effectively incentivized more active job searches and employment.⁵⁴

As a high portion of public workers remains undereducated, it is promising to combine public work with training. However, high attention must be paid to some factors during delivery. **The trainings need to be tailor-made for the special needs and missing competencies of the target group, and the assortment of trainings should reflect labour-market demand, offering professional qualifications to beneficiaries so as to increase their chances on the labour market.**

2.2.2 Relevance of Training and Education

Since low education is one of the biggest obstacles to the higher participation of Roma in the labour market, training programmes are crucial. The SROP Key Programme 2.1.6. “Learning again” project is one of them. The project started in 2012 (with a budget of HUF 106 billion), and 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 trainings started in 2013 involving more than 27,000 persons, including 4,908 Roma.⁵⁵ Despite the huge amount of funding available, the efficiency of the planned training programmes remains questionable; it is not yet ensured that the training services offered are tailored to labour market needs and offer competence-based development for individuals. **Trainings for Roma have been selected based on recommendations from public work agencies, which (according to the NRSRG) will not foster the entry of Roma into the primary labour market.**⁵⁶ As these trainings do not necessarily lead to formal qualification, the labour demand for them is also questionable.

The SROP-5.3.8/B “Motivation and support for labour market integration” project started in 2012, targeted to involve 30,000 inactive persons in training and supported employment. Employers are also recruited by TKKI, so a portion of the participants will get professional training according to employers’ concrete labour demands. More than 11,000 candidates participated in competence assessments and about 1,700 of them have already started trainings.

Those who lack basic competencies can join the SROP-5.3.10 project “Development of everyday living competences of most disadvantaged groups”, started in 2013. That project targeted inactive persons with low or no education and aimed to develop basic competencies and social competencies to make participants ready to join training and employment programmes. The project will reach 13,000 persons nationwide by the middle of 2015 with 6,000 beneficiaries participating in the trainings. The project employs 70 local mentors whose job is to get in touch with hard-to-reach participants and help them be able to finish the training through individualized social work. The project aspires to make 1,800 participants ready for further professional training or supported employment projects.⁵⁷

52 Károly Fazekas, “Experiences of local municipalities related to public employment and social benefit of active age unemployed”, Budapest Research Institute, 2001/9; János Köllő, Ágota Scharle, “The effect of expansion of public work to long-term unemployed”, in Fazekas–Kézdi (eds.) *Munkaerőpiaci Tükör*, 2011.

53 Luca Koltai, Márton Kulinyi, “Values of those organising public work”, Chance Laboratory Association, 2013.

54 Sára Bigazzi, Ildikó Bokrétás, Dr. Nóra Jakab, József Kotics, Zsuzsanna Vidra, János Zolnay, “The effects of reduction of social benefits”, 2012; Pro Cserehát Association 2013.

55 Data provided by National Labour Office on 14 November 2013.

56 On 20 March 2013, NRSRG replied in a letter to the questions sent by the Consortium of NGOs preparing the Civil Society Monitoring Report.

57 As of 28 October 2013; TKKI data received during the meeting on 4 November 2013.

All three projects are designed to serve as step-by-step, personal development for members of the most disadvantaged target groups, usually people who have long been inactive, socially excluded and undereducated. There is reason to hope that administrative burdens will not prevent participants from taking part in this step-by-step approach and that there will be a real opportunity for the individuals to participate in follow-up projects. More intense involvement of local NGOs and communities could help to reach out to these groups more effectively. These projects will involve a high number of participants, but if we consider the level of services and resources used for the projects, their expected outcomes are less ambitious. According to their target indicators, the majority of participants will get training but only a small proportion will obtain formal professional qualification and are expected to be employed as an outcome.⁵⁸

As part of the NSIS monitoring process, data acquisition concerning the Roma is a uniform practice in some of the projects such as SROP 1.1.2, 2.1.6, 3.5.8/b, 5.3.10).⁵⁹ Data acquisition concerning Roma is based on self-identification by participants. Unfortunately, this is not the case in several other labour market programmes and services (mainly those implemented by NGOs and Small to Medium Enterprises). Thus, there is little hope to gather Roma inclusion-related information from the above-mentioned projects.

2.2.3 Key Issues of Employment Measures

Even though projects with potentially positive impacts do exist, mainstream employment and social policy measures are having a rather negative effect on the labour market position of Roma. This is so in three ways:

- i. 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 are used for public work.** Most participants in active employment measures have participated in public work (in 2012, 59% of those involved in active measures were public workers compared to 33% in 2008).⁶⁰ **There has been a significant increase in the number of people involved in public work schemes.** On the other hand, a significant number of measures serving as activation incentives are provided through SROP development programmes subsidized from European Union funds. More funds should be made available for (a) providing labour market services that directly promote labour market participation, and (b) the development of the instruments, the institutional system, and external service providers.
- ii. The requirement of a 30-day registered employed status in order to be entitled to social assistance is practically impossible for unemployed people who live in tiny villages and cannot enrol in public work schemes to meet. Public institutions (only a few are present in small settlements) cannot offer sufficient “voluntary work” for all those concerned, and the amount of the benefit is usually insufficient to cover the cost of commuting to a larger settlement. **As a consequence, the number of adults not receiving social benefits has increased in Hungary since January 2013.** As experts estimate, about 300,000 people live without any social benefits in Hungary.⁶¹ The situation of those left without any benefits is characterized by complete uncertainty and lack of access to any welfare services. Many will also lose their eligibility for state-funded health insurance (social insurance).
- iii. **The labour cost of unskilled workers has increased** as a result of the introduction of increased minimum wages and expected salary compensations. These actions could not be offset by the

58 For example, in SROP 5.3.8 only 3% of the participants expected to achieve 90 days of employment during a 180-day period after leaving the project, while in SROP 5.3.10. only 13% of those involved expected to be involved in further training or employment programmes (supported or public employment). TKKI expects higher results than are defined in project documents.

59 Interview with Department Head Noémi Danajka, Department of Employment Programmes, 8 March 2013; TKKI meeting 4 November 2013, TKKI has collected data since April 2013 from all the projects they manage.

60 Márton Kulinyi, “Employment development in a complex structure”, presentation 26 September 2013.

61 “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.”; at: http://hvg.hu/itthon/20121015_ferge_zsuzsa_matolcsy_csomag (accessed 12 March 2013).

reduction of employer contributions and the introduction of occasional wage subsidies (involving special administration and application processes).^{62,63}

Although the Action Plan of the Strategy clearly identifies the Kiút (Way Out)⁶⁴ type of programmes for micro-lending and fostering the process of becoming self-employed, no action has been taken in this regard. The Kiút Programme and prior experimental micro-lending and financial development programmes implemented for marginalized communities, for instance by the Autonomia Foundation, have not been followed up or scaled up by any state-funded initiative. Disadvantaged, unemployed Roma cannot access the subsidy designed to support the starting of entrepreneurship. In July 2012 a grant programme was announced under SROP 2.3.6 “Assisting young people in becoming entrepreneurs” with a budget of HUF 2 billion. No information is available yet about the participation rate of Roma and low-skilled individuals. **Enterprise incubation programmes need to be developed and rolled out.** Experiences from the Kiút (Way Out) Programme should be used in policy planning and for changing the regulatory framework.

According to public opinion surveys, prejudices against the Roma decreased during the 1990s but have strengthened again in the past few years.⁶⁵ Fewer funds are being allocated by the government for those measures launched before 2010 to reduce the impacts of discrimination (e.g., the Equal Treatment Authority and the Scholarship Programme for Roma in Public Administration). **Since the NSIS was adopted, no programmes have been implemented to reduce labour market discrimination of Roma. The Strategy itself fails to properly emphasize and specify efficient instruments** the Government could use for acting against the discrimination of Roma and groups exposed to multiple discrimination (e.g., Roma women), a fact already highlighted in reports by human rights and non-governmental advocacy organisations.⁶⁶

- 62 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 percent in 2012 (*Labour Market Mirror*, National Academy of Sciences, 2012, 397.o.).
- 63 Special enterprise zones were established in 47 of the most disadvantaged micro-regions where complex economic development programmes and wage subsidies will help job creation. 27/2013. (II. 12.) Government decree.
- 64 “The objective of [the] Kiút programme is to enable people living in deep poverty – primarily the Roma – to become self-employed by providing them with social support, financial services and information.”; at <http://www.kiutprogramme.hu/index.php/en/> (accessed November 12, 2013).
- 65 Zsolt Enyedi, Zoltán Fábrián, Endre Sik (2004), “Have prejudices increased in Hungary?” in Tamás Kolosi, István György Tóth, György Vukovich (eds.), *Social report 2004*, (Tárki: Budapest), pp. 375–399; at: <http://www.tarki.hu/adatbank-h/kutjel/pdf/a809.pdf> (accessed March 22, 2013);, Medián Market Research institute(2009): Around freezing point. Medián, 26 February 2009; Endre Sik, Bori Simonovits (eds.) (2012) “The chances of Abena, Sára, Chen and Ali in Hungary” (Tárki: Budapest); Bori Simonovits, Júlia Koltai (2011a): *Employers’ employee-selection practices in the light of discrimination*. Research report, Equal Treatment Authority, at: http://www.egyenlobanasmod.hu/tamop/data/2.2_kivalgyak_majus18.pdf, (accessed 22 March 2013); Bori Simonovits, Júlia Koltai (2011b): *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, at: http://www.egyenlobanasmod.hu/tamop/data/2.4_Vedett_tulajdonsagu_mvall.pdf (accessed 22 March 2013);, A. Lovász (2012) “Labour market discrimination”, in K. Fazekas, Á. Scharle (eds.) (2012) *Pension, aid, public work. Two decades of Hungarian employment policy, 1990–2010*. p7, at: <http://econ.core.hu/file/download/20evfoglpol/kotet.pdf> (accessed 22 March 2013).
- 66 Recommendations to the Hungarian National Social Inclusion Strategy: Prepared by a group of Hungarian non governmental organizations http://www.partnershungary.hu/images/Letolttheto/civilek_angol.pdf (accessed 22 March 2013).

3. HEALTHCARE

The NRIS identifies the territorial inequality regarding health care as one of the most relevant health aspects of social exclusion and emphasizes that Roma health conditions are significantly worse compared to the national average. According to the results of previous research, the higher the proportion of Roma in a micro-region, the lower life expectancy at birth is.⁶⁷ The Action Plan of the NRIS includes measures regarding healthcare (most of the programmes will be founded by SROP), e.g., promoting disadvantaged Roma women's employment in the fields of social services and child welfare, and filling vacant positions for general practitioners and paediatricians.

3.1 Most Important Measures in 2012 and 2013

3.1.1 Ensuring Basic Social Security Coverage and Comprehensive Health Services to Roma

A Government Decree⁶⁸ (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. In November 2012, the Ministry for Human Resources announced that scholarships (EUR 700 monthly) would be granted for 20 prospective paediatricians ready to work in disadvantaged regions.⁶⁹

According to National Health Insurance Fund data,⁷⁰ there were 218 vacant general practitioner's positions in July 2013 (out of approximately 6,800 such positions in the country). The number of vacant positions was the highest (43) in Borsod-Abaúj-Zemplén county (in northeastern Hungary), where the proportion of the Roma population is higher than average.⁷¹

3.1.2 Access to Quality Health Services

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 as part of the tender for “Training and employment of Roma people in the fields social services and child welfare services” (SROP 5.3.1, launched on 28 June 2012).⁷²

67 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: 15 November 2013).

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

69 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_hianyzik_hazi/198206/ (accessed: 5 November 2013).

70 Haiman, Éva, „Ellehetetlenül a házi orvoslás” [General practitioners' situation becomes unsustainable], (Világgazdaság Online, 4 July 2013), available at: <http://www.vg.hu/vallalatok/egeszsegugy/ellehetetlenul-a-haziorvoslas-407111> (accessed: 15 November 2013).

71 See population census data 2011 – geographical dispersion of the Roma in Hungary (percentage of the Roma population in the 19 counties and in the capital city): 2011. évi népszámlálás, 3. Országos adatok, (Budapest: KSH, 2013), p. 22, available at: www.ksh.hu/docs/hun/xftp/idoszaki/nepsz2011/nepsz_orosz_2011.pdf (accessed: 15 November 2013).

72 See details below in the present section (“Impact of measures – Promising targeted measures”).

3.1.3 Preventive Measures to Ensure Regular Medical Check-Ups

In September 2012, Deputy State Secretary for Social Inclusion of the Ministry of Human Resources Ms Katalin Langerné Victor announced at a professional seminar attended by the WHO, the NRSNG, the National Institute for Health Development and the 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 NRSNG 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.⁷³

3.1.4 Prenatal and Postnatal Care and Family Planning

Female (surgical) sterilisation without the fully informed consent of the patient typically happens around giving birth (or in cases of stillbirth, premature birth, etc.) and is still a concern in Hungary. According to a recently published assessment by human rights organisations,⁷⁴ Hungary has failed to fully implement the recommendations of the UN CEDAW Committee in a relevant 2006 decision,⁷⁵ and the relevant legal provisions still do not comply with international standards:⁷⁶

- although informed consent is required, the Health Care Act⁷⁷ still mandates sterilisation on the basis of a medical indication/emergency even though contraceptive sterilisation cannot ever be justified on the grounds of a life-threatening emergency;
- the law requires the provision of relevant information to patients on the “chances of reversibility”, suggesting that surgical sterilisation is a non-permanent procedure, which is misleading.⁷⁸

The European Roma Rights Centre (ERRC) and the Legal Defence Bureau for National and Ethnic Minorities (NEKI) are currently involved in a case pending on appeal before domestic courts in which a Romani woman was allegedly sterilised without her informed consent in Hungary.⁷⁹

3.1.5 Targeted Health Awareness Campaigns to Ensure Preventive Health Care Outreaches Roma/ Disadvantaged Groups

Since January 2012, several relevant tenders have been launched within the framework of SROP in accordance with measures identified by the NRIS Action Plan:

73 MTI, „Százötvenezer roma egészségügyi szűrését célozta 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_egeszsegugyi_szureset_celozta_meg_a_kormany (accessed: 5 November 2013).

74 European Roma Rights Centre – Hungarian Women’s Lobby (2013), *Alternative report submitted to the UN CEDAW Committee for consideration in relation to the examination of the combined seventh and eighth periodic reports of Hungary*, available: www2.ohchr.org/english/bodies/cedaw/docs/ngos/HWLandERRC_Hungary_ForTheSession_Hungary_CEDAW54.pdf (accessed: 5 November 2013).

75 UN Committee on the Elimination of Discrimination against Women, 36th Session, Views – Communication no. 4/2004, 29 August 2006, available at www.un.org/womenwatch/daw/cedaw/protocol/decisions-views/Decision%204-2004%20-%20English.pdf (accessed: 5 November 2013).

76 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: www.errc.org/cms/upload/file/letter-to-un-special-rapporteurs-on-health-torture-and-violence-against-women-3-june-2011.pdf (accessed: 5 November 2013).

77 Hungary, Budapest, *Act CLIV of 1997 on Health Care*, Article 187.

78 International Federation of Gynecology and Obstetrics: *Guidelines on sterilisation of women*, available at: www.figo.org/files/figo-corp/FIGO%20-%20Female%20contraceptive%20sterilization.pdf (accessed: 5 November 2013).

79 The underlying 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, and on 18 April 2013, the Regional Court of Debrecen ruled that the hospital shall pay a compensation of approx. 6,600 EUR plus interests to the woman because of the violation of her reproductive rights and the violation of her rights for self-determination and private life. However, the court did not establish ethnic discrimination and violation of the right for informed consent. The hospital requested a judicial review; the hearing will be held in December 2013. – Information provided for the purposes of the present report by the ERRC; documentation of the lawsuit is on file with the European Roma Rights Centre.

- “Health education and awareness raising lifestyle programmes – Local scenes” (SROP 6.1.2);
- “Health education and awareness raising lifestyle programmes in the most disadvantaged micro-regions” (SROP-6.1.2/LHH); these projects, which might reach Romani communities because of the programme’s territorial targeting, 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 cardiovascular diseases, cancer and reduce early mortality rates through healthier lifestyles and to decrease health inequities;⁸⁰
- “Development of public health communication” (SROP 6.1.3 priority programme) aims to provide funding for effective public health communications at the national level, accommodating the diverse needs of different social groups, supporting health protection programme, recreational sports, etc.;⁸¹
- “Early childhood, 0-7 years” (SROP 6.1.4 priority programme) is implemented by a consortium including the National Institute for Quality- and Organizational Development in Healthcare and Medicines and the National Public Health and Medical Officer Service, targeting, among others, health visitors and disadvantaged families.⁸²

3.2 Impact of Measures

3.2.1 Promising Targeted Measures

“Growing Opportunity!”⁸³

This programme is being implemented by a consortium consisting of TKKI and the NRSZ in all 19 counties and the capital and will close in August 2014. The available funding for the programme is HUF 1,327,996,850.⁸⁴ Within the framework of this programme, approximately 1,000 disadvantaged persons (primarily Romani women) will be provided with vocational training in the fields of social and child welfare services and will then be given jobs. Participants are provided with a cost-of-living allowance during their training. The tasks of the consortium include preparing selected applicants for employment through vocational training courses, competence-building courses and mentoring. TKKI is responsible for hiring trainers and ensuring professional practice venues. The programme offers five different training courses: infant caregiver and nurse; child and youth caregiver; social caregiver; social caregiver/nurse; and kindergarten assistant (the latter was included upon the request of the prospective applicants). Altogether 20 courses were launched involving 960 participants, of whom 193 have already finished the courses.⁸⁵ Approximately 750 participants are expected to ultimately successfully finish the training courses. The consortium is tasked with recruiting and contract employers such as social service providers, child protection/welfare institutions and public education institutes/kindergartens to provide the graduates with 15 months of employ-

80 National Development Agency (Nemzeti Fejlesztési Ügynökség – NFÜ), TÁMOP-6.1.2/LHH/11/A – Egészségre nevelő és szemléletformáló életmódprogramok a leghátrányosabb helyzetű kistérségekben [SROP-6.1.2/LHH/11/A – Health education and awareness raising programmes on lifestyle in the most disadvantaged micro regions], available at: <http://www.nfu.hu/doc/3293>; TAMOP 6.1.2./LHH/11/B – Egészségre nevelő és szemléletformáló életmódprogramok a leghátrányosabb helyzetű kistérségekben [SROP-6.1.2./LHH/11/B – Health education and awareness raising programmes on lifestyle in the most disadvantaged micro regions], available at: <http://www.nfu.hu/doc/3347> (accessed: 5 November 2013).

81 National Development Agency (Nemzeti Fejlesztési Ügynökség – NFÜ), TÁMOP 6.1.3 Kiemelt program a népegészségügyi kommunikáció fejlesztése érdekében [SROP 6.1.3. Priority Programme – Development of public health communication], available at: http://www.nfu.hu/kiemelt_program_a_nepegeszsegugyi_kommunikacio_fejlesztese_erdekeben (accessed: 5 November 2013).

82 National Public Health and Medical Officer Service (Állami Népegészségügyi és Tisztiorvosi Szolgálat – ÁNTSZ) – National Institute for Quality- and Organizational Development in Healthcare and Medicines (Gyógyszerészeti és Egészségügyi Minőség- és Szervezetfejlesztési Intézet – GYEMISZI), TÁMOP 6.1.4. Koragyermekkor (0-7 év) kiemelt projekt [SROP 6.1.4 Priority Programme – Early childhood, 0–7 years], available at: https://www.antsz.hu/projektek/tamop_614_koragyermek (accessed: 5 November 2013).

83 See also above in the present section (“Most important measures in 2012 and 2013 – Access to quality health services”).

84 See: Túrr István Training and Research Centre (Túrr István Képző és Kutató Központ – TKKI), „Nő az esély” TÁMOP-5.3.1.B-1 [“Growing Opportunity” SROP-5.3.1.B-1], available at: http://egyenlobanasmod.hu/tamop/data/No_az_esely_TAMOP_531_2012nov15.pdf (accessed: 5 November 2013).

85 As of 31 October 2013, noting that a number of courses will end in November 2013 (information provided by Mr Zoltán Sárkány, Head of Department of Sectorial Programmes, TKKI, for the purposes of the present report during an interview conducted on the 4th of November, 2013, at the Budapest Centre of TKKI).

ment. The costs of 12 months of that employment are supported by the programme. (Public education institutions were originally not eligible, but the conditions were amended in order to provide employment opportunities for the kindergarten nurse training course.)

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. The general aims of the programme include increasing employment rates and promoting Romani women's social inclusion and mobility. The programme might strengthen the position of women within their communities as well and could contribute to eliminating negative stereotypes and discrimination against Roma, at least at local levels.

*The Roma Medical Training Programme*⁸⁶

This programme, run by Semmelweis University and Avicenna International College, was launched outside the framework of the Strategy, but its aims are in accordance with it. The programme is being implemented within the framework of the SROP-4.1.1. In the spring semester of 2012, 21 Roma students participated in a 15-week-long preparatory course. Of those, nine students began to study in different medical programmes in September 2013. A second preparatory course was launched in the spring semester of 2013 (the Semmelweis University will continue the programme in the spring semester of 2014, the call for applications is to be launched in the first weeks of 2014).⁸⁷ In addition to increasing the number of Romani medical experts (and Romani professionals in general), the programme aims to tackle territorial inequities by encouraging participants to apply for the vacant general practitioners' positions in disadvantaged regions.

3.2.2 *Promising Mainstream Measures*

*Government Decree on the implementation of the Act on Independent Medical Services*⁸⁸

The Decree,⁸⁹ which defined the term of "permanently vacant general practitioner's position" and tasked the National Institute of Primary Care with maintaining a database of vacant positions, is aimed at facilitating the monitoring and coordination of efforts in this field. The Institute operates a programme ("Praxisprogramme") aiming to fill vacant positions.⁹⁰ Within that programme, even doctors who have not passed general practitioner's exams are eligible to apply for general practitioner positions as trainees, and doctors specialising in clinical medicine are eligible to apply for general practitioner jobs. This programme might improve the accessibility of basic health services in disadvantaged micro-regions, as most vacant general practitioners' positions are concentrated in disadvantaged micro-regions.⁹¹

*"Basic Health Service Model Programme"*⁹²

This Programme was launched within the Swiss-Hungarian Co-operation Programme in July 2013 with a budget of approximately HUF 3,700,000,000 HUF. The Programme is aimed at improving basic health services in four disadvantaged micro-regions (Berettyóújfalu, Borsodnádásd, Heves and Jászapáti) by re-organising the service system. The new system will include a network of specially trained "assistant health

86 See the webpage of the programme: "Cigány Orvosképzési Program a Semmelweis Egyetemen" [Roma Medical Training Programme at the Semmelweis University], available at: <http://cigany-orvoskepzes.eu> (accessed: 5 November 2013).

87 Information provided by the coordinator of the Roma Medical Training Programme for the purposes of the present report.

88 See also above in the present section ("Most important measures in 2012 and 2013 – Ensuring basic social security coverage and comprehensive health services to Roma").

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

90 National Institute of Primary Care (Országos Alapellátási Intézet – OALI): *Praxisprogramok I–II.* [Praxis Programmes I–II.], available at: <http://www.oali.hu/praxisprogramok>, (accessed: 5 November 2013).

91 See also above in the present section.

92 National Institute of Primary Care (Országos Alapellátási Intézet – OALI), "Mintegy 3,7 milliárd forintot támogatással indul az alapellátás megújítása négy hátrányos helyzetű kistérségben" [Approx. 3.700.000.000 HUF support is provided for the improvement of basic health services in four disadvantaged regions] (2 Jul 2013), available at: <http://www.oali.hu/sajtoanyagok/svajci-magyar-egyuettmukoedesi-programme/sajtoanyagok/mintegy-3-7-milliard-forintos-tamogatassal-indul-az-alapellatas-megujitasa-negy-hatranynos-hehelyzetu-kistersegben> (accessed: 5 November 2013).

protection officers” and public health experts. The Programme aims to decrease inequities in disadvantaged communities, including Roma communities, regarding access to basic health care services.

3.2.3 Mainstream Measures Having Largely Negative Impacts on the Lives of Roma Citizens

The “30 days rule” regarding certain social benefits

As highlighted in the Employment chapter, the modification of the system of social/unemployment benefits to introduce the “30 days rule” regarding “benefits for people of active age” (“regular social aid” and the “employment substituting allowance”) could mean disadvantaged people who are no longer eligible for social benefits might lose their entitlement to primary health care as well.⁹³ People of active age will be required to cover their health insurance contributions out-of-pocket, a monthly amount of approximately EUR 23.⁹⁴

93 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 Hungary, Budapest, Art 36 of *Act III of 1993 on Social Administration and Social Benefits*.

94 National Tax and Customs Administration of Hungary (Nemzeti Adó és Vámhivatal – NAV), *Fizetendő járulékok 1999–2013 [Contributions in 1999–2013]*, available at: http://www.nav.gov.hu/nav/ado/jarulek/jaruj_101105.html (accessed: 5 November 2013).



DECADE OF
ROMA
INCLUSION
2008-2015

4. HOUSING

As was highlighted in the first “Civil Society Monitoring Report 2012”, the foci of the current Action Plan with respect to housing have been (1) to increase housing security by preventing the loss of housing, (2) to investigate possible ways to increase the social rental housing supply and (3) to launch/continue programmes aiming to integrate segregated Roma settlements and deprived urban areas (elimination and rehabilitation).

The “Civil Society Monitoring Report 2012” concluded that mainstream housing policy measures on the one hand largely **promote home ownership**, mainly supporting the middle class (and as a part of this strategy, they aim to enhance housing construction, which is suffering from substantial decline after the crisis). On the other hand, mainstream housing policy measures are trying to solve the increasing problem of households **defaulting on foreign-exchange housing loans**.

In the field of **social housing, no substantial measures** have been taken. The neediest households with children and housing loans in default were offered the option of remaining in those properties by renting them after the National Asset Management Company (NET Zrt) assumes property rights to the housing on which they have defaulted.

This is connected to another Action Plan measure, namely, **the prevention of housing loss**. The most important intervention in this regard, the “10% reduction” in energy prices, was not a targeted measure, which meant its effect on those who live in deep poverty most probably not substantial. Furthermore, those who suffered from the problem of accumulating large housing cost arrears – which has been an increasing problem in the last decade – were not offered any new solutions but the above-mentioned one (which does not reach households already disconnected from services).

Regarding measures related to **housing segregation** of Roma, the previous Report showed that some measures had been already launched while others were still in the planning phase. We evaluated this as a negative development, warning there would be not enough time to plan and implement integrated local projects based on participative planning.

An important finding of that Report was that the Action Plan’s housing-related measures were financed from EU funds, except for the schemes for households with defaulted loans. Moreover, no national funds were used for measures to increase housing security and the social housing supply.

Since the “Civil Society Monitoring Report 2012”, no measures were taken which would have re-structured the housing subsidy system in terms of its aims and target groups. Below we summarize the new developments in the field of housing measures.

4.1 Selected Mainstream Housing Policy Measures in 2013

Mainstream housing policy measures have **continued to focus on the loan crisis and decreasing the share of utility costs in household expenditures**. The number of households in default has been increasing. The NET Zrt assumes the property rights of debtors who continue to occupy the apartments on which they have defaulted, now as tenants paying a low rent. The scheme was launched at the beginning of 2012 and by November 2013 almost 10,000 housing units were offered to the NET Zrt, which will expand to running 25,000 units by the end of 2014.

A new development in this regard is that empty units owned by the NET Zrt can be offered to other tenants in order to allow for more mobility; thus, people can move to cheaper, smaller housing or to places with higher chances of finding a job. Some interpret the NET Zrt's housing stock as an option for people with social housing needs (including people who live inadequate housing, those living in overcrowded apartments, and homeless people); nevertheless, no concrete regulation has been adopted on this issue yet.

In addition to local governments, the state can now be a substantial player in the public housing sector in years to come, as it will own around one-fifth of the public housing stock. However, a less favourable side of this scheme is that the majority of that stock is in the least-developed regions and in smaller settlements. Moreover, the quality of the future social housing stock will be problematic: a large share of it will be housing with water hook-ups but without bathrooms, electricity or toilets. This could mean that state-owned public housing might even enhance segregation if it is spatially concentrated.

An important experimental programme (unfortunately, the only one of its kind) is housing support for labour mobility (the programme is financed by SROP and run by the Labour Office). The high concentration of Roma people in the most-disadvantaged micro-regions and their lack of mobility is also one reason for low Roma employment rates. This support can be requested for up to 18 months if someone takes a job at least 100 kilometres away from her/his original place of residence and must commute at least five hours to get to work. At the moment, the programme involves about 1,000 people; there is no information about Roma participation.

To protect households with defaulted loans and other arrears, the government has declared an eviction moratorium from November 2013 until the end of April 2014. Energy prices for private persons were also further reduced by the government from 1 November 2013. This means households pay already 20 % less than in December 2012 for district heating, electricity and gas. This substantial reduction has a positive effect on low-income households' housing affordability. Still, it does not directly help those who are in substantial arrears with their housing costs. There is no information as to how this price reduction affects utilities and the security of power supply.

There is a central grant to provide in-kind support for needy households heated by firewood during winter. Local governments can apply for the grant and then distribute it among the households. This year the amount of the grant has been doubled (in winter 2013/4 over HUF 2 billion will be spent on this scheme, reaching slightly more than half of all municipalities in Hungary).⁹⁵

4.1.1 Measures Targeting the Improvement of the Roma Housing Situation

Such measures are included in the following Operational Programmes: the Regional OPs and the Human Infrastructure OP. As described in the first Report, the socially sensitive rehabilitation programmes are funded from the ROPs and the mainstream programmes target deprived urban areas. Nevertheless, only a smaller part of these projects included areas with high Romani populations. A negative development is that the professional support for planning the largest cities' projects has not yet been provided (the system operated until mid-2010).

A pilot project launched in the ROPs has directly targeted Roma communities. Registration in the programme for municipalities was publicized in 2012 in three regions, and 10 projects in three regions were given professional support during their planning phase until the end of August 2013. Unfortunately, it seems the projects can be implemented only in one region (South-Transdanubian Region) as there are no more resources available in the other two (if some unused resources can be found during the next two to three months, the Managing Authority will launch the scheme).

A further EU-funded measure, (a SROP 5.3.6 measure containing only soft elements), the social inclusion component of the complex programme for Roma settlements, was launched in two phases. The first phase

⁹⁵ 57/2013. (X. 4.) Decree of Ministry of Interior Affairs on additional support to local governments in order to support needy households with firewood. Data are from the ministry's website: <http://www.kormany.hu/hu/belugyminiszterium/onkormanyzati-allamtitkarsag/hirek/tobb-mint-1700-onkormanyzat-kap-tuzifa-tamogatast> (Accessed 10 November 2013).

was launched in 2012 with 22 selected projects, and in the second phase 18 more projects were selected, but only recently with a substantial delay. The housing component (Social Infrastructure Operational Programme or SIOP 3.2.3-A) tender for organisations funded by the above-mentioned SROP project was published in May 2013, and the deadline for the submission of proposals was prolonged⁹⁶. Originally only seven or eight projects could have been selected, but as the Action Plan of both the SROP and SIOP has been modified recently, the total available funding of both measures has increased. This means more projects can be launched.

A main problem with both the ROP pilot and the SROP-SIOP complex programmes is that the system has undergone substantial delay, which means there is a very limited time available for planning and implementation. This could harm the complexity of the measures and thus the sustainability of the projects. The SROP-SIOP complex projects are coordinated by the recently established TKKI, and the question remains whether that institution has or will have enough capacity to coordinate so many projects. Furthermore, it is planned that a Central Programme will be launched at the beginning of 2014 to provide professional support to municipalities who implement the complex programme.

As was mentioned in the first Report, the housing component of the complex programme could have a positive effect. However, it might strengthen segregation as well, since desegregation measures were not defined as a compulsory element of the tender.

4.1.2 Equal Opportunity Measures – a Negative Development

One of the most important equal opportunity measures in the housing sphere is the Desegregation Plan (or DP, analysed as a Flagship Initiative in the first Report). DPs aim to tailor local strategy-making to halt housing segregation processes and promote housing integration of local Roma communities. The DP is prepared as a part of local governments' Integrated Settlement Development Strategies (ISDS). However, in 2012 there was a change to regulations which has largely weakened the strength of this measure.

Formerly, the DPs had to be prepared as part of the Integrated Urban Development Strategy in order to comply with the application criteria for urban rehabilitation funding (financed from EU funds). In 2009, as a positive development, along with amendment of the Construction Law⁹⁷ the ISDS and the DP became a compulsory strategic document for all local governments. However, amendment of the Law on Local Governments⁹⁸ has since declared that responsibilities can be made compulsory for local governments only when funding is ensured for them. As no funding was ever centrally provided for the ISDS and DPs, the Construction Law also had to be amended accordingly⁹⁹ to make the elaboration of such documents optional.

A further negative development in this respect is that in the draft version of the Territorial and Settlement Development Operational Programme for 2010–2014, the ISDS is not specified as a compulsory strategic document for accessing EU funds except for large cities with county rights. For other settlements, it seems the basis for strategic development planning will be the future county development plans and small regional development programmes. The related decisions are still to be taken, but there is the fear that in the near future, developments will be implemented without monitoring their effects on segregation and without stimulating local governments to take action against segregation.

The situation will not be improved even by the fact that Local Equal Opportunity Programmes (LEOPS) must be elaborated by every local government. The LEOPs are structured according to target groups (Roma, those who live in deep poverty, women, children, people with disabilities and the elderly) and housing segregation is only one dimension of the problem affecting Roma. In the next programming peri-

96 The proposals can be submitted in two phases, the new deadlines according to the latest modification of the tender are 9 December 2013 and 31 January 2014. http://www.nfu.hu/beadasi_hatarido_hosszabbitas_a_lakhatasi_beruhazasok_tamogatasa_erdekeben_megjelent_palyazat_eseteben (Accessed on 6 December 2013).

97 Hungary, Budapest, *Law LVII/2009 modifying Law LXXVIII / 1997 on Forming and Protecting the Built Environment (Construction Law)*.

98 Hungary, Budapest, *Law CLXXXIX / 2011 on Local Governments of Hungary*.

99 Hungary, Budapest, *Law CLVII / 2012*.

od, only those local governments can receive EU funds that have approved LEOPs. Out of 3,177 Hungarian municipalities, 2,361 local governments had accomplished their LEOPs by November 2013. By the final deadline of 15 December 2013, altogether 3,000 municipalities will have completed LEOPs. According to the goal of the relevant Central Programme,¹⁰⁰ the elaboration of LEOPs has been professionally supported by the TKKI's mentors. The local governments have to publicize their LEOPs on their websites and the TKKI has also made them available on its own homepage.

However, the main problem (as pointed out in the first Report) is that the current methodology for LEOPs does not include the methodological requirements previously applied to the DPs and only makes recommendations for a situation assessment. As it stands now, the LEOPs do not establish any guidelines or minimum requirements concerning measures against segregation.

An evaluation in September 2013 entitled "The effects of regulation related to elaboration of LEOPs" examined the operation of the mentoring system.¹⁰¹ The results of that evaluation have not been made public yet. It has also not yet been decided how the local implementation of LEOPs will be monitored by the central system. According to the TKKI, the establishment of a related methodology and training of local administrations to monitor the implementation can happen in next year after the completion of the 3,000 LEOPs within the framework of the extended Central Programme.

100 ÁROP 1.1.16. (State Reform Operational Programme aiming to improve the quality and efficiency of public administration) is a Central Programme implemented by TKKI. It includes the training of 50 mentors and 50 mentor-assistants who afterwards train the municipal officials responsible for elaboration of the LEOPs, The mentors and mentor assistants then provide help to local administrations with the process of elaborating the plans. The Central Programme operates until the end of this year but it may be prolonged for next year (or part of the next year). (Information received from the interview with and the written comments of TKKI in November 2013.)

101 The evaluation was ordered by the Ministry of Human Resources. (Information received from TKKI's written comments on the draft version of this Report in November 2013).

5. ANTI-DISCRIMINATION

This chapter covers legal and institutional developments affecting the rights of minorities in Hungary and elaborates on discrimination-related issues not covered by other chapters of this report. For discrimination-related issues in the field of education, employment, health and housing, see Chapters 1.1.-1.4.

5.1 Changes to the Ombudsperson System Affecting the Enforcement of Rights

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 and the four former Ombudspersons were replaced by a Commissioner for Fundamental Rights. The deputy of the Commissioner for Fundamental Rights responsible for the protection of the rights of nationalities (minorities) living in Hungary has far less power, resources and staff than the former Parliamentary Commissioner for the Rights of National and Ethnic Minorities did. The deputy of the Commissioner may only propose that the Commissioner launch an *ex officio* investigation or file a request at the Constitutional Court.¹⁰² This tendency goes against the suggestions of the UN Independent Expert on minority issues.¹⁰³

5.2 Electoral Rights and Minority Self-Governments

The Fundamental Law of Hungary ensures that nationalities (minorities) may participate in the work of the Parliament.¹⁰⁴ In the general election for Members of Parliament (commencing with the next elections in 2014), National Minority Self-Governments may set up a list of candidates as a (national) minority list.¹⁰⁵ However, it is highly problematic in light of international recommendations¹⁰⁶ that citizens registered as so-called “minority voters” should only vote for an “ordinary” national party list if their minority has not set up a minority list.¹⁰⁷ Discrepancies in this regard led Roma organizations to start a campaign in the fall of 2013 asking Roma citizens not to register themselves as “minority voters” before the general elections in order to be able to vote for the “ordinary” party lists.¹⁰⁸

102 Hungary, Budapest, *Act CXI of 2011 on the Commissioner for Fundamental Rights*, Article 3 (2).

103 The UN Independent Expert on minority issues 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).

104 Hungary, Budapest, *Fundamental Law of Hungary*, Article 2 (2).

105 Hungary, Budapest, *Act CCIII of 2011 on the Election of Members of Parliament*, Articles 7 and 9 (1).

106 E.g., the Venice Commission’s (European Commission For Democracy Through Law) “Code of Good Practice in Electoral Matters – Guidelines and Explanatory Report” (adopted by the Venice Commission at its 52nd session, Venice, 18–19 October 2002, Opinion no. 190/2002, CDL-AD (2002) 23 rev) includes the following under § 23: “It may also be foreseen that people belonging to national minorities have the right to vote for both general and national minority lists. However, neither candidates nor electors must be required to indicate their affiliation with any national minority.” The document is available at: <http://www.venice.coe.int/webforms/documents/CDL-AD%282002%29023rev.aspx> (accessed 8 November 2013).

107 Hungary, Budapest, *Act CCIII of 2011 on the Election of Members of Parliament*, Article 12 (2) b).

108 See e.g.: Roma szervezetek a cigányságnak: Ne regisztrálj! (*Roma organisations are telling the Roma: Do not register!*), 24 September 2013, http://nol.hu/belfold/roma_szervezetek_a_ciganyisagnak___ne_regisztralj?ref=sso (accessed 8 November 2013).

On 20 December 2011, a new Act of Parliament on nationalities (i.e., minorities)¹⁰⁹ came into effect (hereinafter: Nationalities Act), which in the view of the former Parliamentary Commissioner for the Rights of National and Ethnic Minorities¹¹⁰ includes both elements to be welcomed (e.g. direct elections) and numerous provisions giving rise to concerns. The Nationalities Act makes whether local elections for Minority Self-Government representatives are held depend on census data, not on the number of persons registered in the minority voter registry.¹¹¹ This provision restricts minority group members' right to self-determination unnecessarily and to a disproportionate extent, since declaring affiliation with a minority group in a census 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 view of the fact that experts unanimously agree that census data concerning ethnicity is unreliable. It is also important to highlight that when census data were collected in 2011 these consequences of declaring affiliation with a minority group with respect to elections were not known.

As far as local municipal decrees are concerned, it is not required that local (or regional) Minority Self-Governments agree with them (i.e., unlike previously, MSGs do not have the right to veto decrees about local media, the promotion of local traditions and culture and the collective use of the minority language),¹¹² eliminating MSGs' right to decide on matters together with local municipalities.¹¹³ Due to a lack of legislative and technical prerequisites for involving minority associations in the decision-making mechanisms of local municipalities, minority associations are not able to exercise all of their rights granted by law.¹¹⁴

5.3 Anti-Discrimination Law

The powers of the Equal Treatment Authority (Hungary's equality body) go beyond the powers required by Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, since the Equal Treatment Authority reaches administrative decisions in cases before it and applies sanctions if the requirement 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, the fulfilment of other tasks enshrined in the Directive is somewhat overshadowed.

Certain provisions of Act CXXV of 2003 on Equal Treatment and the Promotion on Equal Opportunities (Equal Treatment Act) contradict Council Directive 2000/43/EC. While the Directive's material scope is limited, its personal scope is not; in the Equal Treatment Act, the personal scope is limited, which means persons within the private sector must comply with the requirement of equal treatment only in certain cases set out by the Equal Treatment Act.¹¹⁵ The possibility of providing an objective justification for discrimination 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.¹¹⁶ Furthermore, the Equal Treatment Act contains special

109 Hungary, Budapest, *Act CLXXIX of 2011 on the Rights of Nationalities*.

110 See: Vélemény a készülõ nemzetiségi törvény tervezetérõl [*Opinion on the draft of the Nationalities Act*], The Parliamentary Commissioner for the Rights of National and Ethnic Minorities, 14 November 2011; at: <http://www.kisebbségiombudsman.hu/hir-706-velemeny-keszulo-nemzetisegi-torveny.html> (accessed 4 November 2013).

111 Hungary, Budapest, *Nationalities Act*, Article 56 (1). In April 2012, the Commissioner for Fundamental Rights turned to the Constitutional Court and requested that the provision above be abolished due to the fact that it violates the Fundamental Law (case no. AJB-2709/2012). However, in Decision 41/2012. (XII. 6.), the Constitutional Court did not find the concerned provision unconstitutional.

112 Hungary, Budapest, *Nationalities Act*, Article 81 (1).

113 Curtailing the rights of minorities in this regard was also criticized by the Parliamentary Commissioner for the Rights of National and Ethnic Minorities: Vélemény a készülõ nemzetiségi törvény tervezetérõl [*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> (accessed 4 November 2013).

114 The Commissioner for Fundamental Rights came to this conclusion in the course of its thorough *ex officio* investigation titled "The enforcement of minority rights" (See case no AJB-7713/2012).

115 Hungary, Budapest, *Equal Treatment Act*, Article 5.

116 Council Directive 2000/43/EC, Article 2 (2) b).

exempting clauses concerning education, the sale of goods and the use of services,¹¹⁷ but these are not allowed by the Directive in cases of direct discrimination.

Hungary has not ratified and has no known intention to ratify Protocol No. 12 to the European Convention on Human Rights. That protocol 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 requirement of equal treatment is violated.

In 2013, a discrimination case in Ózd received widespread coverage. In a particularly hot period of the summer, the city council of Ózd shut down certain public wells and limited the operation of others, allegedly with the aim of reducing the illegal use of public wells and urging inhabitants to save water. Since there is no running water in almost 1,000 households in Ózd, long queues developed at (the operating) public wells. Following public outrage, the measure was first suspended and then terminated. The Commissioner for Fundamental Rights and his deputy “responsible for protecting the rights of future generations” (e.g., for dealing with environmental protection issues) launched a joint investigation into the issue and concluded that the city’s measure was unjustified, violated human dignity, and amounted to indirect discrimination. While the measure seemed to affect everyone, in practice it affected mostly socially disadvantaged inhabitants living in a certain neighbourhood of the city, who were mostly of Roma origin.¹¹⁸

5.4 Policing and Law Enforcement

Even though earlier research¹¹⁹ has showed that ethnic profiling by the police is an existing practice in Hungary, no nation-wide efforts have been made in the reporting period to tackle this phenomenon. It must be added that a case on ethnic profiling with regard to petty offence procedures and fines ended in a friendly settlement before the Equal Treatment Authority on 26 April 2012, with police acknowledging that even though the individual measures taken by police officers had been lawful, the practice of petty offence procedures taken as a whole may have violated the right of Roma to equal treatment. This was the first case in Hungary in which ethnic profiling was substantiated and was partly admitted by the police.¹²⁰

According to Order 27/2011. (XII. 30.) of the National Police Headquarters on police measures carried out in a multicultural environment (in force since January 2012) the heads of the county police headquarters shall appoint minority liaison officers. According to the experiences of Roma organizations,¹²¹ these minority liaison officers are overburdened, began work without any training and sensitisation, and their work has produced no tangible results so far, but minority communities are aware of their presence.

117 Hungary, Budapest, *Equal Treatment Act*, Articles 28 and 30.

118 For the related press release of the Commissioner for Fundamental Rights and his deputy, see: <http://www.ajbh.hu/kozlemanyek/-/content/10180/1/az-ombudsman-es-helyettesenek-kozos-jelentese-az-ozdi-vizkorlatozas-vizsgalatarol> (accessed 4 November 2013).

119 E.g., according to the data of the Fundamental Rights Agency from 2008, 41% of Roma respondents were ID-checked during the preceding 12 months, compared to only 15% of non-Roma respondents. (See: *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 (accessed 4 November 2013). The Hungarian Helsinki Committee conducted research into the practice of ID checks in Hungary in 2007 and 2008, which showed that Roma are approximately three times more likely to be stopped than their percentage of the general population would suggest. See: András Kristóf Kádár, Júlia Körner, Zsófia Moldova, Balázs Tóth, *Control(l)ed Group – Final Report on the Strategies for Effective Police Stop and Search (STEPSS) Project*. Hungarian Helsinki Committee, Budapest, 2008, p 36, available at: http://helsinki.hu/wp-content/uploads/MHB_STEPSS_US.pdf (accessed 4 November 2013).

120 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 (accessed 4 November 2013) and at: <http://www.opensocietyfoundations.org/voices/fined-being-roma-while-cycling> (accessed 4 November 2013).

121 Source of information: outcomes of local consultations organized while preparing the “Civil Society Monitoring Report on the Implementation of the National Roma Integration Strategy and Decade Action Plan in 2012 in Hungary”.

5.5 Criminal Law: Hate Crime and Hate Speech

In the course of preparing the new Criminal Code (in force since 1 July 2013) the responsible ministry consulted with representatives of NGOs¹²² who deemed it outstandingly important that the state more efficiently prosecute perpetrators of hate crimes. Even though the complex reform proposed by an NGO coalition¹²³ with regard to the criminal offence of “violence against a member of a community” (the Hungarian term for hate crimes) has not been incorporated into the new Criminal Code, some of their recommendations were accepted, e.g., preparing to commit a hate crime will continue to be punishable. However, certain points of the law remain problematic. The Criminal Code’s provision includes an open-ended list as far as possible victims of hate crimes are concerned, since it refers to members of “other social groups”, making the scope of protected groups unclear. Bias motivation is not considered as a qualifying circumstance in cases of criminal offences committed against property. Furthermore, no protocols for dealing with hate crimes are established for the police or the prosecution service in terms of investigation or indictment, nor does the new National Crime Prevention Strategy and the related Action Plan for 2013–2015 include any specific measure aimed at combating crimes motivated by bias or hatred.

According to official statistics, hate crimes are rare in Hungary,¹²⁴ but news pieces and the experiences of NGOs show that in reality, the number of hate crimes here is much higher. However, since there is no adequate data collection and no monitoring mechanism in place regarding hate crimes, there is no clear official data about the number of possibly racially-motivated crimes.¹²⁵ Further practical problems include the fact that the authorities seem to be reluctant to take into account possible bias motivation and prefer to qualify a given act as a less serious criminal offence than a hate crime (e.g., as simple bodily harm).¹²⁶ E.g. in April 2013, the chairman of the Raoul Wallenberg Association was ill-treated and his nose was broken at a football match after he objected to the neo-Nazi statements shouted by his fellow spectators. The perpetrators made further anti-Semitic statements while beating him up, but in spite of all these circumstances, police began their investigation into suspected perpetration of serious bodily harm without racial motivation.¹²⁷

Another negative tendency is that criminal law provisions on hate crime designed to protect groups affected by bias are instead applied by the authorities when prosecuting (criminal) actions perpetrated by members of those protected groups. One such case happened in Sajóbáony in November 2009, where a public forum was organized by the extreme right-wing Jobbik party which Roma people were not allowed to enter. After the forum Roma persons were threatened by the right-wing extremists. The next evening members of the extreme right-wing New Hungarian Guard were attacked by Roma inhabitants. A car was seriously damaged by Roma wielding wooden sticks and axes, and its passengers suffered light injuries. The passengers of the car claimed that their Hungarian ethnicity was the cause of the attack, while Roma perpetrators stated that they wanted to protect their families from the neo-Nazi New Hungarian Guard. In May 2013, the first-instance court ruled that the Roma had committed a hate crime and the perpetrators were sentenced to imprisonments between 2.5 and 4 years. The decision

122 Amnesty International Hungary, Háttér Support Society for LGBT People, Hungarian Helsinki Committee, Legal Defence Bureau for National and Ethnic Minorities, and the Hungarian Civil Liberties Union.

123 See the first, extensive proposal of the human rights NGOs in Hungarian at: http://helsinki.hu/wp-content/uploads/civil_sze-rvezetek_gyuloletbcs_javaslat.pdf (accessed 4 November 2013).

124 The number of prosecuted “violence against member of a community” cases was the following in recent years: 2009 – 7 cases; 2010 – 12 cases; 2011 – 28 cases, 2012 – 16 cases; 2013 (in the first 6 months) – 17 cases (Source: Unified Criminal Statistics of the Investigation Authorities and the Public Prosecution).

125 See, e.g.: ECRI report on Hungary (fourth monitoring cycle), adopted on 20 June 2008, CRI(2009)3, § 67, available at: www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Hungary/HUN-CbC-IV-2009-003-ENG.pdf (accessed 4 November 2013); *Field Assessment of Violent Incidents against Roma in Hungary: Key Developments, Findings and Recommendations*. OSCE ODHR, Warsaw, 15 June 2010, pp 41-42, available at: www.osce.org/odihr/68545 (accessed 4 November 2013).

126 See, e.g.: *Policing racist crime and violence: a comparative analysis*. European Monitoring Centre on Racism and Xenophobia, September 2005, p. 16, available at: fra.europa.eu/sites/default/files/fra_uploads/542-PRCV_en.pdf (accessed 4 November 2013).

127 See, e.g.: *Nyomoznak az orrcsonttörő zsidózók után (Investigation launched against anti-Semites breaking a nose)*, 29 April 2013, www.origo.hu/itthon/20130429-orosz-ferencet-a-raoul-wallenberg-egyesulet-elnoket-szidalmaztak-megutottak-nyomozas.html; *Does bias (not) count?!*, 9 May 2013, <http://helsinki.hu/en/does-bias-not-count> (accessed 4 November 2013).

was appealed, but the second-instance court decided to increase the sentences imposed on all the defendants in its decision issued 30 September 2013.¹²⁸

A similar case happened in Miskolc in March 2009, when a series of targeted murders of Roma persons in Hungary was ongoing. Three weeks after the killings in Tatárszentgyörgy resulting in the death of two Roma persons, and after members of the extreme right-wing paramilitary group “Hungarian Guard” had been marching around in different Hungarian villages, Roma persons attacked a “suspicious” car while strolling around in the neighbourhood, assuming that the people in the cars were skinheads or members of the Hungarian Guard. Later it was proven that one of the passengers had right-wing ties, and several litres of gasoline in a can were being carried in the car. The damage caused to the car was HUF 104,000 (approximately EUR 350); a stick with the expression “Death to Hungarians” on it was also found at the scene. The first-instance courts found that all the perpetrators were guilty of committing a hate crime.¹²⁹ On 8 October 2013, the second instance court ruled that the defendants had not committed a hate crime (e.g., it was never proven that the stick was made or used by them), and imposed lighter sentences for rowdiness and related offences. The court also stated that as members of skinhead groups are not protected by hate crime laws, the Roma could not have committed a hate crime against them. However, NGOs regretted that the court failed to mention that the motive of the perpetrators was not hatred, but fear that their victims were intent on a new racist attack.¹³⁰

Hate speech (“incitement against a community”) is also criminalized under the Hungarian Criminal Code, but in practice, tackling hate speech is almost impossible in Hungary due to very restrictive judicial and Constitutional Court practices and the number of prosecuted cases is very low.¹³¹ As a consequence of the courts’ interpretation, hate speech requires actual physical violence to result from the speech for a person to be brought to account, and pursuant to the present practice, if no physical violence happens as a clear consequence of the incitement to hatred, the investigating authorities refuse to apply the hate speech provision, even if the chance of violence was high in the given case. An example of this is the case of the far-right group leader Zsolt Tyirityán, who said at an event in August 2011 to his audience that they must prepare themselves for new conditions under which they should be capable of “pulling the trigger on a rifle” at the sight of someone with a “hint of [skin] colour” and that “If perhaps 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?” An investigation was launched into the matter, but later on, despite complaints, the Prosecutor’s Office dropped the case in May 2012, claiming that the above cannot be considered hate speech.¹³²

Another, even more peculiar example for not applying the hate provision is the case of Devecser, where in August 2012 far-right movements organized a demonstration. At the event, several speeches incited hatred against the Roma community, following which the uniform-dressed crowd marched along that part of the town which is mostly inhabited by Roma persons. The crowd kept intimidating members of the local Roma minority and threw stones into the yards of their houses; two persons were injured. The police present did not intervene.¹³³ The Hungarian Helsinki Committee asked for an investigation into the acts amounting to hate speech. However, on 24 September 2013, the police terminated the respective criminal

128 See, e.g.: Másfélszerez büntetés a sajobábonyi romáknak (*Punishment bigger by half imposed on Roma from Sajóabony*), 30 September 2013, index.hu/belfold/2013/09/30/sajobabony_masodfok/ (accessed 4 November 2013).

129 See the press release of the Hungarian Civil Liberties Union on the case in English at: <http://tasz.hu/node/2785> (accessed 4 November 2013).

130 See, e.g.: Miskolci ítélet: az ügyészség nem bizonyította a magyarellenes indítékot (*Judgment from Miskolc: the prosecution has not proven that the motivation was bias against Hungarians*), 9 October 2013, <http://helsinki.hu/miskolci-itelet-az-ugyeszseg-nem-bizonyította-a-magyarellenes-inditekot> (accessed 4 November 2013).

131 The number of prosecuted “incitement against a community” cases was the following in recent years: 2009 – 1 case; 2010 – 4 cases; 2011 – 0 cases, 2012 – 1 case; 2013 (in the first 6 months) – 0 cases (Source: Unified Criminal Statistics of the Investigation Authorities and the Public Prosecution).

132 For further information in Hungarian, see: <http://helsinki.hu/folytassak-le-a-nyomozast-a-magyar-szigeten-elhangzott-gyulolet-beszed-ugyeben> (accessed 4 November 2013). 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/> (accessed 4 November 2013).

133 According to the National Police and the Ministry of Interior the police entirely fulfilled their duties and no violations have taken place. See in detail in Hungarian: <http://helsinki.hu/etnikai-mocskolodas-es-megkovezes-%E2%80%99Ebekes-jellegel%E2%80%9D> (accessed 4 November 2013).

procedure, claiming that while the speeches were morally unacceptable, they had not been capable of provoke actions driven by passion, hate or instinct – even though the speeches in question were actually immediately followed by violent attacks against members of the local Roma community.¹³⁴

5.6 Combating Human Trafficking

The Action Plan of the NSIS for 2012–2014 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.”¹³⁵ However, 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 of 4 April 2013, Hungary ratified¹³⁶ the Council of Europe Convention on Action against Trafficking in Human Beings (in force since 1 August 2013).¹³⁷ An amendment to the law on victim support¹³⁸ intends to address the situation of human trafficking victims who are third-country citizens. The National Strategy against Trafficking in Human Beings for 2013–2016 provides for a pilot programme aiming to involve former victims in victim support activities as volunteers, and the strategy emphasizes the need to involve former victims of Roma origin in support mechanisms where Roma victims are significantly overrepresented.¹³⁹ It must be noted that the Strategy provides an estimation (supported by several references) that “80-85% of the female victims of trafficking for the purpose of sexual exploitation are Roma women.”¹⁴⁰ However, this estimation has never been confirmed by either comprehensive research or systematic data collection. Moreover, a major shortcoming of the otherwise ambitious National Strategy is its lack of basic research initiatives aimed at mapping and understanding the phenomenon and the context of human trafficking in Hungary, while the Strengths-Weaknesses-Opportunities-and-Threats (SWOT) analysis of the Strategy identifies a lack of necessary research data among the “weaknesses.”¹⁴¹

134 For the reaction of the Hungarian Helsinki Committee, see: Ha ez nem uszítás, akkor semmi sem az (*If this is not incitement, then nothing is*), 1 October 2013, helsinki.hu/ha-ez-nem-uszitas-akkor-semmi-sem-az (accessed 4 November 2013).

135 Government Resolution 1430/2011. (XII. 13.) on the National Social Inclusion Strategy and the governmental action plan on its implementation for the years 2012-2014, p. 11.

136 Hungary, Budapest, *Act XVIII of 2013 on the Ratification of the Council of Europe Convention on Action against Trafficking in Human Beings*.

137 See: http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Profiles/HUNGARYProfile_en.asp.

138 Hungary, Budapest, *Act CXXXV of 2005 on the Support of Victims of Crimes and State Compensation*, Article 1 e).

139 See: Az Emberkereskedelem elleni irányelvhez és az Emberkereskedelem Felszámolását Célzó Európai Stratégiához kapcsolódó, valamint az emberkereskedelem elleni küzdelemről szóló 2008–2012 közötti nemzeti stratégiát felváltó 4 éves stratégiai tervdokumentum (*Four-year strategic planning document related to the Directive on trafficking in human beings and the European Strategy towards the Eradication of Trafficking in Human Beings, and replacing National Strategy against Trafficking in Human Beings for 2008–2012*) http://emberkereskedelem.kormany.hu/download/4/d7/70000/Emberkereskedelem%20elleni%20nemzeti%20strat%C3%A9gia%202013–2016_kiadv%C3%A1ny.pdf (accessed 8 November 2013), Section E.2.2., p. 65.

140 *Ibid.*, p 8.

141 *Ibid.*, pp 14–15.

6. FUNDING

In the Civil Society Monitoring Report 2012 we highlighted that the NRIS' main funding resources are two-fold. Based on the Action Plan of the Strategy, the designated resources are (1) the budget lines of the different policies; and (2) parts of the Structural Fund. In practical terms, this means interventions organised within the mainstream policy framework and EU (co-funded) development projects are also listed among the interventions. The new Action Plan of the Strategy is still under preparation (it had not been publicized by 4 November 2013). The next Action Plan's phase coincides with the first years of the next EU financial period; more details about the dilemmas connected with the reduction of available resources for social inclusion are to be found in section 2.2.

We must add an important note to the information given in this chapter. The template of the update requested the delivery of details on the funds spent on measures within the framework of the NRIS and other pro-Roma policy measures. Some information about selection of projects was included in the Hungarian "Civil Society Monitoring Report 2012";¹⁴² and reflections were made there concerning the Hungarian Government's Action Plan 2012 commitments. In the current Report, the thematic chapters contain similarly exemplary cases without being comprehensive. The reasons for refraining from estimating total expenditure are given in the next section.

In our previous Report, the chapter on the monitoring system of the NRIS reported that the system was developed in order to thoroughly follow up the flow and outputs of the projects defined in the Action Plan, alongside measuring social impacts (based on a separate indicator system). Thus, once the monitoring report of the NSIS becomes public, more information about the outputs will be available. The limitations of this information resource are described below.

6.1 Estimation of Funds Spent on Measures in the Framework of the NRIS, Sets of Policy Measures for Improving the Roma Situation Since 2011

We claimed that in some cases the Action Plan of the NSIS contained fuzzy information about dedicated resources (see, e.g., the "social urban rehabilitation" projects mentioned in the Action Plan; only a small fraction of such projects were and are targeting Roma neighbourhoods). This is exacerbated by the fact that the Hungarian NRIS is actually a National Social Inclusion Strategy grasping more target groups than just Roma (i.e., also children, women and the elderly). Thus, the Action Plan itself is unsuitable to serve as a basis for collecting financial information about the implementation of actions with an exclusive Roma focus.

Mainstream policy measures have been very dynamic in 2013. This makes it even more difficult to make any robust statements about finances spent on Roma inclusion.

For example, the centralisation (nationalisation) of the elementary school system, which included the extension of compulsory school hours until 4 PM for children between 6 and 14, has impacted thousands of Roma children whose access to school services should have theoretically improved. The actual implementation of the measure, including impact on children from disadvantaged Roma families and on early school leaving, however, has not been evaluated yet.

142 Available at: http://www.romadecade.org/cms/upload/file/9270_file8_hu_civil-society-monitoring-report_en.pdf.

Similarly, compulsory enrolment into pre-school from 3 years of age will enhance participation of Roma children in pre-school education, but there is no information about the quality of activities in kindergartens (not to mention whether sufficient space was made available by the school year, all of which should have been financed from Structural Funds, whereas the design of the relevant Operation Programmes would have not allowed for incorporating all the necessary investments, mainly due to the fact that the budget line of the relevant measures has been already empty.¹⁴³ Some more examples of difficulties in estimating input funding are to be found in the thematic chapters.

Last but not least, a methodological note should be included here. Lessons from some previous attempts to estimate “how much was spent on Roma”¹⁴⁴ indicated that such figures cannot be estimated based on available methodologies and data collection. Pro-Roma interventions are frequently designed in a non-exclusive and often also a non-explicit way. Thus, there is no information about what share of their beneficiaries are Roma.¹⁴⁵ Reportedly (as we were informed by the Ministry for Human Resources) the next period’s monitoring system will have to be improved with hindsight in respect to this crucial issue, too.

Moreover, the questions about financial inputs must also be better defined for a truly robust assessment; it does seem problematic to collect information, for example, on how much was spent *in one given year or given years*, because the design of policies and programmes¹⁴⁶ will not be serving for any time-frame based comparison. Furthermore, the Hungarian national budget’s design and frequent changing of its chapters also does not allow for cross-sectional comparisons over time.

To sum up, we would strongly suggest reframing the question about input funding into Roma inclusion in a way that reflects the methodological challenge of the measurements (not to mention the questions of Roma identification).¹⁴⁷ Questions should rather focus on selected effects or results than on input variables, or, at best, discuss the issue as a combination of these two perspectives.

6.1.1 Steps Ensuring the Allocation of Sufficient Budgetary Resources

As discussed above, there is no clear information on what additional budgetary resources have been dedicated to implement the NSIS. Regular levels of co-funding have been ensured in order to maximize the absorption of EU funds in general. Reforms of mainstream policies, for example in education (nationalisation of schools), have caused changes in how they are financed, too, but the information about those inputs and outputs is not available. Further examples are given in the thematic chapters.

6.1.2 Territorial Approach in Targeting and Other Targeting Mechanisms

Territorial targeting in Hungary is based on the definition of “least-developed regions”, which has been developed based on a complex set of social and economic indicators by the Hungarian Academy of Sciences. The classification serves as the basis for the allocation of development funding.¹⁴⁸

143 In the beginning of December 2013, the Parliament has postponed passing the relevant legislation.

144 An exemplary case for this is a 2008 Report by the State Audit Office, see <http://www.asz.hu/tanulmanyok/2008/a-magyarorszag-i-cigany-sag-helyzet-ek-javitas-ara-es-felemel-kes-de-se-a-rendsz-ervalt-as-ota-forditott-tamogatasok-mer-teke-es-hatekonysaga/t206.pdf>.

145 For some important exceptions, see the employment chapter.

146 Examples of this issue are the EU-funded projects in general: their timespan ranges from three months to two years. Moreover, the recently heavily-supported NRSZ and TKKI are also project implementers receiving several billion HUF of funding from development resources (mainly from the SROP and the Human Resources Development Operational Programme). Their programmes should be mainly targeting vulnerable Roma beneficiaries. All of their projects are ongoing, thus, the results cannot be evaluated before mid/end 2014 (if not later).

147 International comparisons based on such questions can be especially tricky, because each country’s benchmark situations are different. For example, the running of Social Centres in Roma communities in Slovakia (which has had a very important result in recent years) will cost much more than in Hungary, where such social work has been compulsory for many years. Comparing the funding invested into social work for Roma will rather show what areas have come onto the agenda, but will not show what has been working efficiently.

148 See, e.g.: Brodorits, Z. and Nagy, A. (2010): A fejlesztéspolitika érvényesülése A 33 leghátrányosabb helyzetű kistérség mint-értékelése alapján [Achievement of development policy by pilot assessment of the 33 most backward micro regions], In: Falu, Város, Régió, 2010/1 pp. 78-80, http://www.vati.hu/files/articleUploads/5726/fvr_2010_01.pdf (Accessed on November 11, 2013).

Budgetary allocations for other services depend on the so-called tax force of the municipalities. Local authorities that lack a specific level of tax revenue receive additional state funding for running local-level compulsory services (for example basic social and health services, maintenance of roads, local development, dealing with national minorities).

In terms of targeting groups at risk of poverty, selected mainstream services have been applying varying classifications, based on characteristics derived from social status, age, health status, labour market position, etc. For example, in the education chapter of the Civil Monitoring Report we have described in detail the features of the mechanisms targeting children with disadvantages and multiple disadvantages, a system which is undergoing a change as of 2013.

6.1.3 ESF or Other Resources Committed to Strengthen the Capacity of Roma Organizations

In general, some ESF resources have been spent on strengthening the capacity of non-profit organisations from SROP (Pillar 5, measure 5.5.) We claim that the primary resource for Roma organisations is not this measure, however; rather, it is the funding received within the framework of other projects they might receive as implementing bodies (beneficiaries). A report¹⁴⁹ analysing this SROP pillar underlines that although the pillar's main goal is to facilitate the social inclusion of the most vulnerable, for example, through promoting employability, trainings, programmes for children and methodological reforms, only a third of all benefitting organisations offer any sort of services indirectly or directly to Roma (which does not mean that they *actually* reach Roma).

6.2 Budget Planning for 2014–2020

6.2.1 Steps Ensuring EU Funds Being Allocated for Roma Inclusion in the 2014–2020 Period

Financing

As the previous Civil Society Monitoring Report 2012 points out, the implementation of the NRIS heavily relies on the sources of Structural Funds, a fact that will most probably remain the same after 2013. The total allocated EU funds for developments in the 2014–20 period is approximately EUR 20,500 million. The most relevant Operational Programme, the Human Resources Development Operational Programme (HRDOP) receives approximately 11% of the funds (EUR 2,636 million with national co-financing included).¹⁵⁰ The Economic Development and Innovation Operational Programme (EDIOP) has the highest budget, with 39.4% of the total budget allocated, totalling EUR10,050 million (with national co-financing included). The share of the ninth thematic priority (promoting social inclusion and combating poverty) is approximately 9% of the total budget (according to the Partnership Agreement, version dated 2 July, 2013).¹⁵¹ It comprises 53% of the HRDOP and 3% of the EDIOP (versions of September 2013).

The most significant change in the financing structure is the sharp reduction of the funds allocated for social inclusion measures. Namely, the 11% share received by the HRDOP is approximately half the combined allocation of the SROP and the SIOP of the 2007–2013 period (which altogether were almost 20% of the EU funds). These numbers by themselves reflect a decreasing emphasis on social inclusion issues in the next programming period, but the exact financial share of Roma-relevant actions is not calculable, neither from the present nor from the draft Operational Programmes for the next planning period. One of the reasons for the uncertainty is that the current SROP includes funding for employment, whereas in the next period, employment projects will be exclusively funded from the EDIOP (which, as highlighted above, receives approximately 40% of all funding). It is highly questionable to what extent the future EDIOP will have a Roma inclusion focus.

149 A társadalmi befogadást szolgáló fejlesztések (TÁMOP 5. prioritás) értékelése. See: http://www.nfu.hu/a_tarsadalmi_befogadast_szolgalo_fejlesztsek_tamop_5_prioritas_ertekelese. (Accessed 14 November 2013).

150 Draft Operational programmes, version September 2013; at: http://www.nfu.hu/forum_pate/29 (Accessed 30 October 2013).

151 Partnership Agreement, version dated 2 July 2013; at: <http://www.nth.gov.hu/pm/index.html>. (Accessed 30 October 2013).

One of the most crucial issues defining the effectiveness of the use of EU funds for Roma inclusion is the synergy between development strategies and relevant public policies. The operational programmes can only be efficient and effective if they are embedded in a public policy environment that facilitates their implementation and if they have synergic goals. The strategies that should lay the foundations for long-term developments in the human resources policy field are being compiled parallel to the drafting of the Operational Programmes. Most of the strategies listed as ex-ante conditionalities of the HRDOP¹⁵² will be finalised by the time the OP is planned to be submitted by the Government. This parallel programming does not ensure the convergence and synergies of the relevant public policies and development strategies, since the strategic directions are not clear either to an independent observer or to experts involved in OP planning. The experiences of the last few years show that if sectoral policy approaches are not harmonised with development strategies, EU-financed investments carry the risk of having no long-term, systematic impact.

Similarly, the structure of the OPs raises concerns regarding the internal cohesion of the development strategy – i.e., the coordination of various sectoral interventions implemented within the framework of the different OPs. Previous experience shows that a lack of efficient coordination between various relevant interventions leads to non-sustainable, superficial results, and the current drafts do not promise significant improvements in this field. The most worrying issue in this sense is the demarcation between the HRDOP and the EDIOP, especially in the field of economic development and employment. The HRDOP focuses on poverty reduction and social inclusion, has a strong territorial focus on the most underdeveloped regions and targets the most vulnerable social groups. It puts a certain emphasis on the employability of marginalised social groups (especially the Roma and people with disabilities) through strengthening skills and competencies and providing employment opportunities, mainly on the secondary labour market (trainings embedded in employment – transit employment, public employment, etc.) as well as contributing to the development of the social economy.

The EDIOP¹⁵³ has significantly greater funds allocated to it for mainstream economic development. Its most relevant measures are enhancing the employment capacity of enterprises, mobility, employability, motivation of potential employees (including disadvantaged unemployed and inactive people), as well as supporting the social economy and transit employment. This programme also includes measures for the development of vocational and adult education and lifelong learning, with special emphasis on providing training and competency development for people participating in public employment, as well as individual services for supporting the transition from public employment to the primary labour market.

One new element that could function as an intersection for the two OPs is the introduction of “Special Enterprise Zones” permitting tax reduction and employment support for enterprises investing in the most disadvantaged regions (the measure was introduced in 2013¹⁵⁴ and has not yet collected enough experience).¹⁵⁵

Other coordinating activities are not apparent from the drafts of the Operational Programmes. It is not clear how the OPs will ensure that the most disadvantaged groups targeted by the HRDOP will have a chance to link up with the mainstream developments of the EDIOP instead of creating a “segmented” development field. Nor is it evident how seemingly convergent measures of the two OPs (e.g., enhancing employability, developing the social economy) will be coordinated in their temporal and territorial aspects. In more concrete terms it is also not clear how for example people whose employability will have been improved within the framework of the HRDOP will have a chance to find employment through the strengthened labour-market demand that is hoped to be achieved by economic development measures. These inter-

152 Draft HRDOP, version dated 30 September 2013, 135-136; at: http://www.nfu.hu/forum_topic_pate/766/filter?offset=0&theme_filter= (Accessed 31 October 2013).

153 Draft EDIOP, version dated 26 September 2013; at: http://www.nfu.hu/forum_topic_pate/765/filter?offset=0&theme_filter= (Accessed 31 October 2013).

154 27/2013. (II 12) Government Decree; at: http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A1300027.KOR (Accessed 31 October 2013).

155 Értékelési jelentés – A fejlesztési források szerepe a leszakadó térségek dinamizálásában, 2013 március 27 (Evaluation Report – The role of development funds in stimulating underdeveloped regions, 27 March 2013); at: http://www.nfu.hu/a_fejlesztési_forrasok_szerepe_a_leszakado_tersegek_dinamizalasanban (Accessed 31 October 2013).

ventions would need to be precisely coordinated to build on one another, and special emphasis would need to be put on reaching the most underdeveloped regions and marginalised social groups. The coordination of sectoral interventions might be even weaker than it was in the 2007–2013 period if the planned structural reforms are implemented in a fund management system where the coordinating power of the National Development Agency (NDA) is decreased and the role of the line ministries strengthened.¹⁵⁶

A positive feature of the draft HRDOP is that developments aimed at strengthening social inclusion, fighting child poverty, and promoting the integration of people living in extreme poverty, as well as the targeted measures to disadvantaged micro-regions, rely on the developments and pilot programmes of 2007–2013. Their concepts have already built in some of the conclusions from the preceding interventions.

Targeting follows a somewhat different pattern than in the previous period. Territorial targeting is maintained (e.g., of the most underdeveloped regions/settlements), general targeting of vulnerable social groups as well as poverty targeting is also often used, but the ethnic targeting of the Roma seems to receive a stronger emphasis. Roma are mentioned explicitly as the target group of measures for improving employability, of developing Roma enterprises, of promoting equal opportunities and social integration (especially Roma women) and obviously of housing desegregation and settlement rehabilitation.

Implementation structure

A Government Decree released in October 2013 (1731/2013 (X.11) Gov. Decree)¹⁵⁷ sets forth the guiding principles of EU-funded programme implementation for the 2014–2020 period. In it the Government declares its strong wish to ensure better absorption and more efficient fund management in the future. The decree establishes principles for a faster, more economical and efficient system, although very few details are given on the planned implementation of these concepts. The new framework could (in principle) produce positive features through the introduction of simplified funding mechanisms (global grant, normative funding, simplified financial reporting, etc.) and through the strengthened capacity of the fund management system. The decree also includes plans to evaluate each grant scheme after the project selection and the implementation phase and to feed back its conclusions to the funding mechanism. This effort resonates with the opinion of many evaluators that has been suggested repeatedly in recent years.

However, the Decree hints at the unjustified differentiation between project owners in the public administration and actors in the private and non-governmental sector. Actors from the public administration will be taken out of the tendering/application mechanisms and alternative, simplified funding procedures (not precisely defined in the Decree) will be introduced. The Government also plans to provide expert capacities to support the full cycle of projects (especially in the compilation of the application package and assistance for implementation) for actors in the public administration (county, local and minority governments, ministries) and in state-owned companies, established churches and small enterprises. This intervention raises serious concerns with regard to the sector-neutrality of the service as well as its potentially distorting effects on fair competition for development funds, especially its potentially adverse effect on the competitiveness of the NGO sector.

It is not clear how much the tendencies established in the Decree will be actually realized. It is not evident how the capacities of the fund management system will be improved to be able to provide more efficient services, nor is it clear how much the planned alternative funding mechanisms will bring about significant new directions in the distribution of the funds.

Some of the principles of the Decree partly resonate with the recommendations of the previous “Civil Society Monitoring Report” (the recommendations of the Structural Requirement chapter regarding the local level) with regard to better access to development funds by local organizations and support in the planning and implementation period. However, the Decree does not ensure that the implemen-

¹⁵⁶ Draft HRDOP, 137–138.

¹⁵⁷ A Kormány 1731/2013. (X. 11.) Korm. Határozata a 2014–2020-as európai uniós programok lebonyolításának alapelveiről (Government Decree 1731/2013. (X. 11.) on the principles of implementing the European Union programmes of 2014–2020), <http://www.kozlonyok.hu/nkonline/MKPDF/hiteles/MK13169.pdf>.

tation of the defined principles will achieve these aims or will facilitate the access to and use of EU funds by local organizations.

6.2.2 *Involvement of Independent Roma Organizations and Roma Inclusion Experts in the Planning of the EU Funds for the 2014–2020 Period*

The role of Roma organizations and Roma inclusion experts is rather limited in the planning process. The Operational Programmes go through a three-phase consultation process. The first phase is limited to a few institutions; in the case of the HRDOP these are churches, a county government, the Hungarian Academy of Sciences, etc.¹⁵⁸ This phase of the HRDOP partnership also included the Inter-ministerial Committee for Roma and Social Affairs.

The second phase involved a broader consultation with various non-governmental actors. The draft HRDOP had been sent to more than 370 organizations (such as universities, health care service providers, cultural and educational organizations, etc.) for review and comment. This phase included approximately 20 Roma organizations and 15 pro-Roma civil organizations.¹⁵⁹ The method of selection social partners is not transparent and the list of such partners is not published. The results of the consultation were promised to be made public but have not yet been released.

The third phase is the usual public consultation process. The draft OPs were published on the NDA website and remained open for comments for two months (until mid-December 2013).

The process of consultation is also rather formal. By the time the draft OPs had been open for the second phase of the review by invited organizations, no significant changes to them could be expected. The main direction of the whole strategy had already been set, the financial shares of the various development priorities had been decided and the OP documents were at a late stage of drafting. Several organizations in the present civil society consortium also took part in the consultation regarding the HRDOP¹⁶⁰ but saw no significant amendments to most of the relevant sections, despite the numerous modifications proposed by them.

Apart from Roma participation in the planning of the use of EU funds, the issue of strengthening Roma organizations also appears in the HRDOP. The need to strengthen Roma NGOs (especially Roma women's NGOs) and Roma Self-Governments is featured under the priority "active inclusion", with the aim of promoting the active participation of disadvantaged social groups and contributing to the fight against their discrimination.

158 Draft HRDOP, 131–134.

159 The list of social partners is not public. However, Autonomia Foundation was one of the social partners to which the draft HRDOP was sent in July 2013. The email addresses of all the other partners invited for this phase of consultation were visible in that email, which provided the basis for this estimation.

160 This part of the chapter was written by the Autonomia Foundation.



In the pilot year of 2012, the Decade of Roma Inclusion Secretariat Foundation decided to support reports from civil society coalitions in seven countries (Albania, Bulgaria, Hungary, Macedonia, Romania, Slovakia and Spain) and the Roma Initiatives Office commissioned an additional report from the Czech Republic.

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 (NRIS). These reports are not meant as a 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 no official data, or alternative interpretation of published data. All reports are available at <http://www.romadecade.org/civilsocietymonitoring>

When the European Commission requested further input for assessing the impact of National Roma Integration Strategies in 2012 and 2013, the Decade Secretariat decided to support the civil society coalitions to update and streamline their reports.

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

