



ROMAVERSITAS
FOUNDATION

Hungary

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Romaversitas (RVF) is a Roma-founded, Roma-led community organization. Romaversitas' vision is a strong Romani intelligentsia that is capable of asserting the communities' interests in Hungary, creating narratives for Roma People. The mission is providing assistance for young Roma to acquire academic degrees, strengthen their skills, shape their identity and empower them to build resilient communities. In the field of advocacy and policy analysis, Romaversitas plays an important role in thematic areas such as education and employment.

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I. Non-discrimination, Antigypsyism, Hate speech

Political participation

1. Despite the UPR recommendation, the right to participation in public affairs and the right to vote (Rec. A/HRC/33/9 128.93 Romania) have limitations for Roma people. The Minority Self-government System has still not been able to fulfill its mission and does not provide real political representation. In Hungary, there are 1100 settlements where Minority Roma Self-governments are working,ⁱ but these bodies do not replace the effective parliamentary political representation of Roma. The system still contributes to the exclusion of Roma from local governmental bodies. The current legislation (Act No CCIII of 2011) makes it impossible in practice to win preferential nationality mandate from the nationality list. According to the Act, voters who register as members of a nationality may ask for their nationality registration to be extended to the parliamentary elections when submitting their registration. However, if they do so, they can only vote on a nationality list, and not a party list in addition to the vote given on an individual representative.ⁱⁱ
2. Before the 2014 national elections, Roma organizations protested against registration, which led to general non-attendance and non-registration.ⁱⁱⁱ If the nationality does not win the preferential nationality mandate, it is represented by a nationality advocate. The institution of advocate is not able to provide real political representation, since the advocate had no vote, and can only speak before/after the agenda, in special cases when the agenda item affects the interests and rights of the nationalities.^{iv} The Roma advocate had 3 contributions between 2014-2018, and 20 contributions between 2018-2020. Although based on his contributions so far, it is questionable how effective and impartial is the representation that the Roma advocate provides. For instance, in 2018 in connection with the Sargentini Report's^v concerns on Roma rights, he defended the government and claimed that Roma has been never received more protection than during the current government.^{vi}

National Human Rights Institutions

Recommendation

- *Ensure the real and effective political representation of Roma by amending the legislation on preferential minority mandate (prior to the next parliamentary elections) to allow minorities to elect real political representatives to the Parliament*

3. Despite the UPR recommendations (Rec. A/HRC/33/9 128.32 India), the Equal Treatment Authority was not provided with adequate resources and functional independence, but the Parliament passed the legislation^{vii} that merged the Equal Treatment Authority with the Commissioner for Human Rights (Ombudsman institution), without prior assessment. The new legislation was not preceded by any kind of consultation or (formal or informal) dialogue with the civil society, including an impact on human rights. The Equal Treatment Authority was a well-functioning institution, which has rendered important decisions for the fight against discrimination over recent years. On the contrary, the Ombudsman institution's re-

accreditation as a Status A Institution by the UN Global Alliance of National Human Rights Institutions was deferred in October 2019.^{viii} The appointment process of the incumbent and the adequacy of the Institution's efforts to address all human rights issues and speak out in a manner that promotes and protects all human rights remain questionable.

Cooperation with civil society

Recommendation

- *Provide financial and functional independence to the equal treatment body*

4. According to the UPR recommendations, Hungary should have been ensuring a more effective consultation process with independent civil society (Rec. A/HRC/33/9 128.40 Czech Republic). The most important strategic document on Roma issues, the European Framework for National Roma Integration Strategies also holds that the objectives of the Roma inclusion to be realized at EU, national, regional and local levels can only be reached if the competent authorities clearly commit themselves to the involvement of the Roma NGOs.^{ix} However, the space for Roma organization to influence policies affecting them are continuously shrinking. The Deputy State Secretary for Civil and Social Relations at the Prime Minister's Office in relation to the National Cooperative Fund (that is responsible for the state funds dedicated to NGOs) stated that "*We try to detect organizations which we believe do not perform real work, but have a political agenda we do not agree with.*"^x It implies that the state institution does not intend to support organization, which vision do not comply with the government's political view.^{xi}
5. The most striking example of the lack of consultation with Roma civil organizations was regarding the most important national document, the national Roma integration strategy. The relevant civil stakeholders had only two weeks for reviewing the 150 page long draft strategy in the middle of the holiday season 2020 with a deadline of January 5, 2021. Several civil organizations, including RVF submitted an open letter to the state secretary in charge of European Union development projects to raise awareness the anomalies of the civil society dialogue.^{xii}

Recommendation:

- *Improve formal dialogue and public consultation between the government and civil society, including proposed legislation and strategic documents, as well as relating funds*
- *Ensure that civil society has access to the relevant draft legislations and strategic documents with a reasonable timeline for review and consultation*

Hate speech

6. Addressing anti-Romani hate speech was an urging issue in the previous cycle and UPR recommendations (for instance Rec. A/HRC/33/9 128.102 China, 128.103. Czech Republic, 128.112 Peru, 128.114 Slovenia, 128.115 Russian Federation), and it had lost none from its relevance. Deeply rooted anti-Roma sentiment is still present in Hungary. The study of the Pew Research Centre in 2017 on religious belief and national belonging shows that 54 percent of respondents in Hungary would not be willing to accept Roma as members of their family, 44 percent as neighbors, and 27 percent as citizens of their country.^{xiii} According to a report by the Committee against Racism and Intolerance (ECRI), hate speech is not restricted to extremist parties and groups but occurs across the political spectrum.^{xiv} This finding still stands today, and nothing illustrates it more than the Gyöngyöspata school segregation case.^{xv} The aftermath of the Kúria's (Hungarian Supreme Court) decision raises serious concerns about anti-Roma hate speech practice of the political elite and the rule of law in Hungary. The Prime Minister publicly challenged as "unjust" the court ruling which awarded compensation for non-pecuniary damages to around 60 former Roma pupils of Gyöngyöspata for their continued segregation in the local primary school.^{xvi} While the deadline for paying the – court ordered – damages had long passed, the Ministry of Human Capacities, as well as the ruling party's MP representing the region kept insisting that the respondents of the lawsuit should be allowed to provide educational opportunities to the plaintiffs instead of the compensation payment. They did so despite the court decision, which refused to consider this option in the course of the trial, and awarded financial compensation as requested by the victims of the segregation.^{xvii}
7. Later in February 2020, the Prime Minister announced a 'national consultation' on the Gyöngyöspata case and stated that "we take the side of the 80 percent who are decent, working Hungarians."^{xviii} In a radio broadcast, Orbán dismissed the Gyöngyöspata case as a provocation of Soros organizations, and stated that "there is a boundary that a Hungarian will never cross, or believes cannot be crossed. That boundary is giving people money for nothing", questioning against the court decision on the compensation.^{xix}
8. Other political leaders also incited hatred or made anti-Roma remarks. The deputy group leader of the Christian Democratic People's Party posted a racist meme on his Facebook page that said "*I do not understand... If 80 % of the Hungarian prisoners are Roma, then all the judges are racist?*"^{xx} The experiences of RVF's project on online hate speech monitoring^{xxi} – in cooperation with nine other organization across Europe, the PECAO^{xxii} – shows that Dóra Duró, the deputy leader of the far-right Our Homeland Movement (Mi Hazánk Mozgalom) political party is one of the most chronic hate content producer among politicians. In one of her posts – and other members' post that was all removed after being reported to Facebook she stated that "Our Homeland Movement is the only one political party that supports segregated education".

Recommendations

- *Authorities should make greater use of incitement provisions to properly prosecute and punish hate speech*
- *Leaders of all political parties should stand firm and open against all manifestations of anti-Roma hate speech and respond with much stronger anti-hate speech messages in case of incitement to hatred by political actors*
- *There is a need for more public-initiated and public-sponsored public awareness and awareness-raising initiatives and educational programs aimed at combating hate speech and eradicating anti-Roma sentiment*
- *An action plan is needed against anti-Romani hate speech with specified programs, financial resources and the involvement of independent civil organizations*

II. Education

9. The UPR recommendations in the field of education emphasized the importance of integrated education (for instance Rec. A/HRC/33/9 128.67 Lebanon, 128.89 Nigeria), providing access to quality education (Rec. A/HRC/33/9 128.86 Japan), elimination of educational discrimination (Rec. A/HRC/33/9 128.81 Finland, 128.91 Norway). However, the last 5 years were the most devastating period for Romani students since the political change in the Hungarian education system. After the lowering of the mandatory school age, close to 15 per cent of 17-year old students dropped out of public education by 2017. Approximately two thirds of Roma young people between the ages of 18 and 24 are early school leavers, which contributes to the fact that Roma youths who are neither students nor employed is more than four times higher than for non-Roma youths.^{xxiii} The Hungarian educational system today is not only not able to compensate for the disadvantages arising from a child's social background, but it is actually reinforcing them through the selection and segregation mechanisms present at all levels of public education.^{xxiv} As an educational organization working with Roma youth between the age of 16 and 35, we also experience the declining tendencies in the educational system and their disproportionate impact on Roma. After 20 years of work with Roma university students we saw the decline in the number of Roma university students, so we decided to expand the focus our activities and started working with young Roma wishing to study at university - and currently are secondary school students and young Roma, who dropped out before graduation and want to graduate^{xxv} - to increase the number of university graduated Roma.
10. The pandemic and digital education have been having a devastating effect on the education of Romani children and youth. Based on a current research,^{xxvi} two third of the disadvantaged students were not able to join into digital education, and were left without education during part of the pandemic, while in segregated schools one third of the students dropped out. The most common reasons behind the students' inadequate access to digital education is the lack of infrastructure (computer, internet). Our experience in our university preparation program also supports these findings; nearly 50% of our students requested computer in order to attend online education.^{xxvii} Furthermore, we also provided financial support to cover internet cost for every students. The state supported internet has only been covering existing wired internet, however many Roma families have only access to mobil internet.^{xxviii}

11. In addition to the above-mentioned institutional problems school segregation remains a major problem in Hungary. Although the government has not done any thorough investigation in more than 10 years on school segregation despite its well-known extension, smaller civil research shows the potential size of the problem. For instance, it was established in 2016 that in one of the sub-regions (Mátészalka), 11 out of 20 state funded public schools were segregated institutions.^{xxix}

Recommendations

- *The State has to assess the segregated institutions and prepare comprehensive desegregation plans*
- *The State should assess the situation of Roma students in cooperation with civil actors and address their needs in targeted action plans with specified funding*
- *Reinstate compulsory school age limit to 18 years*
- *Introducing and presenting ethnicities must be assigned greater role and significance in the national curriculum and the course books*
- *The history and culture of Roma community should have a more significant place in the national curriculum*
- *Effective civil initiatives - in the field of education - should enjoy a greater support from the State, both financially and politically*
- *In related international fundings Roma youth should be mainstreamed, and well-established civil organizations should be assigned a greater and more specific role in these funding mechanisms*
- *Post-pandemic action plan should be created to mitigate the consequences of the pandemic, with special attention to students, who dropped out and/or did not receive real education during the pandemic*

ⁱ “Civil society monitoring report on implementation of the national Roma integration strategy in Hungary” 2018, p 7 <<https://cps.ceu.edu/sites/cps.ceu.edu/files/attachment/basicpage/3034/rcm-civil-society-monitoring-report-1-hungary-2017-eprint-fin.pdf>>.

ⁱⁱ Civil society monitoring report, 2018, p 12

ⁱⁱⁱ “Nem túl népszerű a nemzetiségi regisztráció” Index.hu, 2014, <https://index.hu/belfold/2014/01/20/nem_tul_nepszeru_a_nemzetisegi_regisztracio/>.

^{iv} Act No XXXVI of 2012 on the Parliament, 29. § (2).

^v “Report on a proposal calling on the Council to determine, pursuant to Article 7(1) of the Treaty on European Union, the existence of a clear risk of serious breach by Hungary of the values on which the Union is founded (2017/2131(INL))” <https://www.europarl.europa.eu/doceo/document/A-8-2018-0250_EN.html>.

^{vi} Hungarian Parliament, National Advocate’s contributions <https://www.parlament.hu/web/guest/szoszoklo-listaja?p_p_id=hu_parlament cms_pair_portlet_PairProxy_INSTANCE_yWO8dnVj6v3o&p_p_lifecycle=1&p_p_stat e=normal&p_p_mode=view&p_auth=mZ9orlZg& hu_parlament cms_pair_portlet_PairProxy_INSTANCE_yWO8dn Vj6v3o_pairAction=%2Finternet%2Fcpsql%2Fogy_naplo.altnaplek%3FP_CKL%3D41%26P_STILUS%3D%26P_Frak%3Dnull%26P_Kepv%3Dnull%26P_Kepv%3Df761%26P_Szerep_Csop%3Dnull%26P_Szerep_Csop%3Da%26P_Szerep>.

Csop%3Di%26P Szerep Csop%3Dn%26P Szerep Csop%3Dp%26P Szerep Csop%3Du%26P Szerep%3Dnull%26P Aktus%3Dnull%26P Tech Szerep%3Dnull%26P Ifotip%3Dnull%26P Itipus%3Dnull%26p_skip_rec%3D16>.

vii Hungarian Parliament, Bill proposal related Equal Treatment Authority <<https://www.parlament.hu/irom41/13631/13631.pdf>>.

viii GANHRI Sub-Committee on Accreditation Report – October 2019 <<https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Documents/SCA%20Report%20October%202019%20English.pdf>>.

ix “Hungarian National Social Inclusion Strategy II. Those permanently in need - children living in poor families - The Roma (2011-2020)”, Ministry of Human Resources, State Secretariat for Social and Societal Inclusion, Budapest, September 2014, p. 128. Available at: <https://bit.ly/2N8xkUb>

x “Interview with the Deputy State Secretary for Civil and Social Relations at the Prime Minister’s Office” <https://www.echotv.hu/hirek/2019/01/07/civil-szervezetek-figyelem?fbclid=IwAR3Gp5QQsVw_QiwOk81i5H2-yNGyH88CUZad9Ukix4pjY1MPfIKQA4eyYE>.

xi “Élő adásban vallotta be az államtitkár, hogy a kormány politikai alapon dönt a civil támogatásokról” hvg.hu, 2019. <https://hvg.hu/itthon/20190107_Elo_adasban_vallotta_be_az_allamtitkar_hogy_a_kormany_politikai_alapon_dont_a_civilek_tamogatasokrol>.

xii Open letter to the state secretary in charge of European Union development projects <<https://civilizacio.net/hu/hirek-jegyzetek/nylt-levl-a-trsadalmi-dr-gosthzy-szabolcseurpai-unis-fejlesztsekr-felellamtitkr-rszre>>.

xiii “Religious Belief and National Belonging in Central and Eastern Europe”, Pew Research Center, May 2017, <<https://assets.pewresearch.org/wp-content/uploads/sites/11/2017/05/15120244/CEUP-FULL-REPORT.pdf>>.

xiv “ECRI report on Hungary (fifth monitoring cycle)”, 2015, p 9 <<https://rm.coe.int/fifth-report-on-hungary/16808b57e8>>.

xv Kúria, 2020. <<https://www.kuria-birosag.hu/hu/sajto/gyongyospatai-szegregacios-nem-vagyon-karok-megteritesenel-karterites-megitelesenek-egyetlen>>.

xvi “Tiltakozás indult Orbán és a Fidesz ellen, mert igazságtalannak nevezték a Kúria döntését és a Gyöngyöspatán roma gyerekek kártérítését” nepszava.hu, 2020 <https://nepszava.hu/3063462_tiltakozas-indult-orban-es-a-fidesz-ellen-mert-igazsagtalannak-neveztek-a-kuria-donteset-es-a-gyongyospatai-roma-gyerekek-karteriteset>.

xvii “Contribution of Hungarian NGOs to the European Commission’s Rule of Law Report” May 2002 <https://www.amnesty.hu/wp-content/uploads/2021/03/HUN_NGO_contribution_EC_RoL_Report_2021.pdf>.

xviii “Nem először rúgnak bele a romákba Orbánék”, Index.hu, 3 February 2020, <https://index.hu/belfold/2020/02/03/fidesz-orban-viktor-nyilatkozatai-romakrol-bevanderloknak-nevezte-a_ciganyokat_ingyenelok_sztereotipia/>.

xix “A Soros-szervezetek és a gyöngyöspatai romák kártérítési ügye” origo.hu, 2020 <<https://www.origo.hu/itthon/20200117-gyongyospata-per-karterites-csod-jogvedok.html>>.

xx “A KDNP frakcióvezető-helyettese cigányozós mémmeel szállt be a börtön témába”, Index.hu, 21 February 2020, <https://index.hu/belfold/2020/02/21/a_kdnp_frakciovezetoje-helyettese_ciganyozos_memmel_szallt_be_a_borton_temaba/>.

xxi Romaversitas Foundation <<https://romaversitas.hu/advocacy-community-organizing-policy-analysis/>>.

xxii PECAO project <<https://ergonetwork.org/pecao/>>.

xxiii “Munkaerőpiaci helyzetkép, 2014-2018” Központi Statisztikai Hivatal <<http://www.ksh.hu/docs/hun/xftp/idoszaki/munkerohelyz/munkerohelyz17.pdf>>.

xxiv “Civil society monitoring report on implementation of the national Roma integration strategy in Hungary” 2018, second cycle <<https://cps.ceu.edu/sites/cps.ceu.edu/files/attachment/basicpage/3034/rcm-civil-society-monitoring-report-2-hungary-2018-eprint-fin-2.pdf>>.

xxv See: <<https://romaversitas.hu/our-vision-and-mission/>>.

xxvi “A szegregált osztályokba járó roma diákok egyharmada nem tudott bekapcsolódni a digitális oktatásba: online kutatás a digitális tanrendről” Partners Hungary, 2020. <<https://partnershungary.hu/wp-content/uploads/2020/04/Szegregáció-és-digitális-oktatás-a-koronav%3%ADrus-idején.pdf>>.

xxvii “Rendkívül nehéz helyzetbe lökte a hátrányos helyzetű roma fiatalokat a digitális oktatás” merce.hu, 2020, <<https://merce.hu/2020/04/17/rendkivul-nehez-helyzetbe-lokte-a-hatranys-helyzetu-roma-fiatalokat-a-digitalis-oktatasa/>>.

^{xxviii} “Mindenből lemaradok” - diák sorsok a digitális tanrend idején” nepszava.hu, 2020,
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^{xxix} Zolnay János: *Kasztodó közoktatás, kasztosodó társadalom*, 2016,
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