

Minority Protection in Hungary

AN ASSESSMENT OF THE MEDIUM-TERM PACKAGE
OF MEASURES TO IMPROVE THE LIVING CONDITIONS
AND SOCIAL POSITION OF THE ROMA IN HUNGARY.

Table of Contents

1. Executive Summary	248
2. The Government Programme – Background	251
2.1 Background to the Present Programme	251
2.2 The Programme – Process	253
2.3 The Programme – Content	254
2.4 Administration/ Implementation/Evaluation	256
2.5 The Programme and the Public	261
2.6 The Programme and the EU	262
3. The Government Programme – Implementation	264
3.1 Stated Objectives of the Programme	264
3.2 Government Programme and Discrimination	264
3.2.1 Education	268
3.2.2 Employment	273
3.2.3 Housing and other goods and services	276
3.2.4 Healthcare and other goods and services	278
3.2.5 The criminal justice system	281
3.3 Protection from Racially Motivated Violence	281

3.4	Promotion of Minority Rights	283
3.4.1	Language	283
3.4.2	Education	284
3.4.3	Participation in public life	287
3.4.4	Media	289
3.4.5	Culture	293
4.	Evaluation	293
5.	Recommendations	295

1. EXECUTIVE SUMMARY

Current policy towards Roma is based on the 1999 Government programme known as the “Medium-Term Package of Measures to improve the living conditions and social position of the Roma in Hungary” (hereafter, “Medium-Term Package”). Guidelines for a long-term strategy have been prepared, and their adoption in Parliament is expected in 2002.

The Medium-Term Package takes a multi-dimensional approach to improving the situation of the Roma: it acknowledges the importance of preventing discrimination and addressing inequalities, and incorporates measures to enhance the protection of minority rights. However, the coherence of the programme as a whole has been questioned, and uneven implementation has led to concerns regarding the effectiveness of its coordinating bodies. The Government should ensure that policies are developed with the input of both Roma political organisations and civil society groups. While the Government has produced a number of impressive reports and presentations for the international audience, less attention has been devoted to raising awareness of the programme domestically, particularly among relevant local and regional authorities. By continuing to refine and communicate its approach, lasting gains for the Roma community can be achieved, to the mutual benefit of Roma and society at large.

Background

After the change of regime in 1989, several years passed before Government policy began to address the situation of Roma with due emphasis. In 1997 the Government adopted the first Medium-term Package of Measures for improving the situation of Roma.

This package was substantially revised in 1999 to form the current action plan for Government efforts in this area. The updated 1999 Medium-Term Package also highlights the importance of developing a long-term strategy for Roma policy in the future, and guidelines were accordingly drafted, with an emphasis on regional input from public discussions.¹ In May 2001, the Government adopted a decision establishing the guidelines for a long-term programme.²

Administration

The Inter-ministerial Committee for Roma Affairs coordinates implementation of the Medium-Term Package. Until Summer 2002, when the Committee was placed under

¹ Conferences were held in Békéscsaba, Debrecen, Miskolc, Győr, Szolnok, Pécs, Nagykanizsa and Budapest.

² See <<http://www.meh.hu/nekh/Angol/guiding.htm>>, (accessed 19 September 2002).

the Prime Minister's Office, the Minister of Justice served as Committee president. The Office for National and Ethnic Minorities performs the secretarial duties of the Inter-ministerial Committee and oversees coordination among the bodies concerned.

Individual ministries are responsible for implementing different elements of the programme. Ministries are required to prepare annual action plans and allocate resources from their own budgets accordingly: each ministry must set funding levels for programme activities in its own annual budget, in accordance with its specific responsibilities. However, mechanisms for implementation are not regulated in any further detail, and thus coherent monitoring and reporting processes are neither formalised nor standardised.

Reports made by the ministries are discussed by the Inter-ministerial Committee, which also oversees their performance and evaluates their achievements. Concerns have been raised over the capacity of the Inter-Ministerial Committee to effectively coordinate implementation of the Package, given the failure of most ministries to meet many of the deadlines even for reporting on implementation.³ It has been suggested that the body charged with coordinating the programme should be placed at the level of a ministry,⁴ and vested with authority sufficient to enforce implementation.

EU Support

The EU has emphasised the importance of addressing the situation of the Roma through the Accession Partnership and its Regular Reports. EU funding has been made available for Roma-related projects, especially in the education sector. However, there have been difficulties in utilising funding by specified deadlines, particularly at the local level. Moreover, Roma groups have indicated that the complex application process for Phare support has made it difficult for their organisations to gain access to Phare funding. The process of selecting proposals for funding does not always appear effectively to identify those organisations with a genuine knowledge of or connection with the Roma communities they purport to serve.

Content and Implementation

The terms of the Medium-Term Package are fairly detailed, but in many cases elaborate no specific projects to actively redress existing inequalities or to promote

³ Open Society Institute EU Accession Monitoring Program, *Monitoring the EU Accession Process: Minority Protection*, Budapest 2001, p. 217, (hereafter, "Minority Protection 2001").

⁴ OSI Roundtable, Budapest, June 2002. *Explanatory Note: The Open Society Institute held a roundtable meeting in Hungary in June 2002 to invite critique of the present report in draft form. Experts present included representatives of the Government, Roma representatives, and non-governmental organisations.*

minority identity. Its provisions instead call for preliminary research and development of additional, more focused measures.

Hungarian law provides some protection against discrimination, but the system lacks consistency and enforcement has been ineffective. In late 2001, the Government established a new legal aid network to offer counsel and representation to individuals with claims of discrimination. However, civil society representatives have questioned whether the network is in fact structured in such a way as to provide accurate information about discrimination claims, as the Ministry of Justice has asserted. The Medium Term Package acknowledges that discrimination is a problem in many areas of life, but concrete measures to address inequalities are still few, and their approach is sometimes short-sighted, doing little to address such systemic issues as over-reliance on State support and social marginalisation. Implementation has fallen behind schedule, particularly in the health and housing spheres.

Minority rights are recognised in the Medium-Term Package in several spheres, most notably education and public participation. However, implementation of measures in these areas has raised concerns, particularly with respect to the approach of local authorities. Indeed, Roma groups have raised concerns that flaws in the systems for Roma minority education and the formation of the Roma self-government have actually perpetuated inequalities and worked to exclude groups other than the official representatives of the Roma community.

Conclusions

Since 1997, the Government has sought to continuously develop and update its policy towards Roma. The Medium Term Package of Measures adopted in 1999 is a detailed strategy covering a broad range of issues related to improving the situation of Roma. However, its provisions often call only for further research and elaboration of specific measures – and even these commitments have not been met on schedule consistently.

The Medium-Term Package is both centralised and compartmentalised. The State has not yet succeeded in fully integrating minority self-governments or the NGO sphere into the implementation process, and has done little to seek wider social acceptance for programme objectives. Ministries make their own planning and programming decisions based on their individual resources and competencies, which also limits the opportunity to foster a more integrated overall approach. Greater attention to projects' links with Roma communities and the needs that they articulate should be incorporated into the funding selection process. Roma themselves must press for the realisation of their basic rights not only through the promulgation of specific Roma policy, but as an integral dimension of all Government programmes.

The Government's approach toward dialogue and negotiation with Roma organisations and the NGO sphere has come in for particular criticism from civil society representatives. Activists point out that official policy discourse directed by the Government has remained isolated from the discussions and discourse among NGOs and in the media.⁵ The lack of attention to the way in which the Package and its implementation have been presented to the public has allowed an important opportunity to build support to evaporate. The media were not mobilised in order to present programme objectives, and the programme has had little success in reducing general prejudice or strengthening social solidarity.

The Government's willingness to continue refining its policies towards Roma is impressive, and the long-term policy guidelines promise to build upon the experience of ongoing initiatives. However, the importance of maintaining consultations and gathering data should not impede the realisation of practical projects.

2. THE GOVERNMENT PROGRAMME – BACKGROUND

2.1 Background to the Present Programme

After the transition to democracy in 1989, several years passed before Government policy began to address the situation of Roma with due emphasis. From 1990 to 1995, the Government began reviewing and transforming the entire legal and institutional background with regard to Roma and other minority groups.

By the second half of the 1990s, it became apparent that Government-level intervention was needed to address the dramatic deterioration of the position of the Roma population, manifested in an increase in unemployment, resurgent social prejudice, and entrenched discrimination. The first Government programmes to improve the situation of Roma appeared in 1995. Government Resolution 1120/1995 (December 1995) was the first significant Government strategy that sought a definite resolution to the increasingly dire situation of the Roma, and particularly the inequalities of opportunity faced by Roma in several spheres. The Public Foundation for Gypsies in Hungary, and the Coordination Council for Roma Affairs, the first body

⁵ OSI Roundtable, Budapest, June 2002. *Explanatory Note: The Open Society Institute held a roundtable meeting in Hungary in June 2002 to invite critique of the present report in draft form. Experts present included representatives of the Government, Roma representatives, and non-governmental organisations.*

with comprehensive authority to coordinate different programmes related to Roma, were established at the same time.⁶

However, the strategy fell short in several areas. It failed to clearly establish responsibilities at the Government and local levels, and training for officials implementing the policy was either not available or not appropriate. It did not provide for consistent or adequate levels of funding.⁷

In July 1997, the socialist-liberal Government then in office adopted the first Medium-Term Package of Measures for improving the situation of Roma.⁸ This programme was the first such strategy based on the understanding that improving the position of Roma requires a longer-term approach, and that due to the depth and complexity of the situation, only a broad set of measures would be effective. The package accordingly included 63 measures, addressing geographical and social inequalities, calling for cooperation with Roma groups, and reducing social prejudices. This programme focused on reducing inequalities in education, employment, and access to social benefits, while seeking to counteract discrimination and enhance the role of Roma in the public sphere. It was also the first attempt to establish close cooperation among the ministries involved with respect to Roma-related issues.

The 1997 strategy relied on successful, functioning Government programmes and existing institutions, and assigned greater responsibilities to local authorities, especially encouraging the involvement and activity of local Roma communities. The 1997 programme recognised the need to eliminate and sanction discrimination by State and local authorities, especially in police proceedings.

The programme provided that funding allocations must be established annually and implementation evaluated each year. Although the programme provided for the development of public awareness activities to inform the public about governmental efforts to improve the situation of a Roma and a programme was prepared, no resources were allocated and it was never carried out.⁹ Diversity training courses and programmes for reducing prejudice were not effective in preparing teachers, social workers, government officials, judges, and journalists working with Roma.¹⁰ The State did not establish adequate anti-discrimination measures or legal aid mechanisms.

⁶ Established under Government Resolution 1121/1995.

⁷ Éva Orsós, *Az EU delegáció felkérésére készített szakértői anyag* (An expert paper requested by and prepared for the EU delegation), manuscript, Budapest, 1998, (hereafter, É. Orsós, "EU Expert Paper").

⁸ Government Resolution 1093/1997.

⁹ 1997 Medium-Term Package of Measures for Improving the Situation of Roma, Chapter I, Section 6.2.

¹⁰ É. Orsós, *EU Expert Paper*.

Moreover, no funding requirements were established and programme implementation suffered from a chronic lack of funding. The emergent NGO sphere and non-profit sector was not able to counterbalance these deficiencies.¹¹

The original Government programme adopted by the centre-right FIDESZ–FKGP coalition, which was elected in 1998,¹² generally addressed the interests of majority society.¹³ The chapter covering minorities pledged that the Government would support minority groups in strengthening their identity, while making efforts to raise awareness of “common values from the past and a common responsibility for the future.”¹⁴ The programme provided for a coordinated series of governmental measures to bring the existing system of minority self-governments closer to a form of cultural autonomy.¹⁵ The specific situation of the Roma minority was not addressed in the Government programme, which did not outline any measures to be taken against ethnic discrimination or social prejudice. However, the programme stated that it would make efforts to stop the further exclusion of Roma through focused assistance, primarily in the spheres of education, child protection, and youth policy.

2.2 The programme – Process

An essential shift in policy occurred in May 1999, when the Government revised the Medium-Term Package of Measures to Improve the Living Standards and Social Position of Roma with Government Resolution 1047/1999 (hereafter, “Medium-Term Package”).¹⁶ The revised package sets out to define specific, practical, and collaborative steps in order to create equal opportunities and decrease social prejudices against Roma.¹⁷

The 1999 Government Resolution enhanced the basic principles of the earlier Government Resolution, but at the same time, priorities such as education, child

¹¹ É. Orsós, *EU Expert Paper*.

¹² The coalition was made up of the Hungarian Civic Party, the Independent Smallholders’ Party, and the Hungarian Democratic Forum.

¹³ *Az ország jövője a polgárok jövője* (The Country’s Future is the Future of the Citizens – A Programme by the Government of the Hungarian Republic), at <<http://www.htmh.hu/kormanyprogram.htm>>, (accessed 19 September 2002).

¹⁴ See <<http://www.htmh.hu/kormanyprogram.htm>>.

¹⁵ See <<http://www.htmh.hu/kormanyprogram.htm>>.

¹⁶ See <<http://www.meh.hu/nekh/Angol/6-1999-1047.htm>>, (accessed 19 September 2002).

¹⁷ Medium Term Package of Measures to improve the living standards and social position of Roma, Government Resolution 1047/1999, 5 May 1999, (hereafter, “Medium-Term Package”).

protection, social benefits such as provision of textbooks and meals for Roma students, and the importance of eliminating segregation at school all lost momentum.

The Medium-Term Package also highlights the importance of developing a future long-term strategy for Roma policy. The responsibility for developing guidelines for a long-term strategy was assigned to the Office for National and Ethnic Minorities; an international expert panel commission comprised of representatives from the Council of Europe, the Hungarian Academy of Sciences, researchers, politicians, and representatives of national and local minority self-governments also took part in the drafting process. Widely publicised regional workshops where the major objectives of the strategy were discussed had an important role in guiding the paper's development.¹⁸

In May 2001, the Government adopted a decision on the guidelines for a long-term programme. The decision foresees that the Hungarian National Assembly will pass a resolution on new measures for a programme in continuity with the Medium-Term Package.¹⁹ The long-term strategy envisages implementation over a period of 20 years, in two ten-year phases. If the programme is accepted by Parliament, which strategy developers anticipate by the end of 2002, the exact logistics of implementation, a detailed breakdown of tasks, and a system of monitoring and evaluation will need to be developed.

2.3 The programme – Content

The Medium Term Package takes a comprehensive approach, covering many spheres of social policy. Its measures are often outlined in broad strokes, and many lack detail and specificity. Both anti-discrimination provisions and measures to promote minority rights are to be implemented through centralised mechanisms. By contrast, the guidelines for the long-term strategy advocate a multicultural approach, to be realised through a decentralised structure.

The Medium-Term Package proposes measures in six areas:

- Equalising opportunities in education and training
- Decreasing unemployment among Roma
- Maintaining and enhancing Roma cultural identity

¹⁸ Conferences were held in Békéscsaba, Debrecen, Miskolc, Győr, Szolnok, Pécs, Nagykanizsa and Budapest.

¹⁹ See Discussion Paper, *Guiding Principles of the long-term Roma social and minority policy strategy*, Budapest 2001, p. 26, (hereafter, "Guiding Principles of the long-term Roma strategy").

- Improving access to healthcare and housing opportunities
- Improving official responses to cases of discrimination against Roma
- Improving perceptions of the Roma among the general public

The Package places the main responsibility for implementation of the programme on State or Government bodies and the National Roma Self-Government.²⁰ It highlights the importance of regional and area development projects, but does not elaborate a framework for integrating such projects into the national Package.

The Package gives relatively little attention to social, health, and housing problems, and provides that discrimination against Roma shall be reduced through existing statutes that prohibit negative discrimination and require correct police behaviour. It does not include any plan to broaden the legal background to create a comprehensive anti-discrimination framework.

The study “Hungary’s national development in the framework of EU accession and the globalised world,”²¹ prepared for the Prime Minister’s Office and published in its yearbook in 2001, sets out certain premises that provide the context for the Medium-Term Package. This study characterises the basic dilemma of Roma social integration as “whether the state should support the assimilation of Gypsies or the emergence of ‘another society’ should be facilitated.”²² Set against this background, the Medium-Term Package is fundamentally an assimilation strategy. It aims to moderate existing inequalities, but only for those who are willing to accept the basic cultural and moral principles of majority society; those who are not able or willing to do so will not benefit from State-supported assistance. It also implies that the State does not have an active role to play in counteracting discrimination and racism or in strengthening ethnic identity, and accordingly the Package provides only limited measures in these spheres.

Guidelines for the Long Term Strategy

The Government adopted long-term strategy guidelines in May 2001 to “strengthen and stabilise medium- and short-term Roma-oriented schemes promoted by governments and the tasks involved in the acceptance, modification and implementation of their programmes.”²³

²⁰ The National Roma Self-Government was established under the 1993 Minorities Act. See Section 3.4.2.

²¹ L. Práger, “Hungary’s national development in the framework of EU accession and the globalised world.”

²² L. Práger, “Hungary’s national development in the framework of EU accession and the globalised world.”

²³ Guiding Principles of the long-term Roma strategy, p. 26.

The guidelines' priorities place greater emphasis on the active participation of Roma and on encouraging independence, focusing on improving families' self-sufficiency, strengthening social cohesion, and increasing the future role of Roma-interest organisations in the process of European integration. The political philosophy of the long-term programme is fundamentally democratic and consensual, building on active and broad social initiative rather than centralised Government control.

The guidelines also suggest that the critical social problems faced by the Roma must be addressed through general social policy frameworks, in order to ensure that questions of social policy and questions of minority policy are clearly differentiated. The document observes that mingling minority policy with social measures frequently leads to the isolation and segregation of the Roma and the "ethnicisation" of their social problems.²⁴

The strategy adopts a multicultural approach, rejecting all forms of political, legal, or social discrimination that violate the rights of individuals or groups to freely choose their identity. The guidelines accept ethnic diversity as a positive social value, and approach the issue of equal opportunities for Roma in the social and political spheres. In this way, the philosophy of the long-term strategy fundamentally differs from that of the Medium-Term Package.

Both the means of preparation and the content of the long-term strategy have been well received by representatives of the Roma community and civil society organisations.²⁵ However, experts have noted that the strategy contains few specific elements.²⁶ Implementation of the programme is a continuous process; a new Government took office in Spring 2002,²⁷ and early initiatives and appointments suggest that the new administration is committed to carrying through the goals of the long-term strategy by further specifying mechanisms and programmes for its practical implementation.

2.4 Administration/Implementation/Evaluation

The main responsibilities for financing and implementing the Medium-Term Package fall to Government ministries. The Inter-ministerial Committee for Roma Affairs is responsible for coordinating the work of the ministries, overseeing reporting and evaluating achievements. However, the Committee is dependent upon the ministries to submit accurate and timely information and has no authority to compel cooperation

²⁴ See <<http://www.meh.hu/nekh/Angol/guiding.htm>>, (accessed 19 September 2002).

²⁵ OSI Roundtable, Budapest, June 2002.

²⁶ OSI Roundtable, Budapest, June 2002.

²⁷ The Hungarian Socialist Party.

where efforts fall short, as has often been the case. Mechanisms should be established to enhance the efficiency of the coordinating body and make it more effective; granting the Committee ministry-level authority is one possible solution.

Resolution 1048/1999 established the Inter-ministerial Committee for Roma Affairs to implement the Medium-Term Package and coordinate the relevant activities of ministries and national-level organisations under the Package. This institution not only replaced the Coordinating Council of Roma Affairs formed under the 1995 Government programme, but also has much greater potential power and a broader institutional background than its predecessor.

In June 2002, the Government reorganised the structures addressing minority affairs, and Roma issues in particular. A new State Secretariat for Roma integration policy was established, and the President of the National Alliance of Roma Organisations appointed as its first head.²⁸ The Office for National and Ethnic Minorities has also been placed under the supervision of a second State Secretariat, and will continue to oversee aspects of minority policy related to the protection and promotion of minority identity, including Roma.²⁹

Prior to the 2002 restructuring, the Inter-Ministerial Committee worked under the presidency of the Minister of Justice; now the Committee falls directly under the Prime Minister's Office.³⁰ As before, the chairman of the Office for National and Ethnic Minorities serves as its vice-president, and deputy State Secretaries of the ten ministries involved are standing members.³¹ The members of the Inter-ministerial Committee also include the president of the National Roma Self-Government, chairs of the boards of trustees for the Public Foundation for Gypsies in Hungary and the Gandhi Public Foundation.³² The Office for National and Ethnic Minorities performs the secretarial

²⁸ Office for National and Ethnic Minorities, *Selected News on the Integration of the Roma in Hungary*, July–August 2002, p. 1, (hereafter, “Selected News on Roma July–August 2002”).

²⁹ *Selected News on Roma July–August 2002*, p. 2.

³⁰ Interview with staff of NEKH, Budapest, 29 August 2002.

³¹ The Parliamentary Commissioner for the Rights of National and Ethnic Minorities also has a standing invitation to the Inter-ministerial Committee.

³² The Gandhi Foundation was established in Pécs in 1994 as part of an initiative to provide secondary level minority education to the Roma community in South-western Hungary. See OSCE Office for the High Commissioner for National Minorities, *Report on the Situation of Roma and Sinti in the OSCE Area*, The Hague, 2000, p. 86, (hereafter, “OSCE Report on the Situation of Roma”). The Foundation has submitted several proposals in relation to counteracting discrimination and increasing equal opportunities since the establishment of the Inter-ministerial Committee. Although these proposals were not adopted during the implementation of the Medium-Term Package, they were ultimately incorporated into the basic principles of the long-term programme.

duties of the Inter-ministerial Committee and oversees coordination among the bodies concerned. In 2001 the Inter-ministerial Committee for Roma Affairs held four meetings and three sub-committee discussions; as of April 2002 it had adopted 86 resolutions and 52 reports since its establishment.³³

Individual ministries are responsible for implementing different elements of the programme. These ministries are required to prepare annual action plans and allocate resources from their own budgets accordingly. However, mechanisms for implementation are not regulated in any further detail, and thus coherent monitoring and reporting processes are neither formalised nor standardised. Each ministry must set funding levels for programme activities in its own annual budget, in accordance with its specific responsibilities. Moreover, when implementing specific items from the Package, the ministries must exercise care to balance the needs of Roma with attention to other groups in order to avoid public charges of unfairly privileging one minority.

Reports made by the ministries are discussed by the Inter-ministerial Committee, which also oversees the performance of tasks by ministries and evaluates their achievements. Concerns have been raised over the capacity of the Inter-Ministerial Committee to effectively coordinate implementation of the Package, given the ministries' failure to meet many of the deadlines even for reporting on implementation.³⁴ While the Committee oversees the work of the ministries, it can only voice its disagreement, or if it does not accept a given report, it can propose that the Government should address the case. However, its authority does not extend beyond this point. It has been suggested that the body that is charged with coordinating the programme should be placed at the level of a ministry, with sufficient authority to enforce implementation.³⁵ As the Committee's statute will be redrawn to reflect its transfer out of the Ministry of Justice's portfolio, a more thorough review of the Committee's powers and structure should also be considered.

The Deputy President of the Office for National and Ethnic Minorities has acknowledged the need to increase the authority of the oversight Committee, suggesting that independent financial resources should be established for direct disbursement by the Committee.³⁶ In June/July 2001, the Government authorised the

³³ *Jelentés a kormány részére "A cigányság életkörülményeinek és társadalmi helyzetének javítására irányuló középtávú intézkedéscsomagról szóló ... kormányhatározat" 2001 évi végrehajtásáról* (A Report on the 2001 implementation of Government Resolution on the medium-term measures to improve the living standards and social position of the Roma population). Budapest, Inter-ministerial Committee for Roma Affairs, April, 2002, (hereafter, "Report on 2001 Implementation").

³⁴ See *Minority Protection 2001*, p. 217.

³⁵ OSI Roundtable, Budapest, June 2002.

³⁶ Office for National and Ethnic Minorities, *Roma Policy in Hungary: International Conference 26 January 2002*, Budapest, 2002, p. 49.

Ministry of Justice to “examine the appropriateness and the possibility of establishing a system monitoring the implementation, the coordination and the communication of the related government tasks” of the Medium Term Package.³⁷ In May 2002, the Government adopted a resolution that calls for establishing a unified monitoring mechanism for the evaluation of projects carried out under the auspices of the Medium-Term Package.³⁸

In 2000 the Roma-related budgetary expenditure specified in the State budget was HUF 7.2 billion (Hungarian Forints, approximately €29.6 million³⁹). From this sum, projects were funded as follows:

- HUF 1.7 billion for implementation of training and education for Roma;
- HUF 100 million for grants to gifted Roma students living in poverty;
- HUF 529.5 million for compensatory training for permanently unemployed Roma;
- Over HUF 1.5 million for encouraging the participation of Roma in public work and public utility work programmes;
- HUF 85.5 million for the social land distribution programme.
- Approximately HUF 500 million for Roma applications submitted to public foundations;
- HUF 148.9 million as annual budgetary aid for the National Roma Self-Government;
- More than HUF 431 million for local Roma minority self-governments.⁴⁰

Through its Phare programme, the EU contributed an additional HUF 2.5 billion (approximately €10.3 million) to Government projects for the integration of younger Roma in 2000, to be distributed over two years.

³⁷ Government Resolution No. 1057/2001. See Office for National and Ethnic Minorities, *Selection of News on the integration of the Roma*, June and July 2001.

³⁸ Government Resolution 1051/2002 (14 May 2002). A database will be established with Phare support, to centralise collection of regional data on the efficacy of different projects. See *Selected News on Roma, July–August 2002*, p. 1.

³⁹ The exchange is calculated at HUF 243.212 = €1.

⁴⁰ Data as of 14 August 2000 provided by political State Secretary Dr. Csaba Hende.

In 2001 and 2002 the following central Government resources were allocated for the programme (in million Forints):⁴¹

<i>Central budget resources</i>	<i>2001</i>	<i>2002</i>
	9.364	12.095
Ministry of Economic Affairs	2.300	2.500
Ministry of Social and Family Affairs	1.660	2.713
Ministry of Justice	400	*650
Ministry of Agriculture and Regional Development	353	588
Ministry of Education	142	290
Ministry of Health	136	236
Public Foundation for Gypsies in Hungary	350	550
Gandhi Gymnasium	236	404
Support for Roma minority self-governments	455	470
Support for the National Roma Self-Government	171	188
Support for minority education	2.395	2.800

Note: * Of which HUF 400 million were allocated as educational grants for young Roma.

In the initial period of implementation after the Package was adopted in 1999, no resources were set aside specifically for project implementation from the central budget. However, funds were allocated beginning in 2000, and in 2001 the Government increased its allocation by 30 percent. The more than HUF 9 billion (€37 million) available in 2001 came from three different budgetary sources: €23 million targeting Roma directly; from funding for all national and ethnic minorities; and from support to economically disadvantaged groups without respect to ethnicity. However, the impact of these allocations on Roma communities can be satisfactorily assessed only for the funding targeting Roma directly.

Inconsistencies in the Package's financial reporting process have led to problems in adequately tracking expenditures. The relevant bodies report their expenditures to the Office for National and Ethnic Minorities, each according to its own internal accounting regulations, making it difficult for the Office to process this data. The Deputy President of the Office for National and Ethnic Minorities noted in an interview that it is much more difficult to manage funds which are not specifically allocated for Roma issues, but

⁴¹ Information provided by the Inter-Ministerial Committee, published in the 16 March 2002 issue of the *HVG*. Total allocations in 2001 were approximately €38,500; in 2002 €49,730.

nevertheless spent on Roma affairs.⁴² The Office is not able to track the movement of such funds or to calculate the precise number of beneficiaries.

The non-governmental sphere has also contributed to the development of Roma-related projects, although the level of funds available from the NGO sector has been declining in recent years (due in turn to a decrease in funding from international donors). Some civil society representatives have claimed that a certain level of mistrust has limited the effectiveness of collaboration between NGOs and the Government in the past.⁴³

2.5 The Programme and the Public

While the Government has made substantial efforts to present the programme to the international audience, producing a range of materials on the Medium-Term Package and the guidelines for the long-term strategy in English, less attention has gone to promoting the Medium-Term Package to the Hungarian public and to the Roma community. Reportedly, governmental efforts to publicise the Medium-Term Package domestically have distorted perceptions of the programme, emphasising expenditures on Roma without placing the programme into its context of realising fundamental rights.⁴⁴

The Office for National and Ethnic Minorities published materials related to implementation of the Package in January and May 2002, in connection with a conference that was attended by international representatives, as well as Hungarian organisations and activists.⁴⁵

Awareness of the Medium-Term Package is also very low among Roma, including those serving as members of local minority self-governments. Moreover, there has been little effort on the part of the Government, or from Roma representatives themselves, to promote awareness within the Roma community that all governmental policy should enable them to realise their fundamental rights to education, housing, and healthcare, *inter alia*. While specialised programmes may be essential to address the specific needs of a minority community, creating a discrete Roma policy can paradoxically lead to perceptions that Roma are not included in general programmes such as those to alleviate poverty or improve education standards. Again, Roma

⁴² Interview with the Deputy President of the Office for National and Ethnic Minorities, Budapest, 14 April 2002.

⁴³ OSI Roundtable, Budapest, June 2002.

⁴⁴ See *Minority Protection 2001*, p. 256.

⁴⁵ See Office for National and Ethnic Minorities, *Roma Policy in Hungary: International Conference 26 January 2002*, Budapest, 2002.

representatives and NGOs can have a crucial role in changing these perceptions among authorities, the Roma community, and the general public.

In drafting the long-term programme guidelines, the Office of National and Ethnic Minorities has taken steps to discuss the current programme with the public, and especially the Roma community. Regional conferences were organised to discuss the major objectives of the strategy and were an important dimension of the drafting process.

2.6 The Programme and the EU

The EU has emphasised the importance of addressing the situation of the Roma through the Accession Partnership and its Regular Reports. EU funding has been made available for Roma-related projects, especially in the education sector. However, there have been difficulties in utilising funding by specified deadlines, especially at the local level. Moreover, Roma groups have indicated that the complex application process for Phare support has made it difficult for their organisations to gain access to Phare funding. The process of selecting proposals for funding does not always appear effectively to identify those organisations with a genuine knowledge of and connections with the Roma communities they purport to serve.

The Accession Partnership agreement, signed in 1999 and updated in 2001, requires Hungary, as a priority, to

improve the integration of the Roma minority [...] through more efficient implementation and impact assessment of the medium-term Roma action programme, with particular emphasis on promoting access to mainstream education, fighting discrimination in society (including within the police services), fostering employment, and improving the housing situation⁴⁶

According to the annual Regular Reports of the European Commission,⁴⁷ Hungary meets the political criteria defined in Copenhagen. However, the chapters on minority rights and the protection of minorities in these reports continuously emphasise that despite the Government's achievements, Roma struggle with serious problems. The 1999 Progress Report observes that, despite the measures taken, the situation of Roma remains very difficult, and "[f]urther attention needs to be paid to fighting the

⁴⁶ European Council, *Proposal for a Council Decision on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with Hungary*, Brussels, 2001, p. 6.

⁴⁷ See European Commission, *2001 Regular Report on Hungary's Progress Towards Accession*, Brussels, 2001, available at http://europa.eu.int/comm/enlargement/report2001/hu_en.pdf, (accessed 19 September 2002; hereafter, "2001 Regular Report").

prejudices of the majority of the population.”⁴⁸ The 2001 Regular Report commends the progress made in the education and housing spheres, but suggests that the Hungarian authorities create appropriate structures and institutions required to successfully implement Roma integration policies, to closely involve local authorities in implementation, and to increase Roma participation in processes of forming these policies.⁴⁹ These continue to be valid concerns; however, EU financial support appears not always to have been allocated according to these same principles, especially regarding Roma participation.

EU-provided funding

The European Union contributes to improving the situation in relation to the Roma issue mainly through funds from the Phare programme. In the 1999 Country Programme, a joint application from the Hungarian Ministry of Education and Ministry of Social and Family Affairs received financial assistance to advance the social integration of disadvantaged youth, including Roma. In 2000 the Programme for the Social Integration of Roma prepared by the Office for National and Ethnic Minorities received support. As a continuation of the 1999 Phare-funded programme, a second phase of support for Roma education was approved as part of the 2001 Phare National Programme; the Ministry of Education and the EU will each contribute half of the total budget of €10 million.⁵⁰

Projects related to Roma rights were also given support through other European Union programmes, including the “Leonardo da Vinci” programme.⁵¹ The National Development Programme, which focuses on underdeveloped regions where Roma are a large minority, also receives money from the EU.

Roma organisations have expressed concern that the application process for Phare funding is excessively burdensome and can be too complex for smaller organisations to navigate successfully. Often it is these smaller or more localised groups that have the greatest insight into the solutions most likely to improve the situation for Roma. The EU and other international donors should ensure that the selection process identifies

⁴⁸ European Commission, *1999 Regular Report from the Commission on Hungary's Progress Towards Accession*, Brussels, 1999, p. 16.

⁴⁹ 2001 Regular Report, pp. 22–23.

⁵⁰ Office for National and Ethnic Minorities, *Roma Policy in Hungary: International Conference 26 January 2002*, Budapest, 2002, p. 42.

⁵¹ Support was allocated to an anti-discrimination project in higher education that began in 1998, with English, Finnish, Dutch and German partners. Three organisations from Hungary – the Office for National and Ethnic Minorities, and one organisation of the higher education and non-governmental sectors, respectively – participated in implementation. This programme was completed in 2001.

proposals demonstrating authentic links to the intended beneficiaries and an understanding of their needs, and that local communities are involved in articulating their problems and addressing them. Greater support from the EU itself, especially through an office in Hungary, would serve to increase Roma groups' access to these important funding opportunities.⁵²

Concerns have also been raised about the slow disbursement of Phare funds in some cases. In the 1999 Phare Programme, none of the funds due to be spent by September 2001 had yet been disbursed by May of that year.⁵³ In a speech given in January 2002, the Deputy President of the Office for National and Ethnic Minorities observed that "local utilisation of EU supports is generally delayed, and there is a feeling of disappointment during programme implementation."⁵⁴

3. THE GOVERNMENT PROGRAMME – IMPLEMENTATION

3.1 Stated Objectives of the Programme

The Medium-Term Package defines a set of tasks in the fields of education, culture, employment, agriculture, regional development, housing, healthcare, social welfare, anti-discrimination, and communication. According to the Office for National and Ethnic Minorities,

the tasks defined in the ... package are intended to promote the social integration of the Roma without reinforcing segregation processes. One purpose of the government measures is to increase chances for equal opportunity and to prevent or reduce prejudice and discrimination, while the other is to reinforce the identity and culture of the Roma communities.⁵⁵

3.2 Government Programme and Discrimination

Hungarian law provides some protection against discrimination, but the system lacks consistency and enforcement has been ineffective. In late 2001, the Government

⁵² OSI Roundtable, Budapest, June 2002.

⁵³ See *Minority Protection 2001*, p. 230.

⁵⁴ Office for National and Ethnic Minorities, *Roma Policy in Hungary: International Conference 26 January 2002*, Budapest, 2002, p. 49.

⁵⁵ Office for National and Ethnic Minorities, *Government Measures to Improve the Living Conditions of the Roma in Hungary 2000–2001*, Budapest, 2002, p. 1.

established a new legal aid network to offer counsel and representation to individuals with claims of discrimination. However, civil society representatives have questioned whether it can provide accurate information about discrimination claims as the Ministry of Justice has asserted. The Medium Term Package acknowledges that discrimination is a problem in many areas of life, but concrete measures to address inequalities are still few and their approach is sometimes short-sighted, doing little to address such systemic issues as over-reliance on State support, and marginalisation. Implementation has fallen behind schedule, particularly in the health and housing spheres.

The Medium-Term Package states that,

in accordance with Article 45 of Act XI of 1987 on Legislation, the practical implementation of legal provisions containing the ban on negative discrimination shall be examined continuously. [...] Based on the results of the examination, the necessary amendments shall be made. The possibility that future legislation would guarantee or promote the assertion of non-discriminative practices shall be created.⁵⁶

At present, this rather vaguely formulated legal norm should serve as the basis for the reform of Hungarian anti-discrimination legislation.⁵⁷

Human rights groups have criticised the present system of Hungarian anti-discrimination legislation as being rather incoherent.⁵⁸ Its starting point is the general anti-discrimination clause in Article 70(a) of the Constitution. Scattered anti-discrimination provisions are then set forth in laws regulating different spheres such as labour and education. Most anti-discrimination provisions are of a declarative nature, and no adequate system of sanctions is attached to them – the exception being the Labour Law, which is augmented by a number of sanctions that may be applied against employers violating the requirement of non-discrimination.⁵⁹

The Media Act provides that the activities of programme providers must not incite hatred against national, ethnic and linguistic minorities, and broadcasting may not aim, openly or covertly, at insulting or excluding any minority. No sanctions have been imposed based on this provision of the Media Act, although the National Radio and

⁵⁶ Medium Term Package, Point 5.1.

⁵⁷ An extensive analysis of Hungary's anti-discrimination legislation has been prepared within the framework of a joint project by European Roma Rights Centre, Interights and the Migration Policy Group. See A. Kádár, L. Farkas, M. Pardavi, *Legal Analysis of National and European Anti-Discrimination Legislation: Hungary*, Brussels, 2002. Available at: <<http://www.migpolgroup.com/uploadstore/Hungary%20electronic.pdf>>, (accessed 19 September, 2002; hereafter, "Anti-Discrimination Legislation Analysis").

⁵⁸ *Anti-Discrimination Legislation Analysis*, p. 7.

⁵⁹ *Anti-Discrimination Legislation Analysis*, p. 22.

Television Board (hereafter, ORTT) has itself found radio programmes to be in violation of this clause. Thus, even where broadcasts were found to have committed violations and the Act stipulates possible penalties, the findings have had no practical consequences.⁶⁰

Current Hungarian anti-discrimination legislation is not in line with the EU's Race Equality Directive, which must be transposed into national law as part of the *acquis communautaire*. To reach the level required by the Directive, Hungarian legislation must overcome its lack of basic definitions and the incoherent nature of regulation; certain fields presently lack anti-discrimination provisions altogether. There is no consistent system of sanctions or an institutional framework to enforce anti-discrimination provisions and apply sanctions. Nor is there any provision for organisations to initiate court proceedings in the form of a class action.⁶¹ The restricted and inconsistent application of the reversed burden of proof standard also does not reach the level required by the Directive.⁶²

While the Government did not take action to address existing weaknesses in anti-discrimination legislation,⁶³ the office of the Minorities Ombudsman developed a draft anti-discrimination act in 2000, largely based on the Race Equality Directive and international best practices.⁶⁴ However, the draft was ultimately rejected in Parliamentary committee.

In March 2001 a Government commission was established to consider various different approaches to anti-discrimination legislation. The commission concluded that the "sectoral approach," comprised of provisions in different laws currently in force should stand, with continuous review to ensure that all spheres are adequately covered.⁶⁵ In mid-2002, however, the Government announced that it would begin

⁶⁰ According to an article on Pannon Rádió (published in *Magyar Hírlap*, 25 October, 2001, *Visszavonás fenyegeti a Pannon Rádió műsorszolgáltatói engedélyét*) before 2000 the ORTT had never pursued sanctions in court even if broadcasts were found to have committed violations.

⁶¹ OSI Roundtable, Budapest, June 2002.

⁶² See generally, *Anti-Discrimination Legislation Analysis*.

⁶³ The Ministry of Justice explicitly stated no such initiative would be taken. See *Minority Protection 2001*, p. 223.

⁶⁴ See in *Beszámoló a Nemzeti és Etnikai Kisebbségi Jogok Országgyűlési Biztosának tevékenységéről, 2000. január 1. – december 31.* (Report on the Activities of the Parliamentary Commissioner for the Rights of National and Ethnic Minorities, 1 January – 31 December 2000) (*Ombudsman Report 2000*), Budapest: Országgyűlési Biztosok Hivatala, 2001, pp. 155–178.

⁶⁵ Office for National and Ethnic Minorities, *Roma Policy in Hungary: International Conference 26 January 2002*, Budapest, 2002, p. 56. The Constitutional Court had previously found that the lack of a unitary anti-discrimination law was not unconstitutional. See Decision 45/2000 of the Constitutional Court, 21 August 2000.

drafting a comprehensive anti-discrimination act, and undertake to amend other legislation to improve provisions against hate speech.⁶⁶

At present there is no body specifically vested with the right and duty to promote equal treatment in Hungary. Some experts urge the establishment of an independent anti-discrimination office (supervised by either the legislature or the executive branch), which would be authorised to establish the occurrence of discriminatory acts and to impose different sanctions, including warnings, fines, or publication of the name of the discriminating entity.⁶⁷

In October 2001 the Ministry of Interior, the Office for National and Ethnic Minorities and the National Roma Self-Government established the Client Service Network for Anti-Discrimination.⁶⁸ The primary role of lawyers within the Network is to give information to clients, but they may also draft documents and provide representation in legal proceedings. As of January 2002, the Network had received 196 requests for assistance, of which 22 percent were related to property, 16 percent to criminal law, 13 percent to social benefits, some 13 percent to labour issues, and eight percent to allegations of discrimination.⁶⁹ Twenty-two court cases had been initiated as a result.⁷⁰

The Ministry of Justice has publicised the Network's free services, but does not call attention to one significant *caveat*. While initiating a lawsuit through the Network is free of charge, plaintiffs who do not prevail must cover the court costs, which the Network does not underwrite. The risk of incurring such costs deters many Roma clients from taking legal action against discrimination, and undermines the Ministry of Justice's objective of gathering data and experiences to reveal deficiencies in the present system.

While agreeing that legal aid is needed, NGOs have questioned the Government's choice to support the Network's services exclusively, and expressed concern that existing expertise has not been effectively utilised.⁷¹ For example, the Legal Defence Bureau for National and Ethnic Minorities (NEKI), an NGO run by the Foundation for Otherness and the Foundation for Roma Civil Liberties both handle a high volume

⁶⁶ *Selected News on Roma, July–August 2002*, p. 4.

⁶⁷ Balázs Tóth, "Impossibilium nulla obligatio est," in *A hátrányos megkülönböztetés tilalmától a pozitív diszkriminációig* (From the ban on negative discrimination to affirmative action), Budapest: AduPrint – INDOK, 1998, pp. 95–96.

⁶⁸ With an annual budget of approximately HUF 30 million (approximately €123,350). Press Conference, by Csaba Hende of the Ministry of Justice, Budapest, 12 October 2001.

⁶⁹ Office for National and Ethnic Minorities, *Roma Policy in Hungary: International Conference 26 January 2002*, Budapest, 2002, p. 62.

⁷⁰ Office for National and Ethnic Minorities, *Roma Policy in Hungary: International Conference 26 January 2002*, Budapest, 2002, p. 62.

⁷¹ OSI Roundtable, Budapest, June 2002.

of discrimination claims. NEKI publishes an annual report detailing its findings.⁷² These established, experienced organisations can offer valuable insight to the Government as well as services to the minority population, and their expertise should be better utilised.

3.2.1 Education

Although the Medium-Term Package does not explicitly address discrimination in education, reducing inequalities in this sphere has been identified as a priority by the Government. While individual Roma have benefited from the grant scheme provided for under the Package, the quality of education available for the broader Roma community remains a concern. Programmes targeting Roma do not appear to be integrated with ongoing efforts to improve school standards generally. The persistence of negative and prejudiced attitudes in the classroom has not yet been decisively addressed, including discrimination in the processes by which children are evaluated before entering school or for placement in programmes for the developmentally disabled.

The Medium-Term Package identifies regular school attendance as key to improving education levels among Roma, from the pre-school to secondary levels. The Package delegates additional responsibilities for development of concrete programmes to the Ministry of Education, which has existing obligations under a separate Act and Decree on Minority Schooling (See Section 3.4.2).⁷³

The Medium-Term Package does not set out the activities to be undertaken in the sphere of education in detail. Its general objectives under this heading do set the stage for a range of projects to increase Roma access to education, and to improve the quality of education available. These include:

Student Grants

Point 1.4 of the Medium-Term Package provides for a system of grants to facilitate the successful on-going studies of young Roma. In the period 1999–2001, a total expenditure of HUF 232 million (approximately €928,000) was allocated directly to the beneficiaries of this programme. Altogether, 7,580 Roma received support through such grants.

⁷² The *Fehér füzet*, or White Booklet.

⁷³ Act on Public Education No. LXXIX./1993 and amendments of the relating legal provisions, according to Decree No. 32/1997. (XI. 5.) MKM on Issuing the Directives of the Nursery and School Education of National and Ethnic minorities.

The grants aim to give young Roma who meet application requirements the financial means to attend educational institutions. In the first quarter of 2000, the Office for National and Ethnic Minorities held a discussion with the participation of representatives from the Ministries of Justice, Education, the National Roma Self-Government, the Public Foundation for Minorities, and the Public Foundation for Gypsies in order to establish procedures for allocating grants. Invitations for grant applications available in the academic year 2000–2001 were announced on the basis of agreed-upon target groups and criteria.⁷⁴

All parties agree that the student grants programme provides an important resource for Roma students, and this programme represents the most substantial governmental expenditure in the education sphere. However, many individual grants are too small to be considered more than token support.⁷⁵ Moreover, the programme is not structured to address broader factors discouraging Roma school attendance, such as discrimination, language, and cultural issues. The grant-making approach supports students who have already overcome these first obstacles to education and have achieved good academic standing; marginalised students – those in greatest danger of dropping out – do not benefit.

Vocational Training Programme

The Medium-Term Package does not specifically identify vocational training as part of its approach to education, but does provide for supporting “the obtaining of qualifications and employment by – particularly Roma – youngsters and young adults.”⁷⁶ In this context, the National Fund for Vocational Training was established with support from Phare. Two-thirds of the total sum of almost HUF 1 billion (approximately €4.1 million) is provided by the State. This is unusual for Phare programmes, for which the EU generally contributes the greater proportion.

Beneficiaries participate in vocational training programmes in 70 professions.⁷⁷ Additionally, 14 vocational schools received HUF 62.5 million (approximately

⁷⁴ Funding has been offered by the Public Foundation for Minorities to 673 students in secondary and tertiary education (HUF 50.5 million or approximately €202,000) in 1999–2000; the Public Foundation for Gypsies, to 6505 students in 1999–2001 (HUF 85 million or €340,000); and the Ministry of Justice to 2,448 secondary through tertiary students in 2000–2001.

⁷⁵ See *Minority Protection 2001*, p. 231.

⁷⁶ Medium-Term Package, Point 1.3.

⁷⁷ 2,400 young Roma are to be involved in related programmes. In a sub-project for young people without vocational qualifications, the disadvantaged and those who did not complete primary school, 25 applications were accepted and 163 training programmes already have been launched.

€250,000) under the fund for workshop development. Training usually lasts for two years and participants also receive grants to cover their costs.

The reliance on traditional vocational courses does not take advantage of the possibility to develop alternative forms and methods of training outside the structured school environment. Moreover, pairing the system of adult education with small business start-up grants could allow Roma to acquire valuable vocational qualifications and practical experience. Training programmes currently available have been criticised for offering qualifications in unmarketable professions.⁷⁸ More attention to the continuing education of Roma women who left school to start a family is also needed.

Dormitories for Socially Disadvantaged Students

Point 1.2 of the Medium-Term Package provides for expanding the accommodation available for Roma students attending secondary school. In 1999, the construction of two institutions for education and training, similar to the Gandhi Gymnasium, were planned with Phare support.

This plan has since been reduced to the construction of two dormitories for disadvantaged students, especially Roma, in Szolnok and Ózd, with support from Phare and the Ministry of Education. According to the Office for National and Ethnic Minorities, the dormitories will serve as a regional centre and will accommodate an additional 40 students.⁷⁹ Agreements with a further three student hostels will provide accommodation for 50 Roma, who will take part in preparatory courses for higher education.⁸⁰

While offering accommodation for Roma students who might not otherwise have the means to attend school can improve access to education, it is unclear whether Roma were consulted when the project was scaled back from its original goals. Such research should be conducted to assess the Roma communities' response to the project and whether it meets their needs.

Placement in "Special schools"

The proportion of Roma among children attending special schools for the developmentally disabled is 60 percent nationally, but it exceeds 80 percent in some parts of Eastern Hungary. Experience shows that these special-curriculum institutions generally do not facilitate reintegration into mainstream education, but increase existing educational differences. It is estimated that more than 150 schools have special

⁷⁸ OSI Roundtable, Budapest, June 2002.

⁷⁹ Office for National and Ethnic Minorities, Selection of News on the integration of the Roma, August and September 2001.

⁸⁰ Office for National and Ethnic Minorities, Selection of News on the integration of the Roma, August and September 2001.

Roma classes. In recent years legislation concerning the transfer of children into special classes defined stricter criteria for transfers, and the “special status” of the pupil can now be revised at any time.⁸¹

However, in practice “special status” is rarely re-examined and children are seldom transferred out of these programmes. The lack of precise definitions of discrimination and corresponding sanctions inhibits legal action in such situations. As a preventative measure, the relationship between the committees assessing children’s abilities and Roma parents should be improved as part of the school enrolment process. The pre-school evaluation test should be tailored to help as many pre-school-age children as possible begin their studies within the normal, integrated school system; compensatory programmes should be made available only where demonstrably necessary.

Funding Issues

In the central budget for the 2000–2001 school year, funds were set aside for all socially disadvantaged children, including Roma. Prior to reforms in 2000, structural flaws in the current system of funding perversely offered an incentive for schools to channel Roma students to “catch-up” classes.⁸² Schools are entitled to receive subsidies both for remedial classes for Roma, and for minority education.⁸³ While schools no longer receive higher subsidies for remedial programmes than for minority education, they may still receive State support to organise “catch-up classes” instead of minority education for Roma students,⁸⁴ and many continue to do so.

Moreover, unlike standard funding, funding for special education programmes is allocated by tender, although little research has been conducted to identify effective programmes, and there are no criteria or standards for awarding tenders or for quality assurance and evaluation of projects.⁸⁵ Experts argue that focused and continuous

⁸¹ *A nemzeti és etnikai kisebbségi jogok országgyűlési biztosának éves jelentése, 2002* (Annual Report by the Parliamentary Commissioner for the Rights of National and Ethnic Minorities, 2002).

⁸² See OSCE Report on the Situation of Roma, pp. 74–75; Human Rights Watch, *Rights Denied: The Roma of Hungary*, 1996, pp. 69–72; *Minority Protection 2001*, pp. 226–228.

⁸³ According to Act CXXXIII of 2000 on the state budget of the Republic of Hungary for years 2001 and 2002, an additional contribution of HUF 29,000 in 2001 and HUF 33,000 in 2002 is available after every child who participates in a programme within Roma minority education. The budgetary law defines that an additional contribution of HUF 15,000 per capita in 2001 and HUF 17,000 per capita in 2002 can be spent on day care activities at primary schools and compensatory education for disadvantaged students. This contribution shall not be available if the student participates in special education for the Roma minority.

⁸⁴ Interview with staff of NEKH, Budapest, 29 August 2002.

⁸⁵ P. Radó, in *Jelentés a magyar közoktatásról 2000* (A Report on Hungarian Public Education 2000), Chapters 9 and 10, (hereafter, “Report on Hungarian Public Education 2000”).

support should be available for these programmes, which the tender system cannot ensure.⁸⁶ Politics also adversely affects programme continuity: projects that have been running for years can be terminated, others programmes are transformed with each change of Government, and entirely new and unrelated projects are launched in each political cycle, all factors operating to weaken their effectiveness.

Research in recent years points to evidence that enhancing the quality of education is the most decisive factor in ensuring educational success for children with different social backgrounds.⁸⁷ The importance of quality assurance standards for public education has been increasingly recognised in the education system, but these standards are not applied to education for Roma, for which no evaluation and assessment system appears to have been developed. The processes of improving standards generally and improving opportunities for Roma in particular appear to be disconnected; a more integrated approach could benefit all students.

The Medium-Term Package does not address fundamental problems such as discrimination in educational institutions or the lack of support for increasing teachers' awareness of and sensitivity to Roma needs. In November 2001 the Minorities Ombudsman presented the findings of a survey showing that 38.5 percent of students to graduate that year from teacher-training colleges are "slightly prejudiced" towards the Roma minority, while 14 percent (roughly every seventh student) are "decidedly prejudiced."⁸⁸ An earlier survey among students at technical and teacher-training colleges revealed that more than 80 percent of would-be mid-level technical associates and teachers would not be willing to work with a colleague of Roma origin.⁸⁹

Discrimination has been recognised and addressed to some extent by the Ministerial Commissioner for Educational Rights. The Commissioner has found cause to intervene on a number of occasions, by taking measures against segregated education, initiating an investigation in relation to textbooks with racist overtones, and voicing his opinion on the eviction of families with children, *inter alia*. The Minorities Ombudsman also handles complaints about the school system; the Ombudsman's

⁸⁶ OSI Roundtable, Budapest, June 2002.

⁸⁷ Report on Hungarian Public Education 2000, Chapters 9 and 10.

⁸⁸ *Magyar Hírlap*, 28 November 2001.

⁸⁹ Á. Horváth, B. Marián and I. Szabó, *Főiskolások állampolgári kultúrája. Empirikus vizsgálat két kecskeméti főiskola hallgatói körében* (The citizen culture of college students. An empirical survey among the students of two colleges in Kecskemét). MTA PTI Etnoregionális Kutatóközpont, 1997. Munkafüzetek 14., p. 1–40.

2002 report concludes that the educational disadvantages of Roma children and the number of related discrimination cases has not been decreasing.⁹⁰

The need to overcome prejudice in the teaching profession is recognised in the preparatory documents for the long-term strategy, where it is noted that teacher training must include information “about the content and form of discriminatory practices, about what can be done to remedy such practices, how to recognise prejudice and the methods by which it can be avoided.”⁹¹ The expected elaboration of concrete measures to implement this objective will constitute a positive development.

3.2.2 Employment

To date, despite provisions calling for the recruitment of Roma to work in employment centres and the adoption of measures to facilitate ownership of farmland, the Medium-Term Package has approached the problem of high unemployment among Roma primarily through public works projects. These have offered jobs for some Roma, but have provoked criticism as they fail to offer any viable long-term employment prospects or to address systemic and institutional factors affecting unemployment among Roma. Land law reform that would allow distribution of farmland to Roma has also slowed the realisation of agricultural programmes.

Section 3 of the Medium-Term Package states the aim of increasing opportunities for the disadvantaged population, including Roma, in employment and the labour market. The Package provides for “emergency measures” to counterbalance enormous job losses among Roma, such as ensuring public works projects, social land programmes, regional development programmes and other programmes to decrease persistent unemployment. The Package highlights the need for regional and area development activities without clarifying their actual content. The Ministers of Economic Affairs and Social and Family Affairs were given responsibility for implementation, with the deadline of 31 December 1999.

Discrimination in employment is not explicitly addressed by any of the measures provided under the Package. Though it mentions the importance of positive discrimination at the workplace and in facilitating Roma employment, it does not elaborate the processes by which this will be achieved, and no specific measures have been promulgated to date. The Labour Law was amended in July 2001 to broaden the scope of its anti-discrimination provisions to include practices or instructions preceding

⁹⁰ *A nemzeti és etnikai kisebbségi jogok országgyűlési biztosának éves jelentése, 2002* (Annual Report by the Parliamentary Commissioner for the Rights of National and Ethnic Minorities, 2002).

⁹¹ Guiding Principles of the long-term Roma strategy, p. 15.

or promoting the establishment of an employment relationship, thereby extending protection to recruitment procedures.⁹² However, establishing employment discrimination of any kind, never easily proven, is further impaired by the prohibition against maintaining records or statistics including ethnic data.

Publication of an information booklet summarising the experiences of functional employment programmes is provided for under Point 3.1.2 of the Package. Intended to assist the replication of successful initiatives, the booklet has not yet been prepared.

Public Works Projects

A significant aspect of implementation falls under Point 3.1.6, which provides for public work projects at the local level. A number of public work programmes have been organised in accordance with regional development programmes, to improve employment opportunities for the long-term unemployed.

The Government provided HUF 2 billion (approximately €8.1 million) in 1999 and 2000 for public works programmes. Based on estimated data, 40 percent of the participants in public works programmes are Roma. County labour organisations also allocated HUF 7.7 billion (approximately €31 million) for prioritised funding of public works programmes, financed from the Employment Fund within the Labour Market Fund, which accounts for 30 percent of funds available. In practice, an estimated ten percent of beneficiaries were Roma.⁹³

Prioritised aid is also available for public works projects organised by municipalities or minority self-governments and Roma NGOs. In 2000, the Labour Market Fund transferred approximately HUF 6.8 billion (€27.2 million) to municipalities to create further opportunities within the ambit of provisional public employment for people receiving benefits.

Regional centres for labour force development have focused on continuing training related to public work programmes. Training centres can build strong contacts with local and regional Roma organisations, and with representatives of county and national minority self-governments. HUF 106.3 million (approximately €430,000) disbursed in 1999 enabled four to five thousand unemployed people to participate in training programmes; an estimated 30 percent of participants were Roma. A programme of similar scale was launched in 2000. According to a follow-up questionnaire on the training, the subsequent job placement proportion was 80 percent.⁹⁴ Roma received approximately 40 percent of available resources in public works programmes launched

⁹² *Anti-Discrimination Legislation Analysis*, p. 21.

⁹³ Report on 2001 implementation, pp. 17–19.

⁹⁴ Report on 2001 implementation, pp. 17–19.

by the Ministry of Social and Family Affairs. According to the Package, these programmes should be subject to annual evaluation, involving the local Roma Self-government and other representative organisations.⁹⁵

Since resources available to finance public works are scarce, the availability of such employment constantly fluctuates. Ongoing public works projects – with appropriate State funding – could be provided by either local authorities or NGOs, but Roma could also be involved in State investments such as motorway construction and similar large-scale projects. Attention should focus on more stable sources of employment, particularly those that would be less likely to foster passive dependence on Government assistance than public works programmes.⁹⁶ The State could also grant tax allowances for family income generation and self-sustenance programmes, and a successful pilot small enterprise “incubator” project could also be extended to Roma communities.⁹⁷

The long-term strategy discussion paper emphasises the continued importance of public works projects as a source of income for the unskilled and those with lower levels of education. However, the need to create incentives for the employment of Roma in other sectors is also highlighted in the discussion paper, where financial preferences for employers and trainers, as well as interest-free refundable subsidies to Roma enterprises are mentioned as possible means to achieve higher employment in a range of industries.⁹⁸

Point 3.1.1 of the Medium-Term Package calls for local agreements between county labour offices and Roma self-governments to specify measures for increasing employment among Roma, and suggests that additional posts for Roma may be created in employment centres. The Ministry of Social and Family Affairs reports that such cooperation agreements with Roma organisations and minority self-governments have become standard in labour centres. In programmes under these agreements, assistants for community development and labour organisation as well as social workers have been trained. In several counties, these agreements have also facilitated the development of training programmes organised by labour organisations for church-sponsored nurses and social workers, and for Roma entrepreneurs..

The Medium-Term Package also sets forth various measures to encourage Roma to take part in agricultural activities.⁹⁹ The Ministry of Agriculture and Rural Development, the Ministry of Social and Family Affairs and the Prime Minister’s Office were assigned

⁹⁵ Medium-Term Package, Point 3.1.3.

⁹⁶ OSI Roundtable, Budapest, June 2002.

⁹⁷ OSI Roundtable, Budapest, June 2002.

⁹⁸ Guiding Principles of the long-term Roma strategy, pp. 17–18.

⁹⁹ Medium-Term Package, Point 3.2.

responsibility for a social land programme under Point 3.2.1. These Ministries were to develop criteria for including State-owned cultivable areas into a social land fund that later could be transferred to local governments for rental to Roma families. However, the development of the social land programme was dependent on adoption of the Law on Land, which was passed only in late 2001, and thus implementation has been delayed. In 2001, HUF 260 million (over €1 million) was spent on the social land programme, 40 to 50 percent of which went to Roma beneficiaries.

Although programmes providing employment for people who live in disadvantaged regions are ongoing, as provided for in Point 3.1.6 of the Package, they affect relatively few families or settlements. These programmes are usually limited to raising livestock and crops for the “independent family farm” or household. The Public Foundation for Gypsies also funds the programme, mainly supporting farming activities.

In addition to the Medium-Term Package, the Government has implemented employment programmes through the National Public Foundation for Employment, which have benefited Roma as well as non-Roma. The National Public Foundation for Employment is a Government body that develops and enhances models and programmes of employment policy and implements programmes originating from various regions.¹⁰⁰ Its primary long-term objective is to reduce unemployment and to improve the employment potential among the unemployed, while increasing the number of jobs available. Its main target group includes Roma who do not have adequate qualifications or higher-level training.

The Foundation’s activities generally have a Roma participation rate of between 30 and 40 percent. Programmes focus on integrating the unemployed through training and community enterprise projects. In particular, its Roma employment project has given support to between 300 and 320 Roma entrepreneurs through community organisations.¹⁰¹

3.2.3 Housing and other goods and services

The Medium-Term Package does not address housing or accommodation in any detail; its focus is on health and sanitation problems arising from poor housing and infrastructure. In terms of concrete objectives, the Package provides for an assessment to establish the scope of the problem, according to which “a programme shall be developed along with a feasibility study and a detailed financing schedule” to improve

¹⁰⁰ In addition to facilitating Roma employment, its responsibilities include reducing unemployment in general with different programmes and policies.

¹⁰¹ Interview with István Nemoda of the National Public Foundation for Employment, Budapest.

the conditions in slums and “to develop their infrastructure as well as to offer a technical solution for the problems of drinking water supply.”¹⁰² The assessment was scheduled to be completed in late 1999 but no action had been taken as of August 2002.

The Inter-ministerial Committee has not evaluated the social housing support programme launched by the National Roma Self-Government and the Foundation for Welfare Service in 1996, similar to that called for under point 4.4 of the Medium Term Package. The public utility corporation (Szociális Építő Kft.) founded by the National Roma Self-Government received HUF 40 million (approximately €163,000) in two instalments from the State to be disbursed among 250 families for construction of housing. The deadline for ending the programme was modified several times thereafter, but the flats were still not completed on schedule. Reliable information regarding the number of houses actually completed has not been released.

Nevertheless in January 2001 the Government extended this flat construction programme, allocating €1.1 million for the purpose of including more Roma beneficiaries. Thereafter, in May 2001, the National Roma Self-Government signed a cooperation agreement with the Ministry of Economic Affairs on implementing the project.¹⁰³ Under the terms of the agreement, the municipality provides land and utility connections; poor Roma families contribute labour, and the Roma Self-Government provides assistance in the selection of beneficiaries.¹⁰⁴ A condition of eligibility for Roma families is that their children must attend school, and at least one of the parents should have a job or participate in a communal or work service programme. This second condition excludes those Roma families most in need of housing.¹⁰⁵ Moreover, implementation of the programme has been delayed, as the Ministry and National Roma Self-Government did not succeed in spending the HUF 300 million (approximately €1.2 million) allocated in 2001.

The Minorities Ombudsman has reported that those complaining of housing problems are usually unable to build their own homes without State subsidies and often find it very hard to maintain their flats due to lack of income.¹⁰⁶ The problem is exacerbated

¹⁰² Medium-Term Package, Point 4.3. The Ministers of Agriculture and Rural Development, Interior, Health, Economic Affairs, Traffic, Communication and Water Conservancy and the President of the Office for National and Ethnic Minorities are responsible for these measures, involving local authorities and minority governments and NGOs.

¹⁰³ Office for National and Ethnic Minorities, *Roma Policy in Hungary: International Conference 26 January 2002*, Budapest, 2002, p. 36.

¹⁰⁴ Office for National and Ethnic Minorities, *Roma Policy in Hungary: International Conference 26 January 2002*, Budapest, 2002, p. 36.

¹⁰⁵ See *Népszabadság*, 26 January 2002.

¹⁰⁶ *A nemzeti és etnikai kisebbségi jogok országgyűlési biztosának éves jelentése, 2002* (Annual Report by the Parliamentary Commissioner for the Rights of National and Ethnic Minorities, 2002).

by the diminishing stock of affordable housing in recent years and the fact that few, if any, new flats have been built. According to an estimate made by the Ministry of Agriculture and Rural Development, 13 thousand new flats would be required to satisfy the demands of all the families living in ghettos.¹⁰⁷ Roma rights advocates and NGOs have observed that current housing policy provides for benefits on paper but has shown no actual results.¹⁰⁸ A fully elaborated anti-poverty policy would be an important first step towards addressing the housing crisis, particularly for Roma who are disproportionately affected.

Evictions remain at a high level, following amendments to prevent illegal occupancy in May 2000.¹⁰⁹ These amendments were enacted *after* the Medium-Term Package committed to continue programmes that “support the solution of the housing problems of the socially disadvantaged classes, including the Roma.”¹¹⁰ A simple modification in the housing laws could regularise the situation of those occupants who do not have a rental contract but have been paying apartment fees to the local authorities for 20 years, which would reduce the number of evictions. Prohibiting the eviction of families with children would also avoid highly publicised incidents such as those which took place in Budapest in November 2001¹¹¹ and May 2002.¹¹²

The first judgement against a private proprietor for refusing to serve Roma was handed down in June 2002, against a bar owner in northern Hungary. The owner was fined HUF 100,000 (approximately €400).¹¹³

3.2.4 Healthcare and other goods and services

The section addressing public health in the Medium-Term Package sets out little in the way of concrete measures to be implemented. While Roma health indicators fall below those of the rest of the Hungarian population, there is insufficient data to conclude whether inequalities stem from general flaws in the system or from ethnic discrimination. Programmes recently introduced or currently in development plan to target the Roma

¹⁰⁷ OSI Roundtable, Budapest, June 2002.

¹⁰⁸ OSI Roundtable, Budapest, June 2002.

¹⁰⁹ See *Minority Protection 2001*, p. 234.

¹¹⁰ Medium-Term Package, Point 4.4.

¹¹¹ *Népszava*, 14 November, 2001.

¹¹² Roma Press Centre news, 13 June 2002.

¹¹³ See RFE/RL *Newsline*, 3 July 2002, “Bar Owner In Hungary Fined for Refusing to Serve Roma.”

population particularly through preventative care, in line with the Package's Point 4.2, calling for the expansion of screening programmes and other prophylactic measures.

The Package calls for additional research "exploring the indicators of the health of the Roma population, and the relationship between the institutions providing medical services and the residents affected,"¹¹⁴ and a detailed strategy is to be developed on this basis. Accordingly, the Ministry of Health drew on the findings of a general survey from 2000–2001 with the voluntary participation of 1,200 families, including many Roma.¹¹⁵ As the data was collected only once, however, only limited conclusions could be drawn. A tracking procedure, following respondents over time, is needed both to assess health conditions currently and to test how modifications in the healthcare system improve the situation for Roma.¹¹⁶

Additional healthcare measures

The Package does not detail any further specific measures or activities to improve the health status of Roma. However, the Ministry of Health has developed a number of initiatives and is incorporating the needs of Roma communities into its general public health programme.

In-service training courses are currently available for all healthcare workers, but are especially recommended for those working in settlements with disadvantaged populations.¹¹⁷ 2,700 visiting nurses from all counties participated in the first stage of an in-service training programme which focused on raising awareness of the specific problems faced by disadvantaged population groups, including negative attitudes and prejudice. During these training sessions, local Roma leaders gave lectures and led discussions, and successful programmes from other regions were presented. Twenty healthcare workers participated in a pilot training in Sáropatak, as preparation for work with Roma in settlements with particularly poor healthcare conditions.

The job title "assistant activist" (engaged in healthcare or social work) will also be officially registered in the National Training Register. These activists are to be employed by the local authorities, with the support of labour centres. Assistant activists are expected to play an important role both in improving the quality of healthcare and social services for Roma and ensuring a better understanding of the situation among public service professionals.

¹¹⁴ Medium-Term Package, Point 4.1.

¹¹⁵ The Ministry of Health plans to publish the results of the survey in the future.

¹¹⁶ Interview with the staff at the Ministry of Health, Budapest, 22 April 2002.

¹¹⁷ Ministry of Health, *For a Healthy Nation*, Chapter 7, Action 4.

A network of health centres is also planned, building on existing pilot facilities such as the one that has been established in Köröm. The intention is that these health centres will disseminate information on health, hygiene and cooking through training sessions on these and other related topics.¹¹⁸

The development of a long-term strategy for improving health conditions among Roma communities is currently under way: social and regional discussions have been held, and the Office for National and Ethnic Minorities is responsible for preparing a final report. The strategy was developed in coordination with a number of ministries, in an effort to build a consensus around specific long-term priorities. In particular, the discussion identified the importance of enabling Roma to benefit from regular healthcare check-ups. It has been proposed that family counsellors and social workers should be engaged to improve awareness of available resources among Roma communities. The implementation of local programmes is expected to centre around general practitioners; visiting nurses will also play an important role.

At the local level, funds will be distributed through tenders to programmes developed by local organisations and institutions in accordance with the various sub-chapters of the public health programme. Moreover, a monitoring and statistical system and a tender system are under development, and the Inter-Ministerial Committee is looking for ways to assist organisations in the preparation of tender proposals.

The National Public Health and Medical Officers' Service deals with Roma in a separate sub-programme, which is still in a preparatory phase. The associates of this programme collected data in selected Roma settlements, on the basis of questionnaires that included almost 90 items focused on hygiene and lifestyle issues.¹¹⁹

The 2000 EU Regular Report assessed the health status of Hungarian Roma quite critically,¹²⁰ and Phare funding was made available to initiate pilot programmes for developing infrastructure in isolated Roma settlements in 2000.¹²¹ However, no information was available regarding the results of and lessons learned on the basis of implementation of these programmes

Discrimination in access to social benefits

Some cases of discrimination have been reported in the sphere of social benefits, for example when local authorities arbitrarily cut off benefits, or unreasonably delay their

¹¹⁸ Ministry of Health, *For a Healthy Nation*, Chapter 7, Action 6.

¹¹⁹ From the Hungarian Internet portal site *Origo*, 20 November 2001.

¹²⁰ European Commission, *2000 Regular Report on Hungary's Progress Towards Accession*.

¹²¹ DG Enlargement Information Unit, *EU Support for Roma Communities in Central and Eastern Europe*, May 2002, p. 10.

response. Legal defence advocates find that there are few checks on local authorities and limited remedies against their abuse. Neither the Medium-Term Package nor the preliminary materials for the long-term strategy addresses these issues.

3.2.5 The criminal justice system

The Medium-Term Package devotes little attention to issues of discrimination in the criminal justice system, although discrimination has been detected in the adjudication of criminal offences: Roma often receive more severe sentences than non-Roma for the same offence.¹²²

Several local conflict-management offices and programmes have been established under the auspices of the Ministry of the Interior, and the Ministry of Justice provides free legal advice to Roma. A sub-project of the Phare Programme for the Social Integration of Roma launched by the Office for National and Ethnic Minorities, will provide support to the legal protection bureaux specifically for Roma, support regional anti-discrimination training programmes, and will provide resources to promote the quality of professional activities in these bureaux (see Section 3.2).

The National Roma Self-Government has concluded agreements with the Ministry of the Interior and the National Police Headquarters; as provided by these agreements, components on Roma culture have been introduced into police training, and a programme to encourage young Roma to join the police force is planned.¹²³ Nevertheless, as of yet no solution has been reached that would appropriately prepare and train policemen to interact with Roma in a correct, lawful, and unbiased manner.

3.3 Protection from Racially Motivated Violence

Neither the Medium-Term Package nor the preliminary materials for the long-term strategy addresses racially motivated violence. Nevertheless, there is ample evidence to suggest that racially motivated violence is a serious problem.

The Medium-Term Package does address the issue of police misconduct; point 5.2 notes, “the lawfulness of the police behaviour in connection with the members of the

¹²² *Magyar Hírlap*, 9 April, “Ellentmondó adatok a rendőri brutalitásról” (Contradictory data about police brutality).

¹²³ Office for National and Ethnic Minorities, *Roma Policy in Hungary: International Conference 26 January 2002*, Budapest, 2002, p. 35.

Roma minority shall be continuously followed with attention.”¹²⁴ The Inter-Departmental Committee on Roma Affairs is obliged to prepare an annual report on the issue, and to draft an action plan concerning the solutions. No action plan has been prepared as of August 2002, nor have annual reports been issued.

Police violence against Roma has been well documented. The overall number of complaints regarding unjustified police measures lodged at the Offices of the Ombudsman for National and Ethnic Minorities and for Civil Rights increased in 2000. Of the complaints brought, only around 30 percent resulted in court cases while in 70 percent no investigation occurred.¹²⁵ Many cases are still pending.

According to a survey carried out among policemen in 1997, ten percent of the officers could be labelled as racist, as manifested in extreme rejection, hostility and intolerance.¹²⁶ Less intense hostility prevailed among another 27 percent of the police that could be labelled as prejudiced. Point 5.2 of the Medium-Term Package provides that “in the education of undergraduates and graduates working in the bodies of law enforcement – in the interest of a discrimination-free, human service supply – knowledge of social history, culture, sociology etc. regarding the Roma shall be taught on the level of practical use.” Police officers have received special training on Roma culture in order to decrease the number of cases of mistreatment and efforts are underway to promote the recruitment of Roma officers. According to the National Program for the Adoption of the *Acquis* prepared by the Ministry of Foreign Affairs, “the training material ... gives priority to the historical development and state of the minority and ethnic issue in Hungary, including the historical roots, traditions, current social welfare and social situation of the Roma population as well as the efforts of the government to overcome multiply disadvantageous situations and promote social integration.”¹²⁷

The number of cases of abuse made public nevertheless has been on the rise. The EU’s 2001 Regular Report observed that police officers are often suspected of corruption and accused of frequent use of excessive force.¹²⁸ In particular, international human rights organisations reported cases of unjustified and harsh police action against Roma.

¹²⁴ Medium-Term Package, Section 5.2.

¹²⁵ See in *Beszámoló a Nemzeti és Etnikai Kisebbségi Jogok Országgyűlési Biztosának tevékenységéről*, 2000 (Report on the Work of the Ombudsman for National and Ethnic Minorities, 2000).

¹²⁶ Csepeli György, Örkény Antal, Székelyi Mária (1997): ‘Szertelen Módszerek’ (The Borders and Limits of Non-Discriminatory Behavior), in *Szöveggyűjtemény a kisebbségi ügyek rendőrségi kezelésének tanulmányozásához*, (Textbook for Analysing Minority Issues in Police Practice), Budapest: COLPI, pp. 130–172.

¹²⁷ Ministry of Foreign Affairs, Department for European Integration, *National Program for Adoption of the Acquis, Hungary*, Revised version 2001, Volume II, p. 82.

¹²⁸ 2001 Regular Report.

A significant example took place in February 2002. After a police raid on the Roma settlement of Bag (Pest county), dozens of people made claims at the county prosecutor's investigation department, charging that more than 20 uniformed men burst into their homes and brutally beat them.. Despite the fact that thirteen police officers were interrogated as suspects by the investigating authority, the case was dismissed due to lack of evidence.¹²⁹

3.4 Promotion of Minority Rights

The Medium-Term Package identifies “maintaining and enhancing Roma cultural identity” among its primary objectives, and sets forth specific measures with regard to education and public participation. However, implementation of these provisions at the local level has not consistently met expectations, partly due to poor financial oversight. Roma groups have also called attention to flaws in the systems for Roma minority education and the formation of the Roma Self-Government, claiming that, unreformed, these structures may actually perpetuate inequalities and contribute to the marginalisation of groups other than the official representatives of the Roma community.

3.4.1 Language

The Medium-Term Package delegates the development of educational and cultural opportunities in the Roma mother tongue and the assessment of financing opportunities for this purpose to the Ministry of National and Cultural Heritage and the Education Minister.

Language issues are not otherwise addressed in the Medium-Term Package, and have not generally been identified as a problem outside the education sphere. The Minorities Act provides generally that “everybody may freely use his/her mother tongue wherever and whenever he/she wishes to do so.”¹³⁰

Hungary has ratified the European Charter for Regional or Minority Languages. However, the Roma languages of Beas and Romanes are explicitly excluded in spite of the large number of Hungarian Roma who speak some dialect of the Romanes

¹²⁹ See <<http://www.frisshirek.hu/article/id=3164/s>>, (accessed 19 September 2002).

¹³⁰ Minorities Act, Art. 51 (1). See also, *Minority Protection 2001*, p. 247.

language.¹³¹ The Committee examining compliance with the Charter found that no provisions exist that promote the teaching of minority languages to non-speakers of the language living inside the areas where it is primarily used.¹³² The organisation of such learning groups or classes is permitted on private initiative.

Roma activists and experts have indicated that educational, cultural and administrative institutions should be made aware of their responsibilities and obligations with respect to preserving the Romani languages and enlarging the circle of individuals who can speak these languages. The Roma community has called for the establishment of institutions to facilitate use of Romanes, such as theatres, educational opportunities, television and radio programmes, and research.¹³³

3.4.2 Education

Based on Act 68 Section (2) of the Constitution, Hungary ensures education in the mother tongue for members of national or ethnic minorities. The Act on Public Education entitles parents to decide if their children should participate in minority- or Hungarian-language education, and the parent or custodian cannot be limited in exercising this right.¹³⁴ Point 1.5 of the Medium-Term Package requires the Ministry of Education to prepare textbooks and teaching materials for Roma minority education. This has been carried out and approved by the National Minority Committee,¹³⁵ and these materials will be ready for use in the relevant institutions beginning in the 2002–2003 school year. Point 2.2 of the Medium-Term Package calls for mother-tongue educational material to be available, in line with an assessment of the actual demand and financial resources available.¹³⁶

¹³¹ The Government maintains that the area where these languages are spoken cannot be geographically defined and therefore cannot be formally recognised. See *Minority Protection 2001*, p. 246. The committee examining compliance with the European Charter for Regional or Minority Languages has observed that only some 20 percent of people of Roma origin can still speak Romanes in Hungary, and an additional ten percent still use Beas. See <<http://www.meh.hu/nekh/Angol/4-1.htm>>.

¹³² See <<http://www.meh.hu/nekh/Angol/4-1.htm>>, (accessed 19 September 2002).

¹³³ OSI Roundtable, Budapest, June 2002.

¹³⁴ Act 43 Section (2) of Act LXXVII of 1993.

¹³⁵ The National Minority Committee is a body established under the Minorities Act, comprised of representatives of each recognised national minority. The Committee is consulted on measures related to minority rights; members can veto proposed measures, but cannot impose modifications or changes.

¹³⁶ Medium-Term Package, Point 2.2.

Task forces have prepared working papers on the standardisation and use of Beas and Romanes. In 2001, broad professional discussions were held in two cycles, and the working papers are undergoing further elaboration as a result. It was concluded that these languages could be standardised only on the basis of a broad professional consensus, which is likely to require a lengthy consultation process.

In the discussion paper drafted in preparation of the long-term strategy, the Government reiterates the importance of native language education for Roma. The paper notes that while the legal framework for such instruction exists, “further efforts are required in the ‘standardisation’ of these languages, as well as in the area of the training of pre-school instructors and teachers speaking the Roma languages.”¹³⁷

The Medium-Term Package repeatedly refers to “Roma minority education” without defining what in fact constitutes minority education.¹³⁸ As noted above, existing State-funded “Roma minority programmes” have been criticised for perpetuating ethnic inequalities in education,¹³⁹ and in practice have often served more as a means of misappropriating funds for general purposes than for offering Roma an educational option.¹⁴⁰ One recent study of 71 schools in southern Hungary revealed that though 28 schools were currently receiving funding for Roma minority programmes, they were all implementing remedial programmes rather than minority education programmes.¹⁴¹ Just 40 percent of the schools were in contact with local minority self-government regarding these programmes.¹⁴²

All education laws affecting minority education have been drafted in consultation with national minority self-governments, and public foundations are required to include Roma in decision-making. While the Minorities Act stipulates that minority self-governments are entitled to monitor the implementation of minority education programmes, oversight of the local use of funding is weak, since measures in 1999 removed restrictions on how State support for minority education should be spent.¹⁴³ While the local Roma Self Government has the legal authority to monitor the use of these funds, they are often unaware of or unable to exercise their rights in this area.¹⁴⁴ The Act prescribes that minority self-governments may retain experts to audit schools.

¹³⁷ Guiding Principles of the long-term Roma strategy, p. 13.

¹³⁸ Medium-Term Package, Point 1.5.1–1.5.9.

¹³⁹ See, e.g. Human Rights Watch, *Rights Denied: the Roma of Hungary*, 1996, pp. 67–72; *Minority Protection 2001*, pp. 226–227.

¹⁴⁰ Interview with staff of the Ministry of Education, Budapest, 11 April 2002.

¹⁴¹ Diplomadolgozat, Orsós Ferenc, Pécsi Tudományegyetem, Pécs 2002, pp. 16–20.

¹⁴² Diplomadolgozat, Orsós Ferenc, Pécsi Tudományegyetem, Pécs 2002, pp. 16–20.

¹⁴³ Interview with staff of NEKH, 29 August 2002.

¹⁴⁴ Interview with staff of NEKH, 29 August 2002.

However, as there are no resources set aside for this purpose, minority self-governments wishing to investigate the uses of funding for minority education must apply to the local authorities for the means to do so – often the same authorities that administer the school funding in the first place.

There have been calls for the system in place prior to 1999 to be reinstated, re-imposing greater specifications on how such funding should be spent.¹⁴⁵ In any case, minority self-governments should be involved in a continuous audit and review process to ensure that funding allocated for minority education programmes is actually used for that purpose.

Although restructuring of the minority education system is provided for in national legislation under the Guidelines for Pre-School and Instruction and School Education of National and Ethnic Minorities and referred to in the Medium-Term Package,¹⁴⁶ little progress has been made towards this end. No comprehensive system of Roma education institutions has been developed at the primary school level, and there are few institutions providing training on the basis of pedagogical programmes for the Roma minority at the secondary level, such as the Gandhi Gymnasium and its dormitory in Pécs. Through the “Arany János” programme, schools may apply to the Ministry of Education for scholarships and housing allowances for talented Roma students. As of September 2002, three schools had applied under this programme, which doubles the standard *per capita* allowance for the students selected.¹⁴⁷ This and other measures can help to ensure that there is sufficient institutional infrastructure to meet the demand for minority education among Roma.

Based on an investigation carried out by the Ombudsman and warnings from the National Roma Self-Government, the Education Minister initiated a national survey on Roma minority education and “special education” programs in 2001. The Minister requested that approximately 900 municipalities confirm their fulfilment of and compliance with the applicable regulations on minority education. School supervisors sent their summary reports to both the administrative offices concerned and to the National Centre for Public Education Assessment and Examination.¹⁴⁸ According to the Ministry the evaluation process of the reports had not yet been completed as of August 2002. Results should be made available to the public, and should be used to initiate a broad discussion on the need for additional institutions to ensure the level of support, training, and resources necessary for high-quality education for Roma.

¹⁴⁵ Interview with staff of NEKH, 29 August 2002.

¹⁴⁶ Decree No. 32/1997, 5 November 1997.

¹⁴⁷ Interview with staff of NEKH, 29 August 2002.

¹⁴⁸ *Az Oktatási Minisztérium 2001 évi jelentése a CTB felé*, 2001 (2001 report by the Ministry of Education to the Inter-ministerial Committee for Roma Affairs, 2001).

Civil Society Initiatives

Civil society initiatives have addressed some gaps in Roma education programmes. For example, the Roma School Success Program works with Roma university students and activists to offer presentations on Roma language, history, and culture. In the 2000–2001 school year some 1,800 students were reached through the programme. Textbook and curricula were also developed for lessons on Roma history and culture.¹⁴⁹ The Roma School Success Program also promotes Roma non-governmental organisations' efforts to develop effective and appropriate education for Roma children.

3.4.3 Participation in public life

There are no specific measures for enhancing Roma participation in public life in the Medium-Term Package. The Package does call for increased cooperation with the existing Roma National Self-Government in several areas.

Following the election of minority self-governments in 1998 on the basis of the Minorities Act, municipal-level Roma minority self-governments were established. As of Autumn 2002, 724 self-governments are functional, giving more than 3,000 Roma the opportunity to participate in public life. Local minority self-governments and representatives have also formed county associations that ensure mid-level interest representation in several counties. However, this system has also given rise to internal tension, due to the fact that the Government considers the National Roma Self-Government to be the sole “official” representative of the Roma nationally. The Government negotiates only with the National Roma Self-Government when preparing decisions affecting the Roma population, although several organisations claim and compete for the right of Roma political representation.

In his 2002 report, the Minorities Ombudsman concluded on the basis of complaints received by his Office that in many places local authorities and minority self-governments are not aware of their respective rights and responsibilities under the law. Some municipalities do not see minority self-governments as partners of equal rank, and do not wish to cooperate with them.¹⁵⁰ Civil society and Roma groups have repeatedly called for amendments to the Minorities Act, to clarify the content of “consultative rights” and to replace the short-list electoral system with a mixed system for selecting candidates. The minority self-government structure has the potential to play a significant role in political

¹⁴⁹ See the American Friends Service Committee web site, <<http://www.afsc.org/intl/europe/rssp.htm>>, (accessed 19 September 2002).

¹⁵⁰ Annual Report by the Parliamentary Commissioner for the Rights of National and Ethnic Minorities, 2002.

life, if its measures are fully realised. However, electoral reform proposals have elicited fierce opposition from entrenched political parties.¹⁵¹

Concerns have been raised that the National Roma Self-Government is easily controlled by the Government, does not exercise real authority and has failed to make specific recommendations when the opportunity arises. During the periods of programme development and implementation, most proposals originated with the Office for National and Ethnic Minorities and were submitted to the Self-Government for assessment. The Self-Government produced few proposals itself, and ultimately accepted those initiatives submitted by the Office for National and Ethnic Minorities, presenting them as its own.

For the first time since the early 1990s, four Roma were elected to Parliament in 2002, all on mainstream party tickets. Much publicity was given to the pre-election agreement between FIDESZ and Lungo Drom, a Roma political organisation; opinion within the Roma community was divided on the issue, some welcoming it as a significant advance, others suggesting that Lungo Drom had become an “extension” of the centre-right party.¹⁵²

The guidelines for the long-term strategy include an expanded section on participation in public life. The discussion paper calls for various measures for training representatives and funding minority self-governments, on the grounds that all projects for improving the situation of Roma can be successful if Roma communities are involved in all aspects of drafting and implementation. “That is why it is a priority to increase Roma participation in social processes and in relevant local, county, and national decision-making.”¹⁵³

Since assuming office in June 2002, the State Secretary responsible for Roma integration policy issues has taken several initiatives to increase the representation of Roma at the Government level. First, a Council on Roma Affairs has been established under the chairmanship of the Prime Minister.¹⁵⁴ This body is to be comprised of 21 members from both the political and civil society spheres, including a majority of Roma representatives.¹⁵⁵ The Council is to act in an advisory capacity, as a forum for broader consultation at a high political level. In addition, Roma Commissioners will be

¹⁵¹ OSI Roundtable, Budapest, June 2002.

¹⁵² See OSCE Office for Democratic Institutions and Human Rights, *Republic of Hungary Parliamentary Elections Observation Report*, Warsaw, 6 June 2002, Section V. See <http://www.osce.org/odihr/documents/reports/election_reports/hu/hu_pe_april2002_ehr.php3>, (accessed 19 September 2002).

¹⁵³ Guiding Principles of the long-term Roma strategy, p. 23.

¹⁵⁴ Government Resolution No. 1140/2002, 12 August 2002.

¹⁵⁵ Interview with staff of NEKH, 29 August 2002.

appointed in six ministries to facilitate coordination within and among ministries and to act as focal points on Roma issues. The first such commissioner, a Romani activist previously working in the civil society sphere, was appointed to the Education Ministry in July 2002.¹⁵⁶ In ministries where a commissioner is not appointed, Roma departments will be established or desk officers named to coordinate Roma-related issues in their respective spheres.¹⁵⁷ These initiatives promise to ensure higher visibility of Roma issues at the Government level, and should prove useful complements to the structures established under the Medium-Term Package. Structures specifically tasked to address the problems confronting the Roma community should also ensure these issues are integrated into general governmental policy and not treated as marginal issues.

3.4.4 Media

A system of support for minority media predates the Medium-Term Package, and Point 6.1 provides only that “the harmonisation of the activities of funds, public foundations and institutions that support the Roma minority’s media shall be initiated with the purpose of continuous cooperation and the effective use of the sources.”¹⁵⁸ This reflects the existing system of support for minority media, which obliges State-owned public-service television and radio to broadcast programmes prepared by or for minority communities, and provides funding for the publication of minority papers. However, this system remains poorly coordinated and there is no sign of the harmonisation called for in the Medium-Term Package.

Two laws, the Minorities Act¹⁵⁹ and the Media Act,¹⁶⁰ regulate the relationship between the media and minorities. According to the Minorities Act, “public service television and radio stations will ensure that national and ethnic minority programmes are produced and broadcast on a regular basis.”¹⁶¹ The Media Act regulates the non-public service, non-profit segment of the media market through incentives, making allowances to encourage minority interests. This is achieved through the process of frequency allocation among the different applicants: those who can prove that their programme would represent any minority interest are given an advantage. Nevertheless, in practice almost

¹⁵⁶ See RFE/RL *Newsline*, 25 July 2002, “Hungarian Education Ministry Appoints Romany Official.”

¹⁵⁷ See Office for National and Ethnic Minorities, *Selected News on the Social Integration of the Roma in Hungary*, July–August 2002, p. 2.

¹⁵⁸ Medium-Term Package Point 6.1.

¹⁵⁹ Act LXXVII of 1993 on the Rights of National and Ethnic Minorities.

¹⁶⁰ Act I on Radio and Television Broadcasting, 1996.

¹⁶¹ Act LXXVII of 1993 on the Rights of National and Ethnic Minorities.

all applicants declare their intention to represent a specific minority interest, and no real benefits to any community are achieved. The National Radio and Television Board (ORTT) can set a certain degree of national and ethnic minority-oriented programming as a requirement for application, but in practice only loosely controls compliance with these conditions and does not sanction violations.

Applicants who produce minority programmes have a head start in applications for local frequencies, but most local media have not launched such programmes despite promises to do so. However, there are some positive examples: several regional television and radio stations broadcast Roma programmes.

The Hungarian system has been criticised as confining minority communities to specific, minority-oriented broadcasts that are easily marginalised, rather than affording opportunities to appear across the full range of mainstream programming. Public-service television can meet its formal legal obligation by broadcasting a separate weekly 25-minute minority programme, but this is insufficient time to meet the real needs of minority groups. Media experts simply call Roma programmes “ghetto programmes,” referring to the fact that neither minority interests nor minority actors are presented anywhere within the State-owned public-service media beyond the fulfilment of public-service quotas. Programming as a whole consequently has a rather ethnocentric quality. Despite the continued efforts of those working in the minority media, they have been unable to win better or longer time slots, or to improve technical and personal conditions for minority programmes; the number of people aware of minority programming remains low.

In recent years the only significant development in this field was the establishment of Rádió ©, a Budapest regional Roma radio station. The establishment of Rádió © is by all accounts a significant development: staffed by Roma, it has the potential to become a workshop for Roma pursuing a career in broadcasting as well as being the first medium in the Hungarian market in which the production of Roma programmes is produced independently of the State and State support. The chief editor and managing director has observed that the frequency was granted to a group of Roma working in radio, rather than to a more politically influential organisation. All representatives of Roma public life have recognised the importance of this decision.

Following a one-month pilot period, broadcasting began in the Autumn of 2001. Most associates – all announcers, and most of the music editors – are Roma, while non-Roma dominate only in the news editing staff. The selection of associates began during the pilot period, which also served as a kind of casting call. Youths selected during the screening participated in a few months’ training accredited by the BBC. The target audience of the station is the Roma community living in Budapest and environs, although some programmes were developed to appeal to young non-Roma intellectuals. However, the radio staff considers it important that the station does not

aim to win over a prejudiced *Gadzo* (non-Roma) audience but speaks to Roma from a Roma perspective.

In terms of print media, minority newspapers are maintained by the Public Foundation for National and Ethnic Minorities, and all struggle with financial and distribution difficulties. Motivation to solve these problems is low, however, as support from the Foundation is not dependent on the number of readers but based on an *ad hoc* decision of the board members.

Only a few Roma papers are published more or less regularly: the *Lungo Drom* and *Amaro Drom* have been stable for years, while other papers are published irregularly or have already gone out of circulation. *Világunk*, which has become the paper of the National Roma Self-Government, is relatively new in the market. Few people know of or read these papers, according to both circulation data provided by their editors and a survey on Roma media consumption carried out in 2000. The latter showed that only 20 of 458 respondents knew of and nine more or less regularly read *Lungo Drom*, six knew of *Amaro Drom*, and proportions were even lower for other papers.¹⁶²

Under the Phare 1999 National Programme, implementation of a project to establish internet access in Budapest and seven regional community centres for Roma is underway. This three-year project has a budget of approximately €500,000.¹⁶³

Two NGO initiatives have made significant contributions to the Roma presence in the media:

The Roma Press Centre

The Roma Press Centre (RPC) was established in 1995 by a group of anti-discrimination activists to focus greater attention on the Roma minority and to provide more credible information about events and news concerning Roma. The RPC is supported by a number of Hungarian and international institutions.¹⁶⁴ It functions as a news agency, offering information about events relevant to Roma through its national network of correspondents, who prepare news items that are published by the mainstream press. Most news items from the RPC appear in at least one, but often several, daily papers, and a significant part of Roma-related reports published in the

¹⁶² Bernáth and Messing, *Fehér keretben* (In a White Frame), Budapest, Új Mandátum, publication forthcoming.

¹⁶³ Interview with staff of NEKH, 29 August 2002.

¹⁶⁴ The Soros Foundation, the Autonomy Foundation, the Office for National and Ethnic Minorities, consulates, the Council of Europe, the British Know-How Fund, and others.

Hungarian mainstream press originates from this organisation.¹⁶⁵ Therefore, the news agency significantly influences the picture formed about Roma in the mainstream press by introducing new topics and offering a different perspective on many events.

The RPC also has sponsored training for Roma journalists. In 1996 the RPC launched its programme for media interns in order to fill a gap caused by the lack of Roma journalists in Hungarian media. Each year 20 to 25 young Roma secondary-school graduates have the opportunity to learn the profession in a mainstream medium (television, radio or a print medium) or with the RPC. The programme provides practical training sessions, which are completed with ten-month theoretical courses provided by the Center for Independent Journalism (see below). Many of the 25 students who first completed the programme currently work as journalists or editors in a mainstream medium, and an increasing number of interns are entering the field, offering fresh perspectives on the problems faced by Roma communities. Otherwise, Roma youths are excluded from mainstream training opportunities for journalists, as very few Roma reach higher education, and most journalism training relies on tuition fees which Roma cannot often afford. The RPC therefore offers a vital service to both the Roma and majority communities. The RPC also disseminates Roma-oriented news to the international media, to raise the profile of Roma issues in Eastern Europe to the widest possible audience.

In 1998 the RPC expanded its activities, establishing a staff to prepare materials such as reports, interviews, background materials, and news for radio stations in addition to the institution targeting the printed press. The materials prepared for radio are broadcast by Magyar Rádió and its regional studios, and by local radio stations. These radio programmes put great emphasis on informing the Roma audience.

The Center for Independent Journalism

Another important initiative in this field is the Center for Independent Journalism (CIJ), which cooperates with the RPC on several projects. The CIJ was founded by the Independent Journalism Foundation (based in New York) in four regional capitals: Budapest, Bucharest, Bratislava, and Prague. The main goal of the CIJ is to establish independent, impartial and ethical reporting, particularly “reporting diversity,” through the dissemination of news about ethnic and other minorities.

The CIJ holds training sessions for mainstream journalists and editors, among others, on producing news for and about minorities. It is also engaged in a programme to train members of minority organisations (including local minority self-governments,

¹⁶⁵ Only one relevant figure is available: according to a study analysing how the flight of Roma from Zámoly was presented in the media, more than one-tenth of articles covering this topic originated from the RPC.

political, and cultural organisations in identifying means by which they can build contacts with and “handle” mainstream media. This programme is run in cooperation with the RPC.

3.4.5 Culture

In advancing its objectives in the area of minority rights, the Medium-Term Package focuses mainly on culture. It provides that the infrastructure for Roma public cultural institutions and other specialised institutions should be developed by the Ministry of National and Cultural Heritage, under Point 2.1. In cooperation with the National Roma Information and Cultural Centre, the Ministry was required to prepare a detailed draft programme of developing the system of Roma institutions by the end of 1999, but this draft had not been completed as of August 2002.

Tasks identified under the Package include support for cultural events, the organisation of camp activities and for the establishment of “houses of culture.” Since receiving information on such opportunities in a timely manner is a serious problem for small settlements, the Ministry plans to set up county offices of the National Roma Information and Cultural Centre in order to facilitate information flow. However, no information was available on the status of implementation of these measures.

4. EVALUATION

Since 1997, the Hungarian Government has been engaged in a continuous process of developing and refining its policy towards Roma. The Medium Term Package of Measures adopted in 1999 is a detailed strategy covering a broad range of issues related to improving the situation of Roma.

The Medium-Term Package recognises both prevention of discrimination and promotion of minority culture as objectives. While taking a comprehensive and coordinated approach, the Package is weak in several areas. No measures are stipulated to broaden the legal framework to provide protection against discrimination, and a draft anti-discrimination law prepared by the Minorities Ombudsman has not been adopted by Parliament. Health and housing issues are not given sufficient attention, and racially motivated violence is not addressed at all.

Few specific strategies for improvement are elaborated in the Package; rather, it often calls for research, assessment, and evaluation of the situation in each sphere, and for more detailed programmes to be developed in line with findings in each area.

However, implementation of research projects has fallen behind schedule in many areas. With even this initial phase yet to be completed, the more relevant practical activities to address identified problems are even farther from realisation.

The Package's coordinating body, the Inter-Ministerial Committee for Roma Affairs, has been unable to take measures to improve levels of implementation. The Committee cannot compel the various ministries to complete activities on schedule, and has not even been able to ensure reporting to meet initial deadlines. The Office for National and Ethnic Minorities, charged with overseeing expenditures on Roma-related projects, must decipher the accounting systems of separate submissions by the different ministries, which inhibits precise record-keeping on overall expenditures and number of beneficiaries. There is no system of independent, external monitoring, and the flow of funds is often obscure. Apparently, impact analyses have not been prepared for any programme.

Those projects that have been initiated share a common approach: providing assistance to those who demonstrate their willingness to take part in the system. This approach, while helping motivated individuals to achieve their goals and offering incentives for participation, tends to neglect the large population of Roma who are effectively excluded from education, employment, and social services at the most basic level. Improving access at this level has been a secondary objective in the funding of projects under the Medium-Term Package. The most vulnerable are those who fall outside these support systems, and the Package fails to provide concrete measures for greater inclusion as an initial step.

The Medium-Term Package is both centralised and compartmentalised. The State has not integrated local authorities, minority self-governments or the NGO sphere into the implementation process, and has done little to seek wider social acceptance for programme objectives. Implementation is also characterised by discrete decision-making and *ad hoc* activities by the individual ministries, limiting the opportunity to foster the development and implementation of integrated programmes.

The process of negotiation with Roma organisations and the NGO sphere has come in for particular criticism from civil society representatives. Activists point out that official policy discourse as articulated by many Government officials remains isolated from the discussions and discourse among NGOs and in the media.¹⁶⁶ The lack of attention to the way in which the Package has been presented to the public has allowed an important opportunity to build broader support for implementation to evaporate. The media were not mobilised in order to present programme objectives, and the programme has had little success in reducing general prejudices or strengthening social solidarity.

¹⁶⁶ OSI Roundtable, Budapest, June 2002.

While the Medium-Term Package has represented the working agenda for the Government since its adoption, preparation of a long-term programme began almost immediately after it was adopted. The Government's approach to drafting guidelines for the long-term strategy demonstrates an increased commitment to including the perspectives of Roma themselves in the process, and towards building greater consensus in the population. The Medium-Term Package maintains centralised control of policies through the Inter-ministerial Committee for Roma Affairs, while the long-term guidelines support the delegation of greater responsibilities to local authorities.

The Government's willingness to continue refining its policies towards Roma is impressive; however, the importance of maintaining consultations and gathering data should not impede the realisation of practical projects. The 2002 elections have brought a new Government into office, whose early initiatives have focused on creating new structures to raise the level of coordination and to enhance the input of civil society actors. The Medium-Term Package presents a strong basis from which to work, yet redoubled efforts are required to bring about positive, sustainable change in the situation of Roma.

5. RECOMMENDATIONS

In addition to the recommendations elaborated in the Overview Report, the following measures could contribute to more effective Government policy towards Roma:

- Bring Hungarian law into conformity with the requirements of the EU Race Equality Directive, and adopt comprehensive anti-discrimination legislation, ensuring that the implementing body mandated by the Directive is fully independent and adequately staffed and financed.
- Establish a stable funding structure for implementation of the Medium-Term Package. Mechanisms for reporting funding allocations and expenditures should be harmonised and regular evaluations of Government spending on Roma issues should be prepared, presented, and made available to the public.
- Ensure the implementation of the Medium-Term Package's objectives by investing a coordinating body with sufficient authority to compel the competent structures to carry out their respective responsibilities and to enhance inter-ministerial collaboration.
- Modify the electoral system for minority self-government as necessary to encourage broader representation of different Roma groups and interests in the political sphere; provide training in the system's provisions for minority self-

government representatives and local government officials to raise awareness of these rights.

- Continue to revise school-funding schemes to create incentives for authentic Roma minority education at the local level; provide guidelines and develop materials in cooperation with Roma NGOs and activists to help schools and teachers develop genuine minority education programmes for Roma.
- Develop a quality measurement programme for education, to evaluate the progress of all students according to recognised standards.
- Develop programmes to reduce discrimination and increase awareness of Roma culture in the teaching profession.
- Decrease the emphasis on passive subsistence employment projects such as public works schemes, and develop more active income-generating activities for Roma.
- Provide guidelines to public employment office staff on the prevention of discrimination and reiterate the positive duty to provide service to all clients without discrimination.
- Develop means for collecting data to facilitate the implementation of legal measures offering protection against discrimination in employment.
- Continue dialogue with a range of Roma representatives and organisations to foster both diversity and cooperation in the development and implementation of policy as well as in the identification of issues of common concern and the best means of addressing those issues.
- Integrate Roma policy into general development policy, and enhance public awareness of the basis and need for Roma programmes, not only the costs.