



# Civil society monitoring report on implementation of the national Roma integration strategy in Hungary

*Identifying blind spots  
in Roma inclusion policy*

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on implementation  
of the national Roma integration strategy  
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## LIST OF ABBREVIATIONS

AJB	Commissioner for Fundamental Rights
ÉAOP	Northern Great Plain Operational Programme
EBH	Equality Tribunal
Ebktv.	Act on equal treatment and the promotion of equal opportunities
EFOP	Human Resource Development Operational Programme
EMMI	Ministry of Human Capacities
ERDF	European Regional Development Fund
ERRC	European Roma Rights Centre
ESZA	European Social Fund
GRECO	Group of States against Corruption
Gyvt.	Act on child protection
KEHI	Government Control Office
KEHOP	Environmental and Energy Efficiency Operational Programme
KSH	Central Statistical Office
MNTFS	Hungarian National Social Inclusion Strategy
MTA	Hungarian Academy of Sciences
MTA KRTK	Hungarian Academy of Sciences, Centre for Economic and Regional Studies
NAT	National Core Curriculum
NEA	National Cooperation Fund
NEKI	Civic Right Defender Institute of Ethnic and National Minorities
NRIS	National Roma Integration Strategy (part of the MNTFS)
ODIHR	Office for Democratic Institutions and Human Rights
OLAF	European Anti-Fraud Office
ORÖ	National Roma Self-Government
RNÖ	Roma Nationality Self-Government
TÁMOP	Social Renewal Operational Programme 2007-2013
TÁRKI	<i>Társadalomkutatói Intézet Zrt.</i> (Social Research Institute)
TKKI	Türr István Training and Research Centre

## EXECUTIVE SUMMARY

Recently, many available indicators concerning the situation of the Roma community in Hungary have deteriorated. Some of these indicators are related to the general degradation of state/municipal services, such as the increasing shortage of school and kindergarten teachers, or deterioration in access to medical services. In this report, we examined these trends in relation to social services and child protection. The report also addresses the lack of representation of Roma in decision-making in public services which prevents genuine partnership and inclusion. The lack of access to spaces of symbolic representation - from public collections to school textbooks or to mainstream media - poses limitations for the majority in supporting inclusion policies. The recent changes in Hungary affecting organization and distribution of local power make the poorest vulnerable to an extent where opportunities for local advocacy are seriously limited. Explicit efforts to curb equal opportunities and corruption makes the situation even more severe.

### Low capacity of public services blocking inclusion efforts

In many places in Hungary, public services – especially social, health care and education services – operate at such a low capacity that they cannot meet the envisioned social inclusion/integration objectives. It is particularly apparent in the field of child protection where it is not only the families of children living in segregated settlements who suffer from a lack of basic services, but also several other families who face a lack of paediatricians or properly qualified teachers.<sup>1</sup> Those working in child protection are overburdened, their remuneration is low; and in many places it is not possible to fill the open positions to provide the minimal services.<sup>2,3</sup> The lack of skilled professionals, prejudices of the professionals and weak institutional capacities are problems which need to be addressed at the systemic level; for these, the current NRIS does not offer solutions and measures are not taken either.

### Low overall representation of the Roma community in decision-making and in symbolic social spaces

The lack of proper representation of Roma communities hinders broader mainstream support and partnership arrangements emphasised by the current NRIS. Though the Fundamental Law of Hungary sets forth the equality of nationalities and minorities and prohibits discrimination, these provisions have not been able to eliminate anti-Roma prejudices and discriminative mechanisms rooted in the Hungarian society, as well as discriminatory practices. The fact that the Roma community has such a low representation in the national and the local decision-making processes prevents them from taking part in equality-based partnership in local public affairs. The same is true of the targeted Roma programmes launched in public services as they have failed to ensure adequate Roma representation in programme implementation. In other areas – from the media, through textbooks to memory policy – the invisibility of the community is so salient that it restricts the mainstream society in supporting the inclusion/integration programmes. Significant improvement cannot be expected without genuine partnership schemes, affirmative actions, targeted media and politics of memory programmes, significant educational content on the Roma community.

<sup>1</sup> The shortage of Hungarian physicians and teachers on a single map in Hvg, 06.04.2018. Available at: <https://bit.ly/33JjTAM>

<sup>2</sup> <https://kozigallas.gov.hu> (last accessed on 07.10.2019)

<sup>3</sup> The report of the Commissioner of Fundamental Rights on the case, 2016 (AJBAJB-3534/2016.), Available at: <https://bit.ly/2W1phg0>

## Power relations hindering local advocacy and participation initiatives

Changes in the power relations and the strengthening centralization since 2010 weakened the opportunities for civil self-organisation and partnerships in inclusion/integration programmes. As a result of centralisation efforts of the central government, the opportunities for local decision-making are continuously narrowing. Its indirect effect is that local Roma and non-Roma civil organisations can take part in preparing and shaping local decisions only to a limited extent. At the same time, local governments have received greater autonomy in crucial decisions affecting the life of the poorest. There are several documented cases in which the mayor punished his critics or made pressure on the voters through blackmailing them with possibly blocking their access to their only income: the public works.<sup>4,5,6</sup> Without eliminating these dependencies by reorganising access to public works and regulating the discretionary power in the distribution of local benefits, creating the allocation system based on controllable, transparent and accountable policies, local communities cannot be expected to claim their rights and voice in local decision-making processes, nor can they form an equal partnership. Without supporting the activity of independent CSOs not controlled by any level of the executive powers, these organizations cannot be expected to become constructive critics of the local or national authorities and the mechanisms that create public policies.

## Corruption and utilisation of EU sources on segregating purposes

From the latest GRECO report through the Transparency International's annual monitoring of corruption perception<sup>7</sup> many independent evaluations<sup>8</sup> state that the level of corruption in Hungary has risen since 2010. OLAF's 2018 report<sup>9</sup> also indicates that the proportion of the irregular use of EU sources in Hungary is particularly high. In the majority of cases, neither the EU nor the national institutional control measures can stand in the way of channelling development funds for political or private interests. Although recently some cases have reached prosecution and indictment<sup>10</sup>, the role of the Hungarian institutional system allocating EU funds has not been investigated by the Hungarian authorities. In addition to the problem of corruption related to these funds, these funds have been used for segregating purposes as well. This practice is enhanced by the presence of churches in operating educational institutions. Several studies<sup>11</sup> and expert observations<sup>12</sup> show that institutions run by churches conduct particularly segregating practices in many cases. The requirements of prohibiting segregation have become mere formalities in EU-funded projects due to the soft and largely unreliable indicators used for measuring integration.

<sup>4</sup> National reports on respect for human rights. Hungary Published by the U.S. State Department (Bureau of Democracy, Human Rights and Labour). Budapest, U.S. Embassy. 13 March 2019 P. 26 Available at: <https://bit.ly/33NFNTS>

<sup>5</sup> OSCE – ODIHR International Observation Mission. Hungary – Parliamentary elections, 8 April 2018. Preliminary statements and conclusions. p. 10. Available at: <https://bit.ly/2Hfpvv0>

<sup>6</sup> Votes of the poor, public work and the risks of the fairness of the elections. Joint study of "Átlátszó", K-Monitor, Political Capital and Transparency International Hungary. 19 February 2015 p.6. Available at: <https://bit.ly/1E8xVLx>

<sup>7</sup> Transparency International: Corruption Perceptions Index, 2018. Available at: <https://bit.ly/2J9ilIq>

<sup>8</sup> Freedom House: Nations in Transit, 2018. Available at: <https://bit.ly/32AgiEK>

<sup>9</sup> OLAF (2018) Report. Available at: <https://bit.ly/2W72Iqg>

<sup>10</sup> Index media report. Available at: <https://bit.ly/2oXvkGn>

<sup>11</sup> See e.g. Ercse (2019): The relationship between church-run schools and selection, segregation. In: "Iskolakultúra" July 2019

<sup>12</sup> See case studies on Nagyecsed (pp. 285-301), Tiszavasvári (pp 302-323) the Mátészalka micro-region 216-232) in: Fejes-Szűcs ed (2018): Én vétkem. Helyzetkép az oktatási szegregációról. (My sin. Analysis on school segregation.

Without a stricter mainstreaming of equality and anti-segregation criteria in planning and implementing EU funds, the inclusion targets will never be achieved.

## INTRODUCTION

As described in previous Roma Civil Monitor reports on Hungary,<sup>13</sup> the situation of the Roma community has worsened in several important areas, such as in political participation (mainly authority-client based model), anti-discrimination (low awareness and gaps in coverage), education (shortage in schools and teachers, segregation), healthcare (decreasing access to medical services) and housing (lack of a coherent policy and flow of housing subsidies to middle-class families), while the Roma participation in employment has improved thanks to an extensive public employment programme.

The goal of this monitoring report is to identify those blind spots of the inclusion strategy concerning the Hungarian Roma community that were not covered by the reports made in the previous years. These issues are related to the general problems of the social and other public services, the low degree of Roma representation in decision-making forums, poor recognition in symbolic spaces, increasingly difficult advocacy, or the improper use of funds. All these issues negatively influence the successful implementation of the strategy.

The situation of public services, or the problems in the use of the funds have an immediate effect on even the best-planned local integration projects; the low level of Roma representation in decision-making has an impact on the possibility of partnership, and the lack of symbolic representation discourages the majority from supporting integration policies. Centralisation of the power structures or the increase of the dependence of the poor from the local authorities makes self-organisation and local advocacy more difficult.

This report summarises and analyses the available data and tries to explore the situation through interviews conducted with experts, contributors and other stakeholders. Where national data were available, the report interprets this data. Elsewhere, the report relies on interviews with experts and collaborators, and case studies. The analysis was prepared in cooperation of ten organisations (Roma organisations and organisations working for the support of the Roma community).

<sup>13</sup> The first annual cycle of the Roma Civil Monitor was focused on the horizontal precondition of the Roma inclusion – governance, fight against antigypsyism and anti-discrimination. The second cycle concerned the four key policy fields – education, employment, healthcare and housing. All reports are available at: <https://cps.ceu.edu/roma-civil-monitor-reports>

## LOW CAPACITY OF PUBLIC SERVICES

### Definition of the problem

Based on the results of the relevant research material,<sup>14</sup> the NRIS provides a comprehensive summary of the disadvantages faced by Roma children, especially those growing up in segregated settlements: early school leaving, educational achievements lower than the national average, and shorter life expectancy. It emphasises that results can only be reached through multi-level policy interventions that are closely linked to each other. Even if the government regularly calls for proposals to support local projects, these projects can hardly result in changes at a systemic level. The system of social care – but in many cases the local education and health care system too – operates with such a low level of efficiency that it endangers the realisation of the goals determined in the strategy. “Low capacity” refers here to a multi-faceted problem which occurs in the lack of personnel capacities in the child-care, public health or educational system in the locality; the low skills of the personnel and also low-level coordination among institutions. Without having effective child protection services, other problems faced by Roma children cannot be effectively addressed.

According to the 2018 data of the Central Statistical Office, the rate of those living in severe deprivation is 43.4% among the Roma community (compared to 7.5% among the non-Roma population). Neither the financial benefits, nor the comprehensive human services<sup>15</sup> can mitigate these disadvantages. The dysfunctions of the child protection system are presented in the studies published by the ERRC in 2007 and 2011,<sup>16</sup> according to which Roma children are overrepresented in the specialised care system (65.9 per cent). These findings are supported by a representative survey carried out in Nógrád county which found that the proportion of Roma children in such institutions is nearly 80 per cent.<sup>17</sup> According to the survey, in 50 per cent of the cases the vulnerability of the Roma children is attributable to financial reasons, which leads to their removal from the family in many cases despite the fact that the Act on child protection ('Gyvt.') prohibits this. The deficiencies of the child protection system directly affect Roma children, and have especially disadvantageous impacts on Roma children living in segregated settlements and in deep poverty (approx. 60,000-80,000 children).<sup>18</sup>

### Background, causes and policy answers to the problem

The ineffective protection of Roma children is a multifaceted problem and concerns several organisational shortcomings as well as low personnel capacity. The lack of skilled professionals, the prejudices of the skilled professionals parallel to the low level of their recognition, or the shortage in service delivery capacities are all problems which need to be addressed at systemic level. For these problems the NRIS fails to offer solutions, and

<sup>14</sup> Kemény – Janky – Lengyel (2004): *The Roma in Hungary, 1971-2003*. Gondolat, Budapest.; Babusik (2007): *The Roma in Hungary - a structural trap and exclusion*. *Esély*, 1. Available at: <https://bit.ly/2VXJK5e>

<sup>15</sup> Their professional support was further hindered by the fact that the Child protection centres / services and the Family care services operating within the basic social care services, having difficulties earlier as well (lack of human resources, financing problems, or the continuous change of the legislative environment) were merged in 2016. cf: Kopasz (2017) *Experiences of the integration of family care and child protection services and rearranging the care system into a two-tier one*. Available at: <https://bit.ly/2Bzs9Hf>

<sup>16</sup> ERRC (2011) *Life Sentence - Roma children in the Hungarian child protection system*. Available at: <https://bit.ly/31wRyfl> ERRC (2007) *Maintained disinterest - Roma children in the Hungarian child protection system*. Available at: <https://bit.ly/2Myo6S0>

<sup>17</sup> Darvas, Farkas, Kende, Vígh (2016) *Roma children in specialised care*. In: *Esély* 2016/4. Available at: <https://bit.ly/32zlc4Z>

<sup>18</sup> Darvas – Farkas – Kende – Vígh (2016) i.m.

implementation measures are not taken either. It is insufficient to think in terms of equal opportunity programmes, while the entire social care system is crumbling.

### ***Systemic problems: Cooperation in the social assistance system, regular and early warning***

The Hungarian Child Protection Act<sup>19</sup> is built on the concept of vulnerability. If vulnerability is detected, the act requires that a signal is sent to every organisation that comes into contact with children (district nurse, kindergarten, school, police, NGO, church, etc.).<sup>20</sup> The Family Care and Child Protection Services (there were 698 countrywide in 2017)<sup>21</sup> facilitate the upbringing of children in the family, mitigate their vulnerability or manage their removal from the family. If serious vulnerability of a child is noticed, the Child Protective Services put the child under protection and a case manager working in the Family Care and Child Protection Centre (there were 201 centres in 2017)<sup>22</sup> will help the child stay in the family. In case of serious vulnerability, the child is removed from the family by the Child Protective Services and placed at foster parents or a children's home. But the social welfare monitoring system does not function properly as it lacks various resources. Families living in segregated settlements suffer from the lack of basic child protection services, and shortages in paediatricians or properly qualified teachers.<sup>23</sup> According to the 2011 (the most recent available on this matter) research summary of the ERRC,<sup>24</sup> employees of the social welfare monitoring system fulfilled their duties insufficiently or hardly ever. Early warning system requires teachers, kindergarten teachers and police forces with proper child protection knowledge. Instead, in the current services warnings are sent occasionally and only when problems are already far too serious.<sup>25</sup> The amendment of the Gyvt. in effect from 1 January 2016 intended to strengthen the social assistance monitoring system; however, other legal provisions in the sector are not robust enough. The Methodological Manual used by the respective specialists since 2011 has not been able to improve the situation.<sup>26</sup> Thus, the quality of the social assistance system is mixed, at best.<sup>27</sup>

### ***Lack of human resources in child protection***

The workload and low remuneration of the staff in child protection services are experienced on all levels of the system. In many places, even the minimum staff positions vital to delivering the minimal services cannot be filled. (Currently, 50 family supporters and 25 case managers are sought countrywide.<sup>28</sup>) The staff fluctuation also has a negative impact on the quality of services. The TÁRKI 2017 survey draws the attention to the deficiencies of the general social assistance system, emphasising the insufficient material conditions and the lack of human resources in all 17 sample institutions involved in the survey. "All

<sup>19</sup> Act 31 of 1997 on the protection of children and guardianship

<sup>20</sup> Section 17(1)

<sup>21</sup> Social Statistical Yearbook, 2017 - 4.12. Important data on family and child welfare services, 2017

<sup>22</sup> Social Statistical Yearbook, 2017 - 4.12. Important data on family and child welfare services, 2017

<sup>23</sup> The shortage of Hungarian physicians and teachers on one single map in Hvg, 06 04 2018. Available at: <https://bit.ly/33JjTAM>

<sup>24</sup> ERRC (2011) Life Sentence - Roma children in the Hungarian child protection system. Available at: <https://bit.ly/32Yr12I>

<sup>25</sup> Aczél (2019) Child Protection in a segregated settlement as an NGO - A battle against designer drugs

<sup>26</sup> Methodological guide for the recognition of child abuse in relation to the operation of the child protection detection and social welfare monitoring system and sector-neutral unified principles and methodology for its elimination. Available at: <https://bit.ly/2W1OnNZ>

<sup>27</sup> Földessy-Szabó (no date): Proposal on the Social Act and the Child Protection Act in the new institutional and professional structure to be answered. Available at: <https://bit.ly/360RY1c>

<sup>28</sup> <https://kozigallas.gov.hu> (last accessed 07.10.2019).

*of the interviewed leaders of district centres spoke about vacant jobs either in the centre or in the field service.*"<sup>29</sup> Several ombudsman investigations endorsed the same diagnosis. A 2016 ombudsman report<sup>30</sup> found significant number of vacancies at the child protection services countrywide.<sup>31</sup> After the investigation, the State Secretary for social affairs and social inclusion of the EMMI raised the number of positions at the child protection services by 16 per cent in 2018. As it was shown in the 2018 report,<sup>32</sup> it did not help to solve the problem in itself.

The deficiencies of the specialised services for foster cared children are also addressed in an ombudsman report.<sup>33</sup> Its investigation conducted in a special children's home in Zalaegerszeg and in a residential home in the 12<sup>th</sup> district of Budapest found that due to the lack of employees, the fluctuation of employees, the lack of qualified professionals, and the equipment of the residential homes "are absolutely inadequate for the provision of a minimum of proper care for those living in the child care protection-system."<sup>34</sup>

### ***Territorial differences in consistency of procedures***

The fragmentation of the primary services and the guardianship system, and the lack of standardised protocols result in territorial disparities in the procedures regarding the most sensitive acts of removing the child from the family. Such inconsistency implies that even if a family receives a warning, fearing from the removal of child, it tries to conceal the problem. The specialised care system is viewed as an agent using the procedure of placing children under protection or taking away from the family as a punishment. The families concerned hardly receive help for changing the conditions which justify the removal of the child.<sup>35</sup>

### ***Supporting families of vulnerable children***

The current system facilitates neither the elimination of serious poverty, nor the retaining of care responsibilities for the families, nor the interim solution for temporary (e.g. housing) problems. There is a lack of support to the elimination of vulnerability by, for example, subsidising the construction of a toilet through installation of water feed and or other improvement of the housing conditions.

Furthermore, the child protection system is supposed to protect the child and bind the parents to perform their duties; however, the development of parental skills is missing in the specialised care system. Although intensive family retaining services have been well defined, the overstretched staff cannot take up more cases. Furthermore, years pass between family capacity reviews, which does not motivate the parents to act. As of 1 March 2015, the Parliament eliminated the housing subsidy and the debt management services, and these were transferred to the local governmental competence and budget without normative support.<sup>36</sup> With this, the housing subsidies of the disadvantaged were further decreased. Temporary care for children in crisis situations is not ensured;

<sup>29</sup> Kopasz (2017) Experiences of the integration of family care and child protection services and rearranging the care system into a two-tier one, page 14. Available at: <https://bit.ly/2Bzs9Hf>

<sup>30</sup> The report of the Commissioner of Fundamental Rights on the case AJB-3534/2016. Available at: <https://bit.ly/2W1phg0>

<sup>31</sup> *Idem.*

<sup>32</sup> The report of the Commissioner of Fundamental Rights on the case AJB-807/2018. Available at: <https://bit.ly/33HLX7t>

<sup>33</sup> AJB-276/2019., AJB-299/2019

<sup>34</sup> The report of the Commissioner of Fundamental Rights on the case AJB-307/2019. Available at: <https://bit.ly/2MpBUhw>

<sup>35</sup> Abcúg media report. Available at: <https://bit.ly/2oPi8mV>

<sup>36</sup> Kováts (2016): The examination of housing subsidies referred to the competence of local governments through the examples of 31 local governments. Available at: <https://bit.ly/2o4BhkJ>

availability of temporary care facilities shows great territorial disparity. In practice, the provision of foster parents and/or interim child rearing is barely realised. Ombudsman report<sup>37</sup> examined the number of temporary care facilities in Borsod-Abaúj-Zemplén county, Nógrád county, Szabolcs-Szatmár-Bereg county, Pest county and in the capital. In these counties (where Roma living in deep poverty are overrepresented) there are either no, or hardly any such capacities. The ombudsman drew the attention to the need to expand these capacities, which has not happened to date. There is also a lack of temporary family homes. There are also hardly any examples of care provided in reintegration of children in the families. As a representative survey conducted in Nógrád county states: *"as for the reintegration care, everybody believes that it is very little. The reasons for this are seen basically in the hopelessness of families, and systemic problems and the deficiencies of primary care."*<sup>38</sup>

### **Designer drugs spreading in segregated Roma settlements**

The NRIS fails to mention one of the greatest challenges of the last ten years: the spread of designer drugs.<sup>39</sup> Parents are often also affected by designer drugs in the settlements; furthermore, according to research, young children start to use them at the age of 10-14. Beyond the need for effective measures taken by the police, all these have child protection aspects as well. In case of drug user parents, a serious degree of neglect can be seen, which has many symptoms. In order to recognise these symptoms, the respective professionals need information about the effects of designer drugs and their symptoms. For children who use drugs, currently three rehabilitation institutions operate in Hungary where youngsters can be admitted on a voluntary basis. It would be necessary to increase the number of special homes where children could participate in obligatory drug rehabilitation with qualified professionals.

<sup>37</sup> Ombudsman report No. AJB 2016/2017

<sup>38</sup> Darvas – Farkas – Kende – Vígh (2016): Roma children in specialised care. In: *Esély* 2016/4. Available at: <https://bit.ly/32zlc4Z>

<sup>39</sup> 24.hu media report. Available at: <https://bit.ly/2pEQk4o>

# INVISIBILITY OF ROMA

## Definition of the problem

The Strategy underlines the importance of treating the target groups of the policies as partners in order to strengthen social inclusion, cooperation and social cohesion.<sup>40</sup> The Roma community which is estimated at 600,000-850,000 people today, is still invisible in decision-making in political, media or cultural matters as well as in the school text books and in public life. This fact has a negative effect not only on the support of the mainstream population regarding social inclusion programmes, but – in the lack of disproof evidences – unburdens the spread of antigypsyism.

The Fundamental Law of Hungary sets forth the equal rights and equality of the nationalities and minorities; it acknowledges them as part of the nation and as constituents of the state, and it prohibits discrimination based on any ground. These provisions, however, have been insufficient to fight anti-Roma prejudices, stereotypes, discriminative mechanisms or discriminatory practices that are deeply rooted in the Hungarian society. In its publication entitled the "White Notebooks", the Legal Defence Bureau for National and Ethnic Minorities (NEKI) had been reporting annually about these until 2016, when the organization was closed.<sup>41</sup>

## Background, causes and the policy answers to the problem

### *Representation in politics<sup>42</sup>*

Until 2011, Roma activists and politicians had been members of the Parliament based on their agreements with non-Roma parties. In 2011, the government settled the issue of parliamentary representation of nationalities: in the Parliamentary elections, they could draw up a list of candidates based on a nationality register. In the last two elections, Félix Farkas, one of *Lungo Drom's* leaders running in alliance with the governing party, became Parliamentary spokesperson of the Roma nationality. In the past three cycles there were three Roma politicians in the Parliament. Taking into consideration the lower estimate of 6 per cent Roma of the population, proportionally there should be at least ten Roma representatives in the Parliament.

The overall invisibility is similar in the local governmental sector as well: in the ten largest Roma communities, where the proportion of the Roma in the respective municipality exceeds 25 per cent, so they could gain a meaningful political power, they do not have altogether ten mandates, that is one mandate in each municipality.<sup>43</sup> Roma candidates do hold mandates in villages with Roma majority, and among the 3,155 municipalities in Hungary, after the 2019 local elections 45 local council governed by a Roma mayor. With the exception of one small town, all of them are small, segregated villages.<sup>44</sup>

These numbers show that, except for villages with Roma majority, the Roma are essentially not represented in the local governments of the Hungarian municipalities.

<sup>40</sup> MNTFS II., Introduction, pp. 3-6. see: <https://bit.ly/2QOHzzV>

<sup>41</sup> NEKI archives: <https://bit.ly/33V3hWW>

<sup>42</sup> See also the first monitoring report on Hungary, pp 12-19. Available at: <https://cps.ceu.edu/sites/cps.ceu.edu/files/attachment/basicpage/3034/rcm-civil-society-monitoring-report-1-hungary-2017-eprint-fin.pdf>

<sup>43</sup> Setét, Jenő (2017): Politics-power-the Roma PR Herald, 16.11.2017. Available at: <https://bit.ly/31xP80c> and "The parties buy the Roma every four years". Interview with Jenő Setét. Index, 19 10 2013

<sup>44</sup> Data collected by Idetartozunk Association, 2019.

In municipalities with a higher proportion of nationalities, since 2011 it is possible to win preferential mandate in the local government, where at least 25 per cent, or up to 50 per cent of the local voters registered themselves in the local nationality register. In most of the Hungarian municipalities the Roma community does not count more than 5-10 per cent. Neither during the 2014, nor the 2019 local governmental elections, no preferential mandates were allocated in the country.

### **Representation in media**

The NRIS makes important statements in relation to the media representation of the Roma: "The Roma image which is frequently portrayed in the media has a one-sided and negative influence not only on the public opinion, but on the self-image of the Roma as well." It proposes the creation of ethical codes and the employment of Roma journalists in higher numbers, but – with the exception of further employment of two Roma journalists who started to work as trainees in a governmental programme – not much has happened in this field.<sup>45</sup>

The Roma community is underrepresented in the mainstream media. Practically, Roma are not visible as programme staff on the screen. By today, not more than 2-3 Roma faces can be regularly seen on the public television. The influence of the Roma on their own media image has not improved at all, and their presence in the media content is still well under their societal proportion. This is also discussed by a recent study of the media image of the Roma over 20 years: "*Based on the data, mainly those topics dominate in the Roma media image which can be of interest for the majority: either they deal with mainstream politics, or they fit into the mainstream stereotypes of the Roma, such as crime, or culture, while the topics determining the everyday life of the Roma, such as education, work, occupation, housing, or health care appear in the news much less frequently.*" In the last sample of 2014-2015 analysed in the report, the Roma most often appeared in three topics: mainstream politics and government (39 per cent), poverty (31 per cent) and crime (29 per cent).<sup>46</sup> For a major change, it would be necessary to expand the different internship programmes for Roma journalists, and to support the Roma media and content producing civil society and think tanks.

### **Representation in public education**

Although the NRIS emphasises that "the Hungarian National Core Curriculum was the first one in Europe to include the values of the Roma history and culture",<sup>47</sup> and despite the governmental efforts mainly in reviewing the current curriculum content, the representation of the Roma community in public education learning materials is far from the school-textbooks is far from adequate.<sup>48</sup> While there has been some improvement in this issue, a conclusion of a survey commissioned by the Hungarian Institute for Educational Research and Development is still relevant: "*the majority of the examined*

<sup>45</sup> MNTFS II, p.109

<sup>46</sup> Messing – Bernáth (2017) *Roma media image 1988-2015*. OTKA K113250: final research report, manuscript. And Bernáth – Messing (2017) "Disempowered by the media: causes and consequences of the lack of media voice of Roma communities." in: *Identities: Global Studies in Culture and Power*. Available at: <https://bit.ly/2MzQ7sr>

<sup>47</sup> MNTFS II, p. 5

<sup>48</sup> See Binder - Pálos (2016) *The Roma in the framework curricula and in the experimental textbooks*. Available at: <https://bit.ly/2Jakcgb>. Balázs – Ménesi – Horváth – Varga (2014) *Black point 2014. Representation of the Roma in primary and secondary school textbooks*. Monitor Occasional paper. Orsós, Anna (2015) *Policy recommendation on the diverse introduction of the Roma culture in the field of content regulators and content carriers as per cultural fields. The representation of the Roma culture among the content regulators and content carriers, and their development opportunities*. Available at: <https://bit.ly/2oTcm3G>. Their summary provided by: Bogdán Péter (2016) *Studies analysing the presence of the Roma in the textbooks*. Új Pedagógiai Szemle 2016/5-6.

*newly-developed textbooks do not contain any information on Hungary's largest nationality, the Roma.*"<sup>49</sup>

### **Representation in the public space**

The Roma are also underrepresented in the in public spaces of cultural and historical memory. The one and only survey<sup>50</sup> conducted on the topic, focusing on the World Heritage sites of Budapest, found only one relevant public artwork, the Roma Holocaust Memorial in the 9<sup>th</sup> District's Nehru park the erection of which was initiated by Roma NGOs in 2006. The strategy does not deal with this issue at all.

### **Roma representation in the public sector**

The number of public service employees is maintained to around 450,000 in the country.<sup>51</sup> Thus, the state of Hungary and its institutional system, including the local-governmental sector, is the largest employer in the country. There are no reliable data and research on the proportion of the Roma employees in this huge labour arena. Though the Strategy promises to set up a Network of Roma Inclusion Rapporteurs.<sup>52</sup> The network has been set up and financed mainly by the EU,<sup>53</sup> with more than 100 new Roma public service employees. Their task was to mediate between the public administration and the Roma clients,<sup>54</sup> and to help them in managing official issues. As for the network, based on the interviews conducted with Roma NGOs in different counties,<sup>55</sup> today it operates only partially. While NGO leaders in Heves and Hajdú counties said that they had the Roma rapporteurs in each district, according to the leaders in Baranya and Somogy counties, within 1-2 years of the launch of the programme, the position of the Roma rapporteur had been cancelled. In those counties where they remained employed, the rapporteurs were transferred to government agencies as staff with other duties.

The police have organised recruitment and career orientation camps for Roma youngsters for 15 years, and they have allocated scholarships to endeavour. Among those working in law enforcement (45,000 people), the heads of the two Roma Police NGOs working in this field estimate the number of Roma workers between 400 and 1,200, which is approximately 1-3 per cent, against the proportion of the Roma of 6-8per cent in the society.<sup>56</sup> According to the information provided by an NGO, the Association of Roma Police Officers,<sup>57</sup> although the requirements for admission have been somewhat eased, the protocol of 'preliminary environment study' continues to restrict the Roma from becoming police officers. Accordingly, if a close relative of the applicant has a criminal record, it may create a reason for exclusion.<sup>58</sup> Besides, the drop-out rates in the career are high among

<sup>49</sup> Orsós, work cited, p. 3

<sup>50</sup> Harlov – Csorján – Lajtai (2018): *The Roma in the public domain in Budapest – Roma representation in Budapest UNESCO World Heritage public domains*. Tom Lantos Institute, manuscript.

<sup>51</sup> Central Statistical Office: <https://bit.ly/2N0PI0O>

<sup>52</sup> MNTFS II, pp. 107-108

<sup>53</sup> ÁROP 1.2.7.

<sup>54</sup> Media report Infotér based on the news item of Hungarian Telegraphic Agency. Available at: <https://bit.ly/2S0EsEC>

<sup>55</sup> Based on telephone interviews with the following Roma leaders in the following counties: Berényi László, Somogy county, Jövő Alakítók Association, former MP of the governing party and the whip of *Lungo Drom* in the National Roma Self-Government; Várnai Márton – Baranya county, Dél-Dunántúli Roma Association; Lakatos Oszkár – Heves county, *Phralipe*; Balogh Miklós – Hajdú-Bihar county, *Lungo Drom*

<sup>56</sup> See Koncz, Tamás: *I have brown skin, I am the law*. Origo, 29.04.2016

<sup>57</sup> Interview with dr. Horváth, Ferenc, November 2019, Setét, Jenő

<sup>58</sup> XLII tv., (2015) 42§2/a and 3/c. Available at: <https://net.jogtar.hu/jogszabaly?docid=a1500042.tv>

the Roma youngsters, partially due to low wages and because of the major geographical distance between the place of employment and family life.

The highly publicised “*Nő az esély*” (Growing chances) programme,<sup>59</sup> a major governmental initiative funded by ESIF, intended to improve the chances of Roma women’s access to jobs and employability, for example in the public sector. Those supported could gain employment in social, children’s welfare and child protection, or public education services. No official data is available on the whole programme, but we have information on one of its flagship components, which were announced for 1,000 Roma women (nannies) but eventually provided jobs for 400-500 Roma women.<sup>60</sup>

### ***Roma participation and partnership in local governmental planning***

The Roma community is largely invisible in preparing and making local decisions. The NRIS itself also emphasises the necessity of local equal opportunity plans, policies and interventions.<sup>61</sup> However, experiences and local investigations<sup>62</sup> show that these are only formal requirements.

The government introduced the requirement of compulsory equal opportunities plan for ESIF tenders in 2006. In this original design, the municipalities elaborated their compulsory equal opportunities planning based on a rigorous criteria-system and on involvement of equal opportunity experts who were chosen and trained by the government, and who had a kind of veto-right regarding the final equal opportunities plans. This system with these, original and stricter requirements, had an effect also on the selection of supported projects and the local plans.

With the new government which is in power since 2010 the support mechanism of independent experts was diminished, and equal-opportunity requirements became formal. Although the formal requirement to have an equal opportunities plan is still in place for the local governments, but there are no sanctions if such a document is not created. The situation is illustrated by the fact that the president of the Roma self-government of Budapest, who represents a community of 80,000-100,000 Roma, has never been involved in the drafting or evaluation of the Equal Opportunities Programme of Budapest.<sup>63</sup>

<sup>59</sup> See the governmental tender at: <https://bit.ly/2MySz2m>

<sup>60</sup> See Fülöp (2017) *Here we go. Hungarian Narancs*, 05 October 2017. Available at: <https://bit.ly/2Jbyz3w>

<sup>61</sup> NFTSII, p. 108-109

<sup>62</sup> See Földessy – Kegye – Lannert – Megyeri – Németh (2013) *Exploration of the exclusion mechanisms of public administration and legislation at local government level*. EBH, Budapest, 2013 EBH TÁMOP–5.5.5, 6. study at: <https://bit.ly/32NJeJu>

<sup>63</sup> Interview with Csóka János – Setét, Jenő, October 2019.

## POWER RELATIONS HINDERING LOCAL ADVOCACY INITIATIVES

### Definition of the problem

The NRIS II. (2014) points out that, "According to the European Framework for NRIS, the objectives of the Roma inclusion to be realised at EU, national, regional and local levels can only be reached if the competent authorities clearly commit themselves to the involvement of the Roma NGOs. This issue is important not only because the NGOs are indispensable elements of democracy, but also because there is enormous capacity in them, they can respond to the needs of society with flexibility, and because the reinforcement of civil society can help empower the Roma communities. That is why the reinforcement of the Roma NGOs is especially stressed together with their involvement in decision-making, implementation and monitoring at EU, national, regional and local levels."<sup>64</sup> The fulfilment of the double requirement of Roma CSOs support and partnership is, however, seriously hindered by the power concentration efforts in recent years, the hostile governmental attitude and actions against CSOs, the vulnerability of local communities. In such a situation it is becoming increasingly difficult and risky to carry out advocacy work, or to criticise local authorities. The recent tendencies, the relevant governmental measures and the changes in local conditions indicate overall that the room for manoeuvre of the Hungarian Roma and non-Roma NGOs has narrowed both at national and local levels. Under the conditions as are currently in Hungary, we cannot rely on the local level as the main driver of the Roma inclusion.

The total number of NGOs registered in the country decreased by 7 per cent in six years. In 2011 there were 65,600 NGOs, but in 2017 their number decreased to 61,200.<sup>65</sup> A significant part of the Roma rights and advocacy organisations and those fighting for Roma inclusion in different fields has either weakened or ceased to exist. Also, the situation of non-Roma NGOs fighting for similar objectives is becoming more and more difficult.

At the same time, from budgetary resources, through the National Cooperation Fund (NEA), the government is subsidising NGOs typically pursuing local level activities. Through the Fund, 4,077 organisations received a total of 10.4 million EUR (3.43 billion HUF)<sup>66</sup> in 2016 (this means on average 843,000 HUF, equivalent of 2,555 EUR, per organisation). In 2019, the amount available is 17.88 million EUR (5.9 billion HUF), while in 2020, it will be 23.33 million EUR (7.7 billion HUF). The official aim of NEA is "the support of the Hungarian civil society's activity, and the reinforcement of the social engagement of the NGOs".<sup>67</sup> However, the chairman of NEA's council is also the chairman of the Civil Cooperation Forum which regularly organise pro-government demonstrations, and a state secretary even admitted in a TV show, that "we intend to filter out those organisations whom we think do not make real work, and basically want to fulfil such political purposes with which we do not agree."<sup>68</sup> In the Hungarian context this statement clearly means that political loyalty is an important factor in the selection.

<sup>64</sup> Hungarian National Social Inclusion Strategy II. Those permanently in need - children living in poor families - The Roma (2011-2020) Budapest: Ministry of Human Recourses, State Secretariat for Social and Societal Inclusion. September 2014, p. 128. Available at: <https://bit.ly/2N8xkUb>

<sup>65</sup> KSH Statat Table 3.2.1.4. Available at: <https://bit.ly/2oUaQ1b>

<sup>66</sup> 330 HUF/EUR conversion rate was used in this report.

<sup>67</sup> Human Resources Grant Management. National Cooperation Fund, about the program. Available at: <https://bit.ly/2u3rbkL>

<sup>68</sup> See HVG media report, available at: <https://bit.ly/2RD7j2x>

While the public funding increases for NGOs selected by government-close figures,<sup>69</sup> independent sources are under attack. The availability of new resources of the Norwegian Fund and the EEA, which provide the largest financial support for the independent Hungarian NGOs serving many important objectives, has been uncertain up to now (2019 autumn). Of the 15 supported countries, it is only Hungary with whom an agreement has not been made. Only 10% of the whole fund would be allocated to NGO-s. The Hungarian government demands a significant role in the spending while the donor would still like to tender independently from the government.<sup>70</sup>

## Background, causes and answers to the problem

### *Governmental steps against NGOs*

Hostile central policy towards NGOs that have been critical of the government and which are supported by foreign funds escalated in 2014 when the government started to attack and discredit the civil consortium conducting the fund management and allocation of the Norwegian Fund and the EEA Fund. Based on the Prime Minister's personal order,<sup>71</sup> the Government Control Office (KEHI) launched an extraordinary investigation against four organisations of the consortium. The conflict ended in December 2015 when the Hungarian government reached a compromise with the Norwegian Fund. The KEHI report did not find any serious irregularities contradicting to the accusation by the government. At the same time, for part of the public the government managed to discredit the work of those NGOs which are independent, and which support local initiatives and serve objectives that are inconvenient for the government.

As a manifestation of the governmental pressure, following the Russian example, on 13 June 2017 the National Assembly adopted an act on the transparency of organisations funded from abroad,<sup>72</sup> and it started to list NGOs thought to receive funds from abroad.<sup>73</sup> When the draft law was revealed in April 2017 more than 260 NGOs protested against the governmental plan.<sup>74</sup> Another stage was the so-called "Stop Soros" legislative package adopted in June 2018, which penalised NGOs that support, help or organise "illegal migration".<sup>75</sup> Besides domestic NGOs, this law was opposed also by the Venice Commission, advisory body consisting of constitutional lawyers of the Council of Europe. These measures all have been assessed as part of a comprehensive review which motivated the European Commission to initiate infringement proceedings against Hungary.

<sup>69</sup> Czinkóczi (2018) *The government would give more money among the civilians, the chairman of CÖF (Civil Cooperation Forum) manages the tenders*. 444.hu, 4 November 2018. Available at: <https://bit.ly/2zwpt11>

<sup>70</sup> Teczár (2019) *The government does not undersign the 70 bn contract, because it still wants to have a say in the civils' business*. Magyar Narancs, 29 April 2019. Available at: <https://bit.ly/2N6oQ7X>

<sup>71</sup> See Index media report and also the original document at: <https://bit.ly/2RXInSt>

<sup>72</sup> Act LXXVI of 2017 on the Transparency of Organisations Receiving Foreign Funds. <https://bit.ly/2PdJjNO>

<sup>73</sup> *The year of revolt – campaign against civils critical of the government*. K-Monitor. Available at: <https://bit.ly/35ZHOxK>

<sup>74</sup> The list of organisations joining the protest is available on K-Monitor's website. Available at: <https://bit.ly/35ZHOxK>

<sup>75</sup> Source: Proposal of the Hungarian Government on the Stop Soros legislative package. Available at: <https://bit.ly/2BD5iuC>

### **The Roma political self-organisation and the Roma organisations' narrowing room for manoeuvre**

Pursuant to Act of 1993 on Minorities,<sup>76</sup> and Act of 2011 on Nationalities,<sup>77</sup> the political representation of the Hungarian Roma is carried out by the local and territorial Roma minority self-governments, and at national level by the National Roma Self-government (ÖRO). The corruption scandals related to the former chair of the organization, Flórián Farkas who is still a member of the governing party were investigated even by OLAF.<sup>78</sup>

At the same time, there are also other circumstances that make it hardly possible for the Roma rights protecting and other organisations to enhance the social inclusion and to support their activism. The governmental backlash and the resources and their allocation based on political preferences significantly decrease the room for manoeuvre. It is not a coincidence that a media survey wrote as early as 2012 that "the Roma political self-organisation and civil movements independent from the mainstream political field have almost entirely disappeared (not only in the media image, but most of them in reality as well)."<sup>79</sup> A large part of the organisations operating at national level either has ceased to exist or has been on the verge of dissolution in the last few years.<sup>80</sup> According to the former director of *Romaversitas*, "for our operation to become impossible (...) it was not enough for the government to simply dislike us. The fact that by now almost all free resources have ceased in Hungary also contributed to it. Applying for state funds, whether it is us or similar organisations, is no use. We do not know if there is really a blacklist of unwanted organisations and persons, but in everyday life we do absolutely feel that there is."<sup>81</sup>

In 2017, a Roma member of the Anti-Segregation Round Table established by the government in 2013, one of the leaders of the "tanoda" (extracurricular education) network in Bátorfőnyék and the Association of Roma Minority Representatives and Advocates of Nógrád County left the round table due to anti-civil propaganda.<sup>82</sup>

### **Centralisation of power on local and national level**

There is hardly any room left for local non-governmental advocacy organisations: decisions on a number of issues ranging from education to developments are not made locally. Because of the centralisation efforts of the central power, decision-making opportunities at local level are continuously narrowing. Its indirect effect is that local Roma and non-Roma civil organisations cannot take part in the mechanisms preparing or making local decisions. "The essence of the comprehensive reform (...) of the local governmental system is centralisation; strengthening of the controlling and monitoring role of the state and the central level governmental organisations, and their expansion by means of public service functions that has clearly been accompanied by a significant reduction in the functions of the local government system, narrowing its room for manoeuvre and diminishing its independence."<sup>83</sup> The centralisation shifted power from

<sup>76</sup> Act LXXVI of 1993 on the Rights of National and Ethnic Minorities

<sup>77</sup> Act CLXXIX of 2011 on the Rights of National Minorities

<sup>78</sup> See the story of the project entitled "Bridge to the world of work" in the chapter on corruption.

<sup>79</sup> Bernáth – Messing (2012) *Pushed aside*. Médiakutató, 2012 spring. Available at: <https://bit.ly/2JcOQgl>

<sup>80</sup> *The most important Roma advocates are throwing in the towel*, Index, 20 September 2016. Available at: <https://bit.ly/2Jfvn7e>

<sup>81</sup> Daróczy (2016) *Why did the Roma rights defenders have to pull the shades down?* Kettős Mérce, 11 October 2016. Available at: <https://bit.ly/361e03A>

<sup>82</sup> Berki, Judit and Szűcs, Norbert's letter to Balog Zoltán minister, 16 April 2017. Available at: <https://bit.ly/2WbmDV4>

<sup>83</sup> Pálné Kovács (2014) *The transformation of the local governmental system and the territorial administration 2010-2013*. MTA Law Working Papers 2014/02. Budapest: Hungarian Academy of Sciences, P 2 Available at: <https://bit.ly/2W7lyxc>

local authorities to the government on the field of public education, and important spheres of welfare and financing. Parallel to the centralisation, municipal authorities have received discretionary decision-making power concerning the decisions affecting the life of local people, including the poorest: in public work and some forms of social aids, which remained at the local governments.

The transformation of the provision of social benefits was partly described in the last year's report.<sup>84</sup> In this chapter, it is necessary to highlight that these provisions significantly increase the dependence of the local society on the local power holders. It is particularly true to the disadvantaged social groups that live in poverty, including the Roma communities. For these groups, quite often, it is public employment that provides the only means of subsistence. The vulnerability of the poor and of the recipients of social benefits increased due to the transformation of the local government aid scheme in March 2015. Municipal leaders can decide on the provision of various local benefits and assistance schemes including the public works. These factors strengthen the vulnerability of those living in extreme poverty. Concerning the transformation involving the local governments, researchers emphasize that upon the new regulation "one thing is certain: those aided are vulnerable to local politics."<sup>85</sup>

The 2017 governmental follow-up report on the Strategy emphasises that "among the largest Roma populations in the European Union, it is the Roma population in Hungary that has the highest level of employment today."<sup>86</sup> This employment, however, is mainly composed by public work allocated in a discretionary manner, the loss of which leads to almost complete inability to survive or the spiral of usury for the majority of families concerned. Referring to the data of EU MIDIS II 2016, the report states that 44 per cent of the Roma population aged 20-64 are employed. At the same time, according to the KSH Labour force survey, only 2 per cent (99,000 people) of the total number of the employed were of Roma origin in the first half of 2016. Based on the Ministry of Interior statistics for the first half of 2016, one fifth (41,000 people) of the 220,000 public employees at the time identified themselves as Roma.<sup>87</sup> According to this, of the nearly 100,000 Roma employees, more than 40 per cent worked as public work employees. This mirrors both a lack of opportunity to enter the open labour market<sup>88</sup> and a close dependence on the local authorities. This is confirmed by the OSCE report on Hungary, according to which "Roma are characterised by a high degree of vulnerability, many of them live in extreme poverty and rely on public work programmes run by local government bodies. Those interviewed by the ODHIR mission repeated several times that fear from losing the limited income from public work programmes forces many Roma and other financially disadvantaged people to vote for [the political party at

About the centralisation of the social benefit system and distancing from the European Social Model, see: Scharle – Szikra (2015) "Recent Changes Moving Hungary Away from the European Social Model" in: *The European Social model in crisis*. Edward Elgar Publishing: International Labour Office, Cheltenham, pp. 229-261. Available at: <https://bit.ly/2pHtGIX>

<sup>84</sup> See: *Civil society monitoring report on implementation of the national Roma integration strategy in Hungary. Assessing the progress in four key policy areas of the strategy*. (2019) Available at: <https://cps.ceu.edu/sites/cps.ceu.edu/files/attachment/basicpage/3034/rcm-civil-society-monitoring-report-2-hungary-2018-eprint-fin-2.pdf>

<sup>85</sup> Mózer – Tausz – Varga (2015) *The changes of the aid system*. Esély, 2015/3, p. 53. Available at: <https://bit.ly/2BEkKA9>

<sup>86</sup> *Hungarian National Social Inclusion Strategy II. Follow-up report 2017*, p. 3

<sup>87</sup> Ignits et al. (2017) *Report on public employment in 2016*. Ministry of Internal Affairs, Public Employment and Water Affairs Deputy State Secretary Made in the Statistical, Analytical and Monitoring Department of the Ministry of Internal Affairs. July 2017. Available at: <https://bit.ly/31C7OM9>

<sup>88</sup> Cseres – Gergely – Molnár (2014) "Public work, relief, primary and secondary labour market" in: *Societal report*, 2014. TÁRKI, Budapest, pp. 204-225. Available at: <https://bit.ly/33XqTdn>. The 2018 survey of HÉTFA Research Institute commissioned by the Ministry of Interior reports somewhat better tendencies mainly concerning the year 2017, with relation to the entrance to the open labour market. Source: Koltai, Luca (editor) (2018) *The effect of public employment on the local economy and the local society*. HÉTFA, Budapest, 31 July 2018. Available at: <https://bit.ly/32HJo5f>

power] Fidesz. The ODHIR mission witnessed a free food distribution for the Roma which was carried out on behalf of a Fidesz candidate. The case was seen by the Roma as vote buying.”<sup>89</sup> The Hungarian press also revealed many local examples of the same practice.<sup>90</sup> These symptoms show that several local governments consider the Roma as voting resources when distributing public work.

A joint study carried out in 2015 by “Átlátszó”, K-Monitor, Political Capital and Transparency International Hungary concluded that “the employer of most public employees is the local government, and it is the primary objective of the public worker to remain in public employment for as long and as often as possible. Moreover, this – whether directly or indirectly – in most cases is up to the mayor. Thus, mayors’ practically discretionary power over most of the social benefits and the vulnerability of the poor living in the municipality (“those on the periphery of the labour market”) have by now created a pre-modern dependency system in most small villages.”<sup>91</sup>

<sup>89</sup> OSCE – ODIHR International Observation Mission. Hungary – Parliamentary elections, 8 April 2018. Preliminary statements and conclusions. p. 10. Available at: <https://bit.ly/2Hfpvv0>

<sup>90</sup> See for example: *Public work only for the proper vote: open vote in Borsod*. Átlátszó, 14 October 2014. Available at: <https://bit.ly/2MEKo4q>. *Komjáthi: there is a recording on forcing public employees to electoral fraud*, Népszava, 08 March 2018. Available at: <https://bit.ly/2BEiqzu>

<sup>91</sup> *Votes of the poor, public work and the risks of the fairness of elections*. Joint study of “Átlátszó”, K-Monitor, Political Capital and Transparency International Hungary. 19 February 2015 p.6. Available at: <https://bit.ly/1E8xVLx>

# CORRUPTION AND USE OF EU FUNDS FOR SEGREGATION PURPOSES

## Definition of the problem

Responsible institutions' failure to effectively detect and fight corruption has adverse effects on Roma inclusion policies and the projects and resources allocated to improve the situation of the Roma community. Parallel to this, resources, including the EU funds spent on objectives that reinforce segregation of the Roma communities have similar consequences. Public education outsourced to churches by the government where the fulfilment of the requirements of equal opportunities is limited adds to the siphoning of resources from inclusion agendas.

## Background, causes and answers to the problem

### ***Corruption in the use of development funds and inadequacy of institutional control***

From the latest GRECO report<sup>92</sup> which was kept secret by the Hungarian government for a long time, through the annual corruption perception monitoring of Transparency International,<sup>93</sup> many independent evaluations<sup>94</sup> state that the level of corruption in Hungary has risen since 2010.<sup>95</sup> Its nature has significantly changed, too.<sup>96</sup> After 2010, preference based on politics or private interests has become a practice in the allocation of funds controlled by the state institutional system.<sup>97</sup>

The OLAF's 2018 report<sup>98</sup> also indicates that the proportion of irregular use of EU funds in Hungary is particularly high. The CRCB (Corruption Research Center Budapest) has reached a similar conclusion:<sup>99</sup> by exact mathematical-statistical methods it proves that businesses which are close to the political leadership won hundreds of millions of euros in public procurement procedures with a lot lower competitive strength than businesses without political support, resulting in a considerably lower price drop compared to the estimated opportunities. In addition, not a single case of systematic preference was identified by the EU organisation responsible for the audit of development funds,<sup>100</sup> nor by the domestic competition authority, or by the Public Procurement Authority, the watchdog overseeing the legality of public procurement. The operational capacity of OLAF allows only random ex-post audits. That is, in most cases, neither the EU, nor the national control schemes can block the channelling of development funds serving political or private interests.<sup>101</sup>

<sup>92</sup> GRECO (2018) *Interim Compliance Report – Hungary*. Available at: <https://bit.ly/2YeSg4a>

<sup>93</sup> Transparency International (2018) *Corruption Perception Index*. Available at: <https://bit.ly/219ilIq>

<sup>94</sup> Freedom House (2018) *Nations in Transit. Hungary country profile*. Available at: <http://bit.ly/2MERN3Y>

<sup>95</sup> At the end of 2016, the Hungarian government withdrew from the Open Government Partnership (OGP). K-Monitor Blog. Available at: <http://bit.ly/2W959IA>

<sup>96</sup> Transparency International: *Mid-term Strategy (2019-21)*. Available at: <http://bit.ly/2p1dfM6>

<sup>97</sup> Corruption Research Center Budapest (2016) *Competitive strength and corruption risks. Statistical analysis of Hungarian procurement procedures – 2009-2015*. Available at: <http://bit.ly/2Pg1asv>

<sup>98</sup> OLAF (2018) *Report*. Available at: <https://bit.ly/2W72Iqq>

<sup>99</sup> Corruption Research Center Budapest (2017) *Can the exceptional situation of the MGTS companies be shown in construction industrial procurement?* Available at: <https://bit.ly/2fdSOND>

<sup>100</sup> See: <https://eutaf.kormany.hu>

<sup>101</sup> The inefficiency of internal control is proved through many cases: in the Elios-case (<http://bit.ly/2NcQJ6b>) dozens of awarded projects went through the entire institutional system unhindered. Atlátszó media report then in its subsequent investigation OLAF revealed series of facts suggesting fraud

In September 2019, the direct participants of the 'Mengyi case' were indicated and condemned in a final judgment.<sup>102</sup> According to the indictment and the verdict, Roland Mengyi, an MP of the ruling party promised to his later co-defendants that for a 30,000 EUR (10 million HUF) bribe he would settle a 1.52 million EUR (500 million HUF) worth social cooperative tender for them. However, the investigation examined neither the institutional responsibility of the authority which is integrated into Ministry of Human Capacity's structure and which manages the calls for proposals, nor the personal responsibility of the State Secretary overseeing the authority. All this is despite that the minutes and the testimonies in the court procedures confirmed such an involvement repeatedly.<sup>103</sup>

### **Corruption involving Roma-targeted projects**

The Türr István Education and Research Center (TKKI), a governmental background institute responsible for Roma inclusion and the National Roma Self-government (ÖRO) managed by the pro-government Lungo Drom were beneficiaries of several major social inclusion related tenders. The "Nő az esély" (Growing chances) programme financed from the Social Renewal Operational Programme 2007-2013 (TÁMOP), later from Human resource Development Programme 2014-2020 (EFOP) proved to be relatively successful.<sup>104</sup> The "Actively for knowledge" and "Actively for work" programmes with a budget of 36.36 million EUR (12 billion HUF) aimed at improving the employability of Roma failed to produce meaningful results, and had many corruption suspicious components.<sup>105,106</sup> However, the initiative that became the most infamous was (not) implemented by a consortium of the two organisations (TKKI and the ORÖ): The initiative titled „Employment Cooperative – bridge to the world of work” (TÁMOP-2.4.3.D.3-13/1-2013-0001) of a 4.55 million EUR (1.5 billion HUF) budget was spent disproportionately on office and car rental, and on the salaries of mentors recruited mostly from among the relatives of ÖRO leaders. According to the relevant OLAF report, the cooperative has never really operated, and the objectives of the project have not even partially been achieved.<sup>107</sup> The TKKI was closed after the scandal meanwhile the ORÖ hasn't gained more benefits from the projects. The suspicion of corruption and prodigality also occurred and received huge publicity in some projects of EFOP.<sup>108</sup>

It is important to know that with the exception of the abovementioned "Bridge to the world of work" project,<sup>109</sup> (which at last was financed by Hungarian national sources)

throughout the complete application process and recommended that criminal proceedings be launched. The Hungarian prosecution, however, closed the investigation started upon the OLAF's recommendation in half a year (Átlátszó media report, available at: <http://bit.ly/2WaBGOF>), acquitting those involved in the series of fraud - including the Prime Minister's son-in-law. The OLAF recommended that the Commission refuse to make the payment of the project costs, and in response to this the government took the costs out from the current accounting package.

<sup>102</sup> Index media report. Available at: <http://bit.ly/32G2bxQ>

<sup>103</sup> Index media report. Available at: <http://bit.ly/2Nb0y4B>

<sup>104</sup> National Roma self-government report. Available at: <http://bit.ly/2JIBNBL>

<sup>105</sup> Átlátszó media report. Available at: <http://bit.ly/2oYOfAB>

<sup>106</sup> Corruption-info Blog. Available at: <http://bit.ly/2oes8FM>

<sup>107</sup> 24.hu media report. Available at: <http://bit.ly/32LxiIe>

<sup>108</sup> See EFOP 1.3.4-16, Átlátszó media report. Available at: <https://bit.ly/39sFjF5>; Corruption-info Blog. Available at: <https://bit.ly/2OPIQq5>

<sup>109</sup> After that, the government withdrew from the support agreement, but finally, instead of the European Social Fund, the 4.55 million EUR (1.5 billion HUF) that had disappeared from the National Roma Self-government's budget was replaced from the central budget. An emblematic aspect of the story was that, despite the four-year-long investigation, no one was held liable for it. Moreover, in 2018, ÖRO chairman Flórián Farkas, who was on the Fidesz list of candidates, again received a mandate in the Parliament. Átlátszó media report. Available at: <http://bit.ly/2N8ABTs>

the government practically does not finance inclusion programmes with a Roma focus from national resources.<sup>110</sup>

While hundreds of millions of euros from EU funds have been spent on projects aimed at the Roma in the last ten years, the situation of the Hungarian Roma in the main domain of inequalities – education, social mobility, residential segregation – has not improved, just the reverse, it has clearly deteriorated.<sup>111</sup> Both systemic corruption and the government’s indulgent approach on segregation have contributed to the outcome.

### ***Church-run schools and increasing segregation in public education***

Since 2010, several indicators measuring the effectiveness of public education have significantly deteriorated. Hungarian schools did apply various selection methods among children enrolled in public education, resulting in segregation particularly affecting Roma children before 2010. But since 2010, the segregation index of the Hungarian school system has significantly risen.<sup>112</sup>

Since 2010, the role of churches in public education has rapidly increased. By 2016, the number of church-run institutions grew from 9 to 16 for in primary education, and from 10 to 22 in secondary education. Today, around every sixth child is a student of a church-run institution.<sup>113</sup> Several studies<sup>114</sup> and experts’ field experiences<sup>115</sup> show that institutions run by churches use segregating practices in many cases. Below, we present two cases that reveal suspicious practices that indicate or can indicate corruption in projects targeting the Roma and of education segregation outsourced to the church and in housing. Both initiatives discussed below were funded by the ESIF.

### ***Nyíregyháza case***

Many considered the anti-segregation lawsuit launched regarding the school located in the Huszár settlement in the town of Nyíregyháza, the Sója Miklós Greek Catholic Kindergarten and Primary School, as a test case. The school was formerly closed due to segregation, then re-opened in 2011 by the Greek Catholic church.<sup>116</sup> The Huszár settlement project (also a showcase initiative of a national “complex settlement programme” also financed from EU funds)<sup>117</sup> was an important stage in the development of the “Roma inclusion” concept of the then Roma State Secretary, later minister.

The plaintiff NGO won both the first and second instance: the Debrecen Regional Court condemned the former school operating agent as well as the Hajdúdorog Diocese of the Greek Catholic Church for re-opening the settlement school. The local government supporting the re-opening of the school and thus allowing the unlawful segregation of Roma children was also convicted. The outcome of the lawsuit was reversed by the verdict of the country’s highest judicial authority (Curia)<sup>118</sup> in a review procedure in 2015: the verdict practically endorsed the practice of segregation in education outsourced to the church. The reasoning of the Curia has had far-reaching consequences: accordingly, the segregated education was delivered based on the

<sup>110</sup> Átlátszó media report. Available at: <http://bit.ly/2NcOShI>

<sup>111</sup> See civil monitoring reports of previous years: Civil society monitoring report on implementation of the national Roma integration strategies in Hungary, 2018 and 2019. Available at: <https://bit.ly/2MGDTjv>

<sup>112</sup> Hajdu – Hermann – Horn – Varga (2017) *The indicator system of public education*. Available at: <http://bit.ly/2N9xMBk>

<sup>113</sup> MTA KRTK: Indicator System of Public Education, 2017 available at: <http://bit.ly/2N9xMBk>

<sup>114</sup> See e.g. Ercse (2019) “The relationship between church-run schools and selection, segregation” in: *Iskolakultúra*, July 2019

<sup>115</sup> L. Ritók: Church-run schools and segregation. Available at: <https://bit.ly/215sS7d>

<sup>116</sup> Detailed information on the lawsuit: CFCF report. Available at: <http://bit.ly/33WTFuA>

<sup>117</sup> Magyar Narancs media report. Available at: <http://bit.ly/2qzAhFy>

<sup>118</sup> The verdict is available at: <http://bit.ly/2Jl5e6V>

parents' free will and religious beliefs provide an exemption from the legal provisions on equal treatment. In 2016, the Managing Authority awarded 90,000 EUR (29.7 million HUF) from the ESF to the Nyíregyháza Diocese for supporting the "Magvető Görögkatolikus Tanoda" in the Huszár settlement. The Sója Miklós Greek Catholic Kindergarten and School of Huszár settlement is also a beneficiary of a subsidy of 350,000 EUR (115 million HUF) through the EFOP-3.3.5-17 tender. Among the winning schools, there is another Greek Catholic institute in Nyíregyháza: Saint Nicholas Greek Catholic Kindergarten, Primary School and Grammar School. Saint Nicholas School is the elite school in the town.

In the above-mentioned desegregation lawsuit, the church was unable to explain why they try to teach the children from the settlement in a segregated school, and why not in the Saint Nicholas School, which is a 15-minute bus ride from the settlement. In the meantime, the Saint Nicholas School received a subsidy in the amount of 210,000 EUR (70 million HUF) through an ESIF related tender No. KEOP-5.5.0/B/12-2013 in 2013. In summary: the Greek Catholic Church has been implementing an openly segregating education programme in Nyíregyháza since 2011, and the two educational institutions involved have received subsidies in more than 606,000 EUR (200 million HUF) from EU funds. Corruption has not been left out from the peculiar settlement rehabilitation either: the playground and the public parks in the Huszár settlement also constructed from EU funds were of such a low quality that in few months they became unusable.<sup>119</sup> The constructor and technical inspector of this project component is a key figure in other infamous Nyíregyháza targeting projects suspect to corruption.<sup>120</sup>

### **The Nyíradony case**

The procedure of the Greek Catholic Church in Nyíradony strongly resembles the method used in the Huszár settlement. The town received 2.06 million EUR (680 million HUF) for "urban rehabilitation for social purposes" from ESIF through tender No. ÉAOP-5.1.1./A-09-2f in 2012. With this money, a sports hall was built in the middle of the segregated settlement, thus the Roma children living there do not go to the town sports centre any more. A community house was constructed where the leader of the local minority self-government moved in with his family. As part of this project, a playground was also built which the residents of the settlement do not use for its distant and unhealthy location (right next to a swamp). The tender included the creation of a park as well, which was built at a cost of 90,000 EUR (30 million HUF) by planting a couple of trees on an empty plot.

The segregation was completed by making the school located near the settlement a Roma-only school. Earlier, two nearby schools of the city were ethnically mixed. But by handing over one of them to the Greek Catholic Church, in a few years the situation changed radically: most of the children living in the Roma settlement were excluded from the church school and, parallel to this, non-Roma children completely disappeared from the only state-run school. Thus, full ethnic segregation was implemented in Nyíradony as well. The church-run school received a support of 485,000 EUR (160 million HUF) for building energy renovation within the framework of a tender No. KEHOP-5.2.3. In sum, in Nyíradony, the housing and educational segregation is realised by EU funds worth more than 2.42 million EUR (800 million HUF). It makes the situation graver that the indicators applied to measure integration objectives are so soft that the above described practices have formally met the indicators.

<sup>119</sup> Átlátszó media report. Available at: <http://bit.ly/2Wb5ZEK>

<sup>120</sup> Átlátszó media report. Available at: <http://bit.ly/3426OT0>

## RECOMMENDATIONS

### Low capacity of public services blocking inclusion efforts

1. It is essential to immediately improve the situation of the entire social assistance system (raising the salaries, expanding the personnel, vocational training and supervision, and an increase of the capacity of special homes for drug rehabilitation and temporary family homes); besides, it is necessary to increase public funding for the whole sector.

### Low overall representation of the Roma community in decision-making and in spaces of symbolic references

2. In order to increase representation of the Roma community in politics and policy, the limits for obtaining preferential mandates in municipalities with a higher proportion of Roma should be lowered. (Since 2011 it is possible to win preferential mandate in the local government, where at least 25%, or up to 50% of the local voters registered themselves in the local nationality register. During the 2019 local governmental elections, no preferential mandates were allocated in the country)
3. Continued employment of Roma in the public sector should be financed from national resources; the recruitment method for these programmes should be made transparent and efficient.
4. To ensure greater social participation and visibility, internship programmes for Roma journalists, Roma media and supporting think tanks should be provided.
5. While there has been some improvement in the issue of Roma representation in public education materials, it is still essential to run a comprehensive programme to include information about the culture and history of the Roma community in the school textbooks.
6. The government should support, a fair representation of the Roma culture and history in public collections and public spaces. NGO initiatives to that end should be supported.

### Power relations hindering local advocacy initiatives

7. In order to decrease the dependence of the poorest on the local authorities and to eliminate the abuse of power, it is necessary to transform the public work programmes and social assistance schemes subject to discretionary decisions. The distribution of these resources and benefits should be based on verifiable criteria, and transparent and accountable decisions. The government should investigate and sanction cases of suspected abuse.
8. The EU should support the Roma inclusion initiatives through direct management and provision of funds – independently from the government of Hungary – for NGOs and those local governments which are devoted to work on the integration of local Roma communities.
9. The EU should launch OLAF investigations of suspect operations and financing of suspect project financed from the EU resources.

### Corruption and use of EU sources for segregation purposes

10. The current equal opportunity regulations have become mere formalities, the indicators applied to measure integration objectives are too soft. In order to use EU funds for cohesion purposes to serve inclusion/integration the EU should require as a -- compulsory element -- the equal opportunity planning and commitments, their enforcement in decision-making and monitoring. Applicants

should be required to identify – similarly to other application criteria, such as financial eligibility – those fields where there is a risk that segregation practices may develop or intensify

11. It is necessary to support organisational and professional capacities of the Roma right defenders and anti-segregation NGOs of wide public recognition which can help seeking legal remedies in such segregation cases.
12. Equal opportunity mainstreaming should be promoted by compulsory involvement a local Roma NGO and Roma rights protecting organisations of competence in Roma-related local projects. These organisations could provide the knowledge and critical scrutiny to realisation of the integration/inclusion objectives by cooperating with the beneficiaries starting from the planning phase of the projects.

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