

WRITTEN COMMENTS

BY THE EUROPEAN ROMA RIGHTS CENTRE CONCERNING HUNGARY

For consideration by the Advisory Committee on the Framework Convention for the Protection of National Minorities (AC-FCNM) in advance of the delegation's state visit to Hungary (2-6 December 2024)

CHALLENGING DISCRIMINATION PROMOTING EQUALITY

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INTRODUCTION

The recommendations contained in the 5th opinion of the [Advisory Committee on the Framework Convention for the Protection of National Minorities](#) (AC-FCNM) reiterated the need to “address structural difficulties faced by Roma in all spheres of public and private life, including education, employment, housing and access to health care.” The recommendations included a call for urgent measures to combat early school leaving, and promote inclusive and quality education, including in segregated areas; improved access to health care and social services which remain “subject to serious practical obstacles, mainly to the detriment of Roma women and children”; and called for the authorities to “take a firm stance against and condemn any racist or intolerant language in the public sphere, especially in political discourse and the media.”

Since the 5th opinion was published, these issues remain critical and the recommendations have gone unheeded. This ERRC submission addresses school segregation, Romani children in state care, reproductive rights, discriminatory policing, hate speech and the treatment of Romani refugees from Ukraine.

RIGHTS OF THE CHILD: SCHOOL SEGREGATION

Romani children continue to be discriminated in all spheres of life: they live in social and economic exclusion, in segregated and inadequate housing, they attend segregated schools, are often victims of misdiagnosis and channelled into special education, and are overrepresented amongst children in state care due to widespread discrimination and stereotypes against Roma. Romani girls are often face multiple and / or intersectional forms of discrimination, in particular in the field of education and sexual and reproductive healthcare.

4 August 2023: *Government Minister Blames 'Gypsy Children' for National Decline in Reading Competence.* An alliance of Romani civil organisations and the Teachers' Union (PSZ) reacted furiously to remarks by a government minister blaming Romani children for the country's worst-ever results in reading comprehension competence. The signatories to a joint statement issued by **10 Romani and education civil organisations** in response to the comments by Minister Gulyás stated that while all of the problems of Hungarian public education are manifest in the 'educational failure of Roma students', this is first and foremost a failure of the system, not the children. The statement stressed that responsibility lies with the government:

"Roma students mostly live in small settlements where they do not have access to quality education in the first place. Most of the schools in these settlements have been struggling with a shortage of specialist teachers for decades, which fall far short of the expected level in terms of infrastructure and equipment. Whose responsibility is this? Roma children are also the main victims of the structural problem that the education system is unable to compensate for the disadvantages resulting from poverty, and research clearly shows that in Hungary, the school even increases social differences in a way that is almost unique in the world. After twelve years of government, who can be blamed for this?"

While there is no comprehensive nationwide analysis available on how private schools (including church schools) can contribute to or trigger segregated education, experience gathered from studies conducted in a particular region and of NGOs indicate that the level of segregation has gained momentum, particularly due to the rising numbers of church schools. The Roma Civil Monitor reported that in places where "white flight" was perceived earlier, that is middle-class families take their children to schools with lower number of "problematic"/Roma students, a newly-founded church school becomes the place where these families aim to enrol their children.

According to the law, church schools are exempt from compulsory enrolling students who reside within the district of the local kindergarten/school. As a result, they can pick and choose students, e.g. based on "commitment to a church or denomination", whereas state run schools cannot. Since church schools receive three times more funding from the state than state schools and these schools enjoy greater flexibility in designing own curriculum and education program, they are very attractive to middle class parents. This also contributes greatly to the extreme selectivity of the Hungarian public education, that is schools (and kindergartens with better reputation) drain students of families with higher status.

Taking advantage of the legal status that exempted them from the law, the church-maintained school segregation of Roma students in several cases, and these cases ended in lengthy lawsuits. However, a modification of the law came into force in July 2017, as by then enrolment to schools for the 2017-2018 school year was finished, so it can only have an impact as of 2018-19 school year; stating that "The organisation of education based on religious or other ideological conviction according to the definition of Article (2) may not lead to unlawful segregation based on features set out in §8 points b)-e)."

The modification marks a positive move, however, it remains an open question how the church, having maintained schools that have been exempt from the law for so long, and proven very adept in segregating Roma children, will meet the requirement of the modified law, whether they keep up segregation on the grounds of some other privilege, or they will show willingness to implement effective desegregation measures. The Roma Civil Monitor concluded:

While individual education programmes towards eliminating disadvantages – like tanoda projects, e-learning and tutoring activities, afternoon clubs, other extracurricular education programmes – are very important and well-regarded, they are not able to mitigate the social damages caused by the selection mechanisms of the education system. Segregation practices/ mechanisms in the education system will exist until the central government's education system implements complex and targeted policies to eliminate segregation in the whole education system (irrespective of the school maintaining organisations: state, church or foundation)."¹

1 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. Directorate-General for Justice and Consumers. 2019. Available [here](#).

Despite the ruling of the European Court of Human Rights in *Horváth and Kiss v. Hungary* in 2013, Romani children continue to be channelled to special schools in Hungary. The Hungarian government has failed to date to implement the Court's judgment.

The testing methods had substantially changed over the years, as new, culturally independent testing methods were standardized in Hungary, which can provide results in a non-discriminatory manner. However it has been a subject of another litigation - the Heves county misdiagnosis case - whether the new tests were actually available in an adequate number to all expert panels; whether the experts were trained to use these new tests; and whether the use and effects of the new testing methods were monitored or supervised by the respective authorities.

The extent of local litigation challenging segregation practices, the constant appeals against court judgments and the foot-dragging by the authorities clearly demonstrate the depths of resistance from the government to meet its 'positive obligation to undo a history of segregation' as stipulated in the *Horváth and Kiss* judgment.²³

18 September 2019: The **Debrecen Court of Appeal** upheld the first instance judgment of Eger Regional Court and concluded that the Hungarian state was required to pay 80 million HUF in compensation to Romani children in Gyöngyöspata who have been segregated for a decade from their peers in school. Romani children were not allowed to visit the first floor of their school, and instead were forced to stay on the ground floor where facilities such as toilets were worse or absent.

11 April 2024: The ERRC and the National Association of Disadvantaged Families have taken legal action to raise serious concerns about equal access to education and the safety of Romani children from the Búd district of Tiszavasvári who are forced to walk around seven kilometres to reach their local school after their bus service was stopped. The complaint has been submitted against the Municipality of Tiszavasvári and the Educational District Centre of Nyíregyháza before the Deputy Commissioner for Fundamental Rights, Ombudsman for the Rights of National Minorities in Hungary. More details [here](#).

30 March 2023: The European Court of Human Rights issued a **judgment** against Hungary for the racial segregation of Romani children in the Jókai Mór Primary School in Piliscsaba. The case was brought by Imre Szolcsán, a Romani student who attended the school, and complained of segregation and poor teaching. When his request to transfer to a non-segregated local school was denied, he brought his case to a domestic court with the support of the Chance for Children Foundation, and later to the European Court of Human Rights (ECtHR) with the support of the European Roma Rights Centre (ERRC). The Court found that his right to education had been violated in conjunction with his right to non-discrimination (Article 2 Protocol 1 taken with Article 14 respectively). Hungary must desegregate the school and pay Imre Szolcsán €7000 in damages. More details [here](#).

The Gyöngyöspata ruling: Immediately prior to the COVID-19 crisis in 2020, Prime Minister Orbán waged an overtly racist propaganda campaign against Roma in Hungary, with the primary objective being to obstruct the implementation of a ruling on school segregation by the Debrecen Court of Appeal in favour of Romani families in the town of Gyöngyöspata (see above).

In reaction to the court ruled that the Hungarian state should pay 80 million HUF in compensation to Romani children for the school segregation they suffered, the Prime Minister, in a succession of provocative broadcasts to the nation through state-controlled media, declared that the court's decision "violated the people's sense of justice", stigmatized the local Roma as workshy, their children as violent, unruly and un-educatable, and asserted that what went on in Gyöngyöspata was not segregation but "catching up". Orbán dismissed "the whole thing as a provocation", fomented by Soros organizations, and stated that "there is a boundary that a Hungarian will never cross, or believes cannot be crossed. That boundary is giving people money for nothing?"

The government announced a new 'national consultation' on the Gyöngyöspata case, and declared "we take the side of the 80 percent who are decent, working Hungarians who demand a suitable education for their child." The government stated that it already has clear answers to questions that have provoked social debates, "however, it needs a robust social mandate in order to represent them in the international arena as well as within Hungary."

Orbán's plans to hold a national consultation on the issue were sidetracked by the pandemic. However, by the time the state of emergency was introduced, the Prime Minister had succeeded in putting anti-Roma racism centre-stage in Hungarian politics through a series of polarizing broadcasts to the nation, further amplified by

government-loyal media outlets. All of this was advantageous and a source of encouragement to those even further to the right of the regime, for whom antigypsyism is almost a founding principle.

Following a fatal double stabbing in Budapest, the neo-Nazi “Mi Hazánk Mozgalom” called on its supporters to gather outside the offices of the National Roma Self-Government for a rally against “gypsy crime” on 28 May 2020. In defiance of regulations banning protest gatherings, the Mi Hazánk supporters converged with thousands of far-right ultras in the city centre streets, chanting racist anti-Roma slogans, with many giving fascist salutes.

On the 15th May, Hungary’s Supreme Court (Kuria) upheld the earlier ruling that pecuniary damages must be paid to the families of the Romani schoolchildren. In response, Viktor Orbán said, “It’s unacceptable for a majority to feel ill at ease in their own towns, or country, and it won’t happen while I am premier. This is a country of natives, after all, this is our country.” He asserted that such cases are funded and used by Soros-funded rights groups to “grab money and attack the majority”; that the ruling was unfair, and that legislation was being prepared to prevent any such cases coming to court in the future.

In a press conference in July 2020, when the prime minister’s commissioner, László Horváth confirmed that compensation had finally been paid to the families, he declared that “the lesson has been learnt” and “this cannot be repeated anywhere else in Hungary in the future”. *The ‘lesson learnt’ was not to end racial segregation, but rather to ensure that there would be no further financial compensation for this abuse of human rights.* Horváth confirmed that a recent legal amendment supported by ‘a great majority in parliament’ will guarantee that courts do not order financial compensation in similar cases, he added. If anybody suffers disadvantage in education, it will have to be compensated by extra training and “no more money-making segregation lawsuits will be possible”.²

2 Bernard Rorke, *Antigypsyism in Hungary: The Gyöngyöspata case versus ‘the people’s sense of justice’* From Ryder A et al. (eds) *Romani Communities and Transformative Change: A New Social Europe*. Bristol University Press, 2021. Available [here](#).

DISCRIMINATORY POLICING

27 July 2022: In yet another case of police brutality against Roma (*Mata v. Hungary* 7 July 2022), the European Court of Human Rights (ECtHR) awarded the applicant €19,500 following an incident back in 2014, when he was assaulted by Hungarian police officers. The [Hungarian Civil Liberties Union \(TASZ\)](#), who represented the applicant, stated that their client was racially abused and physically assaulted while in detention. For more details [here](#).

The ERRC testified before the PACE Committee concerning its 2022 research report *Brutal and Bigoted*, which showed that police violence against Roma in six EU Member States is a product of widespread institutional racism, brutality, and impunity amongst law enforcement concerning crimes. The case files cited in the report comprise a catalogue of official lies and botched investigations, testimonies concerning incidents of excessive, arbitrary, and sometimes lethal violence against young and old, deliberate attempts to discredit and intimidate victims, and protracted struggles through the courts for remedy, where justice for Roma is often denied and always delayed

In a motion passed unanimously by the PACE Standing Committee, the parliamentarians stressed the systemic nature of this discrimination, which includes “*inhuman and degrading treatment, torture, excessive use of force, and violence resulting in some cases in the victim’s death*” and stated that “*antigypsyism and anti-nomadism are evident in the way in which Roma and Travellers are policed and in the culture of impunity that still too often prevails for such practices.*”

“A terrible discriminatory imbalance” In their conclusions, PACE summed up the Institutional racism of law enforcement authorities towards Roma, “*as a terrible discriminatory imbalance: on the one hand, Roma and Travellers are very often subject to excessive surveillance, controls and use of force by members of law enforcement authorities, which violate their rights; on the other hand, when these populations are victims of criminal offences (whether committed by persons holding public authority or by private individuals), the responses provided are very often inadequate.*”

The PACE resolution, which was adopted on the basis of a report by Jean-Pierre Grin (Switzerland, ALDE), fully endorsed the findings and recommendations contained in the ERRC report *Brutal and Bigoted: Policing Roma in the EU*. The resolution called on states to redouble their efforts to counter racist policing, to prevent these human rights violations, and to respond appropriately when they occur; to hold all perpetrators to account, and to dismantle the institutional antigypsyism that allows these practices to continue.

The persistent failure of the Hungarian state to adopt general measures suggested by the Committee of Ministers to address systemic failures in policing does not augur well for the Roma community in Hungary. The European Court of Human Rights found in multiple cases that Hungary had violated the right to life or the prohibition of torture when failing to carry out adequate and effective investigations into allegations of ill-treatment by police officers. The **Gubacsi v. Hungary group of cases** concerns ill-treatment (between 2000 and 2016) by law enforcement officers during the applicants’ arrest, transfer and detention, and lack of effective investigations, including failure to investigate possible racist motives for ill-treatment, and violations of the right to life in the same context (substantial and/or procedural violations).³

In a recent communication by the HHC to the Council of Europe concerning the execution of this group of ECtHR judgments, the HHC asserted that the Hungarian Government’s Group Action Plan fails to address systemic deficiencies, and despite the recommendations of the Committee of Ministers, the Hungarian government has (i) failed to establish an independent medical examination body mandated to examine alleged victims of ill-treatment; (ii) failed to grant detainees the right to be examined by an independent medical expert; and (iii) failed to establish an independent medical examination body mandated to examine alleged victims of ill-treatment.⁴

HCC noted that the Group Action Plan contains no measures and fails to provide data related to the Committee of Ministers “grave concern both at the very low rates of indictment following complaints of ill-treatment by law enforcement officers and at the reportedly lenient sentences imposed by courts in these cases”. HCC noted that

- between 2016 and 2020, only 3 to 5% of the procedures launched annually because of an alleged ill-treatment in official proceeding resulted in an indictment;

³ European Court of Human Rights, *Gubacsi v. Hungary: Committee of Ministers, Case Description and Status of Execution*. 2 December 2021. Available [here](#).

⁴ Hungarian Helsinki Committee, *NGO communication with regard to the execution of the judgments of the European Court of Human Rights in the Gubacsi v. Hungary group of cases*. 15 October 2021. Available [here](#).

- and this ratio was 0% in four out of the last five years in procedures launched on the basis of an alleged coercive interrogation.
- By way of stark contrast, reports on ‘violence against an official person’ resulted in an indictment rate ranging from 60.9% to 71.3% in the same period.⁵

Neither has the government complied with the Committee of Ministers’ request to present “a comprehensive plan for the provision of adequate and systematic training” to all actors. The Group Action Plan fails to provide any meaningful information about the training of those low-ranking officers who come in direct daily contact with persons subjected to police measures, detainees, defendants, witnesses etc. And there is no information on how police training precisely addresses the prohibition of torture, coercive interrogation and cruel, inhuman or degrading treatment, which makes it impossible to assess the adequacy of their training.

Impatience with the Hungarian authorities’ foot-dragging concerning police brutality and the manifest failures to justly process complaints of ill-treatment was clearly evident in the concluding remarks of the Deputies from the Committee of Ministers in December 2021. The Committee found it deeply concerning that despite the long-standing nature of the issue, it was still not possible to discern an overall strategy envisaged by the Hungarian authorities “to ensure that ill-treatment by law-enforcement agents is eradicated and ill-treatment complaints are effectively investigated.”

The Committee called for a “fundamentally renewed, swift and resolute approach of the Hungarian authorities”, and warned that in the event that no tangible progress is achieved by December 2022 it would appear appropriate for the Secretariat to be instructed *to prepare a draft interim resolution* for the Committee’s consideration.⁶

5 *Ibid.* p 8.

6 European Court of Human Rights, *Gubacsi v. Hungary: Committee of Ministers, Concluding Remarks*. 2 December 2021. Available [here](#).

REPRODUCTIVE RIGHTS OF ROMANI WOMEN

10 April 2024: The ERRC and the National Association of Disadvantaged Families are taking legal action against the Saint Damien Greek Catholic Hospital in Kiszárda for their denial of abortion services to women, including disadvantaged Romani women. The organisations have filed a complaint before the Deputy Commissioner for Fundamental Rights, Ombudsman for the Rights of National Minorities in Hungary. For more detail [here](#).

31 August 2020: The Hungarian Supreme Court has ruled in favour of Romani mothers who were discriminated against in the maternity ward of a hospital in Miskolc. This final judgment from the highest court of Hungary confirms two previous judgements (before the Miskolc Regional Court and the Debrecen Court of Appeal) which were won by the European Roma Rights Centre (ERRC) and found that the practice of charging for mandatory maternity clothing for companions of pregnant mothers in Miskolc was discriminatory against Roma. For more detail [here](#).

The following is excerpted from *Cause of Action: Reproductive Rights of Romani Women in Hungary*, April 2020.⁷

Regional and structural inequalities: The situation of Romani women in the field of maternity care, “all the women [...] who were selected for interviews mentioned the difficulties related to access to care”. If the nearest obstetric clinic is 20-30 kilometres away, both travel costs and travel time constrain access, especially when “the opening hours of obstetrical clinics do not take into account public transport schedules, meaning that it is virtually impossible to arrive at the obstetrician’s appointment on time and return home the same day travelling by public transport”.

Moreover, there are significant regional disparities in the distribution of health care services in Hungary, and the Romani population is disproportionately affected by the shortcomings (including the high number of vacant general/paediatric practitioner positions in the disadvantaged regions of the country). A previous investigation by the ERRC, *Ambulance Not on the Way*, revealed the phenomenon of denying emergency aid to Roma in several Central Eastern European countries, including Hungary.

Access to prenatal and maternity care: Romani women participants to focus group discussion identified physical access to prenatal and maternity care as a crucial issue. Centralization of health care necessitates travelling to the city centre by bus, which is inconvenient for expectant mothers with young children and no babysitting support, who have to take their children with them when they travel to the city for prenatal check-ups. Some women noted that consultation hours for local paediatric practitioners and district nurses are very limited, and parents have virtually no opportunity to seek their advice on health issues.

Neglectful care, verbal abuse and violence: Other recurring themes were neglectful treatment and verbal harassment. One interviewee in Borsod described how when she went into labour and called for an ambulance, the dispatcher refused to send a car. A neighbour with basic first aid training assisted with the labour. After repeated calls, an ambulance eventually arrived, but by that time the baby was born, with the umbilical cord around her neck. Verbal harassment included inappropriate, judgmental questions and remarks from midwives such as statements to the effect that Romani women just have babies for the welfare money.

Women recounted being verbally abused, racially disparaged and even threatened by staff in one particular public hospital in Miskolc, where the phrase “You stinky Gypsy!” was used as a common form of ‘addressing’ Romani women. Interviewees who were extremely young at the time of giving birth recounted being slapped in the face and thighs for screaming during delivery. After one midwife slapped a 16-year-old in the face in the delivery room, she told her: “Shut up, you stupid Gypsy! If you do not calm down, you will get more slaps!”

Segregation and isolation during delivery: The Act on Healthcare includes a provision that women are entitled to be accompanied during childbirth by a person of their choice (an adult family member, a relative, a friend, or a doula, etc.). However, the presence of Romani women’s companions in the labour room was often objected to, and focus group participants claimed that the hospital staff use excuses, such as: “companions cannot enter the labour room during the night”, “companions are not allowed to enter during the early stage of labour”, etc.

7 Available [here](#).

In the case of a 16-year old girl, who also arrived at the hospital with her mother, no clear explanation was given when the medical staff prevented her mother from entering the labour room (despite the fact that she was ready to pay the fee for the hygienic attire). It should be noted that these cases included underage girls who would have a “double entitlement” for a companion during delivery; not just as birthing women, but also as children (under the age of 18 years) who have a special right to be accompanied by a parent or a trusted adult while they are in a hospital. According to the account of another interviewee it is a quite common experience for Romani families that companions are prevented from entering the labour room, regardless of the age of the birthing woman/girl.

Lack of motivation to file a complaint: Interviewees who reported that they had been mistreated in a hospital stated explicitly that they would not take any steps. A 38-year old women, mother of four, claimed that she had never intended to file any kind of formal complaint since she thought that it would be useless to challenge the system because “nothing would change”.

HATE SPEECH FROM HIGH OFFICE

Repeated calls on the Hungarian authorities from UN and Council of Europe committees to urgently address alarming trends concerning hate speech went unheeded, and to such an extent that UN High Commissioner for Human Rights, Zeid Ra'ad al-Hussein, was moved in 2018, to denounce Viktor Orbán as one of Europe's xenophobes and racists who have “cast off any sense of embarrassment”, and described Orbán's racist rhetoric as “increasingly delusional.”

Orbán did not cease and desist, but rather doubled down and in July 2022 stated *“This is why we have always fought: we are willing to mix with one another, but we do not want to become peoples of mixed-race.”*

Less than two months after Orbán caused outrage with this attack on ‘race-mixing’ in Europe, the [European Parliament](#) passed a resolution on 15 September asserting that Hungary can no longer be considered a full democracy. In addition to concerns about undermining the rule of law, corruption, clientelism, attacks on media and academic freedom, the resolution highlighted attacks on *the rights of persons belonging to minorities, including Roma and Jews, and protection against hateful statements against such minorities.*

Prejudicial speech from Orbán targeting Roma: On the 2018 election campaign trail in the city of Miskolc, in a speech the Prime Minister attacking migrants and refugees turned his fire on Roma. A [video](#) was uploaded to Orbán's own Facebook page where he said the following:

“There was a time when people from the outside en masse immigrated into this city. And you remember what happened. The people of Miskolc experienced what happened then. ... Yet those people who moved to Miskolc came from the territory of Hungary. Now you imagine what will happen when people who in their culture, customs, and views are completely different from us arrive from outside of the country.”

Officials confirmed that the prime minister was indeed referring to Miskolc's Roma community, which has long endured segregation, discrimination and forced evictions. Two years earlier, in another speech the prime minister equated Hungary's Romani population with the Syrian refugees, likening his fellow citizens to a “historically inherited burden”:

“Hungary's historical given is that we live together with a few hundred thousands of Roma. This was decided by someone, somewhere. This is what we inherited. This is our situation, this is our predetermined condition ... We are the ones who have to live with this, but we don't demand from anyone, especially not in the direction of the west, that they should live together with a large Roma minority”⁸

16 September 2024: As [444.hu](#) reported, Béla Pokol, a constitutional judge appointed by Fidesz in 2011, and who was awarded the Commander's Cross of the Hungarian Order of Merit in 2024, claimed that Hungarian IQ scores remain high despite the presence of ‘Gypsies’ – who for ‘biological reasons’ have lower intelligence, bringing down the national average. More details [here](#).

8 Available [here](#).

ROMANI CHILDREN IN STATE CARE

According to the [2021 ruling](#) of the Budapest Metropolitan Court, the Ministry must publish the results of its data collection and the measures taken to reduce the overrepresentation of Roma in state care on its website. The court also ordered the Ministry to carry out a targeted monitoring within the next 12 months to see whether the prohibition of discrimination based on socio-economic status and Romani origin is being applied in cases of child removals in Nógrád county. An action plan must be implemented based on the findings of the monitoring and the implementation has to be monitored by the Ministry. This should be done in a transparent way with all relevant documentation published on its website.

What steps has the Ministry taken since then to implement the measures laid out by the Court?

The overrepresentation of Romani children in institutional care continues to be alarming and appears to be the result of indirect discrimination against Romani families, a lack of clear guidance in the child protection law and policy on family separation and various shortcomings in the operation of the child protection system, which disproportionately impact Romani families. Poverty-related material conditions remain one of the major reasons for the removal of Romani children from their home environment, despite an explicit ban on such actions in the Hungarian Child Protection Act. The perception that Romani families “deviate” from societal norms, compounded with negative stereotypes among some child welfare workers, also increases Romani children’s chances of institutionalisation. The cumulative effects of poverty and marginalisation are often insurmountable barriers to the return of Romani children to their families once in state care.

Research conducted for the ERRC by The Chance for Children Public Benefit Association (*Gyerekesély Közhasznú Egyesület*) in Nógrád County, Hungary once again confirmed that Romani children are vastly overrepresented in the care system. The study also found that in most cases, taking children into care does not seem to have been justified. Interviews with key actors also revealed that prejudice plays a key role in making such decisions. Key findings of the research include the following:

- Although they make up under 20% of Nógrád county’s population, Romani children make up over 80% of those in care. The data gathered in the research showed a strong correlation between deep poverty, severe deprivation, and the entry of children into the care system.
- Even though, in line with the basic principles of Hungary’s Child Protection Act, children cannot be removed from their family solely for material reasons, the poverty of the affected families was clearly a significant reason for most removals. In many cases, removal could have been prevented by providing comprehensive support and appropriate services to impoverished families.
- The characteristics of the affected families, in terms of ethnic origin and number of children, also indicate that deep poverty and severe material deprivation strongly correlate with the placement of children in State care. The children of Romani families are at an extremely high risk of poverty and are strongly overrepresented within the county’s professional child protection service. Two thirds of the families have at least one of the examined “social problems” and one fifth of the families are “severely deprived”.
- The main justifications given for removing Romani children from their families were neglect, endangerment, and “parental unsuitability”. The vast majority of children in care – most of whom maintain strong contact with their parents – never return home. Thus, the main issue is not bad relationships between parents and children, but rather environmental circumstances (insufficient income, lack of employment, unsuitable housing conditions, and lack of services) that cannot be mitigated by the families’ efforts alone.
- The system is officially colour-blind, and professionals do not believe there is any need for official recognition of the child’s ethnic identity. Yet in interviews, they frequently attributed the removal of children to reasons they see as connected with the children’s “Romani origin”, such as lack of understanding, distrust, non-cooperative behaviour of parents. It is clear that ethnicity plays a massive role, with significant consequences for many of the county’s Romani families.⁹

5th October 2021: The Metropolitan Court in Budapest ruled in favour of the European Roma Rights Centre (ERRC) in a case challenging the overrepresentation and discrimination of Romani children in state care in Nógrád County, Hungary. On the 4th October, the Court found that the Ministry of Human Capacities had violated the right to equal treatment for children who had been taken away from their families due to their financial situation, the majority of whom are Roma. The judgment states that families were discriminated against on the grounds of socio-economic status and poverty, as well as because of their Romani ethnicity. More details [here](#).

9 ERRC *Blighted Lives: Romani children in State Care*, Available [here](#).

ROMANI REFUGEES FROM UKRAINE

23 August 2024: Viktor Orbán signed a decree which stipulates that from August 21, only those refugees coming from “*administrative units of Ukraine directly affected by military operations*” are entitled to housing support. Transcarpathia is not one of those administrative units, and most Romani refugees in Hungary hail from there. the UNHCR warned that up to 3,000 vulnerable Ukrainians could lose access to subsidized accommodation, “*including families with specific needs and vulnerabilities, pregnant women, older persons with chronic diseases, and households with a large number of small children, most of whom are enrolled into local kindergartens and schools. Many face significant barriers in securing alternative housing due to lack of financial means but also reluctance of owners to rent.*” More details [here](#).

Prior to this decree, research conducted by the ERRC and partners found that, unlike the majority of refugees from Ukraine, Transcarpathian Roma are forced to face institutional forms of discrimination which include: the reluctance of many humanitarian organisations to place Roma in refugee centres, the lack of any opportunity to rent private housing, and a general lack of information and absence of any significant assistance from the Hungarian authorities and humanitarian organisations. Human rights monitors found that instead of settling Roma in humanitarian centres, they get sent to the immigration police who then have them taken to state-appointed re-opened refugee shelters, usually located in rural areas, far away from job opportunities or educational resources for children.

Many Romani activists have highlighted the humiliation, neglect, and abuse faced by Roma arriving from Ukraine. One of the most blatant examples of such treatment occurred in the border town of Záhony, when the mayor ordered the municipality to close the municipal and other charity tents on hearing that a train carrying 300 Romani refugees had arrived at the town station. It was also reported that in the first days of the war, Romani families received no assistance from official bodies and had to wait days for permission to cross the border. Béla Rácz, a Romani activist from the One Hungary Initiative, confirmed that charities and humanitarian organisations often simply ignore Romani refugees, and that the lack of assistance and the unwelcoming reception was a factor driving many Roma to return to Ukraine.

Rácz said Roma were separated from white Ukrainians on the trains leaving and were greeted with ‘soft discrimination’ upon arrival in Hungary: “*It was not physical but more like verbal. You know, ‘Show your passport! Show your ID! Why did you come? What you want in Hungary?’*”. A common accusation from many volunteers and aid workers was that Ukrainian Roma are not really refugees but are just taking advantage of the system.

Other human rights monitors working on behalf of the ERRC at the border crossing at Záhony witnessed a more wholesale pattern of prejudice and discrimination, brought about by the Mayor Laszlo Helmecki who publicly insinuated that a certain stratum of refugees (Roma) were travelling to Hungary not because they were fleeing war but because they were trying to escape deep poverty. The insinuation that Roma were not real refugees but economic migrants permeated multiple levels of service provision at Záhony. At registration of new arrivals, local authorities were observed segregating Roma from non-Roma by monitors. Romani refugees were herded into a white tent while the non-Roma were sent to a blue tent. The blue tent had heating, some food, and reportedly relatively quick processing times. The white tent was unheated, there was no food, and the waiting time could be five hours or more according to monitors working at the border crossing. ERRC human rights monitors also reported that Roma were denied temporary accommodation in the Kandó Kálmán High School on the order of representatives of the local municipality, while non-Romani Ukrainians were allowed to stay there while they awaited their transport to Budapest. Monitors reported multiple incidents of municipality workers denying Roma access to food on the basis that they are not “real refugees”. Monitors also reported that the mayor of the municipality even introduced a system whereby refugees can only go to the tent to eat if they were wearing an armband. Romani refugees were not given this armband.

According to one volunteer, even when Roma were given shelter they were segregated from the very beginning: “*In the gymnasium where the refugees were housed, the Ukrainians were placed on one side of the hall and the Roma refugees on the other*”, because the staff wanted to make the Ukrainians feel safe and didn’t want the Romani children to disturb the Ukrainians. The situation has remained largely unchanged, according to Romaversitas researchers who visited many different refugee shelters but know of only one place where Romani refugees weren’t completely segregated.

Of the estimated 1,312,550 arrivals into Hungary since the outbreak of war, only 24,231 have applied for temporary protection; the vast majority have transited out to other European countries. Many who remained have been able to find work and rent accommodation, however such prospects are remote for deeply impoverished

Romani families. Romaversitas found that these families don't have the money or the social networks to rent a flat or travel abroad, and the vast majority are still living in refugee shelters. So deep-rooted is the prejudice in Hungarian society that, as one Romaversitas researcher put it, *"it is difficult for a Romani family to find housing even if they have money and has only one or two children."* Other Romaversitas researchers observed that living conditions in most of the refugee shelters are unbearable and completely inadequate for long-term stays, where several families are often housed in one room, and showers and toilets are usually shared by an entire floor.

All the NGO workers researchers and volunteers interviewed by the Hungarian investigative journalism and watchdog NGO Átlátszó felt that the Hungarian government had completely ignored the plight of Romani refugees, and simply wanted them to return to Ukraine. One volunteer said that often when Romani refugees complain about anything they are told by volunteers, doctors, and social workers alike that if they don't like it, they can "go back to Ukraine".¹⁰

¹⁰ This section is excerpted from ERRC *Roma Rights Under Siege: Monitoring Reports from One Year of War in Ukraine*, Available [here](#).