



european network against racism

ENAR Shadow Report 2008

ENAR SHADOW REPORT 2008

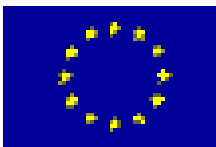
Racism in Hungary

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Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it. Even where there is extensive official data, NGOs offer a vital alternative data source that comes directly from experiences of those individuals and communities experiencing racism on a daily basis.

The ENAR Shadow Reports are produced to fill the gaps in the official and academic data, to offer an alternative to that data and to offer an NGO perspective on the realities of racism with the EU and its Member States. NGO reports are, by their nature, based on many sources of data, official, unofficial, academic and experiential. This allows access to information which, while sometimes not backed up by the rigours of academic standards, provides the vital perspective of those that either are or work directly with those affected by the racism that is the subject of the research. It is this that gives NGO reports their added value, complementing academic and official reporting.

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I. Executive summary

The major findings of this report point to three factors: increasing violent attacks targeting the Roma¹ and Jewish property; rising xenophobic attitude; inefficient integration structures to facilitate the integration of persons accorded international protection and third country nationals.

Since the last shadow report covering 2007, there has been an upsurge in fascist, nationalist and far-right organisations in Hungary. These groups like the Hungarian Guards (Magyar Garda), Jobbik and the 64 Counties Youth Movement, had anti-Roma, anti-foreigners and anti-Semitic tendencies and objectives. Concurrently, the rise in the number of such organisations has led to a rise in racist violence and attacks against the Roma and property owned by Jews and Jewish organisations. This resulted to a number of Roma homes and Jewish property being, attacked and/or destroyed.

It is therefore recommended that:

- Any acts of racist violence should be condemned when they occur and it should be made clear that there is zero tolerance for violent hate crimes;
- The national criminal code should be strengthened to cover all forms of bias-motivated violence;
- The State should provide adequate training to police and prosecutors to investigate and prosecute cases; and
- Authorities should work in partnership with victims, their communities and civil organisations;

The economic crisis has once again brought to the forefront the plight of vulnerable persons *vis-à-vis* the inadequate integration structures that could not empower them, hence failing to turn them into active members of their communities and society. Access to employment, adequate and affordable housing, health services, and access to public and private services has continued to be restricted for Roma, migrants and persons with disabilities.

In this respect it is recommended that:

- The government should support programs (campaigns targeting negative attitudes and focussing on personal encounters in school training, etc.) promoting greater social visibility of minorities (especially of immigrants and homosexuals). Direct experience and contact with minority groups may bring positive results; and that where the number of immigrants integrated in society is high, rejection tends to decline.
- Integration intervention should target both the vulnerable groups and local communities.

¹ In November a grenade was thrown into a house owned by a Roma family. The couple was killed and their 3 children injured. The attack is suspected to have been racially motivated.

Furthermore the report demonstrates that there is a need to engage and involve local host communities, local governments and municipalities and private bodies and entities in integration, social and economic inclusion processes of the vulnerable groups. Such engagement will lead to a better understanding of the situation, needs and experiences of vulnerable groups hence facilitate their integration.

The media has continued to provide radicals an ever larger platform to express their racist and xenophobic ideas at the detriment of the rights of other members of the society and community.

In this respect, it is therefore recommended that:

- Amendments to the civil and penal codes that would criminalise incitement targeting vulnerable minority groups. Criminalisation of offensive remarks in cases where the insult is aimed at a person's ethnic, racial and/or religious group and not the individual person.

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III. Introduction

The reporting period was characterised by the economic crisis, which in the long run had a negative impact on the human rights situation in the country. The depressing economic situation led to the rise and increase in nationalistic and far-right organisations. These groups like the Hungarian Guard (Magyar Garda), Jobbik and the 64 Counties Youth Movement, had anti-Roma, anti-foreigners and anti-Semitic tendencies. This led to a rise in racist violence and attacks against the Roma, and property owned by Jews and Jewish organisations. A number of Roma homes and families were attacked that led to the death of Roma persons, including a father and son. It is suspected that these attacks were racially motivated. The police are yet to find the perpetrators and solve the crime.

2008 also saw a rise in the public support of right wing organisations, especially the Hungarian Guard, which is primarily an anti-Roma organisation. This culminated into three members of the Jobbik party being elected to the European Parliament (EP) in June 2009².

The Asylum Act enacted in 2007³, came into force on 1 January 2008. The new Act harmonised Hungarian rules governing asylum procedures with European Union legislation and requirements. The Act introduced the subsidiary protection status into the Hungarian asylum system, hence creating three levels of international protection: the full refugee status, subsidiary protection status and tolerated stay status. Persons with the latter status have very limited access to social support and lack any integration prospects. The Act provided for a two phase procedure; the screening phase and the examination in merit phase. The Act further aims at streamlining the refugee determination procedure (RSDP) by establishing different centres where the screening process, the refugee determination procedure, and the pre-integration facilities for persons accorded international protection would be located and conducted.

2008 witnessed several protests by asylum seekers and refugees, because of the limited access to healthcare, and of the poor reception conditions.

Although there is no national policy on the integration of 3rd country citizens in place, there are initiatives and actions that aim to facilitate and assist the integration of third country citizens. Unfortunately, there is no interagency/inter-ministerial co-ordination when it comes to integration matters pertaining to this specific group. The Ministry of Justice and Law Enforcement is responsible for the integration of third country citizens, however the ingredients facilitating integration like access to employment, education, health and housing are multi-

² Total number of EP from Hungary is 22

³ Act LXXX of 2007

dimensional and cross-cutting issues that necessitates a broad and coordinated approach involving respective authorities and major actors.

The major findings of this report point to three main developments during the reporting period: increasing violent attacks targeting the Roma⁴ and Jewish property; rising xenophobic attitude; and inefficient integration structure to facilitate the integration of persons accorded international protection and third country citizen.

The Constitutional Court rejected amendments to the civil and penal codes, which criminalised incitement targeting a minority group. The Court decided that such amendments infringe the freedom of speech⁵. The Parliament adopted two legal measures in 2007, to criminalise offensive remarks in cases where the insult is aimed at a person's ethnic, racial and/or religious group and not the individual person.

⁴ In November a grenade was thrown into a house owned by a Roma family. The couple was killed and their 3 children injured. The attack is suspected to have been racially motivated.

⁵ On 30 June 2008, the Constitutional Court ruled in favour of President Solyom's veto of a hate speech law stating that the right to free speech cannot be denied solely because comments are offensive to others.

IV. Communities vulnerable to racism

The main vulnerable groups facing discrimination are the Roma, migrants⁶ including third country nationals, asylum seekers, refugees, persons accorded subsidiary protection, persons accorded tolerated stay status, stateless persons; and the handicapped and disabled. Women and children commonly face multiple-discrimination. Although human rights are embodied in regional and national legislation, vulnerable groups face difficulties accessing these particular rights. There is a discrepancy between the actual rights guaranteed and accessing these particular rights.

Roma

The Roma population forms the largest ethnic minority in Hungary, with authoritative estimates putting their number between 400,000 and 600,000. Demographic change in Hungary is characterised by an ageing population while the number of people of Roma origin is rising and the age composition of the Roma population is much younger than that of the overall population⁷.

Although all minorities and vulnerable groups in Hungary constantly face discrimination, both in accessing public and private services, the Roma continue to face the toughest hurdle. This is clearly evident in the high numbers and rate of those with low skills, unemployed, and those facing difficulties accessing the social and health services within the Roma community. Extremists continued to target Roma and other dark skinned persons, mostly foreigners.

Third Country Nationals

As there is no significant immigration in Hungary, stereotypes of immigrants are not shaped by foreigners but by a fear of the unknown, as well as the image of the immigrant emerging in public discourse and political debates. In the past few years the political elite has actively contributed to rising fears related to migration. In 2002 the Hungarian Socialist Party (MSZP), from the position of the opposition, envisioned the arrival of 23 million Romanian jobseekers. In 2004 MSZP campaigned against foreign labour, in connection to the double-issue referendum. In the past few years the right has regularly sounded the alarm against the arrival of non-European immigrants, primarily from China. In this light it is not surprising that a majority of the Hungarian population is extremely prejudiced against immigrants in respect to public safety, the labour market and cultural identity. As a result, Hungarians' tolerance for immigrants is one of the lowest in Europe. Once concrete 'evidence is provided', the as yet unfocused prejudice may prove to be a perfect breeding ground for a successful anti-

⁶ In this report the term 'migrant' includes long-term and short-term migrant workers, students, asylum seekers and refugees, stateless persons, spousal and family dependants, women migrants and children and undocumented migrants.

⁷ Fact Sheets on Hungary: Ministry of Foreign Affairs Budapest, 2004.

immigrant policy. Hungary may be susceptible to the Italian example, where a tough stance against immigrants brought unprecedented popularity for Prime Minister Silvio Berlusconi⁸.

Statistical data from the Office of Immigration and Nationality (OIN) show that there are slightly more than 83,000 third country nationals officially registered as holding some form of legal residency in Hungary in 2008.

Status	Number of persons
Immigration permit	47,205
Permanent residence permit	28,522
Residence permit	15,304
EEA residence permit	30,579
Registration certificate	48,527
Permanent residence card	6,560
Third-country national family member of a Hungarian citizen	4,733
Third-country national family member of an EEA citizen	322
EC permanent residence permit	242
National permanent residence permit	2,568
Permanent residence permit with limited validity	6
Total	184,568

*Source: OIN⁹

The situation concerning third country nationals has not improved. They continue to face discrimination, especially in accessing social and health services; and adequate housing.

Asylum Seekers and Persons granted International Protection

According to statistical data realised by the Hungarian Office for Immigration and Nationality (OIN), Hungary received 3118 asylum applications in 2008¹⁰, a slight decrease compared to the previous year. At the same time, more persons were granted international protection compared to the previous 2 years. Public attitude towards asylum seekers and persons with international protection is negative. Asylum seekers are commonly associated with criminals. Since 2000 when the Asylum legislation was amended and the geographical reservation on persons granted protection was removed, the majority of asylum seekers come from outside Europe. A recently conducted public survey by the International Law Research Centre and ENAR Hungary shows that majority of Hungarians prefer

⁸ <http://www.budapesttimes.hu/content/view/9573/219/>, accessed 18 May 2009

⁹ www.irmbah.hu: Number of immigrants, persons with permanent residence permit and staying longer than three months, accessed 1 May 2009

¹⁰ www.irmbah.hu: There were 3118 new asylum applications: 160 persons were granted refugee status, 88 persons granted subsidiary protection and 42 persons granted tolerated stay status, accessed 4 May 2009

that only persons with a European background are provided international protection in Hungary.

Number of asylum applications 2006-2008 ¹¹			
Status	2006	2007	2008
Asylum applications	2117	3425	3120
Recognized refugees	99	169	160
Complementary protection	99	69	130
Rejected	1118	1183	395
Refugee Recognition Rate	7.5%	11.9%	23.4%
Total Recognition Rate	15%	16.7%	42.3%

The detention of asylum seekers still continues. Among persons granted international protection, those accorded 'tolerated stay' status, (because they do not qualify for refugee status or subsidiary protection, and cannot be returned to their countries of origin and/or habitual residence), acquire lesser rights and benefits.

The continual discrimination exclusion of asylum seekers and refugees from services and employment has led to a rise in the rate of poverty and the number of the homeless within these particular vulnerable groups. Persons with tolerated stay status have very limited access to social support and lack any integration prospects.

Stateless Persons

A stateless person is someone who is not a national or citizen of any State. In principle, States are responsible for ensuring protection to their citizens, but stateless person cannot claim the protection of any State.

Problems of statelessness, registration and a lack of appropriate documentation affect access to services in all areas of public life, including health services. Statelessness, and consequent lack of status within the state of residence, as well as problems with documentation etc., must not be allowed to impede access to rights. In this regard, states need to be proactive in their efforts to ensure that Roma have all necessary documentation for accessing health services, e.g. by providing information about accessing information documents, facilitating birth registration and reducing the costs of registration procedures for those on low incomes. In the interim, access to health information and basic mainstream health services should be assured for those without documentation.

The number of stateless persons in Hungary is unknown. The UNHCR estimates the number to be at 241¹² or more. Stateless persons are not entitled to protections and benefits provided to citizens.

¹¹<http://www.unhcr-budapest.org/index.php/basic-facts> UNHCR Regional Representation for Central Europe Regional Statistical Sheet 2008, accessed 24 June 2009

¹² <http://www.unhcr-budapest.org/index.php/basic-facts>, accessed 24 June 2009

Jewish Population

According to the 2008 Human Rights Report issued by the U.S Department of State, the Federation of Jewish Communities in Hungary reported that there had been an increase in anti-Semitism compared to 2007 and expressed particular concern over the publication of anti-Semitic articles in the national newspaper Magyar Hirlap. They associated the increase with anti-Semitic groups who took advantage of widespread discontent over the country's economic difficulties¹³.

Women and Children

Women and children, especially those of minority and/or foreign background are commonly victims of multiple-discrimination, including within their community. Women continued to endure discrimination in law and practice. Compared to their male counterparts, women have less access to both private and public services. Women are also lesser protected against domestic violence.

Mothers with young children and women wanting to find a job after longer years of absence from the labour market (due to child-raising or other causes), and elder women having lower schooling, experience difficulties in returning to the labour market. One of the reasons is discrimination, but the lack of access to opportunities in acquiring or renewing competitive knowledge and skills also plays a role¹⁴.

Persons with Disabilities

Persons with disabilities continue to face difficulties accessing public facilities, including buildings and transport, although a legal requirement exists that facilitates easy movement and access to public facilities.

Lesbian, Gay, Bisexual and Transgender People

Continuous prejudice against Lesbian, Gay, Bisexual and Transgender (LGBT) people has led to isolation and harassment. LGBT people face constant threats from extreme right wing organisations, and the public in general. In the reporting period, an LGBT parade was disrupted by right wing demonstrators shouting threatening slogans. Violence and abuse directed at LGBT continued to be a problem.

¹³ www.state.gov/g/drl/rls/hrrpt/2008/eur/119083.htm, accessed 19 May 2009

¹⁴ Hungary at Employment Week 2004: Equal Opportunities for All p5

V. Manifestations of racism and religious discrimination

V.i Employment

The legal and political situation of minorities has undergone a significant change for the better since the early 1990s. The Constitution and laws proclaim full equal rights but difficulties arise in the implementation of the rights, for example in the labour market sector. There is a link between the levels of unemployment, underemployment and remuneration and with the areas where minorities, especially the Roma commonly reside. Minorities and other vulnerable groups continue to face difficulties accessing employment for various reasons interlinked to their race and physical characteristics. The worsening economic situation due to the global economic and credit crisis has had a greater impact on the disadvantaged peoples and groups, who have already had had difficulties accessing employment prior to the crisis.

Roma

The Roma were the biggest losers in the accelerated modernisation of the 1990s and the new economic environment. Solidarity diminished while intolerance and indifference towards other people's problems gained ground¹⁵.

Unemployment within the Roma communities remains very high. The unemployment rate for Roma is estimated at 70 per cent, more than 10 times the national average, and most Roma live in extreme poverty¹⁶. Access to employment is affected by other factors like the location of Roma settlements, the level of education and skills to mention but a few. Localities with higher number of Roma residents possess the highest rate of unemployment. A characteristic of such localities is that these areas are underdeveloped, not easily accessible, because of the bad state of the road and transport network. Electricity and water do not reach all households. A combination of these factors makes such areas unattractive to outside investments, thus there is a lack of economic development. The effect is that such communities have to make long journeys to work, but this is made difficult, because of the poor transport infrastructure. However, the fact that many Roma are not employed because of their ethnic background should not be underestimated.

In the labour market, Roma workers have frequently faced discrimination in recruitment to certain jobs, based on 'statistical evidence' of their inferior labour discipline and lower labour productivity, or the prejudices of enterprise managers and fellow workers, regardless of the personal characteristics of the job

¹⁵ Fact Sheets on Hungary: Ministry of Foreign Affairs Budapest, 2004.

¹⁶<http://www.unhcr.org/refworld/publisher,MRGI,COUNTRYREP,HUN,49749d143c,0.html>, accessed 15 August 2009

applicant. Labour departments were thus able to place Roma in jobs unattractive for other people due to bad working conditions, heavily physical labour or poor remuneration¹⁷.

With Hungary in the depths of economic despair, its Roma minority has become an easy target for many people's resentments.

Third Country Nationals

Hungary still maintains restrictions to access to the labour market for third country nationals. Prospective employers are dissuaded from employing TCNs, due to the lengthy and complex procedures including proof of the actual need for migrant labour.

Major factors impede on accessing employment by third country nationals, especially by visible minorities. These factors are: the unwelcome attitude of the host community, the undeveloped and/or underdeveloped integration structures for third country nationals, the lack of interagency communication and coordination among agencies and authorities that handle matters pertaining to third country nationals; and the lack of recognition of educational certificates acquired outside Hungary, particularly outside the European Union (EU).

Another factor contributing to the inability for this particular group to access employment is the lack of information on the process and available opportunities. Even in those cases where unemployed third country nationals are registered with the labour offices and a job opportunity arises, priority will be given to Hungarian citizens regardless of the fact that the third country national has been registered as unemployed for a longer period. Such favouritism of citizens against none-citizens is an example of institutionalised racism and discrimination.

Due to the precarious situation and environment that members of this particular group finds themselves in, the members of the community are forced to engage in employment on the black-market with lesser pay than the average wage¹⁸, lack of medical insurance and other employment benefits. In the longer term, this means that in case of losing a job, these people are unable to access unemployment benefits, and further to this, on reaching the retiring age, they will not have a pension. Additionally, as employees on the black market, TCNs have less legal guarantees in case the wages are not paid. The fear of prosecution for unlawful employment, and at times unlawful stay in the country dissuades TCNs from approaching the authorities for protection.

Asylum Seekers and Persons with International Protection

It is provided for in the Asylum Act LXXX of 2007 that a year after an asylum application is lodged asylum seekers can acquire the right to work in Hungary. Prior to this asylum seekers may only work within the reception centres.

¹⁷ Ethnic Minorities in Central and Eastern Europe: ILO-CEET Report No. 19 p4, 1997

¹⁸ Findings of an in-house research by ILHMC in 2008

However, the reception centres cannot provide sufficient and enough employment opportunities to all residents interested in finding a job. Additionally, employment at the reception centres is project-based, meaning that without any project funding, no work opportunity can be offered to asylum seekers.

Through its regular protection monitoring activities and Age, Gender and Diversity Mainstreaming (AGDM) participatory assessments, UNHCR has identified many obstacles encountered by refugees and persons with subsidiary protection when seeking to access employment in Hungary. Many refugees are unable to get their academic and professional qualifications and past work experience recognised by the government and professional associations due to loss or lack of relevant documentation, no access to formalised processes of certification and accreditation or because of stringent requirements for re-accreditation that might require contact with authorities of the country of origin, which in the case of refugees is not an option. They might also be unfamiliar with available recruitment, training or job placement services and programmes. As a result, many end up being unemployed or underemployed¹⁹.

Compared to other international protection status provided for under the Asylum Act, persons with the tolerated stay status do not have the automatic right to work. In order to work, they need to apply for a work permit upon sponsorship by an employer.

Statistics

The unemployment rate for Roma is estimated at 70%²⁰.

Roma unemployment is estimated at three to four times more than that of non-Roma²¹.

Cases

Three Applicants from a small town near Budapest turned to the Equal Treatment Authority (ETA) in January 2008. One of them got the phone number of the company where cleaners were wanted from the labour office of the town. He called the company that day where he was informed that they could start working the following day. At the end of the conversation the Applicant asked the manager if it was a problem that all of them were Roma then the manager stopped the conversation. The following day all the Applicants went to the labour office to explain what had happened. The head of the office called the manager of the company who said he did not want to employ Roma people because his colleagues did not want to work with them.

According to Section 5d) of Equal Treatment Act CXXV the employer shall keep the rules of the Act when employing labour force.

¹⁹ UNHCR Note on Refugee Integration in Central Europe p16

²⁰ www.minorityrights.org/?lid=5800, Accessed 2 June 2009

²¹ Estimate of the International Law Research and Human Rights Monitoring Centre

The ETA examined the enclosed documents including the written declaration of the head of the labour office and held a hearing for the Applicants and the manager of the company.

The Authority claimed that the company had violated the principle of equal treatment when they refused to employ Roma people. This practice was banned and the company was fined HUF 500.000. This decision was made public on the website of the Authority for 90 days²².

Examples of NGO Good Practice

International Law Research and Human Rights Monitoring Centre (ILRMC) initiated a project that promotes the rights of undocumented and unregistered migrant workers. Within the project ILRMC provides information on the rights of undocumented workers to both employers and employees. Additionally legal counselling is provided to migrants on a case by case needs basis.

MENEDEK association for migrants provides assistance to migrants in finding employment. The association also provides training in writing CVs and interview techniques.

V.ii Housing

There is no update statistical data readily available on the housing situation of vulnerable groups. However, lack of such data does not mean that the problem is non-existent. Civil organisations frequently carry out discrimination testing.

The inability to access good education and employment in most cases has a negative impact on access to good housing. For example persons with lower wages can only access poor quality housing on the market. Such housing is mostly found on the outskirts of cities, with no basic facilities like electricity and running water. Furthermore, there is a lack of infrastructure and the public transport networks rarely extend to the outskirts²³.

Local authorities in Hungary have in recent years sold off significant amounts of the public (including social) housing stocks, apparently in order to compensate for declining revenues, creating a situation in which Hungary may not be able in practice to meet housing needs of the poor and/or extremely poor²⁴.

²² <http://www.egyenlobanasmod.hu/index.php>, accessed 3 March 2009

²³ Anita Novák: ENAR Shadow Report 2007: Racism in Hungary p14.

²⁴ Written Comments of the European Roma Rights Centre Concerning Hungary for Consideration by the United Nations Committee on Economic, Cultural, and Social Rights at its 38th Session.

Roma

Roma are grossly over-represented among those in the region living in the deepest deprivation. The negative effects of poor housing and poor infrastructure conditions are exacerbated by residential segregation, which is a legacy of centuries of physical marginalisation that has been a characteristic feature of the Roma in the region and throughout Europe²⁵.

Roma people live in around 2,000 of Hungary's 3200 settlements. With regard to regional distribution, census data suggest the highest concentration in the regions of Northern Hungary and the Northern Alföld (Great Hungarian Plain). Although the population of Roma living in towns and cities has increased considerably in comparison to the 1970's, the majority still live in villages (60 per cent) and, within this category, in the most disadvantaged small rural settlements²⁶.

Third Country Nationals

Third country nationals often encounter discrimination because of ignorance and lack of familiarity with their rights by public and/or private landlords or because of racism and xenophobia.

For example the following advertisement appeared in a newspaper: 'To let in the green belt city of Óbuda, Hungary: 50 squared metre flat, two rooms. Built in 2002, the flat is situated in a 30 squared metre patch. Garden access, unfurnished. Disqualification: no animal and coloured skin'.

It is still common to find that the rent for Hungarians and migrants is different. Migrants are charged a higher rental fee compared to members of the host community. Further to this, landlords rarely want to issue written contracts and agree that the migrants register at the address as their temporary abode while in Hungary. Without registration, these persons are unable to access any kind of services and support received from the municipalities and local governments.

The criteria to access services are residency and registration of address of abode, for example health services provided by a general doctor.

Asylum Seekers and Persons with International Protection

Refugees face many obstacles when seeking access to adequate housing. In addition to problems associated with general shortages of affordable housing – also affecting local populations – refugees might lack sufficient financial resources, contacts or local knowledge to locate and retain affordable and decent

²⁵ Breaking the Cycle of Exclusion: Roma Children in South East Europe p27, UNICEF-Serbia 2007.

²⁶ Fact Sheets on Hungary: Ministry of Foreign Affairs Budapest, 2004.

housing²⁷. Social housing is still not accessible for the low income refugees. Such housing is available to Hungarian citizens²⁸.

The housing subsidy²⁹ provided to refugees to facilitate their movement from reception centres to private accommodations is not sufficient. Coupled with the inability to access employment, many persons with international protection are unable to make ends meet and end up being at the risk of becoming homeless shortly after leaving the reception centres.

This particular group is unable to access social housing, because access to social housing is provided for Hungarian citizens only. Further to this, the local governments and municipalities that are responsible for providing social housing to those in need, are not involved in the integration process of refugees, thus the lack of comprehension of the problem.

Statistics

100,000 seriously disadvantaged persons, mostly Roma, lived in about 500 settlements lacking basic infrastructure and often located in the outskirts of cities³⁰.

Examples of NGO Good Practice

MENEDEK association for migrants provides assistance to migrants to find adequate and affordable housing.

The Roma Civic Rights Centre continues to visit and report on cases of forced eviction and urges the local governments to provide temporary shelter to those in need.

²⁷ UNHCR Note on Refugee Integration in Central Europe p13

²⁸ Novák Anita: ENAR Shadow Report 2007: Racism in Hungary p15

²⁹ A one-time rental subsidy amounting to 171,000 HUF is provided

³⁰ According to a Ministry of Social Affairs and Labour Survey.

V.iii Education

Through the Hungarian Education Policy, Hungary aims to provide equal access to education to all, regardless of age, race, religion, nationality, membership of a particular social group and/or political opinion.

Section 4 (7) of Act LXXIX on Public Education specifically prohibits discrimination in public education³¹.

Roma

Discrimination in education against Roma has continued. 'Although Roma children often had insufficient language skills they got no special assistance in mainstream schools. Instead, they were placed in special schools for children with lower mental capacity, strongly constraining their future labour market opportunities'.³² Access to education and educational attainment of Roma is affected by direct and systematic discrimination and exclusion in education. It influences their overall conditions of life, which are invariably characterised by high unemployment, substandard housing and poor access to health services, and thus a vicious circle of poverty, exclusion and marginalisation is created that hinders their ability to participate in and benefit from education³³.

In recent years the proportion of Roma students at secondary school institutions providing a school-leaving certificate has risen from 9 to 15 per cent. One unfavourable factor, however, is that most young Roma acquire qualifications in professions where there is a little chance of finding employment. There is great underachievement in higher education, as 0.3 per cent of the Roma population holds a university or college degree³⁴.

Segregation of Roma school children remained a problem. They were often placed in remedial classes without a cause, effectively segregating them from other students. NGOs and government officials estimated that 20 percent of Roma children were in remedial programmes. Many schools with a majority of students had simplified teaching curricula. Schools where Roma constituted the majority were generally more crowded, less equipped, and in significantly worse physical condition than those by non-Roma students³⁵.

Third Country Nationals

There are no special restrictions; however there are no special facilities either in place that would improve access to education for third country nationals. Many

³¹ "any discrimination on the basis of belonging to a given race, sex, religion, nationality or ethnic minority group, or on the basis of political or other conviction on the basis of national, ethnic or social origin, financial situation, age, lack or limit of disposing capacity or on basis of natal or other situation..."

³² Ethnic Minorities in Central and Eastern Europe: ILO-CEET Report No. 19 p4, 1997

³³ Roma and Travellers in Public Education: An Overview of the Situation in the EU Members States, p7 EUMC 2006

³⁴ Fact Sheets on Hungary: Ministry of Foreign Affairs Budapest, 2004.

³⁵ www.state.gov/g/drl/rls/hrrpt/2008/eur/119083.htm, accessed 19 May 2009

migrant children in the European Union suffer from educational disadvantage in comparison to their native peers: early school leaving is more common among them and enrolment in higher education is lower. What is even more worrying is that in some countries second generation migrant pupils show lower school performance than the first generation. This indicates that the social divide may deepen over time. At the same time, there are clear signs that tendencies towards segregation along socio-economic lines intensify, as socially advantaged parents tend to withdraw their children from schools with high numbers of migrant pupils. Disparities between schools are therefore on the rise.

This situation may undermine the chances of young migrant pupils for successful integration in the labour market later in life. If migrant children leave school with an experience of underachievement and segregation which carries on in their later lives, the risk is that such a pattern is perpetuated into the next generation³⁶.

The Common Basic Principle 5 for the Immigrant Integration refers to efforts in education being critical to preparing immigrants and their descendants “to be more successful and more active participants in society”. The measures proposed include the introduction of diversity education in the school curriculum, measures to prevent underachievement and early school leaving of young people, participation in higher education and measures to address youth delinquency³⁷.

In Hungary there is no elaborated pedagogical methodology for the integration of foreign children. Institutions and the teachers do not have guidelines on how they should provide for the children of settled foreigners and refugees education standards compared to Hungarian students; moreover the domestic pedagogical training prepares future pedagogues primarily for teaching culturally homogeneous groups of children³⁸.

Asylum Seekers and Persons with International Protection

The 1951 Geneva Convention in its Article 12³⁹ calls on all States Parties to facilitate the access to education for UNHCR persons of concern. However, persons with international protection in Hungary are still unable to access higher and/or vocational education and training, because of the lack and/or inadequate information provided to them.

³⁶ http://ec.europa.eu/education/focus/focus842_en.htm, accessed 24 April 2009

³⁷ Framework for the Integration of Third Country Nationals in the European Union.

³⁸ Nemeth, Silvia and Papp Z, Attila: Analysis on the Access to Quality Education by Asylum Seeking and Refugee Children In Hungary, p36, UNHCR 2008

³⁹ “1. The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education; 2. The Contracting States shall accord to refugees treatment as favourable as possible, and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education, and in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.”

During the 2008 UNHCR AGDM participatory process it was confirmed that refugee children and young persons face a lot of difficulties accessing education in Hungary. Although they have the right to education, this right is inaccessible and/or limited by various factors. These could be attributed among others to the lack of information on the different educational schemes, limited knowledge of the language and non-existent integration structures. Additionally, it is due to the hostility of the host communities. It is common for schools to reject admission applications from refugee children, because of the hostile reaction from the parents of the majority children.

Frequent changes of place of residence during the asylum procedure and upon status recognition can lead to and foster insecurity and hinder the active participation of children in education. Problems securing a school place for refugee children in the vicinity of reception or accommodation facilities have often to been reported to UNHCR and attributed to discriminatory attitudes by school management or teaching staff or difficulties with providing documentary evidence of past educational achievements⁴⁰.

Refugees can face many difficulties with regard to access to education in Hungary. In the case of adult refugees, some might have not received or completed primary education in their country of origin; they therefore lack the basic skills and qualifications that are necessary for participation in vocational training or further education programmes and for employment in certain sectors. Those lacking basic literacy skills, usually have serious problems learning the language or other skills necessary for independent living. As for refugees with higher education qualifications, these might not be recognised because of loss or lack of documentary proof, lack of procedures to enable the competent educational authorities to make appropriate assessments or because of a requirement for verification of documentary evidence by the educational authorities of the country of origin – an option that is not available to refugees⁴¹.

Statistics

82% of Roma have eight years of education or less

5% of Roma children complete high school

20% of Roma children were in remedial programmes⁴²

20 out of 122 school age asylum seeking Children at Debrecen Reception Centre attend school⁴³

Court Cases

On November 19, the Supreme Court ruled in favor of the NGO Chance for Children Foundation (CFCF) which had brought a desegregation lawsuit against

⁴⁰ UNHCR: Being a Refugee: How Refugees and Asylum Seekers Experience Life in Central, Europe, AGDM Report 2006/07 and AGDM Report 2007

⁴¹ UNHCR Note on Refugee Integration in Central Europe, p19

⁴² <http://www.ceol.com>, accessed 23 April 2009

⁴³ Népszabadság Online – accessed 8 June 2009

the municipality of Hajduhadhaz. The ruling stated that the municipality and two of its primary schools had unlawfully discriminated against Romani children by segregating them from non-Romani students. CFCF had accused the local authorities of relegating the Romani children to separate, poorly maintained buildings where they used a simplified curriculum. Two additional CFCF lawsuits against the local authorities of Jaszlandany, Gyor, and Kaposva were pending at year's end.

Examples of NGO Good Practice

UNHCR's Age, Gender and Diversity Mainstreaming Programme in which NGOs participate has helped identify and make concrete changes to improve the situation of refugees and asylum seekers in the field, such as providing assistance in improving schooling for children.

The Inter-Church Aid a Christian based organisation has continued to provide schooling opportunities for persons granted international protection in Hungary.

The Napkerék Association organised a summer camp for Roma students with outstanding records of academic performance.

The Central European University (CEU), with the financial support of the Roma Education Fund, Sigrid Rausing Trust, and private donors offered a 9-month Preparatory Course for promising young Roma from Central and Eastern Europe.

V.iv Health

Access to health services and care for Roma and migrants, especially the vulnerable groups comprising of asylum seekers, refugees and unregistered workers, has always been very problematic in Hungary. In most cases the health workers do not treat a person if he is not a Hungarian citizen and does not hold an insurance policy. Hungarian law stipulates that in case of an emergency, all persons regardless of citizenship have access to treatment. It must be noted that the opposite happens and third country citizens are not treated⁴⁴.

Roma

The physical, economic and information-based barriers to healthcare that many Roma confront result from complex and inter-related effects of poverty, discrimination, and unfamiliarity with government institutions generally, and healthcare services in particular. The forms of discrimination that Roma

⁴⁴ Ejala William: ENAR Shadow Report 2006: Racism in Hungary p19

experience are multifaceted, depending on a variety of factors including whether a community is urban or geographically isolated⁴⁵.

Access to health services is problematic for some communities due to the fact that these communities live in geographically isolated and/or economically depressed areas. A survey conducted by the Hungarian Delphoi Consulting in 2003 revealed inequalities in access to health care affecting smaller settlements. Excluding Budapest, 5.9% of the country's population lived in a settlement without a local GP. This number was 6.1% in the case of pensioners or about 128,000 pensioners lived in settlements without direct access to a GP. In the case of Roma, figures indicated that, excluding Budapest, 18.6% of the country's total Roma population or over 100,000 individuals lived in settlements without a local GP. This situation results from the fact that Roma tend to live in small settlements, and their numbers are high in very small villages that are secluded and are becoming predominantly Roma. These settlements have no basic institutions and the non-Romani inhabitants have moved out while poorer Roma have moved in.

Research by the ERRC⁴⁶ on access of Roma to health care in 2003-2005 revealed systematic ethnically-based separation of Romani women in maternity wards in hospitals in various places throughout Hungary. In 2003, the ERRC documented forty-four cases in which Romani women were reportedly placed in separate hospital rooms from non-Romani women. In Miskolc, Borsod-Abaúj-Zemplén County, in the Vasgyári hospital, according to the testimony of one Romani woman, despite the fact that there was a free bed in a room with five other non-Romani women, the Romani woman was placed in an empty room all by herself. She stated that this was humiliating and that she felt offended. Another Romani woman from the same hospital said that the separate "Gypsy room" was not cleaned during her stay in the hospital and that the Romani women in the room had to clean it themselves. Although the data quoted refers to 2003, the situation still remains the same; hence the data is relevant to portray the current situation.

In some parts of Hungary, Roma reported to the ERRC that emergency aid services refuse to attend to their calls – ambulances are not sent or sent only after repeated requests by the patients. The ethnic background of the patient is easy to recognise by their address. Roma are grossly over-represented among those in the region living in the deepest deprivation. In a 2004 study, Delphoi Consulting found that 20.7% of adult Roma reported denial of ambulance coming on calls during weekends and nights. The denial of visits by an ambulance during night duty affects children and adults at the same ratio. Forty percent of the Roma, who live in segregated settlements with a large number of people together, experienced the denial of an ambulance visit.

⁴⁵ <http://www.eumap.org/journal/features/2002/sep02/romwomenprior/>, accessed 3 March 2009

⁴⁶ Found on www.errc.org

Asylum Seekers and Persons with International Protection

Good health is linked to many issues for successful integration and empowerment of asylum seekers and persons with international protection. The mentioned persons of concern, especially the psychological and emotionally vulnerable groups who need psychological counselling and services, including older persons, unaccompanied children, young adults, victims of violence and people with pre-existing mental health problems face problems in accessing adequate and specialised medical treatment and/or services.

The inability to access adequate health services could also be linked to lack of information, social isolation, poor Hungarian language skills and employment status.

Without basic language skills or access to interpreting and translation services, refugees are often unable to communicate with health professionals and be referred for the right to treatment. Health providers can be unfamiliar with the type of documentation used to verify refugee entitlements to health insurance and therefore might refuse to treat refugees or refer them to specialists⁴⁷.

To facilitate access to health services it is important that interpretation services are provided and that the medical staff possess the necessary skills to understand cultural and religious differences.

Statistics

25% of the Roma respondents experienced direct discrimination by health care institutions;

44.5% the Roma respondents experienced direct discrimination by general practitioners⁴⁸;

Examples of NGO Good Practice

Cordelia Foundation continues to offer psychiatric and psychosocial care to torture survivors and other serious trauma victims of organised violence coming from all over the world.

V.v Policing and racial profiling

There is ample evidence of racism in policing and criminal justice in Hungary. Cases of police brutality are regularly documented civil society organizations across Europe.

Ethnic profiling is a particular form of statistical discrimination. That is, ethnic profiling is a short-hand screening method by law enforcement personnel

⁴⁷ UNHCR Note on Refugee Integration in Central Europe, p23

⁴⁸ European Union Agency for Fundamental Rights Annual Report 2008 p85.

responding to the absence of complete information about any particular individual, whereby “statistical generalizations are made about a group of people based on their race.”⁴⁹ Thus, people from the Middle East are considered more prone to commit terrorist acts than others and Roma are considered prone to commit criminal acts, especially theft, burglary and robbery. The statistical generalizations employed by law enforcement are commonly secret (they have data but do not make it public) or implicit and highly subjective (they do not have any data, but base generalizations on broad stereotypes).

The lack of official data on discriminatory policing practices in Hungary is a serious problem and an impediment to a more serious and sustained effort to remedy discriminatory policing. The availability of reliable data about the actual practices of various actors in the criminal justice system is a prerequisite to effectively combating racial discrimination in the administration of justice. Without reliable race- and ethnic-coded data, it is difficult to prove many allegations of discrimination.

While efforts to gather statistical data on race are increasing, long standing challenges and sensitivities remain. These include the minority communities and civil society concerns about the potential for abuse of such data, the lack of legal clarity in relevant statutes, and police concerns about negative results and criticisms that might result from gathering data demonstrating profiling.

Majority of the victims are Roma and dark skinned persons.

Statistics

According to the office of the chief public prosecutor:

There were 15 complaints of police mistreatment;

10 complaints of use of force;

18 indictments⁵⁰

Roma were 3 times more likely to be stopped for identity checks⁵¹

Cases

Charges relating to an alleged attack on police officers were filed by Angel Mendoza, a Peruvian citizen, and a 14 year old friend. They were both detained in Budapest while Angela Mendoza and three other detainees were waiting in the reception of the police station, a group of policemen reportedly started to insult and hit him with batons.

⁴⁹ Rebecca Blank, MARLYN Dabady and Constance Citro (eds) *Measuring Racial Discrimination*, National Research Council, The National Academies Press, Washington DC, DATE? p. 187.

⁵⁰ In the first 6 months of 2008

⁵¹ Research conducted by Hungarian Helsinki Committee available on www.helsinki.hu, accessed 29 March 2009

Examples of NGO Good Practice

The Justice Initiative of the Open Society has carried out a Study detailing the Racial Profiling in the European Union. The publication is a good tool to raise awareness of the problem.

V.vi Racist violence and crime

Statistical data on the application of legislation in relation to racist crimes and attacks is unavailable. There is no readily available record of investigations both initiated and completed, convictions, prosecutions initiated or complaints lodged. Although racist violence and crimes are rarely reported, in the reporting year, there was an increase in attacks targeting the Roma, Jews, people of colour and LGBT persons. Majority of these attacks were orchestrated by extremist groups and far right groups like the Movement for Better Hungary, the Hungarian Guard (Magyar Garda).

During the report year a series of coordinated attacks against the Roma lead to 4 deaths and several injuries. The Hungarian Guard held several rallies against "Gypsy Crimes" in areas mainly inhabited commonly and mainly inhabited by the Roma. At these rallies the Hungarian Guard was dressed in uniforms and carried flags associated with a World War II fascist organisation, the Hungarian Arrow Cross Party.

The far right is on the march in Hungary, literally. In recent months, hardly a week has gone by without a rally being held by the Magyar Garda or "Hungarian Guard," their members decked out in black boots and uniforms bearing nationalist symbols last employed by Hungarian fascists during World War II. Their target: Romani (gypsy) criminals and those who want to integrate Romani children into the country's schools. Their rallies usually take place in communities with a large Roma population, where they style themselves as protectors of ethnic Hungarians. "Roma criminality is a huge problem in Hungary that's been swept under the carpet," says Zoltan Fuzessy, a spokesman for Jobbik, a far-right political party whose leader, Gabor Vona, is also the leader of Magyar Garda. "The number of our supporters is growing day by day⁵²". This clearly shows that Roma are often viewed as scapegoats for broader societal ills.

In one incident two women were attacked and beaten up by two sympathisers of the Hungarian Guard, who openly stated that they assaulted the women because they were Roma. The attackers are yet to be sentenced.

In October of the reporting period there was an acid attack at the Budapest Jewish Theatre. The attack on the theater is the latest – and most aggressive – in a string of incidents raising alarm bells in the Jewish community.

⁵² <http://www.csmonitor.com/2008/0213/p07s02-woeu.html>, accessed 1 June 2009

During the gay parade in July of the reporting year, the marchers were subjected to verbal and physical attacks and abuse from counter-demonstrators, majority of whom were from the extreme right⁵³. It is further reported that on June 27 and July 2, unknown perpetrators throw Molotov cocktails into a bar and bathhouse commonly used by LGBT in Budapest⁵⁴. The police were present but reportedly took virtually no action. Criminal procedures against eight alleged perpetrators were initiated, and remained pending at the end of the year⁵⁵.

Statistics

20 reported incidents involving firearms and explosives targeting Roma;
2 attacks with Molotov cocktails and gunfire; and a hand grenade leading to the death of 4 Roma;
365 reports of vandalism or destruction of Jewish and Christian properties⁵⁶;
57 antigay protestors arrested during the gay parade;
14 persons injured during the gay parade violent provocations⁵⁷.

Cases

In June 2008, the Budapest Municipal Court upheld the Public Prosecutor's Office's decision disbanding the Hungarian Guard Association for abusing the right to form an association and for conducting activities that violated the freedom and rights of the Roma population.

In March 2008 the Hungarian soccer federation fined Debrecen VSC for anti-Semitic chants made by the team's fans in a game against MTK Hungaria.

Examples of NGO Good Practice

The Hungarian Helsinki Committee (HHC) provides free legal assistance to those whose human rights have been violated.

The International Law Research and Human Rights Centre (ILRHMC) continues to provide legal counselling to victims of racist violence.

On 9 May 2008, the Prime-Minister announced the formation of the Democratic Charter, a new movement dedicated to combating violence and halting extremism.

V.vii Access to goods and services in the public and private sector

Vulnerable groups, especially Roma, persons of colour and LGBT persons continue to be denied access to goods and services in the public and private

⁵³ Antigay demonstrators verbally abused parade participants, threw eggs, cobblestones, gas grenades and Molotov cocktails.

⁵⁴ www.state.gov/g/drl/rls/hrrpt/2008/eur/119083.htm, accessed 19 May 2009

⁵⁵ <http://www.amnestyusa.org/annualreport.php?id=ar&yr=2008&c=HUN>, accessed 15 May 2009

⁵⁶ According to Police Records.

⁵⁷ <http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119083.htm>, accessed 19 May 2009

sector, because of their background, colour, nationality and/or ethnicity. Inability to access such goods and services could be in two ways: the direct denial of access to particular goods and services and/or the lack of information on how to access goods and services in the public and private sector.

Roma

Access to public services is as complex as that of private services. Roma sometimes have no access to information about attaining social services, and thus, social benefits in isolated areas. Additionally, poverty isolates these communities to the point where service providers sometimes cut off whole communities, partly for being poor but also for being “gypsy”. Not unlike South Africa, whole Roma neighborhoods are left without electricity, gas, or water when a service provider decides that many of the inhabitants cannot afford the services. According to official statistics, there are around 500,000 to 600,000 Romani people living in Hungary, this would constitute approximately 5-6% of the country’s total population. However, the general consensus among the NGO sector is that this number is closer to 8-10%. The denial of services to these families represents a great gap in the service sector and effects children, women and men in an irrevocable way⁵⁸.

Persons of Roma origin rarely have access to loans, because they cannot fulfil the criteria to acquire such services. In most cases they have little or no income, and lack identification. The inability of the Roma to access education, employment, and adequate housing has an impact on their capability and ability to access loans from financial institutions.

A number of local governments and municipalities have introduced initiatives that link access to social benefits to community work and participation. In this way, all Roma that do not accept the jobs offered to them by the local government are denied the regular social benefits.

It is still a common, however a decreasing feature that Roma are denied access to entertainment clubs, restaurants and hotels.

Though the number of asylum seekers has slightly decreased, the number of Roma asylum seekers from Serbia including Kosovo and Bosnia and Herzegovina has drastically increased. It has been noted that no civil organisations are working with the Roma at the reception centres. Roma are secluded, with hardly any services, including legal counselling and education services being provided.

Third Country Nationals

Third Country Nationals face the same problem as Roma, asylum seekers and persons with international protection. They face the same difficulties as the Roma in accessing both public and private services.

⁵⁸ Holbrook, Esther and Ejalu William: ENAR Shadow Report 2005: Racism in Hungary p32

Asylum Seekers and Persons with International Protection

Security concerns have also come to the forefront, particularly since the terrorist attacks of 11 September 2001 in the U.S. These concerns have contributed to the use of a more restrictive approach due to fears that terrorists might rely on the asylum route to obtain access to foreign territory. Hungary has thus started to focus more on restricting access to asylum and facilities accorded to asylum seekers, as well as to take a more restrictive approach in interpreting and applying the definition of refugee, particularly with respect to the exclusion clause.

The guardianship/child welfare system and structure is one of the most problematic elements of the Hungarian asylum system. It is not suited to cater for unaccompanied minors (UAC), in particular, such cases as when the appointed legal guardian cannot be reached during the asylum procedure, when a decision pertaining to the minor needs and/or has to be made. There is no possibility a substitute guardian in such cases.

This puts the UAC at a disadvantage and deprives him/her of the right to a fair judicial procedure in itself, a violation of a constitutional right.

Cases

In a small town the bodyguards did not let in the disco the claimants who belong to the Roma minority. One of the claimants' friends who did not belong to this minority once accompanied them to the disco. The bodyguards let him in, but refused to let in the Roma. Asking why they could not step in the dancing room, the answer was that they needed a special identity card. Asking where they could buy this card, answer was, at the local government. The ETA investigated this case thoroughly, heard several witness statements and it consequently turned out that this kind of special identity card did not exist at all, the bodyguards refused to let the claimants in just because of their Roma identity. The Authority has established that the claimants were discriminated because their ethnic origin, therefore the owner of the disco was fined of 450.000 HUF⁵⁹.

Examples of NGO Good Practice

The Office of the ombudsman continues to investigate and issue recommendations and reports on matters and cases when constitutional rights are infringed.

UNHCR through its implementing partner HHC under the Border Monitoring Project tries to make sure that asylum seekers have access to the territory and refugee determination procedure.

⁵⁹ <http://www.egyenlobanasmod.hu/index.php>, accessed 10 May 2009

V.viii Media, including the internet

In the past few years the media's handling of the far right has changed for the worse. For one thing “passive prejudice” in the media has increased: after 2006 the media provided radicals an ever larger platform to express their ideas directly without challenge, making radical thinking and ideology ‘palatable’ to the general public. Due to the novelty of far right actions and an understanding of the journalist’s role locked in the logic of infotainment, in most cases the media is unable to assist the viewer in analyzing events and interpreting information. On the other hand, in some media “active prejudice” has gained acceptance, i.e., in media outlets not specifically targeting a radical audience, reports, opinions and comments generating discriminating and racist attitudes are becoming increasingly common. The main weapon of a resurgent far right is precisely a deliberate and effective use of the media meeting current needs, aside from its sympathizers, addressing mainstream society. Thanks to the success of media-savvy actions the social role of the far right points far beyond the actual potential of specific organizations and personalities. The figureheads of the radical scene make a deliberate use of mainstream media; with a good sense of proportion they had identified a tone in delivering their extremist ideas. For them public appearance is not only a means of disseminating ideas and concepts they consider important (e.g., “Gypsy crime”), but it is also a tool of political power: individuals embraced by the media find it also easier to have themselves accepted within the radical community⁶⁰.

Private radio, television stations, and print media are among the most widely used vehicles for dissemination of racist rhetoric. Web-sites⁶¹ and newspapers⁶² linked to far right and/fascist continued to publish anti-Roma, anti-Jewish and anti-foreigners sentiments.

Generally, the Internet is an unrestricted and unregulated domain. Items can be posted anonymously and ideas can spread quickly. The Internet also provides a convenient means for networking among individuals with extreme views who, in the past, might never have had the chance to communicate⁶³.

The newspapers Magyar Demokrata and Magyar Forum continued and still continue to publish anti-Semitic articles. There were several extremist Hungarian language web sites, many of which were openly anti-Semitic. At least two web-sites regularly published verbal attacks against the Jewish community and repeatedly called for physical violence against Jews⁶⁴.

In August a weekly satirical newspaper published a cartoon which depicted Roma as unemployed lawbreakers who terrorise hard working non-Roma.

⁶⁰ <http://www.budapesttimes.hu/content/view/9573/219/>, accessed 18 May 2009

⁶¹ www.kurucinfo.hu, www.jobbik.hu

⁶² Magyar Demokrata, Magyar Forum, Magyar Hirlap, Nemzetor, Barikad

⁶³ <http://www.state.gov/documents/organization/102301.pdf>, accessed 19 May 2009

⁶⁴ www.state.gov/g/drl/rls/hrrpt/2008/eur/119083.htm, accessed 19 May 2009

On March 18, an openly anti-Semitic op-ed was published in *Magyar Hirlap* (MH), a conservative mainstream national daily. The author Zsolt Bayer said in the article that "back in 1967 the Jewish journalists of Budapest were vilifying Israel. Today the same Jewish journalists of Budapest are vilifying the Arabs and [main opposition] Fidesz, and us all. Because they hate us more than we hate them ... their mere existence justifies anti-Semitism⁶⁵".

Following an acid and faeces attack at a Budapest Jewish Theatre, a short movie circulated on Tomcat's⁶⁶ blog, made during and after the attack, one of the masked attackers openly admitted he was a "racist."

⁶⁵ <http://www.state.gov/g/drl/rls/irf/2008/108450.htm>, accessed 19 May 2009

⁶⁶ Known far-rightist

VI. Political and legal context

VI.i Anti discrimination

The Constitutional Court rejected amendments to the civil and penal codes, which criminalised incitement targeting a minority group. The Court decided that such amendments infringe the freedom of speech⁶⁷. The Parliament adopted two legal measures in 2007, to criminalise offensive remarks in cases where the insult is aimed at a person's ethnic, racial and/or religious affiliation and background and not the individual person.

However, it should be noted, as reported in 2007, 'Hungary has acceded to almost all the important international and European human rights instruments. The principle of equal treatment and non-discrimination is enshrined in Article 70/A of the Constitution and in various national legislation. Article 70/A (1) provides that human and civil rights shall be respected and no one shall face discrimination on the basis of race, colour, gender, language, religion, political or other opinion, financial situation, birth or on any other grounds'.

The Parliament passed a bill which will allow same-sex couples to register civil partnerships starting in 2009. The law gives the same rights to registered partners as to spouses, except for adoption.

Anti-discrimination law in Hungary offers strong protections, in particular through the Equality Treatment Act and some amendments to the Civil Code. The Equal Treatment Authority has taken an active role in the prevention of discrimination, while courts have sanctioned violations not only consistently, but strategically. Still, these protections too often do not act as sufficient disincentives for potential employers, and Roma job-seekers usually know too little about the protection mechanism available to them.

The Equal Treatment Authority is proving to be one of the most proactive equality bodies in Europe in its support for victims of discrimination. Hungary's Equal Treatment Authority is noteworthy for its far-reaching powers in support of victims of discrimination. It may intervene in the judicial review of administrative decisions. It may also act as a representative of a victim of discrimination before the courts, and can take legal action in the public interest to protect the rights of persons and groups.

⁶⁷ On 30 June 2008, the Constitutional Court ruled in favour of President Solyom's veto of a hate speech law stating that the right to free speech cannot be denied solely because comments are offensive to others.

In practice, there is a lot to be done by the authorities to eliminate discrimination in all forms. One of the hindrances is the lack of interagency cooperation and coordination among the different authorities, bodies and Ministries involved. For example, in order to provide access to education without any form of segregation and/or discrimination there is a need for all providers to cooperate and coordinate their activities. To facilitate access to education for refugee children, there is a need to coordinate between and/or among the Ministry of Justice and Law Enforcement (MJLE), the Office for Immigration and Nationality (OIN), the Ministry of Education and the local municipalities for example.

Additionally, information on the mechanisms available to victims of discrimination must be shared with the vulnerable groups. There is a need to have information points in strategic places. Antidiscrimination mechanisms are only effective if they are accessible to the victims. In order to access the mechanisms, the victims ought to know about the existence of these particular mechanisms.

There is an urgent need to involve representatives of the vulnerable groups as equal partners in all endeavours that are meant to benefit the groups. A sense of ownership effectively leads to the promotion of needs based initiatives and programmes.

VI.ii Migration and integration

It is evident that there is still lack of political will to openly advocate and put in place initiatives that would facilitate the integration of immigrants. Politically, more emphasis is put on the issues and matters pertaining to the Hungarian communities/minorities and populations residing in the neighbouring countries.

Hungary has faced increasing challenges with a *de facto* lack of integration among migrant communities more generally. A number of different events, including protests and demonstrations by asylum seekers, have served to highlight the extent to which integration of migrant communities has been challenging.

The integration of immigrants and their children is a task that must primarily be carried out at local level, but only on condition that the towns and cities can effectively contribute to the state's migration and integration policies, which determine the immigrants' legal status. Legal status, access to education, job market integration and access to social security systems are central parameters for the integration of migrants⁶⁸.

Another limiting factor to effective integration structures is the deeply entrenched negative stereotypes and attitudes of the Hungarian society. According to a survey by Tarki, 25 - 30% of the Hungarian population can be considered openly

⁶⁸ Foreigners' Integration and Participation in European Cities: Proceedings: Stuttgart, Germany 15-16 September 2003, p23 Council of Europe Publishing

xenophobic. This percentage does not accept the entry and presence of migrants in Hungary.

Starting 2008, the European Integration Fund (EIF) funded projects aiming to facilitate the integration of However, it must be noted that, although this is a positive step forward, in none of the projects have TCN been involved as implementers and/or equal partners. TCN are rather considered as subjects and objects of the projects. Additionally, a review of the winning project proposals by ENAR Hungary national coordination shows that very little of the resources trickle down to the target audience, but majority of the cases more than 80% of the funds are spent on administration of the projects.

A review of the immigration laws⁶⁹ by various stakeholders in 2008 showed that the implementation has been discriminative. TCN with family members who are Hungarian citizens are provided with a resident card and/or permanent resident card. However, this card is not valid on its own, but with the holder's passport. Many institutions including banks do not provide services, for example loans to holders of such kind of cards, because of the difference between such identification documents and those issued to other resident.

Hungarian legislation provides the possibility for family reunification for migrants. Nevertheless the process and procedure is very restrictive. For example, under the law a family member means husband/wife, minor child (including adopted child and the child of the spouse), parents (in case of refugees and beneficiaries of subsidiary protection under 18 years of age), otherwise only economically/socially dependent parents; and brothers/sisters or other direct-line relatives if they cannot provide for themselves due to health reasons.

Further to this, refugees coming from Somalia and Iraq are finding it very difficult to reunite with their families because the Hungarian Government does not recognise the national passports of their countries of origin, and at the same time does not provide any kind of temporary travel documentation to the concerned groups.

Under the Asylum Act, it is not provided for as to which body or authority is to assist in the relocation of family members to Hungary, and neither is funding provided. Therefore, even though an applicant's family may get a visa, financial implications may hinder their physical movement to Hungary.

⁶⁹ Act I of 2007 on the Admission and Residence of Persons with the Right to Free Movement and Residence, and Act II on the Admission and the Right of Residence of Third Country Citizens.

VI.iii Criminal justice

VI.iii.i Racism as a crime

The reporting period was characterised by the economic crisis, which in the long run had a negative impact on the human rights situation. The depressing economic situation led to the rise and increase in nationalistic and far-right organisations. These groups like the Hungarian Guard (Magyar Garda), Jobbik and the 64 Counties Youth Movement had anti-Roma, anti-foreigners and anti-Semitic tendencies. This led to a rise in racist violence and attacks against the Roma and property owned by Jews and Jewish organisations. A number of Roma homes and families were attacked leading to the death of Roma people, including a father and son. It is suspected that these attacks were racial motivated. The police are yet to find the perpetrators and solve the crime.

Statistical data on the application of legislation in relation to racist crimes and attacks is unavailable. There is no available record of investigations initiated or completed, convictions, prosecutions initiated or complaints lodged.

The Constitutional Court rejected amendments to the civil and penal codes, which criminalised incitement targeting a minority group. The Court decided that such amendments infringe the freedom of speech⁷⁰. The Parliament adopted two measures in 2007, to criminalise offensive remarks in cases where the insult is aimed at a person's ethnic, racial and/or religious group and not the individual person.

VI.iii.ii Counter terrorism

In the report period, there was no reported negative impact on any ethnic and religious community due to counter terrorism laws and measures.

VI.iii.iii Racial profiling

Racial profiling is still common within the law enforcement forces. However, the Hungarian police force is recruiting more officers from minority groups, especially the Roma, and at the same time directing communicating with these particular groups to improve on the relations between the police and the groups.

VI.iv Social inclusion

There are initiatives and programmes⁷¹ that have been put in place to facilitate the inclusion of vulnerable groups, especially the Roma. However there is still a lot to be done to empower the Roma minority.

⁷⁰ On 30 June 2008, the Constitutional Court ruled in favour of President Solyom's veto of a hate speech law stating that the right to free speech cannot be denied solely because comments are offensive to others.

⁷¹ For example the START programme that facilitates employers employ disadvantaged persons

The integration problem for Roma has now become a cardinal issue in Hungary. Confronting existing cultural and ethnic tensions is in Hungary's primary interests, or the problem will become unmanageable. If the present democratic political elite does not start to speak honestly, the anti-democratic political forces, as yet unrepresented in parliament, will gain political ground. Secondly, the ethnic tensions could mostly threaten those Roma with a job, who make sacrifices for their children's education. As a result, the opportunity will be lost for new elite to emerge within the Gypsy community, which could set, from the perspective of co-existence, a positive model for all sides to follow⁷².

In June 2007, the Parliament approved a resolution on the Decade of Roma Inclusion Programme Strategic Plan, setting a framework for action in a series of fields where Roma experience discrimination and disadvantage in daily life. This resolution complements a large number of measures that have been taken in recent years that may serve to improve the situation of Roma in fields such as education and employment. Particularly wide-ranging measures have been taken in the field of education, with steps to address segregation through facilitating the access of multiple disadvantaged children to kindergarten, introducing stricter requirements on the manner in which local authorities draw the boundaries between catchment areas or may organise the composition of classes within schools, and the drawing up of a new cognitive tests designed to take better account of cultural differences and socio-economic disadvantage in testing children's development. Some landmark decisions of courts in this field have also been handed down in recent years, including on the basis of the provisions of the equal Treatment Act⁷³. A number of measures have also been taken to increase the number of Roma employed in the police force⁷⁴.

The Ministry of Social Affairs and Labour has started a number of initiatives that aim to reduce the exclusion of the Roma from the labour market⁷⁵. In co-operation with the labour offices and centres a Roma Employment Network with a Roma officer was appointed at each labour office in order to facilitate the exchange of information and advice to Roma clients.

⁷² <http://www.budapesttimes.hu/content/view/11077/230/>, accessed 18 May 2009

⁷³ The Budapest Court of Appeal delivered a judgement in October 2004 against the local authorities and a school in Tisztarjan. The Court found that these bodies had wrongly kept a number of children – mostly Roma – in separate classes of a lower academic standard for several years, without any legal or medical basis. The families of the children were awarded 650 000 HUF in compensation.

⁷⁴ ECRI Hungary: Adopetd 20 June 2008

⁷⁵ For example the Start-Extra programme, targeting long term unemployed who are either 50 or have completed no more than 8 years of school education.

VII. National recommendations

VII.i General

- All initiatives and action plans should correspond to the needs of the target groups.
- Informal education to raise awareness about other people and cultures should be promoted and encouraged.
- Funding for activities promoting multiculturalism should be availed.
- Vulnerable groups must play a leading roll in activities promoting the respect of human rights.

VII.ii Anti discrimination

- National and local politicians need to take the lead in condemning discrimination and/or racist violence and behaviour.
- Training on human rights, cultural awareness and anti-discrimination should be introduced, continued and/or evaluated to facilitate improvement.
- Educational institutions should be actively involved to public awareness initiatives and campaigns.

VII.iii Migration and integration

- The government must support programs (campaigns shaping attitudes and personal encounters in the framework of school training, etc.) promoting the larger social visibility of minorities (especially of immigrants and homosexuals).
- Integration intervention should target both the vulnerable groups and local communities.
- The Government should revise the current temporary guardianship system for unaccompanied minors in order to ensure that sufficient numbers of trained guardians are available to carry out their duties for unaccompanied minors in a responsible manner and that more emphasis is given to the appointment of permanent rather than temporary guardians.
- Training should be provided for guardians for unaccompanied minors to clarify their role and to ensure that the exercise of their duties complies with Hungary's civil code and international standards.
- Ensure that migrants have access to information.
- Initiatives and mechanism that raise awareness for persons dealing with migrants should be initiated.
- Open discussion of migration related issues should be encouraged.
- Integration measures need to ensure migrants' equal status on the labour market

Statelessness:

- Facilitate the authorization of citizenship in the country of residence
- Establish more simplified procedures for the most vulnerable groups such as stateless children or older people
- People need to understand the situation they are in to know how to proceed – NGOs should therefore raise awareness by producing for .e.g. information leaflets on statelessness with information on what to do and where to go, not only for the persons affected by this issue, but for governments and agencies to know how to deal with the problem and to avoid misinformation and wrongly advising individuals
- Establish a flexible approach to integration programmes to adequately address the differences between different groups
- Facilitate a cross-agency coordination in order to address the issue to all relevant institutions and stakeholders
- Ensure the use of a rights based approach

Refugees:

- Ensure that anyone who is given international protection should have access to the full set of rights for integration
- NGOs should be more professional, more targeted, and more client-friendly
- Professional assistance and training should be provided for NGOs and organizations working on these issues
- A coordinated stakeholder approach to refugee issues is needed
- Language classes should be provided according to the needs of refugees – these classes should go beyond basic language needs to promote integration
- Refugees need to be encouraged to be more involved in their welfare, set up their own organizations and ask about their rights
- Encourage governments to include representatives of refugee organizations on the committees that decide on funding allocation
- Ensure that sufficient funding is available to facilitate integration
- Independent funding - not national funding – is of crucial importance
- Refugees should have privileged access to citizenship
- Training should be provided for host countries to understand refugee issues and promote tolerance
- Ensure the facilitation of family reunification for refugees

VII.iv Criminal justice

- A community police should be created to bridge the gap and improve understanding between the police forces and communities served.
- The police should be involved in the promotion of public awareness on racial discrimination.

- Vulnerable communities should be actively involved in public awareness campaigns against racism.
- Campaigns against racist violence should be a cross-agency activity, involving both the law enforcement bodies and the victim groups.

VII.iv.i Racism as a crime

- Condemn racist acts when they occur and make clear that there is zero tolerance for violent hate crimes;
- Strengthen the national criminal code to cover all forms of bias-motivated violence;
- Provide adequate training to police and prosecutors to investigate and prosecute cases;
- Authorities should work in partnership with victims, their communities and civil organisations;
- There is a need to improve monitoring, data collection and public reporting in order to ensure accountability of law enforcement and sound public policy;
- More people with ethnic backgrounds should be employment within the police and enforcement forces;
- Prosecute internet providers that allow their infrastructure to be used to publish hate and racist speech.
- The States should provide compensation for victims of racist violence and attacks.

VII.iv.ii Counter terrorism

- Counter terrorism measures should not impede access to the territory of Hungary or those in need of international protection

VII.iv.iii Racial profiling

- Introduce specialised training on laws against racially biased policing;
- Recruit more minorities into the law enforcement forces.

VII.v Social inclusion

- Roma, migrants and other target groups should be equal partners in all initiatives and not just subject and objects of the initiatives.
- NGOs need to network and effectively cooperate to facilitate implementation of initiatives.
- The target groups should be consulted and involved in the planning of action programmes. This creates ownership, hence facilitating implementation.
- Initiatives should be cross-border involving all stakeholders, both public and private.

I

VIII. Conclusion

After more than 15 years since the political changes that started in the late 80s, Hungary has not been successful in fully integrating the Roma minority and in putting in place structures that could facilitate the inclusion of migrants.

Unfortunately, but not unexpectedly 2008 witnessed the re-emergence of extremist and far-right agenda and organisations. These organisations took advantage of the sense of insecurity felt by the populous, due to the economic turmoil, to repackage their racist messages. Instead of addressing the root causes of the economic crisis, Roma were taken as scapegoats. The economic decline was blamed on Roma criminality and dependency on the national social support system. This culminated to the increase in racist attacks and violence targeting Roma; and Jewish property.

Migrants continue to face dysfunctional and an underdeveloped integration structures. The economic crisis has further darkened the prospects for migrants to access employment, adequate and affordable housing, health services and access to both public and private services

The media has continued to provide radicals an ever larger platform to express their racist and xenophobic ideas at the detriment of the rights of other members of the society and community.

The above illustrate that, there is an urgent need to engage and involve local host communities, local governments and municipalities and private bodies and entities in the integration, social and economic inclusion process of the vulnerable groups. Such engagement will lead to a better understanding of the vulnerable groups and facilitate their integration.

The political elites and political parties must play a role in curbing down the raising negative attitudes towards the Roma and migrants. Tacit support provided by opposition parties to radicals with the aim of gaining votes and support at the coming elections should not and is unacceptable. Racism has not place in modern Europe.

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X. Annex 1: List of abbreviations and terminology

- AGDM - Age, Gender and Diversity Mainstreaming
- CEU – Central European University
- ENAR Hungary – European Network Against Racism National Co-ordination in Hungary
- ERRC – European Roma Rights Centre
- ETA – Equal Treatment Act (Hungary)
- HHC – Hungarian Helsinki Committee
- HUF – Hungarian Forint (Currency)
- ILRHMC – International Law Research and Human Rights Monitoring Centre
- KSH – National Central Statistical Office (Hungary)
- LGBT - Lesbian, Gay, Bisexual and Transgender
- MENEDEK – Hungarian Association for Migrants
- MJLE – Ministry of Justice and Law Enforcement
- MSZP – Hungarian Socialist Party
- NEKI – National and Ethnic Minority Office
- OIN – The Hungarian Office for Immigration and Nationality
- OSI – Open Society Institute
- TCN – Third Country Nationals
- UNHCR – United High Commissioner for Refugees



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