



**Written Comments of the European Roma Rights Centre  
Concerning Hungary**

**For Consideration by the  
United Nations Committee on the Elimination of Discrimination against  
Women  
at its 39<sup>th</sup> Session.  
(July 23-August 10, 2007)**

**Acknowledgement:**

The ERRC is grateful to the 124 Romani women throughout Hungary who gave their time and stories in preparation for this report.

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## 1 Overview

- 1.1 The European Roma Rights Centre (ERRC)<sup>1</sup> provides this parallel report<sup>2</sup> to the United Nations Committee on the Elimination of Discrimination Against Women (hereafter “Committee”), commenting on the Sixth Periodic Report of Hungary, submitted under Article 18 of the United Nations Convention on the Elimination of All Forms of Discrimination against Women (hereafter “Convention”).
- 1.2 This submission is based mostly upon factual research conducted by the ERRC with a mixed team of Romani and non-Romani women researchers, into the situation of Romani women in Hungary. Unless otherwise specified, the information included in this report refers to the findings of this research.
- 1.3 The need for a specific shadow report on the problems experienced by Romani women in Hungary<sup>3</sup> flows from the numerous and serious problems that Romani women face with regard to their status within society as well as within their domestic/family environments, the lack of disaggregated data on the basis of sex and ethnicity and the lack of elaborated policies and programmes to address the specific situation of Romani women in the State report.<sup>4</sup>
- 1.4 The research on which this report is based has confirmed that multiple and/or intersectional discrimination against Romani women is pervasive in Hungary. This is worrying in light of the fact that the Hungarian government has adopted several policies and laws to address the general situation of Roma in Hungary; clearly, these initiatives have not resulted in the desired improvement of the situation of Romani women.
- 1.5 This report aims to highlight key areas of concern for Romani women related to human rights enshrined in the Convention. It is the intention of the ERRC that this report will assist the Committee in arriving at a complete and more representative assessment of Convention matters concerning Romani women and will provide recommendations to the Hungarian government for improving the situation of Romani women in Hungary.

## 2 Executive Summary:

- Roma continue to be affected by widespread poverty, segregation in the areas of housing and education, lower school attainment levels, high unemployment rates and limited access to health care as compared to the majority population, often the result of prevalent discrimination.
- Romani women suffer multiple discrimination on the basis of sex and ethnicity. Policies adopted by the Hungarian state to improve the situation of women and Roma in the country have not yet resulted in substantive improvements in the situation of most Romani women.

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<sup>1</sup> The **European Roma Rights Centre (ERRC)** is an international public interest law organisation engaging in a range of activities aimed at combating anti-Romani racism and human rights abuse of Roma. The approach of the ERRC involves strategic litigation, international advocacy, research and policy development and training of Romani activists. The ERRC is a cooperating member of the International Helsinki Federation for Human Rights and has consultative status with the Council of Europe, as well as with the Economic and Social Council of the United Nations.

<sup>2</sup> This report was prepared with financial support from the Hungarian National Civil Foundation.

<sup>3</sup> For more information about the general situation of women in Hungary, please see the shadow report of the Hungarian Women’s Lobby May 25, 2007 on the realization of the Convention on the Elimination of All Forms of Discrimination Against Women in Hungary incorporated with the critical examination of the sixth periodic report of the Hungarian government present at the 39th session of the CEDAW Committee of the UN. On file with the author.

<sup>4</sup> Available at: <http://www.un.org/womenwatch/daw/cedaw/39sess.htm>.

- There is currently a lack of policies addressing the specific situation of women and the needs of Romani women are not sufficiently taken into consideration when designing policies which to improve the position of women and the Romani community in Hungary.
- Although some Roma have benefited from policies undertaken so far by the Hungarian government, in some Roma communities there has been no improvement at all.
- There is a dearth of information disaggregated by gender and ethnicity, without which adequate policies to address the situation of Romani women cannot be designed.
- Mechanisms to address discrimination (such as the Equal Treatment Authority) are rarely used by Romani women. Romani women are hardly represented in political mechanisms that represent the Romani minority (minority self-government) and are not represented at all in mechanisms that represent women in general.
- Although some Romani women have broken into the public sector, most of them are employed in Roma-specific positions.
- Romani women are overrepresented in female prison population
- It is widely believed that Romani girls and youth are also overrepresented in child institutions.

#### Violence Against Women:

- 42% of the Romani women who responded to questions about violence had suffered or currently suffer domestic violence. In only 20% of the cases did the victim seek police assistance. In only 1 of 7 cases did the police responded effectively.
- Violence against Romani women is pervasive and takes place within and outside the Romani community. Violent attacks on property were noted to be of major concern during research.
- There is a lack of mutual trust between Romani women and the police.
- Romani women reported being the targets of police surveillance and harassment, which results in a lack of reporting of violent incidents by Romani women.
- The State has failed to create an adequate environment in which victims of violence against women feel able to come forward, as well as an effective support network by which those victims would be able to obtain help and report cases of violence.

#### Education:

- Romani women have disproportionately low education attainment levels compared to the majority society, and Romani men.
- Government policies and plans to improve the education situation of Roma do not account for the effects of gender considerations.
- Romani girls and youth face verbal and physical harassment by classmates and teachers. Teachers rarely punish these practices, even when reported by Romani parents.
- The combination of poverty, patriarchal attitudes and early childbearing continue to have an impact on the number of years that Romani girls and youth attend school.
- These barriers are further exacerbated by the common practise of placing Romani children in special schools for the mentally disabled on the basis of inadequate categorising by medical commissions.
- Furthermore, school segregation along ethnic lines in different schools or in different classrooms within the same school has increased in the last years.

#### Employment

- Romani women face extremely high unemployment rates compared to Romani men and the majority society. Factors that contribute to the current situation are:
  - Direct discrimination during the hiring process.
  - Lack of employment opportunities as a result of childcare responsibilities and low school attainment levels.

### Health

- The life expectancy of the Romani community is estimated to be 10 years below the national average. Factors contributing to the poor health of Romani women include:
  - Direct discrimination and degrading treatment in the form of extortion, neglect, verbal abuse and segregation in maternity wards.
  - High levels of poverty in which many Romani women live means that they cannot afford to pay for their medical treatment, particularly since the recent introduction of a “visiting” fee.
- Extremely harmful practises, including coerced sterilisation of Romani women, have taken place in the past and Hungarian law has not been amended to guarantee fully informed consent in *all* cases of sterilisation absent informed consent.

### 3 Recommendations:

- The government should take measures to increase implementation of anti-discrimination law.
- In close cooperation with Romani non-governmental organisations and other stakeholders, and taking as a basis existing relevant data, systematically collect, and make available in a form readily-comprehensible to the public, data disaggregated by sex and ethnicity in areas of relevance to the social inclusion of Romani women.
- Without delay, ratify the Revised European Social Charter and the 1995 Optional Protocol Providing for a System of Collective Complaints and fully ratify Article 7 (the right of children and young persons to protection), Article 12 (the right to social security), Article 18 (the right to engage in a gainful occupation in the territory of other Contracting Parties) and Article 19 (the right of migrant workers and their families to protection and assistance) of the European Social Charter as well as Article 4 (the right of elderly persons to social protection) of the 1988 additional protocol.
- Recognise multiple discrimination in current and future policies and take concrete and effective steps to prevent and counter the effects of multiple discrimination faced by Romani women.
- Ensure that all existing laws and policies - as well as future laws and policies – adequately account for gender equality and include provisions for preventing and addressing the multiple barriers female members of minority groups face in exercising their fundamental human rights.
- Without delay, adopt and implement measures, including but not necessarily limited to codes of conduct and job performance reviews, for the prevention of discriminatory and degrading treatment of Romani women by public officials, including teachers, doctors, medical personnel and police officers and other law enforcement officials, amongst others.
- Increase awareness among Romani women of the available mechanisms to redress discrimination;
- Ensure the meaningful participation of Romani women in relevant Roma-related and women-related decision making processes.
- Engage Romani women in electoral and administrative bodies and election campaigns;
- Mainstream and increase representation of Romani women by actively employing them in the government administration.
- Take all necessary steps, policy and financial, to improve the housing conditions of Romani families which have a detrimental impact on the health of Romani women and children; with a particular focus in those areas that have been ignored for years.
- Without delay, end all policies and practices of forced eviction of Roma and provide remedy to victims, in accordance with Hungary’s international law obligations.
- Organise campaigns in Romani communities to speak about equality between men and women in a form acceptable to the culture of the community and in Romani language where necessary.
- Review the criminal justice system to evaluate if and where racial profiling or other examples of discrimination take place.
- Urge the application of alternative sentencing to reduce imprisonment of women and men for non-violent crimes.
- Introduce legislation that makes it obligatory to use alternative sentencing in case of women who have small children, and only committed non-violent crimes such as theft.

- Dedicate funding for preparation for release within prisons, and for re-socialisation services after release and ensure adequate funding for vocational training courses within prisons.
- Take particular steps to documents rates of remand of children into state care, with a view to ending all discriminatory treatment or outcomes in these procedures.

#### Violence Against Women

- Encourage victims of violence, especially Romani women, to seek assistance and bring complaints against the perpetrators of violence, such as through awareness raising about recourses and the use of mechanisms provided by specialised bodies, with assurances that confidentiality will not be compromised on account of bringing a claim.
- Ensure the implementation of effective procedural guidelines for assisting victims of domestic and other forms of violence, and train law enforcement officials and other relevant state actors to adequately and sensitively act in cases of violence against women.
- Provide law enforcement officials and other state actors which assist victims of violence with anti-racism and anti-discrimination training in order to effectively assist Romani women, and other women from disadvantaged groups who are experiencing violence.
- Widely publicise the outcomes of these measures as a step towards increasing trust in state officials and processes to encourage Romani women to report incidents of violence and seek assistance.
- Without delay ensure that a network of adequately trained and culturally sensitive service providers is set up to protect Romani women victims of violence.
- Organise training programmes for civil servants on working with violence victims, especially Romani women.
- Organise education programs for young Romani women on their rights regarding marriage, reproductive health and protection against domestic violence.

#### Education

- Condemn and punish all cases of discrimination against Romani children in education.
- Establish co-operation between parents, teachers and pupils to put and end to school harassment and other forms of discrimination on the basis of ethnicity and/or gender (and any other grounds). Specific training and information for all pupils, parents and school workers/officials should be provided with clear guidelines and disciplinary procedures, to eliminate such phenomenon.
- Scholarships should be made available, including subsidised fees, free transportation and required school materials for marginalised and poor families at all school levels, with special attention to the excluded and most vulnerable Romani families and ensure that at least half of scholarships target Romani girls and young women.
- Cooperation among teachers, authorities and parents should be encouraged to promote Romani girls continued education.
- Proactively seek Romani teachers, particularly Romani women teachers, for employment in all schools.
- Promote the Romani culture and tradition in the mainstream educational system as a significant contribution to general culture and promptly erase any negative stereotypes about Roma.
- In order to achieve systematic and effective implementation of school desegregation programmes, the government should ensure the enactment in national legislation of an enforceable statutory duty to desegregate education requiring public authorities to take action to eliminate segregated education within a certain period of time. The duty to desegregate education should comprise the following components: i) a baseline assessment of the situation with segregated education, including reliable data about the numbers of Romani children in segregated facilities, types of segregated facilities, and their location; ii) launching a consultation process involving relevant stakeholders, including Roma civil society organisations with the aim of formulating the principles and methods of desegregation; iii) development and implementation of long-term plans for desegregation and periodic updating of these plans; iv) annual assessment of the implementation progress based on quantifiable indicators; v)

regular impact assessment to ensure that laws, regulations, and administrative provisions do not operate against the results of the desegregation policies.

#### Employment:

- Condemn and punish persons responsible for discrimination against Romani women in access to employment. Victims of alleged discrimination should be encouraged to bring complaints with assurances that confidentiality will not be compromised on account of bringing a claim.
- Support positive measures, such as offering incentives (including tax exemptions, subsidised employment contracts, etc) to promote the hiring of Romani women.
- Make free of charge vocational programmes for Romani women widely available, particularly to elderly and illiterate Romani women, as well as women in similar situations from other minority groups, to improve work opportunities for these vulnerable groups.

#### Health

- Train health care workers and authorities on anti-discrimination and equal treatment matters, as well as the various types of discrimination which Romani women face, to ease investigation and supporting complaints as appropriate.
- Monitor, and enforce prohibitions against discrimination on the part of health care personnel and institutions as part of the implementation of the anti-discrimination legislation and undertake local and national awareness-raising anti-discrimination campaigns.
- Expand exemptions from paying “visiting” fee for Romani women in vulnerable situations such as single mothers.

## **4 Methodology:**

- 4.1 In light of the overwhelming lack of information available on Romani women, in the run-up to this report, the ERRC conducted first-hand field research aimed at gathering relevant materials for consideration by the Committee. Prior to conducting this research, the ERRC consulted other organisations in Hungary in order to attain a broad compendium of the data as well as to ensure a synthesis of the information. The ERRC developed this parallel report<sup>5</sup> on the basis of field research undertaken by a team of three researchers in Budapest (districts 4, 5, 7, 8, 9, 10, 13, 16, 19, 20, 21, 22), Miskolc (northeastern Hungary) and Pécs (southwestern Hungary) in March and April 2007.<sup>6</sup>
- 4.2 One hundred and twenty four interviews with women between the ages of 17 and 73.<sup>7</sup> A survey questionnaire was used to guide the interviewee, focusing on marital status, issues related access to education (hers and her children’s), employment, health care and illnesses, housing, and violence against women.<sup>8</sup>
- 4.3 In addition, the ERRC also conducted desk research, taking account of other analyses and research findings on Roma in Hungary.

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<sup>5</sup> This parallel report was drafted by Ostalinda Maya in collaboration with Tara Bedard, and with the assistance of Vera Gergely, Desiree Ryan, Catherine Wigg, Claudia Whiteus, James Duesterberg, Róbert Mida, Rita Izsák and Herta Tóth.

<sup>6</sup> Orsolya Jeney, Mónika Pacziga and Anna Orsós.

<sup>7</sup> While the ERRC is aware of the limitations of interview-based research, the sample from which the ERRC’s conclusions have been drawn provides good qualitative data and is an important source of information on Romani women in Hungary.

<sup>8</sup> Time constraints meant that in some cases the researchers were unable to go through all the sections of the questionnaire or had to concentrate on a particular section if the experiences of the interviewee so required, making the number of persons interviewed in each of the matters uneven.

## **5 Introduction**

- 5.1 The Romani minority of Europe is linked to persons coming from India many centuries ago. Roma – including the various persons and communities regarded as “Gypsies” in Europe – are an extremely heterogeneous group. Roma have faced persecution and discrimination by majority society for hundreds of years. Although precise figures are unavailable, it is widely believed that there are over ten million of Roma in Europe today. Across the continent, Roma face widespread discrimination and poverty. Romani women face double discrimination as a result of their gender and their membership in a disadvantaged minority. Though all Romani face discrimination, this report will focus on Romani women in Hungary and the specific problems they face, as well as the steps needed to address these problems. Discrimination in access to education, health care, housing, employment and issues of violence are amongst the main disadvantages experienced by Romani women in Hungary.
- 5.2 According to the 2001 census, 190,046 people identified themselves as Romani, or approximately 1.8 % of the population.<sup>9</sup> Estimates put the number of Roma in the range of 550,000 to 600,000, or between 5.3 to 5.8% of the population
- 5.3 Within the country, the highest concentration of Roma can be found in northern Hungary, Southern Trans-Danubia, and the northern Great Plain. Since the 1970s, Roma have tended to leave the high unemployment region of eastern Hungary and move to the more prosperous and populous western regions. Thus, the proportion of Roma living in towns and cities has increased considerably. Nonetheless, 58 to 64% of Hungary’s Roma still live in villages, and 40 percent of them live in locations with a population of less than 2,000 people which tend to be the most disadvantaged rural settlements.<sup>10</sup>
- 5.4 The population of the Hungarian Roma minority is growing in comparison to the majority population and differs significantly in comparison with the majority population. Roma are significantly younger, have higher birth rates and a life expectancy 10 years lower than that of the general population.<sup>11</sup>

## **6 Violence Against Women: General Recommendations No. 12, 19, 24**

- 6.1 Research conducted by the ERRC in Hungary indicates that Romani women are particularly vulnerable to violence both within their communities and homes and by non-Romani actors. As one 63-year-old Romani woman who identified herself as Jula told ERRC researchers, “Of course I was hit by my husband, by people in the street, even by police officers.” Situations of violence against Romani women in Hungary are exacerbated by a lack of trust between Romani women and the police (as a result of violence and harassment by police) and by the failure of the police to act adequately in instances of violence against Romani women.
- 6.2 Romani women also reported fear of attacks against their property as a result of their ethnicity. The ERRC was informed that in the northwestern village of Bodaszóló arson attacks are common. Thirty-five-year-old Zsuzsa Lakatos told the ERRC that she lives under the constant fear of arson attacks. Indicating the charred house behind her, she stated, “Look at the house behind you. My kids could not go to school today because our house was burning all night and they could not sleep. This is already the fifth house that was burned down this year.” According to Ms Lakatos, when local non-Roma become

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<sup>9</sup> Nepszamlalas 2001, Kozponti statisztikai hivatal, 2002, pp. 9-10

<sup>10</sup> Country Assessment by the Roma Education Fund, Advancing Education of Roma in Hungary, 2007. Available at <http://romaeducationfund.hu>

<sup>11</sup> Ibid

aware that Romani individuals have purchased property in the area, they often burn it down immediately. Ms Lakatos expressed her fear that local vigilantes would even set her house on fire while her children are sleeping inside. The situation in Bodaszőlő is particularly worrying as arson attacks on Romani property reportedly occur frequently.

- 6.3 Thirty-year-old Tímea Daróczi from Budapest stated that, on an unspecified date in August 2006, she opened the front door of her apartment to find a note stuck to the door, smeared with faeces, which said, “This is what you are like. Go home Gypsies and Niggers.” Such attacks put Romani women under tremendous stress and a permanent feeling of insecurity. These women felt particularly vulnerable as both women and members of a hated minority in Hungary. While both instances were reported to the police, in neither case did the police find the perpetrator or adequately investigate the cases.
- 6.4 Several Romani women interviewed by the ERRC also indicated that police officers themselves are often the perpetrators of violence or harassment of Romani women in Hungary: 8 of the Romani women interviewed had been victims of violent attacks by law enforcement officials. One Romani woman from Bodaszőlő who identified herself as Piros explained that Roma appearing in public are subject to harassment and fines by the police. Piros stated that several days before the interview, she was standing on the street outside her house when police officers stopped her and requested to see her personal documents. The officers would not let her get the documents, which were in her house, and instead issued her a fine of 5,000 Hungarian Forints (approximately 20 EUR). According to Piros, the police often frequent the Romani neighbourhood and perform document checks on Roma gathering water from a nearby well. Many times, they are not carrying their documents and because they cannot afford to pay in cash, they are forced to perform public works in order to pay their fines off as a form of free labour for public authorities in the area.
- 6.5 As with non-Romani women, a significant number of Romani women in Hungary live in situations of domestic violence. Out of 124 Romani women interviewed, 84 responded to questions about domestic violence, while 40 did not answer questions regarding this extremely sensitive issue.<sup>12</sup> Of the 84 women that responded to questions of domestic violence, 35 (41.7%) had suffered or currently suffer domestic violence. Fortynine (58.3%) stated that they had never experienced domestic violence. Violence against Romani women in their home settings is reported to have taken place at the hands of their husbands, in-laws and other family members, in many cases for long periods of time.
- 6.6 In the course of ERRC research, different forms of violence against women and girls were reported. These included early and arranged marriages, intra marital rape, physical, economic and verbal abuse. Most of the women who reported experiencing domestic violence told the ERRC that they remained in their abusive relationships for long period of time. Indeed, many women never left. Forty-seven-year-old widow Ms Rózsa from Bag testified: “I was battered by my husband for 25 years.”
- 6.7 The reasons most often noted for staying in abusive relationships were fear, shame and stigmatisation from the family and community, economic dependency, lack of property or other places to go and hesitation to “break the family”. The following testimonies illustrate the impossible situation in which Romani women who experience violence feel themselves to be:

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<sup>12</sup> In some cases, the interviewees refused to answer questions regarding domestic violence posed by the ERRC. In other cases, the interviewer did not find an appropriate point to raise questions regarding domestic violence. Other women were at first reluctant to speak about these issues but eventually confided in the researcher. For example, 29-year-old Ms Aranka Balogh from Bodaszőlő told the ERRC researcher that she had a sore leg on the day of interview, allegedly because she had fallen. However, as the interview progressed, the researcher informed the ERRC, Ms Balogh “Later whispered to me that it was actually her husband who battered her and kicked her. She also said that her husband also punched her in the stomach when she was pregnant.”



- 21-year-old Ms M. from Hidas told the ERRC: “When my father heard something “wrong” about me, he used to beat me up like a man. Everybody saw it but nobody dared to stop him. Police? I was young and I didn’t want him to be locked away. He is my father!”
- 47-year-old Ms E.O.L from Budapest stated, “I was afraid that if I had told it someone else, he would have beaten me even more.”
- 47-year-old Ms. Rózsa from Bag and a survivor of 25 years of violence said “I couldn’t leave because of my children”.
- 47-year-old Ms Kata from Budapest is a mother of four children and decided to leave her alcoholic husband after years of violent behaviour. Her family refused to allow her back because of shame, so she left her home place in the country side with her children and moved to Budapest into an empty house without electricity, water, gas and with a dirt floor

6.8 Although domestic violence is a problem experienced by both Romani and ethnic majority women, in the case of Romani women the experience is made worse by distrust of the police by Romani women, which results in a great reluctance by Romani women to report incidents of violence. This situation is further exacerbated by the failure of the police to provide adequate protection to Romani women victims of violence.

6.9 Out of the 35 Romani women who had experienced domestic violence, only 6 ever sought police assistance. In only 1 case did the respondent feel that the police intervened effectively, in the remaining 5 cases the police refuse to intervene until “blood spill”. The following testimonies by Romani women highlight typical responses by police to reports of violence by Romani women:

- Ms J.B. from Budapest who suffered physical violence by her partner for several years stated, “I called the police more than once and they didn’t help much; once they told me that I should not drink so much even though I hadn’t drank. One time they came but only told my partner to calm down.”
- 48-year-old Ms K.V. from Budapest who suffered years of domestic violence recalled her experience when she finally went to the police requesting protection: “They didn’t want to come. The police said that when there is blood, they would come. That’s why people don’t go and ask for help – because they don’t get any. You know how I looked? I was blue and green [...]. I also went to the Family Help Centre at the local government. They didn’t help me either”
- 37-year-old Ms M. from Pécs told the ERRC: “My husband sometimes hit me. Several times I went to the police but they weren’t really interested in my problem. Usually nothing happened.”
- 27-year-old Ms A.O. from Budapest stated: “I moved away from my common-law spouse because he was beating me for the past 2 years. We (she and her mother) called the police once but they did not do anything. The police officer said that until there is blood, they could not do anything.”
- 37-year-old Ms E. from Pécs told the ERRC: “I went to the police because my alcoholic ex-husband always battered me. After a while I left him but he kept harassing me. Then I went to the police again but they wouldn’t take me seriously.”

6.10 This problem was confirmed by the United Nations’ Independent Expert on Minority Issues in her report on her 2006 mission to Hungary:<sup>13</sup>

“When Roma women are victims of domestic violence, discrimination against them as Roma makes unviable the recourse that non-Roma women might have to law

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<sup>13</sup> February 2007 Report of the Independent Expert on Minority Issues, Ms. Gay McDougal, on her mission to Hungary. Available at: <http://daccessdds.un.org/doc/UNDOC/GEN/G07/105/93/PDF/G0710593.pdf?OpenElement>

enforcement, judicial sanctions or shelters. Access to, and knowledge of services for women remains an important obstacle for Roma women, and blockages in regard to the implementation of national policy at the municipal level exacerbates this.”

## **7 Article 1: Discrimination**

- 7.1 Article 70/A of the Constitution of the Republic of Hungary establishes that the human and civil rights of all persons in Hungary shall be respected without discrimination, including on the basis of gender and race. At sub-paragraph 3 of the same article, the Hungarian government commits itself to “implement equal rights for everyone through measures that create fair opportunities for all.”<sup>14</sup>
- 7.2 In line with its commitments under EU law, in December 2003 Hungary adopted Act No. CXXV on Equal Treatment and the Promotion of Equal Opportunities (Equal Treatment Act), which entered into force in January 2004.<sup>15</sup> Ethnicity and sex are included amongst the 19 factors<sup>16</sup> listed under the Equal Treatment Act as a basis of discrimination. In accordance with the Equal Treatment Act, the Equal Treatment Authority<sup>17</sup> was established in February 2005 to oversee the implementation of the Act. As of June 2006, the Equal Treatment Authority had considered 900 cases with some 30 percent relating to Roma<sup>18</sup> and had settled 18 cases<sup>19</sup>, 6 of which were filed by an ethnic minority (mostly but not exclusive Roma).
- 7.3 Article 5 of Act LXXVII on the Rights of National and Ethnic Minorities (Minority Act)<sup>20</sup> sets out that minorities in Hungary have the right to establish local, regional and national self-governments (hereinafter “minority self-government”). A minority self-government may, on an issue concerning the minority, “a) ask for information; b) make a proposal; c) initiate measures; d) object to a practice or decision related to the operation of institutions which violates the rights of the minority, and may initiate the amendment or withdrawal of the decision.”<sup>21</sup> Although the system of minority self-governments benefits the preservation of culture, the institution has not been without criticism.<sup>22</sup> Article 20 of the

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<sup>14</sup> Constitution of the Republic of Hungary. Available at: <http://www.mkab.hu/en/enpage5.htm> .

<sup>15</sup> Available at: <http://www.ohchr.org/english/bodies/cescr/docs/E.C.12.HUN.3-Annex3.pdf>

<sup>16</sup> a) sex, b) racial origin, c) colour, d) nationality, e) national or ethnic, g) mother tongue, g) disability, h) state of health, i) religious or ideological conviction, j) political or other opinion, k) family status, l) motherhood (pregnancy) or fatherhood, m) sexual orientation, n) sexual identity, o) age, p) social origin, q) financial status, r) the part-time nature or definite term of the employment relationship or other relationship related to employment, s) the membership of an organisation representing employees’ interests, t) other status, attribute or characteristic (hereinafter collectively: characteristics) are considered direct discrimination.

<sup>17</sup> The Equal Treatment Authority deals with cases of direct and indirect discrimination, harassment, unlawful segregation, sexual harassment and retribution. The provisions of the Act do not apply to family and private life and relationships directly connected with the activities of the religious life of the Churches, relationships of parties except for the political or other opinion, relationships between the members of legal entities and organizations without a legal entity, relationship related to membership, except for the establishment of membership.

<sup>18</sup> UN Independent Expert on Minority Issues Mission to Hungary, July 2006. Report available at: <http://daccessdds.un.org/doc/UNDOC/GEN/G07/105/93/PDF/G0710593.pdf?OpenElement>. See introduction, item 16.

<sup>19</sup> July 2006, Report on the activities of the Equal Treatment Authority. Available at: [http://www.egyenlobanasmod.hu/index.php?g=EBH-jelentes06\\_EN.htm](http://www.egyenlobanasmod.hu/index.php?g=EBH-jelentes06_EN.htm)

<sup>20</sup> Unofficial translation, available at: <http://www.helsinki.hu/docs/Act%20LXXVII%20of%201993.pdf>

<sup>21</sup> Ibid.

<sup>22</sup> UN Independent Expert on Minority Issues Mission to Hungary, July 2006. Report available at: <http://daccessdds.un.org/doc/UNDOC/GEN/G07/105/93/PDF/G0710593.pdf?OpenElement>. See items 19-26.

same act establishes the Ombudsman for National and Ethnic Minority Rights.<sup>23</sup> The Minority Act follows the same line as most Hungarian legislation by being gender neutral; in fact there is no mention whatsoever of gender in the entire text.

## **8 Article 2: Policy Measures**

- 8.1 In 2005, Hungary joined in the Decade of Roma Inclusion (2005-2015).<sup>24</sup> Within this initiative, Hungary adopted a Decade Action Plan<sup>25</sup> in January 2005 that specifies goals and indicators in the areas of housing, health, employment and education. Measures to achieve the creation of equal opportunities for women are listed under cross-cutting themes. The office that oversees co-ordination of the Decade activities is the Department of Roma Integration of the Ministry of Social Affairs and Labour.
- 8.2 The Decade Plan is currently going through Parliament, to be adopted under the title “Strategic Plan Related to the Decade of Roma Integration.”<sup>26</sup> The Strategic Plan has gone through significant changes during the process and it will be valid for a period of two years upon its approval. We welcome this initiative by the Hungarian Government. However, we are concerned that in the current draft key areas of the plan including those relating to anti-discrimination, housing and education make no mention of the situation of women. The draft mentions gender equality in the paragraph of the establishment of the Strategic Plan (1.3.1), but it remains silent on some important matters. Although it emphasizes, for example, the importance of data collection, it does not mention the need for disaggregated data by gender (1.3.6), and many times it also fails to include gender perspectives amongst the indicators (except in the employment and health care sections). The draft resolution refers to Romani women in the section on employment: It says that positive discrimination, as well as an establishment of a special employer-supporting system, is necessary to ensure equality for Romani women, and it talks about flexible working methods to help women return to the labour market after maternity leave. Despite the fact that the employment section talks specifically about women’s issues, it does not take into account the structurally unequal situation and differences between majority and Romani women, who never enjoyed maternity leave simply because they are out of the social security system. In the health care section, there is no mention about the need to eliminate verbal abuse, ill-treatment and segregated maternity wards for Romani women in hospitals, although there is a reference to the need to ensure access of Romani women to preventive health examinations. In the anti-discrimination section, there is no word about the examination of how Romani women suffer from multiple discrimination and how their situation might be different from the experiences of Romani men. The Strategic Plan Related to the Decade of Roma Integration fails to incorporate specific, proactive measures to address the real and acute discrimination faced specifically by Romani women. Their unique situation requires targeted and effective initiatives that reach out to Romani women to remedy their structurally entrenched lack of access to basic human rights.<sup>27</sup>
- 8.3 In general it can be said that policies and laws in Hungary either do not take into account the gender perspective or fail to include the ethnic perspective, failing to secure the advancement of Romani women every time.

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<sup>23</sup>From 11 June, 2007 Mr. Ernő Kállai, a Romani man, became the Parliamentary Commissioner for National and Ethnic Minority Rights (Minority Ombudsman).

<sup>24</sup> More information about the Roma Decade of Inclusion can be found at <http://www.romadecade.org>

<sup>25</sup> Available at:

[http://www.romadecade.com/index.php?option=com\\_content&task=category&sectionid=1&id=72&Itemid=48](http://www.romadecade.com/index.php?option=com_content&task=category&sectionid=1&id=72&Itemid=48)

<sup>26</sup> On file with the ERRC.

<sup>27</sup> Information on the “Strategic Plan Related to the Decade of Roma Integration” provided Ms Rita Izsák.

### **Box 1: Overrepresentation of Romani women in Prisons**

A 2005 Central European University report entitled *Women, Integration and Prison: An Analysis of the Processes of Socio-Labor Integration of Women Prisoners in Europe* highlights the overrepresentation of Romani women in prison as well as the unique situation of Roma women in the Hungarian prison system. While self-identification surveys found that about 40% of all male and female inmates are Romani, prison officials note the figure to be just over 60%. “Especially in the case of women, it is a broadly held opinion that the overwhelming majority of women inmates are Roma, while researchers found almost no difference between the ratio of Roma among men and women inmates based on self-identification<sup>28</sup>”. A sample of 20 female inmates was interviewed, exactly half of whom were Romani. The publication aptly summarised the plight of Romani women “excluded into crime” due to a combination of disadvantages throughout their lives. Beginning with a lack of education, their lives were characterised by exclusion and directed by necessity. The women were reportedly denied schooling and training due to limited access, along with barriers created by family responsibilities or their placement in state care. These obstacles were reportedly aggravated by early pregnancy in many cases (all the women in the sample were mothers, one as early as 12 years, some having as many as 6 children),<sup>29</sup> experience with domestic violence and other forms of abuse by their spouse. According to the report, although almost all held employment as frequently as possible, their experiences were predominantly a series of seasonal and temporary jobs, generally in addition to the burden of caring for their families. Thus, according to the study, they turned to criminal activity to protect and support their family, as an act of responsible motherhood: “In their narratives committing crime often emerges as a rather natural and factual necessity if one has to feed the family.”<sup>30</sup> Within the (admittedly small) sample of women, all of the repeat offenders were Romani women, while all those serving time for their first offence were non-Roma.<sup>31</sup>

## **9 Article 7: Political and Public Life**

- 9.1 At the European level, Romani women are represented by two Hungarian Members of the European Parliament.<sup>32</sup> At the national level, there are only four Roma among the 386 members of the Hungarian Parliament, none of whom are Romani women. According to unofficial information provided to the ERRC by the Ministry of Education and Culture, there are 6 Romani women employed in the Ministry of Social Affairs and Labour, 2 in the Ministry of Local Government and 1 in the Office of Regional Development. All Romani women working in the public sector of which we are aware are either working on Roma-specific issues or hold an administrative, as opposed to policy-making, position. At the municipal level, Hungary has developed a democratic system of minority self government; yet out of the 53 minority representatives, only 3 are Romani women.<sup>33</sup>
- 9.2 Clearly, the level of representation of Romani women is not commensurate to their importance as one of Hungary’s largest minorities. Greater efforts must be made to ensure that Romani women are adequately represented at the different levels and in the different areas of the Governmental structure.

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<sup>28</sup> Central European University Team, *Women, Integration and Prison: An Analysis of the Processes of Socio-Labor Integration of Women Prisoners in Europe*. Work Package 8, Hungarian Country Report, 15 Jan. 2005. 9. Data protection regulations prevent the collection of official.

<sup>29</sup> Ibid, 10-11

<sup>30</sup> Ibid, 12.

<sup>31</sup> Ibid, 8.

<sup>32</sup> Ms. Lívía Járóka and Ms. Viktória Mohácsi

<sup>33</sup> Ms Daróczi Sándor Józsefné, Ms Kiss Jánosné and Ms Labodáné Lakatos Szilvia.

## **10 Article 10: Education**

- 10.1 Article 70/F of the Hungarian Constitution stipulates that, “(1) The Republic of Hungary guarantees the right of education to its citizens. (2) The Republic of Hungary shall implement this right through the dissemination and general access to culture, free compulsory primary schooling, through secondary and higher education available to all persons on the basis of their ability, and furthermore through financial support for students.”
- 10.2 Section 4(7) of Act LXXIX of 1993 on Public Education<sup>34</sup> prohibits in public education “any discrimination on the basis of belonging to a given race, sex, religion, national 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 the basis of natal or other situation [ . . .].”
- 10.3 The action plan adopted within the Roma Decade of Inclusion<sup>35</sup> list the following measures to increase school attainment levels amongst the female Romani population: “(1) Develop and support educational programs, which will increase the educational performance level of Roma woman. Mainly at the field of social, health, education occupations (e.g. special scholarship funds, preparatory curriculum, additional support to the relevant areas of the educational system)” and “(2) Increase Roma girls’ chances to study in higher education institutions by further development of the scholarship fund (e.g. by establishing a special fund for the aim).”
- 10.4 The “Strategic Plan Related to the Decade of Roma Integration currently going through Parliament does not include any provisions to overcome the barriers that hinder Romani women’s access to education.
- 10.5 The introduction of compulsory attendance to primary school has increased the number of Romani women completing primary school. However, it still below the average for the rest of the population. The State report notes that Romani women face a “substantial disadvantage in the schooling system.” It goes on to say that surveys have indicated that as many as 35 to 40% of Romani women have not completed primary school, compared to 30% of Romani men<sup>36</sup> and to 90.5% of the majority society.<sup>37</sup>
- 10.6 Our research confirmed that Romani women and girls face a lack of access to education due to multiple discrimination on the basis of sex and ethnicity. Out of the 120 Romani women that responded to questions relating to education:
- 5 had less than a year of education or had never set foot in school (4.2%);
  - 20 had not completed primary education (16.7%);
  - 69 had completed primary school only (57.5%);
  - 15 had accessed vocational school but dropped out (12.5%);
  - 7 had finalised vocational school (5.8%); and
  - 4 went to University (3.3%).
- 10.7 The research identified key areas in which Romani women and girls were at a particular disadvantage in terms of their education experience. These included verbal and physical abuse by classmates and teachers, an unwelcoming atmosphere at educational facilities, poverty, patriarchal expectations and stereotypes

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<sup>34</sup> The text of Act LXXIX of 1993 on Public Education integrated with Act LXVIII of 1999, can be found at: <http://www.ohchr.org/english/bodies/cescr/docs/E.C.12.HUN.3-Annex11.pdf>

<sup>35</sup> Available at: <http://www.romadecade.org/index.php?content=70>.

<sup>36</sup> Available at: <http://www.un.org/womenwatch/daw/cedaw/39sess.htm>

<sup>37</sup> Data from United Nations Statistics Division for 2002, available at: <http://unstats.un.org/unsd/demographic/products/indwm/ww2005/tab4a.htm>.

which remain prevalent among large sectors of the Romani community and which are also held by school staff, and a lack of positive models. These barriers are further exacerbated by the common practise of placing Romani children in special schools for the mentally disabled. Every year, hundreds of Romani children are wrongly placed in such schools on the basis of inadequate categorising by medical commissions. Furthermore, school segregation along ethnic lines in different schools or in different classrooms within the same school has increased in the last years, according to recent research.<sup>38</sup>

- 10.8 While the ERRC notes that the Hungarian government acknowledges the problematic educational situation of Romani girls in the State Report, it is of great concern that the same report contains no analysis of the reasons for this situation, nor information on any measures to address the problems.
- 10.9 ERRC research indicates that there is a racist and unsupportive atmosphere in Hungary's educational system in regards to Romani women's educational attainment. This is apparent from numerous instances of verbal and physical abuse of Romani girls by non-Romani classmates and even teachers and lack of action against such abuse. Out of the 94 women who commented on their experience at school, 34 (36.1%) had experienced abuse. In 20 (21.2%) of the instances of abuse reported, the perpetrator was a classmate (4 physical and 16 verbal), while in 14 (14.5%) cases the perpetrator was a teacher (7 physical and 7 verbal). The following testimonies from Romani women are illustrative of this problem:
- 30-year-old Ms. F from Pécs stated: "When I was in primary school they [teachers and classmates] hurt me. Teachers used to shame me and hit me in front of the whole class. Sometimes the director did this to me as well. They always beat me. That's why I didn't like going to school."
  - Ms Nikolett Balogh from Hajdúböszörmény-Bolyai, currently enrolled in the 8<sup>th</sup> grade, explained: "He [a classmate] always calls me bad names. He calls me stinky dirty Gypsy or tells me "damn your whole race". It makes me feel really bad. Sometimes I wish I did not have to go to school at all. Sometimes I cry at school. My mother has already talked to the Headmaster about this but he didn't do anything about it, and neither do the teachers. If I have to face such comments in secondary school I will consider dropping out."
  - 22-year-old Ms V.B. from Budapest testified: "Apart from me, there was no Romani kid in the school. I clearly remember the first day I went I was walking up the stairs with shaking knees, and there was a teenage boy running past by me and he shouted "Gypsy!" This was the first day. For 3 years after that until I finished school, I was continuously made to feel that I was different."
  - 27-year-old Ms B.E. from Budapest stated: "When I was at high school the history teacher answered something negative when asked where Romani people came from. Among other things he said that 70% of prisoners were Romani but she didn't give the background of these things."
  - 21-year-old Ms H. from Budapest said: "One morning I was sleepy and very tired. She (the teacher) came up to me and poured a glass of water on me. That hurt me. I cried and then I went home and cried more. It felt very bad and I remember everybody just laughed."
- 10.10 Out of 34 school harassment cases reported to the ERRC, only 8 were resolved. Indeed, action on the part of the school was only taken after extreme pressure was exercised by the families of the victims.
- 10.11 A combination of poverty and patriarchal attitudes results in many Romani girls having to drop out of school to help at home. For example:
- 32-year-old Ms Erzsébet Balogh from Budapest said: "I finished 8 grades. After, I started working and helping my mother at home. She was also a single mother raising 4 children, so she

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<sup>38</sup> See Havas, Gábor and Liskó, Ilona. *Szegregáció a roma tanulók általános iskolai oktatásában*. Kutatási zárótanulmány. Manuscript. 2004.

- needed help. Both of my brothers continued to study at a vocational school. If we could have afforded it, I might have studied further also.”
- 41-year-old Ms Jakab Sándor Ibolya from Bag stated: “I only completed 1 year of school. I had to drop out because my mum was in jail. I was raised by my brothers and sisters and had to stay at home to help in the house.”
  - 21-year-old Ms H. from Budapest reported: “(After) 11<sup>th</sup> grade I stopped (attending school)... because my baby sister was born and I needed to go to work because there was no money. And my mother told me to go and get money from somewhere because we won’t be able to live without that... then I had to give up school.”
  - 38-year old Ms T., from Hidas stated: “I didn’t finish the primary school, my parents took me out in the 6<sup>th</sup> grade. My parents married me against my will.”

10.12 According to ERRC research, Romani women have more children at a younger age than non-Romani women. The average number of children amongst the 117 respondents was 2.2 as compared to 1.3 fertility rate overall in Hungary.<sup>39</sup> Some of our respondents were as young as 15 when they had their first child. According to the State Report, the average age in which married women had their first child for the general population in 2004 was 27.5. Such trends continue to have an impact on the years of education achieved by Romani women and girls, as once they get married, family and even teachers often expect them to drop out of school. The Hungarian school system has not developed policies to support the continuing education of these young mothers, and in some cases their right to education is explicitly violated, as the following testimonies show:

- 52-year-old Ms Lajosné Lakatos from Miskolc testified that her daughters, after getting married, had to stop attending school: “In order not to show a bad example to the others, the headmaster did not let them attend school any more. I could not do anything, I had to accept it.”
- 23-year-old Ms M from Hidas stated: “At school most of the students were Romani. Teachers didn’t care about us. They said we will get pregnant and quit school before finishing.”
- 45-year-old Ms Gizella Váradi from Budapest shared her experience about enrolling at high school as an adult: “It happened to me once that we were learning the equations and I couldn’t understand it. He (the teacher) said, “You, Váradi, have a double disadvantage socially.” I asked why and then he said, “Because you are Romani and a woman. That’s why you cannot understand the equation and the division.”

## **11 Article 11: Employment**

- 11.1 At Article 11 of the Convention, States Parties commit to “take all appropriate measures to eliminate discrimination against women in the field of employment [...]”
- 11.2 Section 5 of Act XXII of 1992<sup>40</sup> states, “Employees shall not be discriminated against on the grounds of sex, age, marital or family status or any handicap, nationality, race, ethnic origin, religion, political affiliation or membership in workers’ representation organizations or activities connected therewith, or on the basis of any other circumstances not related to employment.” The act also prohibits indirect discrimination and shifts the burden of proof to the employer: “In the event of any dispute related to a violation of the prohibition of discrimination, the employer shall be required to prove that his/her actions did not violate the provisions of paragraph (1).”

<sup>39</sup> UNICEF. 2005. “At a glance: Hungary.” Available at:

[http://www.unicef.org/infobycountry/hungary\\_statistics.html](http://www.unicef.org/infobycountry/hungary_statistics.html)

<sup>40</sup> Available at: <http://www.ohchr.org/english/bodies/cescr/docs/E.C.12.HUN.3-Annex4.pdf>.



- 11.3 Article 21 of the Equal Treatment Act<sup>41</sup> defines the areas which are considered a “particular violation of the principle of equal treatment.” The areas listed include among “a) access to employment, especially in public job advertisements, hiring, and in the conditions of employment; e) determining and providing working conditions; f) establishing and providing benefits due on the basis of the employment relationship or other relationship related to work, especially in establishing and providing wages.”
- 11.4 According to the UN Independent Expert on Minority Issues, report of Mission to Hungary, “The 2003 [Equal Treatment] Act requires all government institutions and other entities with over 50 per cent State ownership and over 50 employees to adopt an Equal Chances Plan, although this requirement does not extend to totally private enterprises and foreign-owned companies. Reports have suggested a lack of progress by government institutions in this regard, while local authorities ‘can’ adopt such programmes. These programmes seek to analyse the situation of disadvantaged groups and establish steps to be taken to have a positive impact and to create equal opportunities. The Act makes clear expectations that affirmative action programmes should be implemented at all levels and explicitly changes the operative norm from ‘the banning of negative discrimination’ to ‘the requirement of equal opportunities.’”<sup>42</sup>
- 11.5 Despite these steps, the Romani minority continues to be the most disadvantaged in Hungary. With the political and economic transition of 1989, Roma were the first to lose their jobs. Since then, Roma have increasingly sunk into poverty. According to the United Nations Development Programme (UNDP), the number of unemployed Roma nearly doubled between 1993 and 2001.<sup>43</sup> Similarly, research carried out by the independent social research group TÁRKI indicates that the percentage of Roma who qualify as being poor doubled between 1991 and 2001. TARKI conducted surveys in 1991 that found 31.9 % of Roma were poor, meaning that their income was less than half the median. The same survey in 2001 indicated that as many as 61.5% of Hungary’s Roma were considered poor.<sup>44</sup>
- 11.6 According to a 2003 representative study by Kemény István and Janke Béla, 28.1% of Romani men and 15.1% of Romani women were categorised as employed. Of those Roma between the ages of 15 and 74, the figure is 21.3% in comparison to the national average of 56.3% employment.<sup>45</sup>
- 11.7 Of the 98 Romani women who responded to questions related to employment during ERRC research towards this report, 34 (33%) were employed outside the home while 64 (62%) were unemployed. Barriers to the employment of Romani women identified during research included direct discrimination during the interview process, the lack of employment opportunities, childcare responsibilities and low educational levels.
- 11.8 Despite the explicit bans on discrimination in hiring processes contained in the Hungarian Equal Treatment Act, out of the 117 women who responded questions on employment, 24 respondents reported having been discriminated against when applying for work. In some instances, the prospective employers reportedly identified the ethnicity of the job applicant by their address or name, while in most cases the ethnicity was revealed during the interview process.
- 47-year-old Ms Béláné Oláh from Budapest testified: “He told me that from the beginning when I called about the job, he did not want to take me because he knew from my name that I was Gypsy.”

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<sup>41</sup> Available at: <http://www.ohchr.org/english/bodies/cescr/docs/E.C.12.HUN.3-Annex3.pdf>

<sup>42</sup> *Op. Cit.*

<sup>43</sup> UNDP. 2003. *Avoiding the Dependency Trap*. Available at: [http://roma.undp.sk/reports\\_contents.php?parent\\_id=1&id=203](http://roma.undp.sk/reports_contents.php?parent_id=1&id=203).

<sup>44</sup> TÁRKI. *Hungarian Household Panel Surveys*. Available at: <http://www.tarki.hu/en>

<sup>45</sup> Kemény, István and Janke, Béla. 2003. Representative Research on Hungarian Roma. Report of the Roma Affairs Interdepartmental Standing Committee, National and Ethnic Minority Office.



- 46-year-old Ms B. from Budapest stated: “It has happened that I called them (an employer) and they asked me on the phone what ethnicity I was. When I said I was Romani they answered in an arrogant tone “Thank you very much, we are not interested.”
- 21-year-old Ms B. from Debrecen reported: “They were looking for someone for the cash register but when I went there they told me it was already filled. But that was not true because a friend of mine went afterwards – she is blond – and they hired her.”
- A 47-year-old Romani woman from Pécs who identified herself as Mari reported: “When I was looking for job they told me they will let me know about the results, but they didn’t. I knew that non-gipsy people could start work from the beginning of the next month”.

### **Box 2: Poverty, Discrimination and Institutionalisation of Romani Girls**

Romani children in Hungary are over-represented in state childcare institutions. Research carried out by the Council of Europe in 2004 estimated that about 5 to 10 per 1000 children in Hungary live in State institutions (0.5% – 1%).<sup>46</sup> Another survey conducted within the European Union by the University of Birmingham and the World Health Organization indicated that Hungary is 6th last amongst 32 European countries regarding the number of children living in children’s homes for the under the age of 3.<sup>47</sup>

There is currently little data available on the number of Romani girls in institutions. According to one research report published in 2007, in some areas of the country Romani children are 4-5 times more likely to enter children’s homes, while in others they are 11 times more likely to do so.<sup>48</sup> During ERRC research in preparation for this report, 7 women testified that they had spent their childhood in a state institution, this is particularly alarming as the questionnaire did not include any questions related on this particular issue. The reasons ranged from poverty to the forced removal from their families on arbitrary grounds.

For example, 47-year-old Ms K. from Budapest explained that she was forced to put her children into state care after she decided to leave her alcoholic husband and did not receive family or find employment. Ms K. was forced to live in an abandoned house without water, electricity and dirt floor and subsequently place her 4 children in a state home temporarily for several years. She eventually recuperated all her children.

Socio-economic concerns and stereotypes that Roma are unfit to raise and educate their children have resulted in the removal of Romani children into state care on arbitrary grounds. In Hungary, a court decision is not required to place a child in an institution. However, once in, the only way to get the child out is via judicial remedy. Many Romani women are uniformed about this.<sup>49</sup> Sometimes removals are intended to be temporary but the inability of the mother to find appropriate housing or employment within 6 months results in the permanent institutionalisation of the child. In a non-representative study of one district in Budapest, 17% of the children taken into temporary care were returned to their biological parents, 71% were taken to children’s homes, and 5% were given to foster parents.<sup>50</sup> Forty-eight-year-old Ms K.V. from Budapest told the ERRC, “My children were taken away and put in a children’s home by the school authorities because they had stolen from the teachers. I struggled to get

<sup>46</sup> Council of Europe, 2004. Children in institutions: prevention and alternative care. Available at: [http://www.crin.org/docs/resources/treaties/crc.40/GDD\\_2005\\_CE\\_Children\\_Institutions.pdf](http://www.crin.org/docs/resources/treaties/crc.40/GDD_2005_CE_Children_Institutions.pdf)

<sup>47</sup> Mapping the number and characteristics of children under three in institutions across Europe at risk of harm, University of Birmingham, 2005, quoted in Herczog, Mária (2005) Gyermekotthoni esélyek, *Család, Gyermek, Ifjúság*, 5.

<sup>48</sup> Neményi, Mária and Messing, Vera. (2007) Gyermekes esélyegyenlőségéről, *Kapocs*, 6 (1) 2-19.

<sup>49</sup> UN Independent Expert on minority issues mission to Hungary, July 2006. Item 47. Available online at: <http://daccessdds.un.org/doc/UNDOC/GEN/G07/105/93/PDF/G0710593.pdf?OpenElement>.

<sup>50</sup> Mítetták Tünde, Herczegh Ágnes and Otti, Ernőné (2004) Ideiglenes hatállyal elhelyezett gyermekek sorsának utánkövetéses vizsgálata, *Család, Gyermek, Ifjúság*, 4.

them back.” Romani women also expressed concerns to the ERRC about the treatment of Romani girls in state childcare institutions.<sup>51</sup>

- 11.9 Romani women also reported instances in which a higher educational level than that necessary to perform the job was required by the employer. This has been used by employers as a way to avoid employing Romani women without having to be openly racist. Ms K.V., age 48 from Budapest, who did not complete primary education but has been working for over a decade as a cleaner and who is currently seeking employment said, “I’m not hired anywhere, because of the lack of schooling. But why do I need schooling for cleaning? I worked at the Kút völgyi Hospital for 10 years”
- 11.10 Romani women also reported instances of discrimination with regard to working conditions.
- 32-year-old Ms B. from Budapest said: “I felt sometimes that my work was checked more thoroughly and it was supervised more closely than non-Romani people.”
  - 45-year-old Béláné Balogh from Sajószentpéter used to work in a chocolate factory in Miskolc: “They were much stricter towards Gypsies, they watched how often they went to the toilet or to smoke. Hungarians could go whenever they wanted. They were stricter in checking whether the Roma washed their hands or not. Sometimes they would not even talk to Roma. They would make the Roma and Hungarians work on separate strip.”
  - 48-year-old Ms K.V. from Budapest, threatened by her ex-husband for not paying child support, explains: “I sweep the street occasionally. They call me when there is a job. I work from 5 in the morning till 5 or 6 in the evening. I get 2500 HUF/day (approximately 10 EUR).”
  - 22-year-old Ms S.T., from Budapest, sometimes works shifts of 16 hours as a cleaner and says that despite working such long hours: “We need to work during the weekend as well. I basically work 31 days for 70,000 HUF (approximately 280 EUR). Because I do not have much of a choice, you have to work as hard as expected when you have a job. We, Romani people always have to work double amount, to be appreciated the same as a Hungarian.”
- 11.11 The great majority of Roma are settled in rural areas. In rural areas, chances of finding employment are even further diminished. Since the 1970s, there has been an increase in the mobility of Roma in search of employment. However, Romani women have less mobility as a result of their role in the family as the primary caregivers. This lack of mobility is manifested not only geographically but also within the same town or village. Romani women are unable to seek or gain employment, as they often must stay at home to look after the children. The lack of employment opportunities available to women with family responsibility disproportionately affects Romani women as a result of higher natality rates and heightened family care responsibilities when compared to non-Romani women.
- 11.12 Romani women’s employment options are further limited as a result of low educational qualifications and discrimination. The majority of the women interviewed were working as cleaners, shop assistants, street sellers or caretakers. These result in Romani women earning low salaries which usually did not cover even their basic needs.
- 11.13 Some of the Romani women interviewed in Hungary are employed in the informal sector where they face high levels of job insecurity and do not benefit from social protections associated with formal employment, such as health insurance, pensions, unemployment benefits, etc. This also increases reluctance to report instances of discrimination for fear of losing a job that is not formally guaranteed.

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<sup>51</sup> Forty-three-year-old Ms B from Budapest was severely beaten by the staff of one institution. Twenty-five year-old Ms V. from Budapest was placed in a state childcare home, from which she was sent to an institution for the mentally disabled where she was medicated and given shock therapy. Ms V. was drug-addicted for years after she was released from the institution.

Ms L.E., a 28-year-old Romani woman from Budapest explained to the ERRC that she once had been working at a job for a month and when she went to talk to her boss he claimed not to know her. She felt she could not do anything as she had no way to prove that she had been employed. Romani women who work in the grey economy are extremely vulnerable to discrimination including sexual harassment, as employers are confident that the act will not be reported for fear of losing the job.

## **12 Article 12: Health Care**

- 12.1 At Article 12 of the Convention, States Parties commit to “take all appropriate measures to eliminate discrimination against women in the field of health care [...]”
- 12.2 Article 25(1) of the Equal Treatment Act establishes, “The principle of equal treatment shall be enforced in respect of health care, particularly in respect of the provision of health services, including a) participation in preventive programmes and medical check-ups, b) preventive medical care, c) use of premises for residence, d) the satisfaction of dietary and other needs.”
- 12.3 As part of the Roma Decade Plan,<sup>52</sup> the following measures are included with the aim of improving the health situation of Romani women: “1) To develop and support educational programs, which will increase the educational performance level of Roma woman mainly on the field of social, health, education occupations. 2) Involvement of Roma women into the local social, health- and family- care and welfare system as employees. 3) Providing the access for Roma woman to qualitative preventive, and primary healthcare services, which aim to improve the health status of women (gynaecological and other screening tests, reproductive health care, family planning, etc.). 4) Elaboration of supportive systems and programs serving better communication and effective collaboration between the local ... health-, family – care service providers and Roma woman, Roma families.” The Strategic Plan Related to the Decade of Roma Integration currently going through Parliament includes only a general point about increasing access among Romani women to health care services. Although this is an important point, the wording is vague and does not address the different issues that act as barriers for Romani women to access these services or the substandard treatment they receive by health personnel. All specific measures above were removed.
- 12.4 Romani women’s health situation is significantly worse than that of the general population as a result of direct discrimination and degrading treatment at the hands of doctors and other hospital staff (including segregation in maternity wards), poor housing conditions, malnourishment linked to severe poverty, lack of access to medical services and the disadvantaged position of Romani women within the family.
- 12.5 According to the 2003 UNDP report “Avoiding the Dependency Trap: The Roma Human Development Report”, “Problems with women's health reflect both socioeconomic factors (poverty, inadequate nutrition, lack of access to health services) and cultural patterns like early marriages and early births. There is a direct relationship here between frighteningly high infant mortality rates and high fertility rates. Unfortunately, data on the health status of Roma women are fragmentary and not always reliable. [...] But even these fragmentary data suggest that promoting reproductive health and rights, including family planning, is indispensable not just for economic growth and poverty reduction, but for decreasing mortality and morbidity rates.”<sup>53</sup>
- 12.6 According to a study by Delphoi Consulting, the Romani population in Hungary has a life span about 10 years shorter than that of the non-Romani population. The average life expectancy of Roma in Hungary

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<sup>52</sup> Available at: <http://www.romadecade.org/index.php?content=70>.

<sup>53</sup> UNDP. *Avoiding the Dependency Trap: The Roma Human Development Report* (2003). Available at: <http://roma.undp.sk/index.php?search=hungary&section=reports>

is 60 years,<sup>54</sup> while the total population's life expectancy is 72.3 years.<sup>55</sup> The UNDP also reported that "Roma infant mortality rates are roughly double the national average."<sup>56</sup>

### **Box 3: Romani women and housing**

Housing rights problems including 1) substandard conditions, 2) forced evictions and 3) segregated housing are related to a number of physical and psychological health issues that significantly affect the well being of the Romani community, particularly Romani children and women. The Hungarian government launched the Housing and Social Integration Program "which aims to support Roma Integration by addressing the living situation of Roma<sup>57</sup>" from a holistic perspective. The ambitious scope of the programme has meant that few settlements have benefited from it although the government plans to expand the project this year.<sup>58</sup> The Hungarian government has noticeably failed to provide adequate anti-discrimination law provisions in the field of housing. Romani women who choose to escape from abusive relationships are particularly vulnerable to substandard housing or homelessness as they do not count on the support of their family. For example, 28-year-old Ms L.E. from Budapest first lived at a mother's home after leaving her husband but had to leave due to a 1-year time limitation. Ms L.E. now lives with a friend where she is subjected to sexual harassment. However, she stated, "I don't have a place to go. I have a 7 year-old son. My hands are tied."

According to the World Bank, 54.9% of Romani households in Hungary do not have access to hot running water, 34.7% do not have access to cold running water, 66.6% do not have adequate sewerage, 49.8% do not have bathrooms or showers in their homes, 50.1% do not have indoor toilets and 13.2% have one or more member sleeping on earthen floors in their homes.<sup>59</sup> According to another study, the homes in which Roma were found to be living were disproportionately small, given the number of people per household. 32.8% of houses in which Romani families live have only one room compared to 15.4% for the non-Romani population.<sup>60</sup> Several of the Romani women with whom we spoke expressed housing conditions to be their main concern such as 29-year-old Ms Rózsa Andorkó from Hajdúböszörmény: "We do not have water or electricity installed. The walls are made of poor material, and common toilets in the backyard". Fifty-seven-year-old Ms J.B. from Budapest linked poor health conditions to housing conditions: "Health deteriorates as the apartment deteriorates [...] the apartments here are wet and have a lot of moisture [...]. All the children who are born here have asthma." Twenty-seven-year-old Ms A. from Budapest noted overcrowded living conditions: "What could I do with 2 kids in 27 square meters?" Substandard housing conditions are often linked to segregated housing. A study carried out in 2000<sup>61</sup> found that approximately 20% of the Romani population (100,000 people) lived in segregated settlements.

Forced evictions are widely and frequently reported in Hungary, apparently arising due to a number of factors, including changes to the legal regime that have significantly eroded the rights of tenants.

<sup>54</sup> See Central Statistical Office (KSH) at:

<http://portal.ksh.hu/portal/page? pageid=38.119919& dad=portal& schema=PORTAL> .

<sup>55</sup> Statistics available at: <http://www.tarki.hu>.

<sup>56</sup> Op cit.

<sup>57</sup> Decade Watch, Roma Activists Asses the Progress of the Roma Decade of Inclusion (2005-2006). 2007. Createch Ltd. Hungary.

<sup>58</sup> Ibid.

<sup>59</sup> See Revenga, A., Ringold, D., and Tracy W.M.. 2003. Poverty and Ethnicity: A Cross-Country Study of Roma Poverty in Central Europe. In Ringold, D., Orenstein, Mitchell A., and Wilkens, Erika. *Roma in an Expanding Europe: Breaking the Poverty Cycle*. The World Bank: Washington, D.C., p. 34.

<sup>60</sup> Forray and Mohácsi, 2002 p. 35. Esélyek és korlátok : A Magyarországi Cigányközösség Az Ezredfordulón. Pécs, PTE BTK Romológia Tanszék

<sup>61</sup> Study commissioned by the Ministry of Agriculture and Rural Development, 2000.

According to one study monitoring the Hungarian media during the period 1 January 2003 through 1 November 2003, in 55% of eviction or threatened eviction cases reported the victims were identified as Romani.<sup>62</sup> Further, local authorities often fail to provide alternative accommodation during forced evictions of Roma, effectively rendering many homeless. Forced evictions often lead to the removal of children from their families into state care system given that the family is in crisis situation and cannot take proper care of the child. Another element to take into account on the issue of housing segregation is the obstruction of Roma moving into certain areas by non-Romani neighbours.<sup>63</sup>

- 12.7 These figures are quite worrying in light of the fact that, according to ERRC research, “only 5–9 percent of the country’s population outside of Budapest lives in an area without a local general practitioner compared with 18.6 percent of the country’s Roma population.”<sup>64</sup>
- 12.8 Romani women and Roma in general face widespread discrimination within the Hungarian health care system. Of the 78 Romani women who answered questions related to access to health care during research in preparation of this report, 43 (49%) evaluated it as inadequate. The most common complaints included extortion (44.44%), neglect and/or verbal abuse (25.64%) and segregation in maternity wards (11.54%). The following selections from the interview database highlight key concerns in this area.
- 52-year-old Ms Lajosné, Lakatos from Miskolc remembers the attitude of her obstetrician as she was delivering her baby: “I wasn’t dirty or anything, still he [the doctor] kept calling me dirty Gypsy. It made me feel ashamed.”
  - 21-year-old Brigi from Debrecen stated: “I was in the 7<sup>th</sup> month of pregnancy, when the baby laid on my kidney. I had a 42 degree fever and we needed to call the ambulance to take me to the hospital. I felt that I was going to die. When we arrived to the hospital the doctor was calmly having his coffee. I had to wait at least for half an hour. They didn’t really care about me, and they made me sit while I was waiting for the doctor to finish his coffee. The ambulance men were not nice. They did not even help me.”
  - Ms Mirella Horvath from Bodaszőlő testified: “They usually take Hungarians first in the queue but I don’t say anything. It is not worth the conflict.”
  - 24-year-old Ms R.R. from Budapest related her experience at the hospital when she was delivering her baby: “Well, there was one room, the larger one with more beds, where there were only Romani women except for one person.”
  - 28-year-old Ms H.M. from Budapest stated: “My brother’s wife gave birth. It was at the Nyíregyháza County Hospital (Megyei Kórház). There you can see it clearly that at Ward A you can see Hungarian mothers, while at Ward B there are the Romani mothers. My brother’s wife is Hungarian and she was assigned to go to Ward A, but she saw that at the other ward there were only Romani women[...].”
- 12.9 Discriminatory practices targeting Roma were also highlighted in the 2006 ERRC report “Ambulance Not On The Way: The Disgrace of Healthcare in Europe”<sup>65</sup> In particular, several forms of discrimination related to women’s health care services in Hungary were noted. These included:

<sup>62</sup> Data from the European Parliament’s Country Profile on Hungary. Available on the Internet at: [http://www.europarl.eu.int/enlargement\\_new/applicants/pdf/hungary\\_profile\\_en.pdf](http://www.europarl.eu.int/enlargement_new/applicants/pdf/hungary_profile_en.pdf)

<sup>63</sup> Please see paragraph 6.2.

<sup>64</sup> Delphoi Consulting. *Differences in Access to Primary Healthcare – Structures, Equal Opportunity and Prejudice. The Results of an Empirical Study*. 2004, available in English at: <http://www.errc.org/db/00/CC/m000000CC.doc>

<sup>65</sup> Available at <http://www.errc.org/cikk.php?cikk=2632>

- 44 cases of so called “Gypsy rooms”, i.e. segregated maternity wards,
- 30 cases raising concerns about negligent treatment of Romani women by medical professionals;
- 22 cases of verbal abuse;
- 16 cases in which Romani women were provided with health care services by medical professionals whose level of qualification was apparently lower than required by the condition of the patient; and
- 31 cases involving the practice of “paid doctors” – informal supplementary fees required by doctors in order to expedite care, or for the provision of service above the minimum standard.

12.10 In their 2004 report, Delphio Consulting stated that 25% of Roma faced direct discrimination in hospitals and other health care institutions and 44.5% reported direct discrimination by general practitioners.<sup>66</sup>

12.11 The Decade Watch 2007 report highlights barriers that Roma at risk of exclusion face to gain access to State Health Insurance <sup>67</sup>:

“Health Insurance in Hungary is currently tied to employment or registration with labor and unemployment offices. Moreover, health insurance is dependent on residence registration, which in practice means that long term unemployed Roma living in illegal housing, as well as the homeless, cannot access the country’s health care system.”

12.12 Economic extortion was the most frequently noted problem by Romani women interviewed during the course of research (32 out of 78 respondents). There was a general understanding amongst the respondents that in Hungary there is a direct correlation between the service received and the money paid informally to the doctor.

12.13 A measure to lessen this practice has been recently introduced by the government through the Law CXV of 2006<sup>68</sup> which came into force on 15 February 2007 and which introduced a 300 HUF (1.18 EUR) visiting fee every time an individual visits a primary health care provider, other specialised outpatient care or hospital. Until the passing of this law, visits to the GP were included in the monthly contribution to the state health fund paid by all employed citizens. Despite the law specifying a number of exemptions such as when the treatment is related to permanent illness, to pregnancy and child-birth and for those under 18 as well as being refunded if the person visits the doctor 20 times a year, it has still had a very negative impact on those Romani women in vulnerable economic situations.

- 32-year-old Ilona Vadász from Hajdúböszörmény-Bolyai stated: “Now that we have to pay for medical services we don’t really have access to health care services.”
- 43-year-old Baba from Budapest said: “I cannot go for check-ups for my lung asthma, because it’s 300 HUF. How can I go? I will rather buy a loaf of bread if I have 300 HUF I will have to think it over whether eating or check-ups.”
- Ms K.V. from Budapest stated: “I don’t have an insurance card. I don’t have 300 HUF, I should rather perish.”

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<sup>66</sup> Delphio Consulting. Cigányok Magyarországon – szociálisgazdasági helyzet, egészségi állapot, szociális és egészségügyi szolgáltatásokhoz való hozzáférés. Budapest 2004, p.6. Available at: <http://www.delphoi.hu/download-pdf/roma-szoc-eu.pdf>.

<sup>67</sup> Decade Watch, Roma Activists Assess the Progress of the Roma Decade of Inclusion (2005-2006). 2007. Createch Ltd. Hungary.

<sup>68</sup>See:

<https://www.magyarorszag.hu/allampolgar/ugyek/egeszseg/euszolgfajt20050802/vizitdij20070214.html?highlight>.



- 12.14 Romani women also reported that their financial situation means that they cannot afford the purchase of their medical treatment, even beyond the 300 HUF fee for all visits.
- 21-year-old Hajni from Budapest suffers from anemia, a stomach ulcer and low blood pressure. She explains: “I should treat them [my medical conditions]... but then I should take medication which costs 6000 HUF per month, so I can’t afford it.”
  - 32-year-old Ms I. from Budapest testified: “I suffer from anxiety and depression and I require prescription medicines but they are too expensive. 2600 HUF per month for two boxes that do not even last for the entire month.”
- 12.15 The situation of Romani women’s health in regards to reproductive rights is equally problematic. Given the higher natality rate amongst Romani women and the fact that many Romani women mainly use the health care system for pregnancy related issues such as pregnancy tests and child delivery, this is a particularly important area.
- 12.16 Out of the 55 women who responded to the ERRC’s questions in relation to contraception, 17 (31%) used some form of contraception while 38 (69%) did not. Reasons for not using contraceptive methods included preconceptions about the pill, lack of information, or inability to afford it. According to the database maintained by the Population Division of the United Nations Secretariat,<sup>69</sup> 77% of married women in Hungary (including women in consensual unions) use contraceptive methods. Of the women in the ERRC survey, 11 reported having undergone abortions. Ms Bea Szántainé Lakatos, age 24 from Budapest, stated that she had “about 10 abortions.”
- 12.17 In August 2006, the CEDAW Committee found the Hungarian government to be in violation of the Convention in a case of the coerced sterilisation of a Romani woman (A.S. v. Hungary 4/2004).<sup>70</sup> On 2 January 2001, a Romani woman (Ms. A.S.) was sterilized by doctors at the Fehérgyarmat hospital while on the operating table. During preparation for a caesarian section operation to remove a dead foetus, Ms A.S. was asked to sign forms giving her consent to this operation as well as her sterilization. However the doctors did not explain the intervention, its nature, possible risks, or what the consequences of being sterilized would be.
- 12.18 During research in preparation for this report, 2 Romani women testified to the ERRC that they had been sterilised absent informed consent. In both cases, the women were sterilised while giving birth at hospital<sup>71</sup>. Neither of them agreed to the operation in written or verbal form and only found out about the sterilisation procedure several years later. The ERRC finds this particularly alarming as the questionnaire did not include any questions on this particular issue. This raises concerns about the extent to which this practice has occurred and might still occur in Hungarian hospitals.
- 12.19 According to CEDAW decision in A.S. vs. Hungary<sup>72</sup> the Hungarian government must pay appropriate compensation to Ms A.S. commensurate with the gravity of the violation of her rights. The decision of the Committee further stated that the government should review domestic legislation on the principle of informed consent in cases of sterilisation and ensure its conformity with international human rights and medical standards. It should also repeal provisions allowing physicians “to deliver the sterilization without the information procedure generally specified when it seems to be appropriate in given

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<sup>69</sup> United Nations Population Fund. State of World Population 2004. Available at: [http://www.unfpa.org/upload/lib\\_pub\\_file/327\\_filename\\_en\\_swp04.pdf](http://www.unfpa.org/upload/lib_pub_file/327_filename_en_swp04.pdf).

<sup>70</sup> Decision available at: <http://www.un.org/womenwatch/daw/cedaw/protocol/dec-views.htm>.

<sup>71</sup> The cases date back to 1981 and 1975.

<sup>72</sup> Available at: <http://www.un.org/womenwatch/daw/cedaw/protocol/decisions-views/Decision%204-2004%20-%20English.pdf>

circumstances.”<sup>73</sup> Public and private health centres that perform sterilisation procedures, including hospitals and clinics, should be monitored so as to ensure that fully informed consent is being given by the patient before any sterilisation procedure is carried out, with appropriate sanctions in place in the event of a breach.

12.20 The ERRC and the Legal Defence Bureau for National and Ethnic Minorities (NEKI), as the legal representatives of the Petitioner, are deeply concerned about the fact that in nearly ten months after the CEDAW decision the Hungarian State has not made any steps concerning the individual measures prescribed in the decision.

12.21 Since the decision, the provisions of the Public Health Act regulating sterilization were modified. The current regulations are still not in line with relevant international medical and human rights standards and in some respects represent a set-back in terms of human rights guarantees of informed choice and access to appropriate health care services. The new regulation of the Hungarian Public Health Act, in force as of December 2006, does not require the special information procedure and waiting period when the sterilisation has medical indication based on the opinion of the doctor.<sup>74</sup> Further, although a written request by the patient is still required in cases where sterilisation has a medical indication, there is no longer a legal requirement for the doctor to give information on the alternative methods of birth control, the nature of the operation, possible risks, consequences of the operation and chances for reversibility at the time of the request. Based on this, together with the lack of a compulsory waiting period, the new law deprives all the specific guarantees of informed choice if there is an alleged medical indication.

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<sup>73</sup> Ibid.

<sup>74</sup> Article 187. Section 8.