

# WRITTEN COMMENTS

of the European Roma Rights Centre, Chance for Children Foundation and the Hungarian Helsinki Committee Concerning Hungary

For Consideration by the United Nations Committee at its 98th Session.



CHALLENGING DISCRIMINATION PROMOTING EQUALITY

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## INTRODUCTION

The European Roma Rights Centre (ERRC), Chance for Children Foundation (CFCF) and the Hungarian Helsinki Committee (HHC) respectfully submit written comments concerning Hungary for consideration by the Human Rights Committee (HRC) at its 98th session.

The 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, in particular strategic litigation, international advocacy, research and policy development and training of Romani activists. Additional information about the organisation is available at: <http://www.errc.org>.

CFCF was founded in 2003 with the express purpose of fighting structural discrimination (segregation and lower level education) against Roma and socially deprived children in public education. In order to accomplish these objectives CFCF undertakes strategic litigation, community action, legislative lobbying, training and various other forms of advocacy.

The HHC is a non-profit organisation founded in 1989 and registered as an association with prominent public benefit status in Hungary. It is a member of the European Council on Refugees and Exiles (ECRE). The HHC monitors the enforcement in Hungary of human rights enshrined in international human rights instruments, provides legal defence to victims of human rights abuses by state authorities and informs the public about rights violations. The HHC strives to ensure that domestic legislation guarantee the consistent implementation of human rights norms. The HHC promotes legal education and training in fields relevant to its activities, both in Hungary and abroad. The HHC's main areas of activities are centred on protecting the rights of asylum seekers and foreigners in need of international protection, as well as monitoring the human rights performance of law enforcement agencies and the judicial system. It particularly focuses on the conditions of detention and the effective enforcement of the right to defence and equality before the law.

Regular monitoring of the human rights situation of Roma in Hungary has been undertaken by the ERRC and its partner organisations. On the basis of this, it is evident that the measures adopted and undertaken by the Hungarian government to date have been insufficient to ensure the effective implementation of the International Covenant on Civil and Political Rights (the Covenant) and indeed, often have effects specifically counter to the spirit and letter of the Covenant.

The present document does not aim to address all issues of relevance to the implementation of the Covenant or its provisions in Hungary. Nor is this document a comprehensive summary of all human rights issues facing Roma in Hungary. With this submission, the submitting organisations aim to present the results of their research in several areas of relevance to the Covenant in order to complement the information provided in the State Report.

## EXECUTIVE SUMMARY

The submitting organisations are aware of the contents of the Hungarian government's fifth periodic report to the HRC, as well as other recent Hungarian government policy documents of relevance to Roma. To date, measures adopted and undertaken by the Hungarian government have been insufficient to ensure the effective implementation of ICCPR, particularly with regard to Articles 2, 3, 6, 7, 10, 14, 20, 24, 26 and 27.

As to Articles 2, 26 and 27, discrimination pervades all aspects of life for Roma in Hungary, most egregiously in the fields of education, housing and access to public services. The Government has failed to prevent, prohibit and eradicate practices of racial segregation in education and housing. Legal prohibitions and other legal and administrative measures against racial discrimination have to date been ineffective in prohibiting and bringing to an end racial discrimination against Roma in Hungary. Moreover, there is no available statistical data concerning race and ethnicity, which hinders the exposure and tackling of discrimination on these grounds.

As to Article 3, Romani women suffer multiple discrimination on the basis of sex and ethnicity. As victims of multiple discrimination, Romani women experience barriers in accessing equal education, health care and adequate housing and face high unemployment levels and barriers in accessing justice through administrative or

institutional channels. 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.

As to Articles 6 and 7, Roma are the victims of racially-motivated violence at the hands of law enforcement authorities, private persons and extremist groups. Law enforcement authorities, meanwhile, systematically fail to provide effective protection to Roma.

As to Article 10, problems concerning conditions of detention in penitentiary institutions in Hungary include, e.g., severe overcrowding, the lack of separated toilets in cells in certain facilities, poor staffing level and detainees' limited rights to call their defence counsels. While these conditions affect all prisoners, there is a disproportionate number of Roma in detention.

As to Article 14, the HHC research demonstrated that racial profiling exists in Hungary with regard to Roma becoming suspects of a criminal offence; adult Roma are 15% more likely to be imprisoned with regard to the criminal offences examined (theft and robbery). Moreover, the HHC research showed that when it comes to punishment Roma are 9% less likely to receive a fine instead of being imprisoned.

As to Article 20, in failing to acknowledge and condemn widespread anti-Romani policies, practices and attitudes, Government authorities have not yet undertaken sufficient efforts to ensure effective implementation of legislation prohibiting the dissemination of racism and incitement to racial discrimination. Prominent public officials have in recent years disseminated racist speech targeting Roma, thereby encouraging racism rather than combating it.

As to Article 24, the over-representation of Romani children in state care in Hungary is deeply concerning.

## I. ARTICLES 2, 26 AND 27 – PROHIBITION OF DISCRIMINATION

Hungary has one of the most advanced anti-discrimination laws and a system for minority protection in the Central and Eastern European region. A number of mechanisms have been developed to ensure that minority groups enjoy civil and political rights. However, the central government's general failure to maintain strong and effective control mechanisms over rights violations takes its toll on Hungary's largest minority, the Roma.

### 1.1. DISCRIMINATION AGAINST ROMA IN EDUCATION<sup>1</sup>

Education in particular has been an area where Roma have been shown to fare worse than their non-Roma peers, despite governmental policies aimed at reducing barriers based on both ethnicity and socio-economic status. As one of the governments leading the “Decade of Roma Inclusion”, Hungary has achieved a high profile for its efforts to improve education for Roma, but much remains to be done before real change takes place for the majority of Roma children.

Substantial research has been conducted regarding Roma children and their access to education in Hungary. However, each study has been conducted according to different criteria and along different methodologies, making comparison of data difficult in some cases. Official data are among the least reliable of these sources, and many believe that sociological studies may be more reliable data sources than State-sponsored censuses. Data disaggregated by ethnicity have not been collected by the Government since 1993. However, groups exerting pressure from the European Union affirm that data can and must be collected by ethnicity, as long as this is done in a way that protects the confidentiality of individuals. The Government needs to do more to collect and maintain comprehensive information on Roma education.

Segregation is officially illegal in Hungary;<sup>2</sup> however, research indicates that the separation of Romani children into segregated schools and classes has been on the rise over the past 15 years. According to Havas and Liskó's

1 Information in this section is based on the report: Equal Access to Quality Education for Roma: Hungary, Monitoring Reports 2007, Volume 1, co-author, Open Society Institute EU Monitoring and Advocacy Program, Budapest, 2007. Updated in pursuance to research papers published by the Hungarian Academy of Science in Zöld könyv I, A közoktatás megújítása, chapters authored by Valéria Csépe and Gábor Havas, available at: [http://econ.core.hu/file/download/zk/zoldkonyv\\_oktatas\\_05.pdf](http://econ.core.hu/file/download/zk/zoldkonyv_oktatas_05.pdf).

2 Article 10 of the Equal treatment Act CXXV of 2003, available at: <http://www2.ohchr.org/english/bodies/cescr/docs/E.C.12.HUN.3-Annex3.pdf>.

research in 2002 and 2004 established that the educational segregation of Roma pupils has increased in primary education since 1990.<sup>3</sup> Havas, Kemény and Liskó (2001) identified 126 Roma-dominated segregated primary schools in Hungary that 40% of all Roma students attend. Havas and Liskó (2004) stated that between the 1999–2000 and the 2003–2004 school year, the number of Roma-dominated primary schools increased from 126 to 178 while an additional 67 schools had over 40% Roma students and rising. Havas and Liskó find segregation at the class level as well, if the difference between the share of Roma children in one class is 50% higher than that of Roma children in another class in the school.

According to the same 2004 research, while in 1992 7.1% of Roma children studied in a school attended mainly by Roma, by 2000 this had risen to 18.1%. In 2004, 20–25% of Roma children attended a primary school in which the proportion of Roma was over 40%, and every sixth Roma child attended a school in which more than half of the student population was Roma. Based on data coming in from 86% of the schools examined and on representative data in 2004, Havas and Liskó concluded that twice as many socially disadvantaged and jeopardised children attended primary schools in which Roma students represented more than 20% of the student population than was the case in “average” primary schools. This reinforces their previous findings that ethnicity-based segregation also includes social class-based segregation. Romani children are also frequently placed in segregated classes at otherwise mixed schools, where they are likely to study a remedial or “catch-up” curriculum.

Roma are overrepresented in schools and classes for children with intellectual disabilities, and evidence suggests that this is largely due to flawed assessment procedures that are influenced by discrimination. Available statistics show a depressing picture. The percentage of Roma children in special schools rose from about 25% in 1974–1975 to 42% in 1992.<sup>4</sup> No official statistics are available after this date, but numerous sociological studies have dealt with the issue. A 1997 survey involving 309 special schools estimated the percentage of Roma pupils to be over 40%, whereas a 1998 survey in Borsod County showed over 90% of students attending schools with special curricula to be Roma. Most experts agree that a good number of Roma children attending special schools are not even slightly mentally disabled and are only relegated to such institutions due to the negligent failure to take into consideration their specific socio-cultural characteristics and owing to – conscious or unconscious – discriminatory considerations.<sup>5</sup>

Roma NGOs charge that flaws in the assessment procedure have contributed to the placement of Roma children in disproportionate numbers in special schools and classes. There have been allegations and anecdotal evidence suggesting that Roma parents are not provided with enough information by expert panels that would ensure their informed consent for such placement. This is crucial, because parents must consent to or appeal against the opinions of expert panels in writing.<sup>6</sup>

The Government has implemented a funding scheme intended to integrate schools, offering a subsidy and other support through *Educatio Kht*. While the number of schools using these subsidies has been steadily increasing, research suggests that true integration remains a slow and uneven process. Regrettably, schools whose student body over 50% Roma have tended not to join this program.

The lack of a mechanism to monitor and oversee the implementation of integration programmes is problematic, but no solution has been put forward.

A number of individual complaint based remedies against discrimination in education exist; while only a limited number of cases have been brought forward. Activists have successfully pursued charges of segregation in the courts.

Rather than improving its own control, the Government has suggested that NGOs should bring more cases of segregation to the attention of the authorities. But without funding for such activities and a general fear among Romani parents of victimisation, NGOs and activists are hardly able to contribute to the fight against segregation

3 Havas, Gábor, István Kemény and Ilona Liskó. *Cigány gyerekek az általános iskolában* (Roma Children in Primary Education). Budapest: Oktatáskutató Intézet (Education Research Institute), Új Mandátum Könyvkiadó (New Mandate Publishing House), 2002 and Havas, Gábor, and Ilona Liskó. *Szegregáció a roma tanulók általános iskolai oktatásában*, Kutatásizárótanulmány, (Segregation in the Education of Roma Students in Primary Schools, Final Research Report), September 2004, Research Institute of Higher Education (Felősktatási Kutatóintézet, kézirat).

4 András Kádár, *Legislative Review for the Hungarian Roma Education Policy Note*, National Institute on Public Education, NIPE (Országos Közoktatási Intézet), available at: <http://www.oki.hu/oldal.php?tipus=cikk&kod=eselyaz-kadar-legislative>.

5 *Ibid.*

6 *Equal Access to Quality Education for Roma: Hungary, Monitoring Reports 2007, Volume 1*, co-author, Open Society Institute EU Monitoring and Advocacy Program, Budapest, 2007.

as envisaged. Civil society has been active in the educational sphere, but the central Government itself should assert a more active role in moving desegregation forward, rather than relying on often segregating local authorities for implementation without providing support or external monitoring of progress.

The National Office of Public Education has the authority to sanction schools for discrimination, but the maximum penalty that it can impose is low, and there are examples where its inspectors have failed to note physical segregation in schools under review. Leadership and funding from the Ministry of Education and Culture is the key in the desegregation process. It is noteworthy that the CFCF has taken to court the Ministry precisely because of its failure to take legal proceedings against segregating schools and local authorities. Since the adoption of the Equal Treatment Act (Act CXXV of 2003), the Ministry/Office has initiated only one procedure on account of segregation.

Biased and insulting material about Roma remains in some Hungarian textbooks and there are no courses for teachers focusing on tolerance or multicultural education available as part of standard teacher training.

Since 1 September 1993 (the adoption of the Act on Public Education), pre-school has been available for children aged from three until the age when they start primary school. Following amendments effective as of 1 September 2003, pre-schools “must not refuse the admittance” of disadvantaged children, and from 2005 must not refuse the admittance of “multiply disadvantaged” children – many of whom are Roma from the age of three;<sup>7</sup> otherwise, preschool is compulsory for a minimum of four hours a day from the age of five.<sup>8</sup>

Due to a lack of pre-schools in small villages, almost 20% of Roma children live in areas with no pre-school nearby, and the transportation to villages where there is a pre-school may not be provided. Overcrowding of Romani children is also a problem in areas where there are pre-schools. Generally, administrative requirements for enrolment in school are not an obstacle for Roma families; however, cases have been reported where Roma children were turned away from pre-schools due to their parents’ “social disadvantage” or unemployment. Private schools are increasingly popular in Hungary; however, as most of these are too expensive for Roma families to afford, many function as segregated institutions. Although there are no conclusive data in this regard, education in public schools does not seem to impose a serious financial burden on low-income families, as the State and municipal support for socially disadvantaged children alleviate most costs.

The physical separation of Roma communities is increasing, with a growing number of Romani children living in homogenous settlements. Schools draw their pupils from a legally defined catchment area, although parents can choose to send their children to another school outside the area. In practice, however, few Romani parents elect to send their children to other schools, while non-Roma parents are more likely to withdraw their children from schools with a high proportion of Roma. Regrettably, regulations seeking to even out the proportion of socially deprived (including Roma) children among catchment areas have not been properly implemented at the local level and again, central oversight of implementation is missing.

Despite government programmes designed to tackle misdiagnosis and the international condemnation of such practice in the *D. H. and others v. Czech Republic* judgment of the European Court of Human Rights, it is still common to assign Roma children to classes based on their intellectual abilities. The tests and methods used for the assessment for placing children in special schools or classes are still out of date and culturally biased. Assessments are sometimes conducted under inappropriate conditions and without appropriate attention to language or cultural issues – often stemming from the prohibition to collect ethnic data. Although mechanisms exist for re-transfer of children into mainstream schools and classes, there are no statistics maintained on the actual number that take place.

In smaller villages school–community relations are often informal, but where such day to day contacts do not take place, there is little evidence that more structured mechanisms engage Roma parents as needed. Research on discriminatory attitudes indicates that many teachers and school directors harbour negative perceptions of Roma students, but that such attitudes are not overtly expressed, and rather come across in the form of low expectations. In addressing the more direct consequences of such prejudice, such as segregation in special classes or the inclusion of biased material in textbooks, the Ministry of Education and Culture should also focus on these indirect forms of discrimination and take steps to eliminate them in the classroom.

7 Art. 65 (2) Act on Public Education.

8 Art. 24 (3) Act on Public Education.

9 Kemény I. and B. Janky (2005) ‘Roma Population of Hungary 1971-2003: in European Union Agency for Fundamental Rights Agency: Case Study - Combating Roma residential segregation, Hungary - conference edition, October 2009, available at: [http://fra.europa.eu/fraWebsite/products/publications\\_reports/studies\\_discussion\\_papers/case-study-roma-housing\\_en.htm](http://fra.europa.eu/fraWebsite/products/publications_reports/studies_discussion_papers/case-study-roma-housing_en.htm).

Among the country's ethnic and national minorities, Roma alone have no accredited teaching material in their mother tongue at all, nor accredited teacher training courses where minority language-speaking teachers can study.

## 1.2. DISCRIMINATION AGAINST ROMA IN HOUSING

### 1.2.1. Racial segregation in the field of housing

According to the most recent European Union Agency for Fundamental Rights study on the housing situation of Roma in Hungary, 72% of Roma families lived in a situation of segregation in 2003, of whom 42% lived on the edges of towns, 2% lived far from towns, 6% lived in separate settlements and 22% had homes in the inner parts of towns in neighbourhoods mostly populated by Roma.<sup>9</sup>

Segregating forces in Hungary are extremely powerful. The failure of the government to take effective measures against private actors and local officials who force Roma from their homes or prevent Roma from settling in certain communities constitutes a violation of articles 7, 12, 17 and 26. In last decade, non-Roma have obstructed Roma from moving into certain areas on a number of occasions with no adequate response from government. Roma have been prevented from moving into housing by physical force (e.g. Roma families bought houses which were subsequently damaged by locals such that the Roma could not or would not move in, or sometimes the families were prevented from moving into housing by the locals forming “human chains” – Aba-Belsőbáránd, etc.) as well as by local authorities as a result of petitions by inhabitants (Celldömölk-Alsóság, Eger Felnémeti).<sup>10</sup> For instance on 28 April 2008, Molotov cocktails were thrown at a house of a Roma family (Balogh) who were about to move in. The fire destroyed all their belongings. The family had to look for a new house. The new vendor allegedly was verbally threatened by a member of the local self-government and forced to withdraw the purchase transaction. No action was taken against the government official. However, she ignored the threat and sold her house to the family. On 18 April, this house was also set on fire with Molotov bombs. The local self-government, the Hungarian Guard and the Nationalist Motor Bikers organised a demonstration on 21 June in the village against the “gypsy –criminality”.<sup>11</sup>

With respect to the housing segregation of Roma, the ECRI in its 2009 report highlights that although the Hungarian authorities declared that housing desegregation is their main aim and they introduced social housing programs to encourage Roma living in segregated settlements outside towns and villages to move into the refurbished social housing inside the town or village, still there are reports of resistance from local authorities and individuals when a Roma family has sought to move into a new neighbourhood.<sup>12</sup>

## II. ARTICLE 3 – EQUAL RIGHTS OF MEN AND WOMEN

Despite the various measures adopted by the Hungarian Government, gender inequality still exists in Hungary. The National Strategy on Equality Between Women and Men was adopted only in January 2010.

According to the recent European Commission Annual Report on Equality between women and men, the employment rate for women is approx 52% in Hungary, which is under the European average.<sup>13</sup> While there is not much of a difference concerning salary rates between men and women, and greater number of women participate in education (at least at higher levels) than men, women spend on average 16 hours more per week with domestic or family work than men. Parenthood also has a long-term negative impact on female employment. The number of female members in the Parliament is less than 15%. Although there is no ethnic data available, due to the socially and economically disadvantaged situation of Roma, Romani women face multiple discrimination on the basis of their sex and ethnicity.

10 Forray R. Katalin and Mohácsi Erzsébet (ed.), 2002, *Esélyek és korlátok, A magyarországi cigány közösségek az ezredfordulón*, Budapest-Pécs p. 36.

11 Népszabadság: [http://nol.hu/mozaik/nem\\_talaltak\\_etnikai\\_indittatast\\_a\\_faddi\\_gyujtogatás\\_ügyében](http://nol.hu/mozaik/nem_talaltak_etnikai_indittatast_a_faddi_gyujtogatás_ügyében).

12 ECRI report on Hungary 2009, available at: [http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Hungary/Hungary\\_CBC\\_en.asp](http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Hungary/Hungary_CBC_en.asp).

13 European Commission: Report on equality between women and men – 2009, available at: <http://ec.europa.eu/social/main.jsp?catId=418&langId=en&pubId=86&type=2&furtherPubs=yes>.

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 since they 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.

In 2005, Hungary joined in the Decade of Roma Inclusion (2005-2015).<sup>14</sup> Within this initiative in 2007, the Hungarian Parliament adopted a resolution on the Decade of the Roma Integration Program Strategic Plan specifying goals and indicators in the areas of housing, health, employment and education.<sup>15</sup> Measures to achieve the creation of equal opportunities for women are listed under cross-cutting themes. Action Plans are adopted by the Government for the period of two years establishing the concrete tasks and measures to be taken in the framework of the Strategy. In 2007, the Government adopted the first action plan for the year 2008-2009.<sup>16</sup> No plan for the coming period has yet been adopted.

The submitting organisations welcome that the long-term Strategic Plan specifically refers to Roma women when defining required measures to be taken in the area of employment and in access to health care services. However, the submitting organisations remain concerned that in the key areas of the plan including those relating to anti-discrimination, housing and education make no mention of the situation of women. The Strategic Plan 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).

## 2.1. POLITICAL PARTICIPATION

At the European level, Romani women are represented by one Hungarian Member of the European Parliament. At the national level, there are no Romani women in the Parliament.

## 2.2. EDUCATION

In its Sixth Periodic Report submitted by Hungary to the Committee on the Elimination of Discrimination against Women (CEDAW), the Government noted that Romani women face a “substantial disadvantage in the schooling system.” It went 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>17</sup> The failure of the Government to ensure that Romani women complete mandatory primary education is a violation of articles 2, 3 and 26 of the Covenant.

Romani women and girls face a lack of access to education due to multiple discrimination on the basis of sex and ethnicity. Amongst the Romani women interviewed during ERRC research, 16.7% had not completed primary education, 4.2% completed less than a year of education or had never attended school. 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 which remain prevalent among large sectors of the Romani community and which are also held by school staff and a lack of positive models.<sup>18</sup>

## 2.3. EMPLOYMENT

Despite the explicit bans on discrimination in hiring processes contained in the Hungarian Equal Treatment Act, out of the 117 women who responded to questions on employment, 24 respondents reported having been

<sup>14</sup> More information about the Roma Decade of Inclusion <http://www.romadecade.org>.

<sup>15</sup> Parliamentary Resolution No.68 of 2007 (VI.28) on the Decade of the Roma Integration Program Strategic Plan, available at: <http://www.szmm.gov.hu/main.php?folderID=1052&articleID=4821&ctag=articlelist&iid=1&accessible=0>.

<sup>16</sup> Decision of the Government No. 1105/2007. (XII.27) on the Government Action Plan for 2008–2009 related to the Decade of Roma Inclusion Program Strategic Plan, available at: <http://www.szmm.gov.hu/main.php?folderID=1052&articleID=4821&ctag=articlelist&iid=1&accessible=0>.

<sup>17</sup> See: <http://www.un.org/womenwatch/daw/cedaw/39sess.htm>.

<sup>18</sup> See Havas, Gábor and Liskó, Ilona. Szegregáció a roma tanulók általános iskolai oktatásában. Kutatási zárótanulmány. Manuscript. 2004.

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. In some instances a higher educational level than that necessary to perform the job is required by the employer in order to avoid employing Romani women.

## 2.4. HEALTH

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), lack of access to medical services and the disadvantaged position of Romani women within the family. Of the 78 Romani women who answered questions related to access to health care during ERRC research in 2007, 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%).

Romani women victims of violence face multiple discrimination when seeking justice or redress. There is a lack of trust between Romani women and the police and several Romani women reported being the targets of police surveillance and harassment, which results in a lack of reporting of violent incidents by Romani women.<sup>19</sup> This situation is further exacerbated by the failure of the police to provide adequate protection to Romani women victims of violence.

## III. ARTICLE 6 – RIGHT TO LIFE

Article 6 (1) of the Covenant stipulates that, "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life." In this respect the Committee's General Comment No. 6 makes clear that "[s]tates have the supreme duty to prevent wars, acts of genocide and other acts of mass violence causing arbitrary loss of life."<sup>20</sup> Moreover the Committee highlights that "[t]he expression 'inherent right to life' cannot properly be understood in a restrictive manner, and the protection of this right requires that States adopt positive measures".<sup>21</sup>

In the period January 2008 through June 2009, the ERRC registered around 30 attacks against Roma based on media reports.<sup>22</sup> In the course of the attacks, the perpetrators reportedly used fire, bombing, shooting, stabbing, beatings or other kinds of violent means. According to ERRC desk and field research as well as media reports, the attacks against Roma in Hungary in this period took at least nine lives<sup>23</sup> and have left many other people with injuries. Many of the assaults have targeted families and children, causing injury and death to Roma of all ages. In the vast majority of these cases, the law enforcement response has been inadequate or non-existent.

Despite the seriousness of this problem, the Government makes no reference to it in its report under the Covenant. Furthermore, the Hungarian authorities have never made public coherent and readily-comprehensible data on the number of racially-motivated crimes occurring in Hungary. In relation to this the ECRI in their report noted that introduction of systematic and comprehensive monitoring of all incidents that may constitute racist violence, including collection of disaggregated data by ethnicity, is essential to combating racial violence.<sup>24</sup>

Some of the cases involving violence against Hungarian Roma are as follows:

- On 23 February 2009 the house of a Romani family in Tatarszentgyörgy was set on fire by Molotov cocktails. Then the perpetrator(s) shot and killed two family members, a father (27) and son (5), as they fled

<sup>19</sup> Ibid.

<sup>20</sup> General Comment No. 06: The right to life (art. 6): 30/04/82. CCPR General Comment No. 6, available at: [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/84ab9690ccd81fc7c12563ed0046fae3?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/84ab9690ccd81fc7c12563ed0046fae3?Opendocument).

<sup>21</sup> Ibid.

<sup>22</sup> Please check Annex 1: List of Attacks against Roma in Hungary: January 2008-August 2009.

<sup>23</sup> Tatarszentgyörgy, 2 people; Tiszalök, 1 person; Pécs, 2 people; Nagycséc, 2 person; and Fényeslitke, 1 person and Kisléta, 1 person.

<sup>24</sup> ECRI report on Hungary 2009, available at: [http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Hungary/Hungary\\_CBC\\_en.asp](http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Hungary/Hungary_CBC_en.asp).

the burning home. Two other children were wounded. The on-duty police officer and a forensic expert at the crime scene both failed to recognise the victims' gunshot wounds. The police also classified the attack and murders as the result of an accidental fire. Independent research of the ERRC, the Civil Liberties Union (TASZ) and the Legal Defence Bureau for National and Ethnic Minorities (NEKI) demonstrates numerous examples of official misconduct on the part of police, fire fighters and emergency medical personnel. While some internal disciplinary proceedings were initiated, several months later the only information available is that two police officers were "held responsible". No detail such as the identity of the officers, why they were held responsible and what kind of punishment was imposed on them, if any, has been made public.

- On 22 April 2009, as he was leaving to work the nightshift, 54-year-old Kóka Jenő was shot to death in front of his house. At the crime scene, a witness saw a black Land Rover belonging to the unknown perpetrator(s), and a tall man stepping out of it. According to the official police website, murder investigations against unidentified suspect(s) have begun. They also reported similarities between this case and earlier attacks against Roma.
- On the night of 3 August 2009, 45-year-old Mária B. and her daughter were attacked by strangers in their home. The mother died after being shot while in her bed and her daughter survived but was badly injured.
- On the night of 18 November, a hand grenade was thrown at the house of a Romani family in Pécs. Two adults were killed instantly. Two children (aged 3 and 5) were taken to hospital in a state of shock and with minor injuries. The police eliminated a racist motive after investigating the crime scene. They assume (without any apparent evidence) a revenge motive or possible mafia conflict.

It is impossible to state conclusively the factors that lead to violence. However, the ERRC has identified the following factors that it believes encourages violence against Roma.

**Anti-Roma statements of public authorities and politicians:** During the period many instances of anti-Roma statements of public authorities or politicians were registered, as well as statements of a discriminatory nature. More detailed discussion related to this follows below in the part related to advocacy of national and racial hatred.

**Lack of effective investigation of attacks against Roma leading to impunity:** According to publicly available information, in the past year the police have identified four perpetrators implicated in nine cases of violent attacks.<sup>25</sup> In one case in Abádszalók, the attacked family was able to detain the perpetrator at the scene of the crime themselves.<sup>26</sup>

In October 2009, the ERRC sent official letters to the law enforcement authorities and the public prosecutors requesting information about the investigation and prosecution status of 12 cases in which no information was publicly available. The ERRC has received official responses in 10 cases. According to the information provided, the investigations have been closed in six cases, the investigation is ongoing in three cases and in only one case is there an indictment against the perpetrator. Racial motivation was not found in any of the cases.

The failure of law enforcement to conduct effective investigations and launch prosecutions in the vast majority of these crimes of violence against Roma creates a general impression of impunity. This can give confidence to potential future perpetrators as they may rightly understand that there are almost no consequences for people who commit violent crimes against Roma. The Minister of Justice and Law Enforcement recently emphasised "We have not been able to track down the perpetrators of these crimes even though we have a 95% detection rate in homicide cases overall."<sup>27</sup>

**Association of law enforcement officials with anti-Romani ideology:** Law enforcement officials in Hungary have been increasingly associated with extremist groups with strong anti-Romani platforms such as Jobbik and the Magyar Garda. The Magyar Garda website and campaign announcements publicly invite both police and army officers to join their ranks. In the "Most frequently asked questions regarding how to join the Magyar Garda" section of its website, the Magyar Garda presents in detail the reasons that law enforcement officers are welcome to join and why they should not feel as though they can not.

25 Tatarszentgyörgy, Nagycséc, Galgagyörk, Piricse, Tarnabod, Alsószolca, Kisléta, Tiszalök, Tarnabod, available at: <http://www.origo.hu/ithon/20091225-ev-vegi-osszefoglalo-ciganyok-elleni-tamadasok.html>.

26 See: <http://www.budapesttimes.hu/content/view/full/12083/159/>.

27 See: [http://www.javno.com/en-world/hungary-failing-to-solve-roma-murders\\_237225](http://www.javno.com/en-world/hungary-failing-to-solve-roma-murders_237225).

In June 2009 it was reported that a law enforcement officers' trade union called Tettekesz ("Ready for Action") representing more than 5,000 active police officers had entered a collaboration agreement with Jobbik.<sup>28</sup> An investigation by the public prosecutor is currently pending, however wide coverage of such acts in the Hungarian media contribute to the impression that the police are allied against Roma. At the same time, police officials have featured prominently on the party lists of Jobbik, with Judit Szima, the Secretary General of Tettekesz, ranking fourth on Jobbik's list of candidates in the recent European Parliament elections.

## IV. ARTICLE 7– PROHIBITION OF TORTURE

No systematic research on ill-treatment of members of the Roma minority has been performed so far. However, a questionnaire-based survey, carried out by the HHC in 2003,<sup>29</sup> focusing on the situation of pre-trial detainees in police jails and penitentiary institutions also examined how ethnicity influences the likelihood of ill-treatment. The research demonstrated that ill-treatment was common (affecting 17% of respondents), and that in pre-trial detention Romani prisoners were more likely to suffer ill-treatment than Roma prisoners. Research suggests that violence applied during the apprehension of a suspect (i.e. in a very stressful situation) is more driven by emotions, whereas unlawful force applied in order to extort a confession is motivated by more rational considerations. Therefore, biases, potential anti-Roma sentiments may play a more significant role in aggressive acts committed at the beginning of the criminal procedure. Since there is lack of data, there is no reason to believe that the situation has changed.

Two recent cases reinforce the claim that nothing changed. In late September 2008, the HHC was informed that an inmate in the Borsod-Abaúj-Zemplén County penitentiary had been seriously ill-treated by more than ten prison guards. The HHC's prison monitor paid an ad hoc visit to the concerned prison and interviewed the allegedly beaten inmate, G. F. The inmate told HHC that, following a minor conflict with a guard, his cell was emptied (i.e. all the other inmates were sent out of the cell and were placed in another one temporarily) and the guards started beating him as a result of which he suffered serious injuries (broken nose, seriously wounded left ear and jaw, bruises all over his body). After the beating, he was taken to the medical department from where he was transferred to a civilian hospital. The medical report issued by the hospital establishes that he had suffered injuries which required a healing time of 29 days. The prison governor imposed 10 days solitary confinement on the inmate as a disciplinary sanction (for the incident that served as the antecedent of the beating) and at the same time reported the case to the prosecution (which is responsible for investigating ill-treatment by prison officials). The investigation is pending.

Another case of ill-treatment of persons belonging to the Roma minority took place in the city of Tiszaújváros. In June 2009, a brawl broke out between two Romani families in a town called Köröm. The police officers who arrived started beating up the family members, used tear gas extensively and also entered apartments in the neighbourhood without a search warrant (homes of persons not even present at the brawl). Finally, the police took 28 persons into short-term custody, among them juveniles, a physically disabled person and civil guards trying to help the police. In Tiszaújváros, the detainees were treated in a degrading and humiliating way: they had to wait for hours sitting on the stairs of the police headquarters, the police officers used strong language with them and shouted at them, they were allegedly urinated on and spat on by the police officers and were humiliated when asking for permission to go to the toilet. Some of the detainees were told that they could go to the toilet and were escorted inside the police headquarters, where they were beaten by the police officers. The aggrieved persons – several of whom have medical records of their injuries – filed a complaint with the Parliamentary Commissioner for the Rights of National and Ethnic Minorities and reported the ill-treatment to the prosecutor's office. The case is pending.

<sup>28</sup> JTA, "Hungarian police union links to far-right party" 14 June 2009, available at: <http://jta.org/news/article/2009/06/14/1005865/hungarian-police-union-links-to-far-right-party>.

<sup>29</sup> András Kádár: Presumption of Guilt. Injurious Treatment and the Activity of Defense Counsels in Criminal Proceedings against Pre-trial Detainees. Hungarian Helsinki Committee, Budapest, 2004.

## V. ARTICLE 10 – INHUMAN TREATMENT OF PERSONS DEPRIVED OF LIBERTY

Problems concerning conditions of detention in penitentiary institutions in Hungary include e.g. severe overcrowding, the lack of separated toilets in cells in certain facilities, poor staffing level and detainees' limited rights to call their defence counsels. Situation of detainees held in special regime units for prisoners serving lengthy sentences (HSR unit) and the situation of the so-called Grade 4 prisoners is also problematic, as emphasized by the European Council of for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in its reports on its visits to Hungary in 2003, 2005 and 2007.<sup>30</sup>

Roma make up a disproportionate number of people in detention in Hungary: research from 2003 found the percentage of Roma in certain pre-trial detention facilities to be 24% and research from 2000-1 found that 32.8% of convicted persons responding to a survey were Roma.<sup>31</sup>

## VI. ARTICLE 14 – EQUALITY BEFORE THE COURTS AND THE RIGHT TO A FAIR AND PUBLIC HEARING

As far as the treatment of Roma by criminal courts is concerned, no recent data is available due to the failure of the government to collect criminal justice data disaggregated by ethnicity. In 2001, the HHC analysed 1100 case files, and found unequal treatment of Roma suspects. Adult Roma in this study were 15% more likely than non-Roma to be imprisoned with regard to the criminal offences examined (theft and robbery). Moreover, receiving a fine instead of being imprisoned is 9% less likely in the case of Roma. HHC suspects that comprehensive data may show a worse picture, because many courts in areas with large Roma populations refused to provide data to the researchers. Other research has shown that representatives of authorities in the areas where the proportion of Roma is higher are more biased against Roma.<sup>32</sup>

Individual cases demonstrate severe miscarriages of justice against Romani defendants. Examples include the following.

On 4 March 1999, a man was robbed and murdered in the village of Újszentmargita, Hungary. Before the incident the victim had a few drinks in a bar together with Ferenc Burka Jr. and his father, Ferenc Burka, both Roma. The next day they were arrested and an investigation started against them. Two witness testimonies were considered enough evidence for an indictment decision: one from the bartender and another from a villager who saw the two Romani men walking in the direction of the victim's house. The prosecutor's investigation was based only on circumstantial evidence. On 11 April 2000, the prosecutor pressed charges against them and they were sentenced to 15 and 13 years of imprisonment. They were kept in pre-trial detention for 6 years. After a long procedure, the Szeged Appellate Court ordered a retrial and on 20 July 2005, the court found them not guilty and ordered them released. The decision was upheld on appeal at the Debrecen Appellate Court on 25 April 2006. It turned out that evidence suggesting that another person committed the murder was neglected by the authorities.

Ernő Setét is a musician of Roma origin. He was charged with beating three homeless persons together with another perpetrator, and then tearing off the golden chain of one of the victims. Setét became a suspect after he was arrested on 17 September by a police officer who thought Setét had matched the arrest warrant's description based on the statement of the victims. The victims recognised Setét, who had a very firm alibi: he evening before, he gave a concert in Demecser (260 kilometres from Budapest) that ended late at night. He wished to verify this alibi with witnesses present at the concert, the persons who travelled back to Budapest in his car, the employee of the gas station where he stopped to buy fuel, the cell information of his mobile phone,

<sup>30</sup> See: <http://www.cpt.coe.int/EN/states/hun.htm>.

<sup>31</sup> András Kádár: Presumption of Guilt. Injurious Treatment and the Activity of Defense Counsels in Criminal Proceedings against Pre-trial Detainees. Hungarian Helsinki Committee, Budapest, 2004.

<sup>32</sup> Csepeli György – Örkény Antal – Székelyi Mária: Sztelen módszerek. A megkülönböztetésmentes [sic!] viselkedés lehetőségei és akadályai. In Szöveggyűjtemény a kisebbségi ügyek rendőrségi kezelésének tanulmányozásához. Felelős szerk.: Csányi Klára, COLPI, Budapest, 1997. 145–172. p.

but the first instance court refused to take any of the evidence into account and sentenced Setét to 4 years imprisonment in August 2006. The court of second instance quashed the decision and ordered a repeated trial. In the repeated procedure Setét was acquitted. Altogether he spent 16 months in pre-trial detention.

Two Roma brothers, Miklós and Zoltán Gán spent 15 months in pre-trial detention, after they became suspects of a murder. The Csongrád County Court finally acquitted the brothers from the charges on 19 April 2003, and terminated their pre-trial detention. The brothers claimed damages 2 million HUF from the Hungarian state because of their detention. When ruling on the sum of the damages, the first instance court stated that the brothers did not suffer moral damages severe enough to entitle them to the amount claimed, since their personality is “more primitive than the average”, and granted them a sum of 1.2 million HUF. Finally, the Csongrád County Court, acting as a second instance court in the case, deleted the reference to the “primitive personality” of the Gán brothers from the reasoning of the final decision. However, it did not alter the sum of the damages.

## VII. ARTICLE 20 – ADVOCACY OF NATIONAL AND RACIAL HATRED

Article 20 (2) of the Covenant stipulates that, “Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.”

Incitement to hatred is regulated under Article 269 of the Hungarian Penal Code; however the restrictive interpretation applied by the courts creates an obstacle for its effective implementation. In its decision No. 18/2004 the Constitutional Court stated that the legislator could limit freedom of speech through criminal sanctions only in cases of most dangerous conduct, if the behaviour is capable of whipping up such intense emotions in the majority of the people that, upon giving rise to hatred, they could result in the disturbance of the public peace. The Court stressed that an abstract threat is insufficient to meet this threshold: the danger to the public peace must be “clear and present”. This means that the regulation is applicable only for the most extreme forms of hate speech i.e. when the incitement liable to provoke immediate violent acts.<sup>33</sup> Further attempts to amend the criminal and civil law have failed and were declared unconstitutional by the Constitutional Court. The latest regulation adopted by the National Assembly in 2008 is still under review by the Constitutional Court.

While experts can differ as to whether the Hungarian law meets the requirements of the Covenant, in practice failure by the Hungarian authorities to take action against the dissemination of racism and incitement to racial hatred constitutes a violation of article 20. The ERRC has registered many instances of anti-Roma statements by public authorities or politicians as well as statements of a discriminatory nature advocating hatred towards Roma, with no significant Government response. The reluctance of the Hungarian authorities to take action against racist statements contributes to the strengthening of a public culture in which racist statements and therefore violation of fundamental rights and dignity of Roma is tolerated.

The ERRC compiled the following non-exhaustive list of anti-Roma statements by public officials and politicians:

- In January 2009, the Police Chief in the city of Miskolc, one of Hungary’s poorest regions, claimed that Roma were responsible for all street robberies without offering any evidence to support this claim. The Police Chief was removed from office, but after a day-long investigation and significant public pressure in support of the Police Chief, the Minister of Justice and Law Enforcement accepted the motion of the Chief Police to reinstate him. No other disciplinary action was taken.
- Similarly, in April 2009, Dr Máté Szabó, Parliamentary Commissioner for Civil Rights, stated in an interview with the online news portal FigyelőNet that “criminality categorised on an ethnic basis” – “Gypsy crime” – exists, identifying it as a type of crime performed to earn a living. He also referred to Roma as being “a collectivist, almost tribal level social group,” comparing them unfavourably to the individualist Hungarian society. Furthermore, Dr Szabó stated that the attention of the majority society should be drawn to the existence of this specific criminal profile. He identified himself as the Parliamentary Commissioner of the majority in contrast with the Parliamentary Commissioner for the Rights of National and Ethnic Minorities – thus openly suggesting that he does not regard himself as a representative of

33 See: ECRI report on Hungary, available at: <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Hungary/HUN-CbC-IV-2009-003-ENG.pdf>.

members of the Roma minority. The Parliamentary Commissioner did not withdraw his statements and the Parliament took no action against him.<sup>34</sup>

- In February 2009, the leader of the main opposition party (Fidesz) Viktor Orban stated publicly that it is clear that the ratio of perpetrators of serious crimes of Gypsy origin is increasing day by day, considerably and tangibly. Those that keep that fact silent [...] will but aggravate the problem,” said Orban.<sup>35</sup>
- When responding to the reports that 40-50 Roma families are going to settle in his municipality, the Mayor of Kiskunlachaza József Répás stated, “Rumours about the local government’s intention to have 40-50 Roma families settle in Kiskunlachaza are false. As Mayor [I] hereby emphasise that neither Roma nor any other ethnic minority families are to settle in Kiskunlachaza, nor are they encouraged or supported to do so. Anyone stating otherwise, lies!”<sup>36</sup> Again no action was taken at a political or legal level to challenge these racist remarks by a public official.
- Oszkar Molnar, the Mayor of Edeleny claimed at a local council meeting that Roma women living in two nearby villages had deliberately harmed their unborn children in order to receive higher state benefits. Approximately 400 Roma women filed a defamation suit against the mayor and demanded his resignation and departure from politics.<sup>37</sup> There was no official reaction to this racist statement.

The submitting organisations are concerned about the on-going illegal operation of the extreme right wing paramilitary group, the Magyar Gárda (Hungarian Guard). The group was established in 2007 with its stated purpose of protecting Hungarian culture and the Hungarian nation. It is infamous for its explicit anti-Romani activities and propaganda. The Magyar Gárda was dissolved and its activities barred by the final and enforceable judgement of the Supreme Court in December 2009. Despite this, the Magyar Garda continues to operate openly in Hungary. Hungarian law enforcement authorities have not yet undertaken sufficient efforts to fully enforce the judgment. In many instances law enforcement authorities have failed to intervene and initiate criminal procedure against individuals wearing the uniform of the group and explicitly declaring themselves to be members of the dissolved Magyar Gárda.

## VIII. ARTICLE 24 – RIGHTS OF THE CHILD<sup>38</sup>

Article 24/1 of the Covenant underlines that “[e]very child shall have, without any discrimination [...] the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.” General Comment No. 17 of the Committee noted that “the implementation of this provision entails the adoption of special measures to protect children, in addition to the measures that States are required to take under article 2 to ensure that everyone enjoys the rights provided for in the Covenant”.<sup>39</sup>

It is widely held to be true that the situation of Romani children compared to non-Romani children is especially vulnerable vis-à-vis the child protection system of the country in which they live. In its most recent Concluding Observations on Hungary, the United Nations Committee on the Rights of the Child, which oversees the implementation of the Convention on the Rights of the Child, stated that it was “particularly worried about the considerable over-representation of Roma children among children in institutions.”<sup>40</sup> However, in the absence of relevant data disaggregated by ethnicity, it is difficult to provide details as to the actual extent of this over-representation.

<sup>34</sup> See: <http://www.errc.org/cikk.php?cikk=3025>.

<sup>35</sup> See: <http://www.politics.hu/20090212/orban-says-crime-committed-by-roma-on-rise-but-rejects-gypsy-crime-label>.

<sup>36</sup> See: [http://kiskunlachaza.hu/index.php?option=com\\_content&task=view&id=267&Itemid=91](http://kiskunlachaza.hu/index.php?option=com_content&task=view&id=267&Itemid=91).

<sup>37</sup> See: <http://www.politics.hu/20090914/roma-women-file-defamation-suit-against-mayor>.

<sup>38</sup> Information in this section is based on the report: “Dis-Interest of the Child: Romani Children in the Hungarian Child Protection System” published by the ERRC in 2008, available at: <http://www.errc.org/cikk.php?cikk=2960>.

<sup>39</sup> General Comment No. 17: Rights of the child (Art. 24): 07/04/89, available at: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/cc0f1f8c391478b7c12563ed004b35e3?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/cc0f1f8c391478b7c12563ed004b35e3?Opendocument).

<sup>40</sup> Committee on the Rights of the Child, 17 March 2006, Concluding observations: Hungary, available at: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.HUN.CO.2.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.HUN.CO.2.En?OpenDocument).

In 2007 the ERRC conducted an in-depth study on the situation of Romani children in children's homes, in adoption and in institutions for the mentally disabled in Hungary. The results of this study indicate that the Romani children are overwhelmingly overrepresented in the Hungarian child protection system. Amongst the sample of children in professional care institutions interviewed by the ERRC, 40% were of Romani origin and an additional 18% were half-Romani; 58% in total. According to reasonable estimates, Romani children account for only 13% of the child population in Hungary.

This over-representation appears mainly to be the result of indirect discrimination against Roma through the application of the provisions of the child protection law and functioning of the system itself, which have a disproportionate impact on Roma. Although the Hungarian Child Protection Act bans the removal of children from their families for purely material reasons, Romani children appear to be removed more frequently from their families for material reasons than non-Romani children. Preventative social care and community development programmes in Hungary are extremely underdeveloped. Also of concern is that according to ERRC research, the temporary or short-term care of children unofficially becomes long-term care in almost all cases, meaning that a disproportionate number of Romani children in state care are relegated to life in an institutional setting. Because the legal framework on child protection allows children to be placed in temporary and short-term care on the basis of an administrative decision, many Romani children and parents are *de facto* long-term separated without any court involvement (which is required for the official long-term placement of children in professional care in Hungary).

The over-representation of Romani children in institutionalised care is a considerable problem because children growing up in an institutional setting will be without any substantial support network as adults. Alarming, workers in the children's homes informed ERRC researchers that there are indications that many children growing up in homes will themselves end up having their children removed due to their socio-economic situation as adults, creating a nasty cycle from which it is very difficult to emerge.

## IX. RECOMMENDATIONS

The Government of Hungary should:

- Undertake measures to ensure effective implementation of existing anti-discrimination law;
- Conduct systematic monitoring of access of Roma to education, housing, employment, health care and social services and establish a mechanism for collecting and publishing data disaggregated by ethnicity in these fields;
- 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 fixed period of time;
- 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.
- Consistently, clearly and strongly state that attacks against Roma and other minorities are not acceptable in Hungary, each time an incident occurs;
- Investigate promptly and impartially incidents of violence against Roma and prosecute perpetrators of such crimes to the fullest extent of the law, whether they are committed by law enforcement officers or by private parties; make public guidelines to law-enforcement and judicial authorities on identifying and investigating racially-motivated crime; publish detailed statistics in a format readily available and understandable to a lay person – at minimum yearly – on the ethnic identity of victims of crime and the number of racially-motivated crimes occurring and prosecuted;
- Adopt and implement a zero-tolerance policy for expressions of racial animosity in the police force or other branches of law enforcement and public administration, with swift and public punishment, including dismissal, of offenders;

- Adopt effective measures to prevent, identify and, where relevant, punish manifestations of racial bias in the judicial system;
- All child welfare workers and professional child protection workers should undergo anti-discrimination, cultural awareness and tolerance training on a continuous basis;
- Develop a set of objective criteria by which to define “endangerment”, accounting for all aspects of parental and familial contribution to the development of the child (not only material concerns), against which the competent authorities can make objective recommendations and decisions regarding the removal of children from their families;
- Develop and adopt a system of incentives for child protection services and agencies with demonstrated results in improving preventative services and reducing the levels of children actually in need of/moved into temporary, short-term and long-term professional care.

## ANNEX 1

### LIST OF ATTACKS AGAINST ROMA IN HUNGARY: JANUARY 2008-AUGUST 2009

This list of attacks is not exhaustive and captures only those reported by the media. The ERRC has not independently verified all of the information contained in these media reports.

The following is a (non-exhaustive) list, including 29 attacks against Roma and/or their property in Hungary between January 2008 and August 2009.

The attacks:

- took a combined total of nine lives
- left dozens people with injuries

<b>Four suspects arrested</b>			
<b>Location:</b>	Debrecen (Hajdú-Bihar county)	<b>Date, Time:</b>	21 August 2009
<b>Source:</b>	<a href="#">Pesterlloyd</a>		
<p>On the morning of 21 August, four suspects were arrested in a disco following a police search for offenders who used a shotgun to shoot at Romani people in a car.</p> <p>The suspected persons are non-Romani and aged between 28 and 42 years old. They are implicated in a total of nine crimes including murder, attempted murder, mayhem, arson, etc.</p> <p>On Sunday they were remanded in custody until 23 September and transferred to Budapest under heavy police protection.</p> <p>The Chief of Police, József Bence, mentioned that the investigation has not finished yet, however the attacks where obviously racially motivated.</p>		 <p>Photo (Pester Lloyd): Commando Forces march off one of the suspects.</p>	

<b>45-year-old woman murdered, daughter injured</b>			
<b>Location:</b>	Kisléta (Szabolcs-Szatmár-Bereg county)	<b>Date, Time:</b>	03 August 2009
<b>Source:</b>	<a href="#">Népszabadság</a>		
<p>On the night of 3 August, 45-year-old Mária B. and her daughter were attacked by strangers in their home.</p> <p>The mother died after being shot while in her bed and her daughter survived but was badly injured.</p> <p>The investigation has not excluded racial motivation.</p>		 <p>Photo (Népszabadság): Locals debate what might have triggered the tragedy.</p>	

<b>Man attacks Roma family with razor blade</b>			
<b>Location:</b>	Abádszalók (Jász-Nagykun-Szolnok county)	<b>Date, Time:</b>	27 May 2009, 3 AM
<b>Source:</b>	<a href="#">Népszabadság</a>		
<p>A man broke into a house at night and attacked the family inside with a razor blade. He entered the house through a window and injured the father by cutting into his neck and chest and harmed the mother by cutting into her legs. The family managed to overcome the perpetrator, who was also armed with a gun. He was then arrested by the police.</p> <p>Four people were injured in the attack. The parents were later taken to the hospital. Their child, sleeping in the bed with them at the time of the attack was not injured, according to an announcement made by Rostas László, the vice-president of OCÖ.</p> <p>The aggressor was known for making harassing statements towards Roma and for connections to the Magyar Garda, whose press-office denounced this attack.</p>			
		Photo (MTI): One of the victims.	

<b>Shots reached Romani house</b>			
<b>Location:</b>	Táska (Somogy county)	<b>Date, Time:</b>	5 May 2009
<b>Source:</b>	<a href="#">Népszabadság</a>		
<p>On 5 May unknown perpetrators shot at a house inhabited by a Roma family. The shots were fired late at night while the family was sleeping in their house. There were no personal injuries.</p>			
		Photo (Népszabadság): bullet holes.	

<b>Police shot at a Romani man who failed to stop for a document check</b>			
<b>Location:</b>	Érd (Pest county)	<b>Date, Time:</b>	25 April 2009
<b>Source:</b>	<a href="#">168 Óra Online</a>		
<p>Police shot at a Romani driver when he failed to stop for a check. According to the police, road police wanted to stop the man for a documents check. Instead, the man allegedly swept the policemen away with his vehicle. After a warning shot, the police officer shot at the vehicle. The bullet hit the man in his back.</p>			

<b>Romani man shot to death in front of his house</b>			
<b>Location:</b>	Tiszalök (Szabolcs-Szatmár-Bereg county)	<b>Date, Time:</b>	22 April 2009
<b>Source:</b>	<a href="#">Népszabadság</a>		
<p>Late in the evening, as he was leaving to work the night shift, 54-year-old father Kóka Jenő was shot to death in front of his house. At the crime scene, a witness saw a black Land Rover belonging to the unknown perpetrator(s), and a tall man stepping out of it.</p> <p>According to the official police website, murder investigations against unknown suspect(s) have begun. They also reported that, after an exhaustive investigation overnight, similarities between this case and earlier attacks towards Roma in Hungary cannot be overlooked.</p> <p>Update: The National Bureau of Investigation offered a reward of 10 million HUF for information leading to an arrest in this case and another two cases (Tatarszentgyörgy, Nagycsécs), and a reward of one million HUF in four other cases, because clear similarities among these cases were detected.</p> <p><a href="http://www.police.hu/nyitoldal/cikkek/dijkituzes50.html">http://www.police.hu/nyitoldal/cikkek/dijkituzes50.html</a></p>			
			
		<p>Photo (index.hu): crime scene.</p>	

<b>Shots fired at Romani house</b>			
<b>Location:</b>	Old (Baranya county)	<b>Date, Time:</b>	15 April 2009, 7 PM
<b>Source:</b>	<a href="#">Népszabadság</a>		
<p>On 15 April at about 7 pm, a shot was fired at a house inhabited by Roma located in the Telep area of Old. The bullet went through the window and hit a painting. None of the 5 family members-were in the house at the time.</p>			

<b>Romani-houses burned down to prevent Romani family from moving in</b>			
<b>Location:</b>	Fadd (Tolna county)	<b>Date, Time:</b>	13 April 2008
<b>Source:</b>	<a href="#">Népszabadság</a>		
<p>Molotov cocktails were thrown at a house of a Roma family (Balogh) who were about to move in. The fire destroyed all their belongings. The family had to look for a new house. The new vendor allegedly was verbally threatened by a member of the local self-government and forced to withdraw the purchase transaction. However, she ignored the threat and sold her house to the family. On 18 April, this house was also set on fire with Molotov bombs. The local self-government, the Hungarian Guard and the Nationalist Motor Bikers organised a demonstration on 21 June in the village against "gypsy –criminality".</p>			

<b>House of Roma politician set on fire</b>			
<b>Location:</b>	Tatarszentgyörgy (Pest county)	<b>Date, Time:</b>	7 April 2009
<b>Source:</b>	<a href="#">Népszabadság</a>		
<p>On 7 April, the house of Lidia Horvath, the vice-president of the local Roma minority self-government, was set on fire. There was no one at home at the time as Horvath was on duty in a local Roma community guard set up following a February murder. Horvath told the state news agency MTI that the Roma community in her village was living in a state of constant fear. The investigation has not excluded the possibility of self-interest in the incident, along with possible revenge or racial motivation.</p>			
<p>Photo (Népszabadság): Investigating Police</p>			

<b>Neighbour physically abused a Romani woman</b>			
<b>Location:</b>	Budapest (Pest county)	<b>Date, Time:</b>	19 March 2009
<b>Source:</b>	<a href="#">Index.hu</a>		
<p>A non-Romani neighbour both verbally and physically abused a Romani woman and her children in Budapest. The neighbour, who became upset because allegedly the Romani woman did not greet him, said: "I will teach you how to behave, stinky Gypsies." Then he physically abused the woman, broke into their home and terrorised the family until the police arrived.</p>			

<b>Molotov firebomb placed under the window of a Romani family</b>			
<b>Location:</b>	Kecskemét (Bács-Kiskun county)	<b>Date, Time:</b>	13 March 2009
<b>Source:</b>	<a href="#">Index.hu</a>		
<p>Three unidentified men placed a Molotov firebomb in the early morning hours under the window of a home that belonged to a Romani family. It was only later in the morning that the family discovered the bottle containing petrol. The bomb did not explode.</p>			

<b>Molotov cocktail thrown into Roani house</b>			
<b>Location:</b>	Bocfölde (Zala county)	<b>Date, Time:</b>	6 March 2009
<b>Source:</b>	<a href="#">Népszabadság</a>		
<p>Early in the morning of 6 March, a Molotov cocktail was thrown into the house of a Romani family in Bocfölde, in Zala county.</p> <p>The explosive was thrown through the glass-window of a door and landed on the floor. One man staying in the room threw the bomb back out of the window before a fire started. No one was injured.</p>			
<p>Photo: (Népszabadság) Damage from a Molotov Cocktail</p>			

<b>Stone attack on Romani house</b>			
<b>Location:</b>	Zalaegerszeg (Zala county)	<b>Date, Time:</b>	4 March 2009
<b>Source:</b>	<a href="#">Népszabadság</a>		
<p>On the night of 4 March, around 2 am, the house of a 7-member Romani family was attacked. The family woke up to stones being thrown through the window. Some stones landed right next to sleeping children. No one was injured. This was the last inhabited house of a predominantly Roma settlement.</p>			

<b>House set on fire, fleeing family members shot</b>			
<b>Location:</b>	Tatarszentgyörgy (Pest county)	<b>Date, Time:</b>	23 February 2009, 1 AM
<b>Source:</b>	<a href="#">Népszabadság</a>		
<p>The house of a Roma family in Tatarszentgyörgy was set on fire by Molotov cocktails. Then the perpetrator(s) shot and killed two family members, a father (27) and son (5), as they fled the burning home. Two other children were wounded, and the mother escaped without injury.</p> <p>The on-duty police officer and a forensic expert at the crime scene both failed to recognise the victims' gunshot wounds. The police also classified the attack and murders as result of a domestic fire. Prime Minister Ferenc Gyurcsány instructed the affected ministries to conduct an internal inquiry. Police have already closed their own inquiry and launched disciplinary proceedings against two sub-commanders. Pest county police chief Sándor Ármós said that if the on-site inspection had been carried out in accordance with standard procedure, the murders of the 27-year-old Roma man and his five-year-old son would have emerged, despite the mistaken medical opinion.</p> <p>Petőfi Attila, manager of the National Bureau of Investigation (NNI), noted clear similarities between this attack and several cases since summer 2008, which also involved Molotov cocktails, shotguns, and targeted houses on the outskirts of the settlement. He discussed serial murders but did not confirm a racist motive, and kept open the possibility of personal revenge. A reward of ten million Forints has been offered for information leading to an arrest.</p>		 <p>Photo (PESTER LLOYD): burned house</p> <p>For a detailed report on this case please follow:  <a href="http://www.errc.org/db/03/DA/m000003DA.pdf">http://www.errc.org/db/03/DA/m000003DA.pdf</a></p> <p>Update: The National Bureau of Investigation offered a reward of 10 million HUF for information leading to an arrest in this case and another two cases (Tiszalök, Nagycsécs), and a reward of one million HUF in four other cases, because clear similarities among these cases were detected.  <a href="http://www.police.hu/nyitoldal/cikkek/dijkituzes50.html">http://www.police.hu/nyitoldal/cikkek/dijkituzes50.html</a></p>	

<b>Shooting injured Romani man</b>			
<b>Location:</b>	Alsózsolca (Borsod-Abaúj-Zemplén county)	<b>Date, Time:</b>	15 December 2008
<b>Source:</b>	<a href="#">Népszabadság</a>		
<p>On 15 December a 19-year old Romani man went to chop wood in his yard when he was shot two times. His injuries were life-threatening. His partner suffered minor injuries.</p> <p>Update: The National Bureau of Investigation offered a reward of one million HUF for information leading to an arrest in this and three other cases and a reward of 10 million HUF in three additional cases.  <a href="http://www.police.hu/nyitoldal/cikkek/dijkituzes50.html">http://www.police.hu/nyitoldal/cikkek/dijkituzes50.html</a></p>			

<b>Tensions and violence in Kiskunlacháza</b>			
<b>Location:</b>	Kiskunlacháza (Pest county)	<b>Date, Time:</b>	28 November 2008
<b>Source:</b>	<a href="http://index.hu">index.hu</a>		
<p>On 28 November, over 3,000 people joined a candlelight march in Kiskunlacháza to protest against violence after the murder of a 14-year-old local girl a week before. The town's mayor József Répás addressed the gathering, lamenting the decline in public safety in the settlement. Although the murderer or murderers have not been identified, Répás allegedly said: "Kiskunlacháza has had enough of Roma violence!" He also said that police were often branded "racist" if they tried to act. Participants in the march were not all locals. Some came from nearby Ráckeve, others came from more distant towns. A 200-300-person contingent from the Hungarian Guard attended, as did some members of a motorcycle group known as the Goy Motorcyclists. There was a heavy police presence and searches of some of the marchers yielded knives and daggers.</p> <p>Nepszabadsag reported increased tension in Kiskunlacháza between the local Roma and non-Roma population (Nepszabadsag, 15 May). Following a recent incident involving the attack of a 12-year-old girl by 8 Roma youngsters, 5 adults attacked two Roma children. The children stated that they were riding bicycles in the street when a jeep passed by. The people jumped out of the car and pushed them off their bikes. One of the attackers also threatened them.</p>		<p>Update: The Pest county police headquarters arrested P. József, a 25-year old, non-Roma man from Kiskunlacháza, on 25 June 2009 who confessed the crime. He lived within 250 metres from the crime-scene and was discovered through matching DNS-samples.</p>	
			
		<p>Photo (index.hu): funeral of the 14-year old victim</p>	

<b>Threatening of Romani family</b>			
<b>Location:</b>	Pusztadobos (Szabolcs-Szatmár-Bereg county)	<b>Date, Time:</b>	20 November 2008
<b>Source:</b>	<a href="http://Budapester Zeitung">Budapester Zeitung</a>		
<p>In the morning of 20 November, unknown perpetrators threw a Molotov cocktail at a Romani house. There were four adults and eight children in the house, but because the bomb exploded outside, no one was injured.</p> <p>The tenants found a printed cartoon attached to the fence that stated, "You are going to die!" The family had moved to Pusztadobos one year earlier from Nyirmada, where they were also attacked (the windows of their house were broken). Based on recent media information the investigation is closed because police could not confirm the Roma family's story.</p>			
		<p>Photo (index.hu): crime scene</p>	

<b>Hand grenade killed Romani parents</b>			
<b>Location:</b>	Pécs (Baranya county)	<b>Date, Time:</b>	18 November 2008
<b>Source:</b>	<a href="#">Népszabadság</a>		
<p>On the night of 18 November a hand grenade was thrown at the house of a Romani family in Pécs. Two adults were killed instantly. Two children (aged 3 and 5) were taken to hospital in a state of shock and with minor injuries.</p> <p>The police eliminated a racist motive after investigating the crime scene. They assume a revenge motive or possible mafia conflict.</p> <p>Kovács István from the local Roma self-government of Mohácsi noted many similarities between this murder and recent incidents in Hungary. He speculated that this was a racist attack.</p>		 <p>Photo: (kleinezeitung.at) crime scene</p>	

<b>Two persons killed in firebomb and shooting attack</b>			
<b>Location:</b>	Nagycsécs (Borsod-Abaúj-Zemplén county)	<b>Date, Time:</b>	3 November 2008
<b>Source:</b>	<a href="#">Népszabadság</a>		
<p>Two Roma people (a man of 43 and a woman of 40) were shot dead following a firebomb attack on two houses in the village of Nagycsécs. The perpetrators shot the members of the Roma family after they were awakened by the sound of the firebomb and tried to escape from the house. The bomb thrown at the other Romani house did not explode.</p> <p>Update: The National Bureau of Investigation offered a reward of 10 million HUF for information leading to an arrest in this case and another two cases (Tatarszentgyörgy, Tiszalök), and a reward of one million HUF in four other cases, because clear similarities were detected among these cases.  <a href="http://www.police.hu/nyitoldal/cikkek/dijkituzes50.html">http://www.police.hu/nyitoldal/cikkek/dijkituzes50.html</a></p>		 <p>Photo(index.hu): crime scene</p>	

<b>Shootings and Molotov cocktails at Romani houses</b>			
<b>Location:</b>	Tarnabod (Heves county)	<b>Date, Time:</b>	29 September 2008
<b>Source:</b>	<a href="#">Népszabadság</a>		
<p>On 29 September, Molotov cocktails were thrown and shots were fired at four Romani homes in Tarnabod. No one was injured. Three local people were interrogated as suspects.</p>			

<b>Shootings reached Romani house</b>			
<b>Location:</b>	Nyíradony-Tamásipuszta (Hajdú-Bihar county)	<b>Date, Time:</b>	5 September 2008
<b>Source:</b>	<a href="#">Népszabadság</a>		
<p>On the night of 5 September 2008, unknown perpetrators shot at a Roma home. No one was injured. Update: The National Bureau of Investigation offered a reward of one million HUF for information leading to an arrest in this and another three cases and a reward of 10 million HUF in three other cases.  <a href="http://www.police.hu/nyitoldal/cikkek/dijkituzes50.html">http://www.police.hu/nyitoldal/cikkek/dijkituzes50.html</a></p>			

<b>Attack on Romani house</b>			
<b>Location:</b>	Székesfehérvár (Fejér county)	<b>Date, Time:</b>	19 August 2008
<b>Source:</b>	<a href="#">Népszabadság</a>		
<p>On 19 August in Székesfehérvár, a group of teens threw several stones at a Roma home, seriously injuring a 12-year-old Roma girl. The perpetrators, self-declared "skinheads", were captured by police.</p>			

<b>Molotov cocktail and shooting attack</b>			
<b>Location:</b>	Piricse (Szabolcs-Szatmár county)	<b>Date, Time:</b>	8 August 2008
<b>Source:</b>	<a href="#">Népszabadság</a>		
<p>Molotov cocktails were thrown at two Roma houses. One woman was shot in the leg when she stepped out of the house.</p> <p>Update: The National Bureau of Investigation offered a reward of one million HUF for information leading to an arrest in this and another three cases and a reward of 10 million HUF in three other cases.  <a href="http://www.police.hu/nyitoldal/cikkek/dijkituzes50.html">http://www.police.hu/nyitoldal/cikkek/dijkituzes50.html</a></p>			

<b>Shooting reached Roma houses</b>			
<b>Location:</b>	Galgagyörk (Pest county)	<b>Date, Time:</b>	21 July 2008
<b>Source:</b>	<a href="#">Népszabadság</a>		
<p>Shortly after midnight ten to 15 shots were fired at three Roma houses in Galgagyörk, a village near Budapest. No one was injured.</p> <p>Update: The National Bureau of Investigation offered a reward of one million HUF for information leading to an arrest in this and another three cases and a reward of 10 million HUF in three other cases.  <a href="http://www.police.hu/nyitoldal/cikkek/dijkituzes50.html">http://www.police.hu/nyitoldal/cikkek/dijkituzes50.html</a></p>			

<b>40-year-old drunk stabbed 14-year old Roma to death</b>			
<b>Location:</b>	Fényeslitke (Szabolcs-Szatmár-Bereg county)	<b>Date, Time:</b>	15 June 2008
<b>Source:</b>	<a href="#">Népszabadság</a>		
<p>A 14-year-old Romani boy was stabbed to death by a local 40-year-old person following a verbal argument in front of a pub. The boy's brother was seriously injured. The perpetrator shouted that he would kill all the Roma in the village.</p>			

<b>Romani activist attacked</b>			
<b>Location:</b>	Nyíregyháza (Szabolcs-Szatmár-Bereg county)	<b>Date, Time:</b>	8 June 2008
<b>Source:</b>	<a href="#">Népszabadság</a>		
<p>On 8 June 2008, commemorations and a demonstration were held in Nyíregyháza on the occasion of the 88th anniversary of the Trianon Peace Pact concluding the First World War. Racist, anti-Roma, xenophobic speeches were made by the speakers. A Romani activist who wanted to record the event was attacked by the members of the Hungarian Guard and his video camera was destroyed. Roma were told to go back to India, as they are unwelcome in the country.</p>			

<b>Fire bombing of Romani houses</b>			
<b>Location:</b>	Pátka (Fejér county)	<b>Date, Time:</b>	3 June 2008
<b>Source:</b>	<a href="#">Népszabadság</a>		
<p>Three members of the volunteer police guard threw six Molotov bombs on three houses of Romani families in the village of Pátka. The police closed the investigation and recommended an indictment for attempted murder.</p> <p>On 13 June the Hungarian Guard marched in the village to protect the non-Roma residents. The special police forces were in the village to control the tension between Roma and non-Roma. The mayor and the majority of the village signed a petition in support of "innocent special constables". The mayor prepared a "code on the norms of peaceful co-existence for the Roma of the village".</p> <p>Update: The indictment is against the three perpetrators, members of a local volunteer police guard organisation, who are charged with multiple counts of attempted murder with extraordinary brutality. <a href="http://www.nol.hu/kritika/20090630-ciganyvadaszat">http://www.nol.hu/kritika/20090630-ciganyvadaszat</a> - <a href="#">interju az orszagos fokapitannyal</a></p>			

<b>Romani man beaten up</b>			
<b>Location:</b>	Tapolca (Veszprém county)	<b>Date, Time:</b>	15 March 2008
<b>Source:</b>	<a href="#">Népszabadság</a>		
<p>Two 17-year-olds severely beat and kicked a Roma man on the street, although there hadn't been any previous argument. The 32-year-old Roma man slipped into a coma and was taken to the hospital in critical condition.</p>			

<b>House of Roma official set on fire</b>			
<b>Location:</b>	Tiszaroff (Jász-Nagykun-Szolnok county)	<b>Date, Time:</b>	1 March 2008
<b>Source:</b>	<a href="#">Népszabadság</a>		
<p>The house of the Roma minority self-government representative of Kunmadaras was set on fire. Racial epithets had been painted on the walls prior to the arson.</p>			

<b>Roma women beaten up by racists</b>			
<b>Location:</b>	Szigetvár (Branya county)	<b>Date, Time:</b>	22 January 2008
<b>Source:</b>	<a href="#">Népszabadság</a>		
<p>On 22 January 2008 five young people (aged 19-24) under the influence of alcohol boarded a train from Barcs to Pécs. Because they did not have tickets, the conductor ordered them to leave the train in Szigetvár. They got off, covered their faces and attacked a Romani woman and her daughter who were crossing a park on their way home. The assailants beat and kicked the mother while her daughter managed to get away and call for help.</p> <p>When the attackers were captured by the police, they admitted that they assaulted the woman and child specifically because of their ethnicity but later withdrew their statements, instead claiming that alcohol caused them to act aggressively. On 27 November 2008 the Pécs City Court jailed four of the young men for an "attempt to assault" a Roma woman and her daughter (garazdasag). Although the youths had been charged with assault on an ethnic minority, the judge ruled that there was reasonable doubt on whether the assault was racially motivated.</p>			