

LIFE SENTENCE

A REPORT BY THE EUROPEAN ROMA RIGHTS CENTRE



Romani Children in State Care in Hungary

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2 Introduction

According to ERRC research on the situation of Romani children in the Hungarian child protection system in 2007, Romani children were overrepresented in children's homes: 58% of the children interviewed in Hungarian children's homes during that research were of Romani origin,¹ while the proportion of Romani children in the entire Hungarian child population was estimated to be only 13%.

The consistently high representation of Romani children in State care is at odds with general trends since the adoption of Hungary's Child Protection Act in 1997. Statistics show that the number of children in State care has decreased since that time: 20,955 children under 18 years of age were in State care in 1997, while in 2009 this figure was 17,562.² Children who had been living in large children's homes were transferred into smaller homes and many were placed with foster parents. According to the latest statistics from 2009, more than half of the children (56%) were living with foster parents, up from only 25% in the 1980s.³

The 2007 ERRC research showed that "Romani children appear to be removed more frequently from their families for material reasons than non-Romani children." Due to anti-Roma racism and discrimination, Romani families are often in a vulnerable socio-economic situation and a disproportionately large percentage of Roma live in extreme poverty. Problems documented in the Hungarian Child Protection System included a disproportionately low rate of adoption of Romani children among those in State care and a high number of Romani children in State care categorised as mentally disabled.

The current report aims to update the 2007 research on the basis of research conducted in 2010 about the situation of Romani children in the Hungarian child protection system. In lieu of statistical data disaggregated by ethnicity, the research involved gathering data about the apparent overrepresentation of Romani children in the child protection system and uncovering the contributing factors. The research also examined whether and how direct or indirect discrimination in the child protection system affects Romani children. One of the main aims of this research was to propose possible solutions to the problems identified in this study. Based on the findings, a series of recommendations for future actions by the Hungarian government are provided.

Due to the highly sensitive nature of the topic and out of respect for the persons interviewed, the ERRC has chosen not to refer directly to any individual interviewed during the research process.

- 1 European Roma Rights Centre (ERRC), *Dis-Interest of the Child: Romani Children in the Hungarian Child Protection System* (2007), available at: <http://www.errc.org/cms/upload/media/02/8F/m0000028F.pdf>.
- 2 A gyermekvédelmi szakellátásban részesülő fiatalok korcsoportok szerint (1990–) (Children in State care according to their age), Központi Statisztikai Hivatal KSH (Central Statistical Office) 2009, available at: http://portal.ksh.hu/pls/ksh/docs/hun/xstadat/xstadat_eves/i_fsg001.html.
- 3 "Gyermekvédelem" Statisztikai Tükör (Child protection, Statistics) 2007. 1 évf/11. szám, KSH (Central Statistical Office), available at: <http://portal.ksh.hu/pls/ksh/docs/hun/xftp/stattukor/gyermekvedelem.pdf>; Interview with the Head of the Child Protection Department, former Ministry of Labour and Social Affairs (currently Ministry of National Resources), Budapest, Hungary: 14 May 2010.

3 Executive Summary

ERRC research from 2007 found that Romani children accounted for 58% of the children in homes visited at that time, which was much higher than their proportion in the Hungarian population.⁴ In 2010, new research by the ERRC in children's homes in Budapest, Szabolcs-Szatmár-Bereg County, Borsod-Abaúj-Zemplén County, Baranya County and Győr-Moson-Sopron County found that 65.9% of the children in the homes visited were of Romani origin.

The overrepresentation of Romani children in institutional care appears to be the result of indirect discrimination against Roma, a lack of clear guidance in the child protection law and policy and various shortcomings in the operation of the child protection system, which disproportionately impact Romani families.

Poverty-related material conditions remain one of the major reasons for the removal of Romani children from their home environment, despite an explicit ban on such actions in the Hungarian Child Protection Act. School absenteeism, especially among Romani teenagers, is a major reason for their perceived endangerment and removal from their family. The perception that Romani families “deviate” from societal norms, compounded with negative stereotypes among some child welfare workers, also increases Romani children's chances of institutionalisation.

Basic care services are often inadequately funded in the Hungarian child protection system, particularly in poorer towns and villages where many Roma reside, as the current funding of the basic care system discriminates against poorer geographical areas. Inadequate funding results in a lack of preventative programmes and services, such as the presence of psychologists, lawyers or special education teachers, as well as children's and families' temporary homes outlined in the Hungarian Child Protection Act. Conditions are exacerbated by inadequate cooperation between relevant actors, and a lack of non-discrimination and multi-culturalism training among child protection workers.

Ethnicity plays a role in the placement of Romani children in State care, and they are more likely to be placed in children's homes rather than foster care. Romani children are reported to face discrimination in State care due to both their ethnicity and their status as a child living in a State home. At the same time, there were hardly any homes that supported the development of a Romani ethnic identity and a positive image of Romani people to counter the anti-Roma sentiments children encounter in the media or everyday life. In the last four years, no reduction was reported in the high rate of long-term residence of children in State care or in the extremely low rate of return to their families. Romani children are disproportionately represented in this group, as they often enter State care due to more serious material problems than non-Roma, which are very difficult to overcome. Romani children are also less likely to be placed with foster parents or adoptive parents than non-Roma, especially if they are disabled. Many Romani children that are removed from their families in Hungary are likely to spend the remainder of their childhoods in institutions.

⁴ ERRC, *Dis-Interest of the Child*, p. 37.

4 Methodology

Research for this study was conducted in three stages. The first phase of research included an assessment of Hungarian law and policy on child protection, with a focus on Romani children and families. This consisted of desk research and seven interviews with professionals and experts in the child protection system and sought to identify possible gaps in the legal and policy framework, as well as any significant improvements since 2007.

The second phase of research included semi-structured, in-depth interviews. Interviews were conducted with a total of 236 respondents between September and December 2010 in five different areas: Budapest, Szabolcs-Szatmár-Bereg County, Borsod-Abaúj-Zemplén County, Baranya County and Győr-Moson-Sopron County. These areas were chosen to cover areas of Hungary with a substantial Romani population (north-eastern and southern Hungary) as well as areas which are typically less densely populated by Roma (north-western Hungary). The capital was chosen due to geographical coverage considerations. Government officials, basic and professional level child protection professionals, notaries and guardians, school authorities, academics, NGOs, Romani parents at risk of child removal and Romani children in institutional care were interviewed. Twenty-four children's homes were visited on the basis of random selection and recommendations from the regional homes representative. Juvenile detention systems and psychiatric facilities were not included in this research.

The third research phase included a series of four roundtable discussions conducted by the ERRC in Budapest, Pécs, Miskolc and Nyíregyháza, where professionals interviewed during field research shared their views on the preliminary findings and provided input on draft recommendations for policy-makers.

Limitations of the research

The research on which this report is based is qualitative in nature and is not representative. Because there is a lack of official statistical data disaggregated by ethnicity for children in the Hungarian child protection system, and data concerning the ethnicity of children in State care is not collected, researchers collected information based on the personal experiences of respondents working in the field, including employees of State agencies and childcare institutions, as well as the parents and children themselves. As such, the information reported herein may be skewed based on the perceptions (or misperceptions) of the individuals involved.

Some child protection representatives refused to provide estimates as to the number of Romani children under their care, contending that this data was unknown to them and they were in no position to make a judgment about another person's ethnic belonging.⁵

5 Other researchers have also encountered this problem. Maria Nemenyi and Vera Messing. 2007. Gyermekvédelem és esélyegyenlőség. (Child Protection and Equal Opportunities). Kapocs 6, 1, p. 6, available: http://www.ncsszi.hu/kapocs-folyoirat-1_12/kapocs-2007-2_24/kapocs-vi.-cvf.-1.-szam-%2828%29-4_114.

Increased sensitivity to discussing Roma issues due to heightened anti-Roma violence⁶ and discrimination in Hungary also affected the research. School desegregation court cases against primary schools,⁷ and criticism contained in the 2007 ERRC child protection report also led to several refusals by child protection professionals and primary school directors to participate in the research. Romani families approached during research were at times highly cautious about relating negative experiences.

⁶ The formation and activities of the Hungarian Guard [Magyar Gárda] (legally banned in 2010) and the gunfire and other attacks against Roma in Hungarian villages in 2008 and 2009 are the most shocking examples of the strengthening of extreme right groups and the growth of racial violence. ERRC, *Attacks Against Roma in Hungary: January 2008 – July 2011*, 11 July 2011, available at: <http://www.errc.org/cikk.php?cikk=3042>.

⁷ Several court cases on school segregation have been launched in Hungary by the Chance for Children Foundation (www.cfcf.hu) since it was founded in 2004.

5 The Socio-Economic Situation of Roma in Hungary

In Hungary Roma constitute approximately 7% of the total population;⁸ the percentage of Romani children in the child population is estimated to be 13%.⁹ Census data from 2001 found that the number of Romani people is the highest in north-eastern Hungary: in Borsod (45,525), Szabolcs-Szatmár-Bereg (25,612) and Heves (12,095) counties.¹⁰ Sociological research found higher numbers, and indicated that there are also many Roma in Baranya County in southern Hungary.¹¹

According to the results of a statistical survey on minorities and discrimination in the European Union published by the European Union Agency for Fundamental Rights (FRA) in 2009, 62% of Roma in Hungary reported having experienced discrimination based on their ethnicity in the 12 months prior to the survey. The same survey found that 66% of Roma in Hungary do not report the vast majority of discrimination experiences.¹²

Experts estimate that in Hungary, one quarter of the people living in extreme poverty are Roma, and are living in segregated, disadvantaged areas without any kind of employment opportunities.¹³ According to the FRA's 2009 statistical survey findings, 47% of Roma in Hungary reported discrimination in access to employment.¹⁴ Research shows that 91% of Roma in Hungary live below the national poverty line.¹⁵ According to a United Nations Development Program (UNDP) study, 72.4% of Roma respondents in Hungary indicated child support (including paid maternity leave) as a source of income for their household; among them, 24.1% noted child support as the primary source of income.¹⁶

8 Claude Cahn and Professor Elspeth Guild, *Recent Migration of Roma in Europe* (OSCE/CoE, December 2008), available at: <http://www.osce.org/hcnm/78034>.

9 Based on I. Kemény and B. Janky, "Roma Population of Hungary 1971-2003", in: *Roma of Hungary*, ed. I. Kemény (2005), available at: http://www.mtaki.hu/docs/kemeny_istvan_ed_roma_of_hungary/istvan_kemeny_bela_janky_roma_population_of_hungary_1971_2003.pdf.

10 Népszámlálás (Census), available at: <http://www.nepszamlalas2001.hu/hun/kotetek/04/tabhun/tab105/load05.html>.

11 For example, 99,300 Roma in Borsod, 38,500 in Szabolcs-Szatmár-Bereg and 52,000 in Heves counties. I. Kemény and B. Janky (2005) "Roma Population of Hungary 1971-2003".

12 European Union Agency for Fundamental Rights, *Data in Focus: The Roma* (2009), available at: http://www.fra.europa.eu/fraWebsite/eu-midis/eumidis_roma_en.htm.

13 ERRC interview with representative of the Department of Roma Integration, Ministry of Labour and Social Affairs. Budapest, Hungary: 28 July 2009

14 European Union Agency for Fundamental Rights, *European Union Minorities and Discrimination Survey: Main Report* (2009), available at: http://fra.europa.eu/fraWebsite/eu-midis/eumidis_main_results_report_en.htm.

15 UNDP, *Avoiding the Dependency Trap – a Human Development Report on the Roma Minority in Central and Eastern Europe* (2002). p. 47, available at: <http://europeandcis.undp.org/home/show/62BBCD48-F203-1EE9-BC5BD7359460A968>.

16 UNDP, *Avoiding the Dependency Trap*, p.94.

A major portion of Romani people in Hungary live in micro-regions that are disadvantaged in terms of economy, infrastructure and employment opportunities. Estimates indicate that tens of thousands of Romani persons live in slum housing in segregated blocks with little or no facilities.¹⁷ Forced evictions, racial segregation and refusal to allocate social housing for Roma negatively impact the housing situation of Roma. 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. More than half of Romani households do not have indoor toilets, and in 13.2% of Romani households, one or more family members sleep on earthen floors in their homes.¹⁸

Health conditions among Roma are also poorer than the national average due to poverty factors. Several studies have demonstrated that regional characteristics (living in segregated villages and settlements) and educational, social and economic deprivation have substantially negative consequences on health and life quality.¹⁹

Hungary is ranked third lowest among 24 Organisation for Economic Co-operation and Development (OECD) countries in terms of inequalities in children's material well-being. Hungary is the lowest ranked for children's health and is also at the bottom of the list with regards to inequalities in living space for children.²⁰

Romani children have lower levels of education than their non-Roma peers. Many Romani children study in Roma-only segregated schools, or are misdiagnosed and segregated into schools for children with a mental disability, which in general provide lower quality education and have worse infrastructure. Accessing higher education after attending these schools is almost impossible. According to research conducted by OSI in 2006, about 60.8% of the total Roma population have completed primary school, 12.9% have finished secondary school and only about 0.5% have finished tertiary education.²¹ In comparison, close to 100% of the total population had finished primary school, around 85% had finished secondary school and around 30% of the total population had finished tertiary education.²² According to the 2009 FRA study, 17% of Romani respondents reported that they had experienced discrimination from school personnel in the past 12 months.²³

17 *Parliamentary Resolution No.68 of 2007 (VI.28) on the Decade of the Roma Integration Program Strategic Plan*, available at: http://demo.itent.hu/roma/portal/downloads/Decade%20Documents/Hungarian%20NAP_en.pdf.

18 A. Revenga, D. Ringold, and W.M. Tracy, *Poverty and Ethnicity: A Cross-Country Study of Roma Poverty in Central Europe*. (Washington: The World Bank. 2002). p. 34.

19 *Ibid.*

20 UNICEF-Innocenti, *The Children Left Behind* (2010), available at: <http://www.unicef-irc.org/files/documents/d-3796-The-Children-Left-Behind-.pdf>.

21 Open Society Institute, *Monitoring Education for Roma - A Statistical Baseline for Central, Eastern, and South Eastern Europe* (2006), available at: http://www.soros.org/initiatives/esp/articles_publications/publications/monitoring_20061218/monitoring_20061218.pdf.

22 Organisation for Economic Co-operation and Development (OECD), *Education at a Glance 2008: OECD indicators* (2008), available at: http://www.oecd.org/document/9/0,3746,en_2649_39263238_41266761_1_1_1_1,00.html.

23 European Union Agency for Fundamental Rights, *Data in Focus: The Roma* (2009).

6 Hungary's Law and Policy Framework for Child Protection

6.1 Child Protection Law and Processes

Hungary is a party to the United Nations Convention on the Rights of the Child (CRC), which was promulgated into Hungarian legislation in 1991.²⁴ The Constitution of the Republic of Hungary lays down the fundamental principles for the protection of children: “in the Republic of Hungary, every child has the right to enjoy the care and protection on the part of their families and by the State and society that is necessary for satisfactory physical, mental and moral development.”²⁵ The Constitution affords special attention to securing the existence, education and training of youth and for the protection of their interest²⁶ and to the protection of the institutions of marriage and the family.²⁷

The Hungarian child protection system is governed by the Act No XXXI of 1997 on the Protection of Children and Guardianship Administration (Child Protection Act) which outlines children's rights, the rights and duties of parents, defines the institutional structure of the child protection system and lays down the rules of the guardianship system. Decree 15/1998 (IV.30) of the Minister of People's Welfare further specifies the professional duties and the operation of child protection services.²⁸ Hungarian law broadly defines child endangerment as “conditions - as a result of certain behaviour, failure, or circumstances of the child or other person - blocking or hindering the child's physical, intellectual, emotional, and moral development.”²⁹ There are no detailed methodological guidelines for assessing this, though these were reportedly under development at the time of research.³⁰ Child protection workers, therefore, have no uniform guide in conducting their assessments, which provides significant opportunity for subjective interpretation of the law and may negatively impact Romani children and families.

The Child Protection Act defines child protection as a State and local government responsibility which primarily aims “to promote the upbringing of the child within the family, prevent and eliminate the endangerment of the child and ensure the substitute protection of a child

24 Hungary signed the Convention on the Rights of the Child on 14 March 1990. It was promulgated by *Act LXIV* of 1991.

25 *Act No XX/1949, Constitution of the Republic of Hungary*, Article 67(1).

26 *Ibid.*, Article 16.

27 *Ibid.*, Article 15.

28 *Decree 15/1998 (IV.30) of the Minister of People's Welfare on the conditions of operation and duties of child welfare and child protection institutions and persons giving personal care*, available at: http://jogszabalykereso.mhk.hu/cgi_bin/njt_doc.cgi?docid=33323.200169.

29 Hungary, *Child Protection Act as amended by Act LXXXIX of 2009*, Article 5(n).

30 ERRC interview with a representative of the National Institute for Family and Social Policy. Budapest, Hungary: October 2010.

leaving the care of parents or other relatives.”³¹ Section 2(1) declares that “in applying the law it is necessary to take into consideration the primacy of the best interest of the child.”³²

Pursuant to the Child Protection Act, child protection is ensured by financial support, personal care services (including basic child welfare services and professional child protection services) and administrative measures offered by the child protection authority. Financial support is available to the family to ensure the proper development of the child within the family, including child benefits, advance payments of child support, housing benefits and supplementary benefits.³³ Basic child welfare services³⁴ include child welfare services, day-care and temporary child-care,³⁵ while professional child protection services³⁶ include home-like provisions (children’s homes, foster care, etc.), after-care services (for children over 18) and county-level professional child protection services.

The administrative measures of child protection and welfare include various measures by the guardianship office or the notary of the local government acting as the guardianship authority including: a) placement under protection; b) acceptance of the child in another family; c) temporary placement; d) short-term foster care; e) long-term foster care; f) educational supervision; g) after-care; and h) after-care provision.³⁷

Until June 2010 the Minister of Social and Labour Affairs oversaw the operation of the child protection system. Under the new government, the Minister of National Resources,³⁸ specifically the State Secretary for Social, Family and Youth Affairs, assumed responsibility for child protection matters.³⁹ The duties and responsibilities of the child protection and guardianship authorities are performed by the notary of the local government, the municipal guardianship office and the social and guardianship office. The notary of the local government or the municipal guardianship office acts as the first instance child protection and guardianship authority. The social and guardianship office performs professional control and supervision of the notary of the local government and the municipal guardianship office, acting as a second instance authority.⁴⁰

31 *Act No XXXI of 1997 on the Protection of Children and Guardianship Administration (Child Protection Act)*, Article 14(1).

32 The law, however, does not provide guidelines as to how the best interest of the child can be defined.

33 *Child Protection Act*, Article 15(1), Articles 18- 27.

34 *Child Protection Act*, Article 15(2), Articles 38-51.

35 Temporary care of children refers to the placement of children with substitute parents, in temporary homes of children or temporary homes of families for a maximum of 12 months; parental rights of supervision are not affected at this time and parents can request to get their children back at any point.

36 *Child Protection Act*, Article 15(3), Articles 52-66/P.

37 *Child Protection Act*, Article 15(4).

38 As of June 2010 the Ministry of Labour and Social Affairs was replaced by the Ministry of National Resources, available at: <http://www.nefmi.gov.hu/>. More information about the structure is available at: <http://www.kormany.hu/en/ministry-of-national-resources/organisation>.

39 *Child Protection Act*, Article 101.

40 *Government Decree No 331/2006 (XII.23) on the duties, competences and structure of the guardianship authority*, Article 2.

Guardianship authorities may take several administrative measures if the physical, intellectual, emotional and moral development of the child cannot be ensured by the parent, and the situation may endanger the development of the child. If the parent is not able to or does not want to eliminate the endangerment of the child through the use of basic child welfare services and it is presumable that, with assistance, the development of the child within a family environment may be ensured, the notary of the local government takes the child under protection.⁴¹ Simultaneously, a family caregiver is appointed from the child welfare service in order to support parental care and eliminate the endangerment of the child. Placement under protection does not affect parental rights.⁴²

The child is removed from the family in case of severe endangerment when “[t]he child remains without supervision, or his or her physical, intellectual, emotional, and moral development is severely endangered by his or her family environment, and, as a result, immediate placement of the child is necessary.”⁴³ The resolution of the assigning agency is immediately executed, regardless of appeal.⁴⁴ From the beginning of temporary placement, parental rights are suspended and a guardian is appointed in case a court procedure is instituted for the termination of parental supervision.⁴⁵ Once the child is placed under temporary placement, the regional professional child protection service⁴⁶ conducts a case assessment involving expert appraisal of the child and analysis of the information gathered about the family (including at the basic care level). After a placement meeting, to which the parents are invited, and on the basis of the assessment by the regional professional child protection service, the guardianship office issues an administrative decision regarding the placement of the child. The decision either terminates the temporary placement and returns the child to his/her family; initiates a court procedure for the alteration of the child’s placement and/or termination of parental supervision while maintaining or changing temporary placement; or stipulates that the child shall be taken into short-term or long-term care.⁴⁷

The child is taken into short-term foster care if his or her development is endangered by the family environment, and such endangerment could not be eliminated by basic child welfare services or by taking the child into protection, and appropriate nursing cannot be ensured within his or her family.⁴⁸ In this case, parental rights are suspended on the basis of an administrative

41 *Child Protection Act*, Article 68(1).

42 The measure is reviewed upon request or at least on an annual basis by the notary of the local government which shall alert the guardianship office if the endangerment cannot be eliminated by the measure or if the child has been placed under protection for two years, but the endangerment could not be eliminated. See: *Child Protection Act*, Article 68(5).

43 *Child Protection Act*, Article 72(1).

44 *Child Protection Act*, Article 72(4).

45 *Child Protection Act*, Article 72(4) and Article 75.

46 *Child Protection Act*, Article 60.

47 *Child Protection Act*, Article 73.

48 *Child Protection Act*, Article 77.

decision and a legal guardian is appointed by the guardianship office.⁴⁹ The guardianship office annually (or semi-annually, for children under three years of age) reviews the conditions of short-term care and maintains or modifies the individual placement plan accordingly.⁵⁰ Upon request of the parent or ex officio, the guardianship office terminates the short term care of the child, as soon as the conditions which led to placement no longer prevail.⁵¹ Short-term care is also terminated if the child is taken into long-term care, adopted, reaches the age of majority or is placed by a court order with the other parent or a third person.⁵²

In cases of extreme endangerment or if the parents fail to maintain contact with the child, the guardianship authorities may seek the removal of parental rights, which may be permanently revoked by a court order.⁵³ If there is no third person to take over parental responsibility and adoption is not possible, the child enters long-term care. The child also enters long-term foster care if the parents die or are unknown or if no parent is available to supervise the child and his or her upbringing cannot be ensured by an appointed guardian.⁵⁴ The child may also enter long term care if the parents agree to the adoption of the child and his or her placement cannot be solved with the adoptive parent.⁵⁵

6.2 Child Protection Policy

Acknowledging poverty as a serious problem for children in Hungary, in May 2007, the Hungarian Parliament adopted a long-term National Strategy called “Making Things Better for Our Children” for the period of 2007-2032 to reduce child poverty and improve opportunities for children.⁵⁶ In the same year, upon the request of the Parliament and based on the Strategy, the Government wrote a short-term action plan for the years 2007-2010 with concrete goals supervised by the relevant ministries.⁵⁷ The Strategy notes that Romani children are especially vulnerable to poverty due to the long-term unemployment of parents;

⁴⁹ Children under short term foster care are placed with foster parents, if this is not feasible, at children’s homes. During the placement in short term foster care, the guardianship office has to monitor the relationship between the child and the parent, the cooperation of the parent with the foster parent or children’s home, and changes in the behaviour, way of living and conditions of the parent. During this time, parents are to be supported by basic child welfare services to improve their situation such that the child may return home.

⁵⁰ *Child Protection Act*, Article 79(1).

⁵¹ *Child Protection Act*, Article 79(2).

⁵² *Child Protection Act*, Article 79(3).

⁵³ *Child Protection Act*, Article 73(1c) and Article 78(3)

⁵⁴ *Child Protection Act*, Article 80(1)(a-c).

⁵⁵ *Child Protection Act*, Article 80(1)(d).

⁵⁶ *Resolution of Parliament No. 47/2007. (V. 31.) on the acceptance of the Strategy “Making Things Better for Our Children”*, available at: <http://www.childpoverty.hu/docs/Parliament%20decision%20children.pdf>. More information available at: http://www.gyerekesely.hu/index.php?option=com_content&view=article&id=2&Itemid=12&lang=hu.

⁵⁷ *Government Resolution No. 1092/2007 (XI.29.)*, available at: http://www.complex.hu/jr/gen/hjegy_doc.cgi?docid=A07H1092.KOR.

institutional, housing and educational segregation; and ethnic discrimination. It includes Romani children as one of its priorities.⁵⁸

According to a 2009 assessment of these policies conducted by the Programme Office Against Child Poverty at the Hungarian Academy of Sciences, the National Strategy started slowly and child poverty had increased since 2007, especially among the most vulnerable groups, such as Roma.⁵⁹ In an open letter to all decision-makers in 2010, the Programme Office Against Child Poverty said that poverty had not been reduced, partly due to the global recession and economic problems in Hungary. Furthermore, the lack of political will and the failure to increase social and child benefits since 2008 had also been responsible for the negative developments.⁶⁰ According to the 2010 Report of the Monitoring Committee of the National Strategy, the “economic crisis, which continued into 2010, and legislation adopted over the course of the year may easily lead to an even higher level of child poverty”. The Committee acknowledged the impact of the economic downturn, but questioned the Government response:

However, in part, Government measures were not aimed at countering the serious impact the crisis had on the poor (or when they were, they focused on only very specific problems), and in part many Government measures expressly hurt the poor. The most likely reason for the drop in the proportion of children under six receiving day-care and the deterioration in the size of pre-school groups was a reduction in central and local Government financing for these facilities [...] there were no positive trends at all for the 2005-2009 or the 2007-2009 timeframe.⁶¹

58 Two major initiatives were launched as part of the action plan for the years 2007-2010: Sure Start Children’s Houses and Better Opportunities for Children in the Szécsény Micro-Region (See: <http://www.childpoverty.hu/docs/szecseny%20summary.pdf>). Although the projects do not directly target Roma, they focus on deprived regions and families, potentially including a large number of Romani families. As of April 11, 2011 there have been 44 Children’s Houses opened by the “Sure Start” programme, providing early childhood development services for children aged 0-5 involving parents as partners. The programme targets families and children who fall behind the “average” due to long-term unemployment, low educational level of parents, segregated housing with low infrastructure, distance from a city and potentially ethnic marginalisation. Many Romani parents are among the target group. Sure Start, available at: www.biztoskezet.hu. The Szécsény Project is a model for poverty-stricken micro-regions, which implements a complex development approach by strengthening services for the local population and building on the initiative and common work of the local population. It has a focus on children, such as early development through Sure Start children’s houses and a programme for youth (against school drop-out, school development and integration). Available at: http://www.gyerekesely.hu/index.php?option=com_content&view=article&id=9&Itemid=182&lang=hu.

59 Zsuzsa Ferge et al, The fate of the National Strategy Against Child Poverty in times of budgetary restrictions and financial crisis (*A gyermekszegénység elleni nemzeti stratégia sorsa költségvetési megszorítások és válság idején*), (Budapest: MTA Gyermekszegénység elleni Programiroda, 2009), available at: <http://mta.hu/fileadmin/2009/strategia/Gyermekszegenyseg.pdf>.

60 Program Office Against Child Poverty of the Hungarian Academy of Sciences, Open Letter to All Decision-makers, 26 October 2010, available at: http://www.gyerekesely.hu/index.php?option=com_phocadownload&view=category&id=24&Itemid=74&lang=hu.

61 Monitoring Committee of the National Strategy “Making things Better for Our Children”, 2010 Report, p. 225, available at: http://www.gyereksmonitor.hu/index.php?option=com_phocadownload&view=category&id=4&Itemid=5.

6.3 Legislative Changes Since 2007

There have not been any significant legislative changes to improve the situation of children within families and in the child protection system since 2007. Nevertheless, some measures and amendments have been introduced which are relevant to this study.⁶² One important preventative measure instituted in law was introduced with Act XXXI of 2008 which amended the Child Protection Act to promote equal opportunities through the introduction of kindergarten support from 1 January 2009.⁶³ Kindergarten support is either financial support or material support to encourage parents to enrol their children in kindergarten at the age of three or four, before compulsory education starts at the age of five, and ensure their regular attendance.⁶⁴ Although it does not mention Roma as a specific target group, the allowance is provided for children in multiply-disadvantaged situations, so it may benefit many Romani children.⁶⁵

In 2009 several additional amendments were introduced to the Child Protection Act, some of which may strengthen the protection of vulnerable families and some of which increase sanctions and appear to move away from the support of families.⁶⁶ Notaries now have the discretion to provide 100% of the family allowance as an in-kind service to ensure that it is used appropriately,⁶⁷ while basic child welfare service workers may recommend that family allowances be paid only in-kind.⁶⁸ According to some experts, granting child welfare workers the power to effectively sanction parents contradicts their primary role of helping the family through empowering and enabling methods (such as financial education).⁶⁹

In June 2010, the Act on Family Allowances was also amended, introducing measures which may negatively impact excluded Romani families by imposing sanctions on disadvantaged families rather than supporting them and encouraging their development. According to the new regulation, family allowance in Hungary has been divided into a schooling allowance and a childcare allowance, based

⁶² Further amendments are discussed later in the report where the specific issues are addressed.

⁶³ *Act XXXI of 2008 on the Promotion of the Implementation of Equal Opportunities in Public Education*, Article 15. *Child Protection Act*, Article 20/C.

⁶⁴ *Child Protection Act*, Article 20/C.

⁶⁵ This includes families which are entitled to regular child benefit and in which the parents have completed up to eight grades in primary education. See Act LXXIX of 1993 on Public Education, Article 121. There are reportedly various shortcomings to this support: it is given to parents that apply for it and the local government may not notify parents; there was confusion as to the eligibility; and the strict criteria made many families in need ineligible for support. See: Autónoμία Foundation, "Report on the effects of the nursery benefit introduced as of January 1, 2009", in *Chances for Children in Hungary*. 2009 report by the Monitoring Committee of the "Making Things Better for Our Children" National Strategy, available at: <http://www.gyereksmonitor.hu/>.

⁶⁶ Modification of the Child Protection Act and other laws related to social benefits (*Act LXXIX of 2009, Act LXVI of 2010 and Act CLXXI of 2010*).

⁶⁷ *Child Protection Act*, Article 68/B-C. At the request of the notary, the child welfare service shall prepare a plan of how to allocate the in-kind allowances..

⁶⁸ *Child Protection Act*, Article 39 (4)(d), as amended by *Act LXVI of 2010*, Article 6.

⁶⁹ Zsuzsanna Erdős, "Legislative changes affecting child poverty and families between 2005 and 2009" in *Chances for Children in Hungary*. 2009 report by the Monitoring Committee of the "Making Things Better for Our Children" National Strategy, available at: <http://www.gyereksmonitor.hu/>.

on the child's age.⁷⁰ If a school age child misses 50 classes or more without adequate justification, schools must notify the local notary who places the child under protection and suspends payment of the schooling allowance. The legal amendment does not clarify when payment of the allowance will resume, though this is set out in implementing decrees and guidelines.⁷¹ This measure puts the sole responsibility for school attendance on parents while disregarding the reasons for the child's absence and the wider context (such as social and economic exclusion and extreme poverty, appropriate level of curriculum, segregation, harassment in schools etc.).

Concerning placement under protection, the notary is obliged to alert the guardianship office if a child has been placed under protection for two years and the endangerment could not be eliminated.⁷² Although this marks an improvement in monitoring placement under protection, as of June 2010 there were still no clear guidelines on how to assess the endangerment of the child, what the consequences are and who is responsible for unsuccessful placement under protection.

The 2009 amendment also introduced administrative fines in the child protection system, which can be imposed on representatives of institutions for violations of children's rights, failure to provide information, preventing parents or children from enforcing their rights, and failure to examine complaints in a timely manner. The powers of children's rights representatives⁷³ have been enhanced in this respect: they can recommend that the supervising child protection institution impose an administrative fine on the violating institution or person, recommend that the guardianship authority convenes a meeting with the persons concerned and require additional training of the professional concerned.⁷⁴

70 *Act LXXXIV of 1998 on Family Allowances*, Article 5(a) as amended by *Act LXVI of 2010*, Article 1, which entered into force on 30 August 2010, available at: http://jogszabalykereso.mhk.hu/cgi_bin/njt_doc.cgi?docid=34407.479302516759.

71 *Act LXXXIV of 1998 on Family Allowances*, Article 15.

72 *Child Protection Act* as amended by *Act LXXIX of 2009*, Article 68(5).

73 Children's rights representatives ensure that the rights of children in the child protection system are protected. They inform children about their rights, provide help in their enforcement, help children draft claims, initiate investigations and access care appropriate to their status, make observations and ask questions at placement meetings. Children's rights representatives can request information, access documents, attend placement meetings, perform site visits and research at child protection institutions, submit observations to the director of an institution or initiate procedures with the guardianship authority.

74 *Child Protection Act*, Article 11/A(f).

7 Overrepresentation of Romani Children in State Care

7.1 Availability of Data and Data Protection

In Hungary, Section 2 of Act LXIII of 1992 on the Protection of Personal Data and the Publicity of Public Interest Data lists “affiliation to a national or ethnic minority” as a special form of protected data. Special data can only be handled if the person concerned gives their written consent or if the collection of such data is prescribed by law.⁷⁵ The Child Protection Act does not contain specific provisions which would authorise child protection officials to handle ethnic data.

There is no official record on the number of Romani children in State care or any other related information such as the number of Romani children living with foster parents or in homes, the causes for their removal from their families or the number of Romani children returning to their biological families. Child protection data published every year by the National Institute for Family and Social Policy does not include information disaggregated by ethnicity.

In 2007, the ERRC emphasised the importance of collecting ethnically disaggregated data in the area of child protection to “properly assess the actual degree of over-representation of Romani children in State care and the contributing factors or develop effective and efficient policies and programmes in order to reverse the situation.”⁷⁶ As of May 2011, no amendments had been made in this regard to Hungarian law, making it difficult to properly assess the extent of the overrepresentation of Romani children in State care.⁷⁷

7.2 The Proportion of Romani Children in State Care

ERRC research in 2007 concluded that 58% of the children in homes visited at that time were Romani.⁷⁸ During the 2010 research, most basic and professional level child protection workers reported an overrepresentation of Romani children in State care in the regions and institutions under their supervision.⁷⁹ In the regions with a high proportion of Roma among the

⁷⁵ Hungary, *Act LXIII of 1992 on the Protection of Personal Data and the Publicity of Public Interest Data*, Article 3, available at: http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=99200063.TV.

⁷⁶ ERRC, *Dis-Interest of the Child*, p. 32.

⁷⁷ At times, like in a children’s home in Győr-Moson-Sopron County this has led to a confusion about whether there were at all children of Romani origin in the home; a caregiver said that there were no Romani children in the home, while children said there were. ERRC interview with a caregiver in a children’s home. Győr-Moson-Sopron County, Hungary: November 2010.

⁷⁸ ERRC, *Dis-Interest of the Child*, p. 37.

⁷⁹ ERRC interview with a child welfare worker 8th district, Budapest, September 2010; the director of a children’s home, Szabolcs-Szatmár-Bereg County, October 2010; a representative of a receiving center and the director of a children’s home unit, Borsod-Abaúj-Zemplén County, October, 2010; family support worker, Baranya County, Hungary: November 2010.

population, interviewees usually attributed the high percentage of Romani children in State care to regional overrepresentation.⁸⁰ However, the geographical representation of the Roma population does not show a strict correlation between the proportion of Romani children in State care and the proportion of Roma in the given counties.

On the basis of the interviews conducted in 24 children’s homes in Budapest, Szabolcs-Szatmár-Bereg County, Borsod-Abaúj-Zemplén County, Baranya County and Győr-Moson-Sopron County, the 2010 research found that approximately 65.9% of the children in children’s homes visited were Romani.⁸¹ This figure was consistent with detailed information provided by 13 of those homes on the ethnic breakdown of the child population, where 89 of 135 (65.9%) children were reported to be Romani. Regional differences were revealed in the data, with the lowest proportion in Győr-Moson-Sopron County (at 35.83%) and the highest proportions in Borsod-Abaúj-Zemplén County (at 83.8%) and Baranya County (at 79.27%).

Table 1: Relevant Data about the Children’s Homes Visited During Research
(based on interviews)

Name of institution	Total number of children	Number of Romani children	Number of children with disabilities	Number of Romani children with disabilities	Estimated proportion of Roma	County (proportion of Roma in population)
Home 1	10	2	1	1	20.00%	Szabolcs-Szatmár-Bereg County (6.6%)
Home 2					100.00%	
Home 3/a	23	17			73.91%	
Home 3/b						
Home 4	13	6			46.15%	
Representative of Home 2 Child Protection Centre					65.00%	
Representative of the Regional Child Protection Professional Service					above 50%	
Head of Home 3					90.00%	
Total					65.84%	
Home 5: underage mothers’ home					80.00%	Borsod-Abaúj-Zemplén County (13,3%)
Home 6 (children’s estimate)					99.00%	
Home 7	12	10			83.33%	
Home 8					90.00%	
Home 9	9	6			66.67%	
Head of Home 6	46		9		no data	
Total					83.80%	

⁸⁰ ERRC interview with a representative of a receiving centre. Borsod-Abaúj Zemplén County, October 2010.

⁸¹ Figure based on information from guardians, caregivers, child supervisors and children residing in the homes.

Home 10	12	12	2	2	100.00%	Baranya County (7,1%)
Home 11	7	5			71.43%	
Home 12	9	6			66.67%	
Home 13	4	3			75.00%	
Home 14	8	8			100.00%	
Home 15	8	5			62.50%	
Total					79.27%	
Home 16					30.00%	Győr-Moson- Sopron County (2,7%)
Home 17					30.00%	
Home 18	12	7			58.33%	
Home 19	8	2			25.00%	
Total					35.83%	
Home 20	70		12		no data	Budapest (3,5%)
Home 21					40.00%	
Home 22 (children's estimate)					99.00%	
Home 23					90.00%	
Home 24					35.00%	
Head of Home 22					60.00%	
Total					64.80%	
Overall Total					65.91%	

Comparing the proportion of Romani children in children's homes with the Romani population in these counties,⁸² it is clear that the number of Romani children in State care is disproportionately high. In Budapest, the percentage of Romani children in children's homes is more than 18 times higher than the percentage of Roma in Budapest, it is about 13 times higher in Győr-Moson-Sopron County and about 11 times higher in Baranya County. The smallest disparity was found in Borsod-Abaúj-Zemplén County where the proportion of Romani children in State care was still 6.3 times higher than proportion of Roma in the population in the County.⁸³

7.3 Factors Contributing to the Overrepresentation of Romani Children in State Care

7.3.1 POVERTY AND MATERIAL CONDITIONS

In 2007 the ERRC reported that based on available statistical data, the majority of children enter State care due to material reasons and reasons related to poverty,⁸⁴ and that, as a result of the overrepresentation of Roma among people living in poverty and extreme poverty,

⁸² István Kemény and Béla Jánky, "Roma Population of Hungary 1971-2003", p. 78. The authors warn about the "sampling errors" in county data.

⁸³ These calculations are estimates based on available data. Population data about Roma in the given counties is from 2003. Although based on a limited number of homes and estimates the numbers and calculations provided are indicative of significant problems. For comparison, see also: Neményi and Messing, "Gyermekvédelem és esélyegyenlőség", 2-19.

⁸⁴ ERRC, *Dis-Interest of the Child*, p. 36.

Romani children were more likely to be placed in State care for reasons of poverty than non-Romani children. Data for 2008 and 2009 provided during the research indicates that poverty remains a primary issue encountered by basic care child protection workers during their work.⁸⁵ At the end of 2008, slightly more than 50% of all endangered children were registered as such due to material reasons; the same figure for 2009 was 48.46%, making material conditions by far the most significant reason for endangerment.

According to professional and basic care social workers, guardianship officers, guardians and children's home workers, in most cases, material reasons continue to play a role in the entrance of children to State care.⁸⁶ One expert reported, "The children that are removed from their families are always poor children."⁸⁷ Although children cannot be removed from their families based solely on material reasons according to the Child Protection Act, experts repeatedly stressed that as part of a series of reasons, material conditions are usually the underlying reason for the placement of the child in State care: "material reasons always play a role" in child removal and that once there, "they always bring about other problems as well".⁸⁸ The head of a child welfare office in Győr-Moson-Sopron County, for example, claimed that Roma live in visible and deep poverty and that poverty-related reasons were dominant among the reasons for placing Romani children in State care.⁸⁹ A child welfare worker in the same county noted that families (both Romani and non-Romani) have become poorer in the past few years due to the economic crisis, resulting in more conflicts at home and a greater vulnerability to addictions.⁹⁰ As a result, a guardianship officer reported that the number of child removals had increased.⁹¹

Limited employment opportunities among Roma were listed as contributing to the inability of Romani parents to support their children. A children's home worker in Budapest, for example, stated that 90% of the Romani children in the home were taken into State care due to their parents' lack of employment.⁹² In North-Eastern Hungary, child protection workers emphasised the generally high rate of unemployment that disproportionately affected Roma,

⁸⁵ In 2008, 23.78% of all cases dealt with by child welfare services were about material reasons and 21.46% of the children serviced in 2009 were serviced due to material reasons. Preliminary data received from the National Institute for Family and Social Policy via email on 4 April 2011.

⁸⁶ ERRC interview with a child welfare worker Budapest's 7th district; a child welfare worker in Budapest's 8th district; the head of a child welfare office in Győr-Moson-Sopron County; the director of a children's home in Szabolcs-Szatmár-Bereg County; a care worker in a children's home and the director of another children's home in Győr-Moson-Sopron County; a representative of a receiving center and the director of a children's home in Borsod-Abaúj-Zemplén County; a child welfare worker in Borsod-Abaúj-Zemplén County; the director of a children's home in Szabolcs-Szatmár-Bereg County; the head of a child welfare service in Szabolcs-Szatmár-Bereg County; and a family support worker in Baranya County. Hungary: September-November 2010.

⁸⁷ ERRC interview with a professor at the Janus Pannonius University. Baranya County, Hungary: November 2010.

⁸⁸ ERRC interview with a 7th district child welfare worker. Budapest, Hungary: September 2010. This idea was also voiced by a child welfare worker in Komló. Baranya County, Hungary: November 2010.

⁸⁹ ERRC interview with the head of a child welfare office. Győr-Moson-Sopron County, Hungary: November 2010.

⁹⁰ ERRC interview with a child welfare worker. Győr-Moson-Sopron County, Hungary: November 2010.

⁹¹ ERRC interview with a guardianship officer. Győr-Moson-Sopron County, Hungary: November 2010. This trend was confirmed in Budapest. ERRC interview with a director of a children's home. Budapest, Hungary: October 2010.

⁹² ERRC interview with a caregiver in a children's home. Budapest, Hungary: September 2010.

while in Western Hungary discrimination in access to employment was reported to be the biggest obstacle to the employment of Roma.⁹³ Social workers reported that they had no specific means through which to help clients access employment. No major government programme has resulted in a breakthrough for Romani families in this regard.⁹⁴

The director of a children's home in Szabolcs-Szatmár-Bereg County stated that the overwhelming majority of the children, around 90% of whom were of Romani origin, ended up in State care due to material reasons stemming from unemployment "leading to other deviances".⁹⁵ Some of the children interviewed in the homes visited reported that they had been removed from their family due to poverty. In Borsod-Abaúj-Zemplén County one child stated, "we were taken from our family because there was little food and no proper clothing in our family."⁹⁶ Another child in the same home said, "we were poor [...] there was no bathroom or other rooms in our home; just one room and no furniture. We were nine children. It was difficult. [Our parents] did not provide for us as they should have."⁹⁷

Child welfare workers frequently mentioned poor housing conditions as specifically affecting Romani families, which was noted to have worsened in recent years. In Budapest, social workers reported a higher number of family members and friends moving into small and very crowded living quarters,⁹⁸ while others noted an increase in the number of Romani families relocating from the most disadvantaged parts of the country to the most prosperous western parts of Hungary.⁹⁹ Social workers perceive crowded living conditions to be a potential source of endangerment as they can negatively affect school performance and the health of the child. Movement by Romani families may be seen by social workers as a sign of instability. It can hinder families from accessing services from the local government to which they are only entitled at their permanent place of residence. These factors contribute to a higher number of removals.

93 ERRC interview with the head of a child welfare office. Győr-Moson-Sopron County, Hungary: November 2010.

94 The "Road to Work" public employment programme began on 1 January 2009 with the goal of helping the reintegration of long-term unemployed persons into the labour market through public work at the local government. The programme suffered major problems as a result of which it failed to help vulnerable families living in extreme poverty. Monika Mária Váradi, "The Results of the Impact Survey of the 'Road to Work' Program" ("Az 'Út a Munkához' program hatásvizsgálatának eredményei"), in *Chances for Children in Hungary. 2009 report by the Monitoring Committee of the "Making Things Better for Our Children" National Strategy*, available at: <http://www.gyrekmonitor.hu/>.

95 More precisely, the respondent stated that around 90% of children ended up in the home due to material reasons or the consequences thereof and that the proportion of Romani children in the home was also 90%. There is likely a significant overlap in these proportions. ERRC interview with the director of a children's home. Szabolcs-Szatmár-Bereg County, Hungary: October 2010.

96 ERRC interview with a Romani child in a children's home. Borsod-Abaúj-Zemplén County, Hungary: November 2010.

97 ERRC interview with a Romani child in a children's home. Borsod-Abaúj-Zemplén County, Hungary: November 2010.

98 ERRC interview with 9th and 15th district child welfare workers. Budapest, Hungary: September 2010. Concerning inner city housing rehabilitation projects in Budapest the 9th district welfare worker stated that it contributes to the "increasing density of social problems".

99 ERRC interview with a representative of a Regional Child Protection Professional Service. Szabolcs-Szatmár-Bereg County, October 2010. ERRC interview with a representative of a Regional Child Protection Professional Service. Győr-Moson-Sopron County, November 2010.

One family in Szabolcs-Szatmár-Bereg County reported that their newborn child had been removed and placed with foster parents because their “house was in bad condition because the storm in the summer damaged the roof. One of the rooms got damp and the child welfare service told us that it was no place to receive a new-born baby.” This family received no financial help from the local government despite their request to repair the damage. They had since repaired the roof through their own means but had not been able to get their child back, although they had announced the change to the guardianship office. The baby had been in State care for six weeks at the time of the interview. This family told us that there had been “haste” in the placement decision, and no solutions were investigated, other than removing the child.

Source: ERRC interview with a Romani family. Szabolcs-Szatmár-Bereg County, Hungary: October 2010.

Of all interviewees only one family was reported to have received help from child protection workers to improve their housing conditions in the form of furniture which users instantly took from them.¹⁰⁰ Child protection workers brought this example up to prove that there was no point giving help to the families living in this Romani settlement.¹⁰¹ Other interviewees reported that they had improved their housing conditions through their own means or failed to do so because they lacked the financial means.¹⁰² One social worker responsible for family reintegration in a children’s home reported that housing is very difficult to solve for families as “temporary homes for families are full, and social housing is impossible to get.”¹⁰³

Professional care workers reported that poor material conditions are more likely to prevent Romani parents than non-Romani parents from finding other family members with whom to place endangered children as an alternative to placement in State care.¹⁰⁴

7.3.2 SCHOOL ABSENTEEISM

In Hungary, child protection authorities are most frequently notified about potential endangerment by school authorities with regard to Romani children. School absenteeism is a typical factor when teenage children are removed from their families. In August 2010 reforms were introduced to the Act on Family Allowances, according to which the school allowance for school-aged children (formerly family allowance) is suspended if a pupil misses 50 classes or more without proper justification and the child is placed under protection.¹⁰⁵ Many of the Romani families interviewed

¹⁰⁰ ERRC interview with a Romani family. Szabolcs-Szatmár-Bereg County, Hungary: October 2010.

¹⁰¹ ERRC interview with child welfare workers. Szabolcs-Szatmár-Bereg County, Hungary: October 2010.

¹⁰² ERRC interview with Romani families in Szabolcs-Szatmár-Bereg County; Borsod-Abaúj-Zemplén County; Baranya County; and Győr-Moson-Sopron County. Hungary: October and November 2010.

¹⁰³ ERRC interview with a social worker in a children’s home. Budapest, Hungary: September 2010.

¹⁰⁴ ERRC interview with a guardianship officer and a caregiver in a receiving center for babies. Győr-Moson-Sopron County, Hungary: November 2010.

¹⁰⁵ *Act LXXXIV. of 1998 on Family Allowances*, Article 15, as amended by *Act LXVI. of 2010*, Article 1.

by ERRRC reported that school absenteeism was a problem for them that resulted in the child protection services beginning to monitor the family.¹⁰⁶ Several Romani children interviewed in children's homes reported that they had been placed in State care due to school absenteeism.¹⁰⁷

Noting school absenteeism as a primary reason for child placement in State care, child welfare workers in Szabolcs-Szatmár-Bereg County explained: “[Romani] children do not like to go to school. Because of the new law on absenteeism, we need to take such children under protection. This law, however, does not help us in solving the real problems, such as poverty, and it also hinders cooperation with parents.”¹⁰⁸

Numerous Romani children at risk of removal from their families and Romani children living in children's homes complained that they were mistreated by a teacher or fellow students on the basis of their ethnicity and/or social background and that when they complained to school officials or the child welfare service nothing happened.¹⁰⁹ One Romani girl currently living in a home, reportedly due to school absenteeism, related that she had been harassed by other kids in a school where she was the only Romani student, and noted that reporting this to school authorities and the child welfare service did not help. The girl now lives in a home and goes to a segregated school, which she feels is of a lower standard, but when she returns to her family, she would not like to go back to her original school because she fears she would be bullied again.¹¹⁰ Several Romani families reported ill-treatment of their children by teachers such as refusal of lunch or snacks or pushing a child's head into the soup while eating; in one case such abuse was reportedly accompanied by negative remarks about Roma.¹¹¹ One mother reported that one teacher often makes negative statements about Roma, “saying things like ‘Get out of here, Gypsies, there is always just trouble with you.’”¹¹²

Three Romani children interviewed in State care said that they were removed from their families because of school absenteeism, which was in part the result of harassment by peers or a teacher.¹¹³ Romani children who moved from segregated schools to mainstream schools with low numbers of Romani and disadvantaged children reportedly faced discrimination in the mainstream school and, as a result, dislike going to school.¹¹⁴ Many Romani

106 ERRRC interview with Romani families in Szabolcs-Szatmár-Bereg County; Borsod-Abaúj-Zemplén County; and Baranya County. Hungary: October-November 2010.

107 ERRRC interview with Romani children living in children's homes in Borsod-Abaúj-Zemplén County; Szabolcs-Szatmár-Bereg County; and Baranya County. Hungary: October -November 2010.

108 ERRRC interview with child welfare workers. Szabolcs-Szatmár-Bereg County, Hungary: October 2010.

109 ERRRC interviews with Romani families in Szabolcs-Szatmár-Bereg County; Borsod-Abaúj-Zemplén County; and Baranya County. Hungary: October-November 2010.

110 ERRRC interview with a Romani girl living in a children's home. Baranya County, Hungary: November 2010.

111 ERRRC interview with Romani families in Borsod-Abaúj-Zemplén County and Győr-Moson-Sopron County. Hungary: October-November 2010.

112 ERRRC interview with a Romani family. Borsod-Abaúj-Zemplén County, Hungary: October 2010.

113 ERRRC interview with two Romani children in a children's home. Borsod-Abaúj-Zemplén County, Hungary: October 2010; ERRRC interview with a Romani girl in a children's home. Baranya County, Hungary: November 2010.

114 ERRRC interview with three Romani families. Szabolcs-Szatmár-Bereg County, Hungary: October 2010; ERRRC interview with a Romani family. Borsod-Abaúj-Zemplén County, Hungary: October 2010.

children included in this research attend segregated schools that are poorly equipped and offer substandard education.¹¹⁵

Social circumstances at home may also prevent Romani children from attending school. One child protection worker explained that it is very difficult for some Romani children to reach the school when the weather is bad because they live far away from the school and they may also lack appropriate clothing for bad weather.¹¹⁶ The homes of many impoverished Romani do not provide adequate conditions for studying; heating is difficult, there is no running water or hot water making washing oneself and one's clothes very difficult, and the living space per person is very small. Teachers are no longer required to visit the families and are not aware of their students' living conditions.¹¹⁷

Child welfare workers reported that Romani girls are more likely to drop out of school in response to discouragement by failures in school performance in their early teens, when instead of studying they get married and become pregnant or stay home to help with siblings.¹¹⁸

The increased amount of administrative work required by the new regulation reportedly reduces the time available to child welfare workers and child protection representatives in schools to actually spend time assisting families. Furthermore, this regulation fails to address teenage absenteeism - the most common type of absenteeism - which is also the most difficult for parents to control.¹¹⁹ Romani parents reported that despite their best efforts, they are unable to force their teenage children to attend school.¹²⁰ Child protection workers also expressed the view that the new legal regulations do not effectively address the root causes of school absenteeism among Roma, which include harassment, humiliation, marginalisation, being older than others in their class and repeated failures, or in contrast, finding special school or classes too easy and boring, and later, a lack of motivation to study the trade that students have been pushed towards. One Romani mother remarked that "they [authorities] expect the child to go to school but they do not ask why the child does not go."¹²¹

115 ERRC interview with a caregiver in a children's home. Borsod-Abaúj-Zemplén County, Hungary: October 2010. "There are three schools here; one is of very low quality, 90-100% of the children are Roma there. There is nothing there in that school, while one other is very good, there are various extra-curricular classes there and the opportunity to learn music and instruments."

116 ERRC interview with a child protection representative in a primary school. Borsod-Abaúj-Zemplén County, Hungary: October 2010.

117 ERRC interview with a child welfare worker. Győr-Moson-Sopron County, Hungary: November 2010.

118 ERRC interview with a child welfare worker in Budapest's 8th district; a child welfare worker in Győr-Moson-Sopron County. Hungary: September and November 2010.

119 ERRC interview with a child welfare worker in Győr-Moson-Sopron County; a child welfare worker in Szabolcs-Szatmár-Bereg County. Hungary: October and November 2010.

120 ERRC interview with a Romani mother. Szabolcs-Szatmár-Bereg County, Hungary: October 2010. Proof of this point is the fact that absenteeism often continues in State care as well. ERRC interview with a child welfare worker. Szabolcs-Szatmár-Bereg County, Hungary: October 2010. The new regulation about the revocation of school allowance does not pertain to children living in homes or with foster parents. See Article 15(2) *Act LXXXIV. of 1998 on Family Allowances as amended by Act LXVI. of 2010.*

121 ERRC interview with a Romani mother. Szabolcs-Szatmár-Bereg County, Hungary: October 2010.

7.3.3 INADEQUATE BASIC SOCIAL CARE

Many respondents including Romani families, basic care social workers and other child protection professionals reported that preventative work and support to endangered children and families are inadequate in Hungary for various reasons.

In some cases, basic and professional care workers displayed negative attitudes about Roma, which may negatively affect their efforts to help Romani families improve their overall situation. Some blamed Romani families for their poor housing conditions, lack of cleanliness, school absenteeism, giving birth at an early age, having too many children, being unable to economise and spend money wisely, as well as for “living on welfare, being unwilling to work and for expecting free welfare provisions without anything in return.”¹²² Others associated the problems of Romani people with their “subculture”, stating: “Poverty is mixed with the family’s unsuitability to care for the child. Crime is common too, and indeed there is “Gypsy criminality” [...] These Romani families have not learnt how to work, although they do not get work either. And this is topped with the subculture.”¹²³

One family in Borsod-Abaúj-Zemplén County, whose seven children had been removed from the family five years earlier, reported that their requests for support to purchase furniture or clothes were rejected; they were told by the local government and the child welfare service that they had caused their own problem by taking a loan from usurers and should solve it on their own. This family reported they had not been able to find any work, even informal work, for a long time.¹²⁴

Basic childcare services are financed by local governments with funds from the central budget and local revenue sources.¹²⁵ They are often inadequately funded and there are significant inequalities in available services between locations based on the different financial situation of the local governments. Basic care services in poorer towns and villages with fewer inhabitants and little or no local businesses, where many Roma reside, tend to be in a disadvantaged position: “in a bigger city there are several social services available, and the local government has more diverse options for financial support; while in a small village only the mandatory services are provided.”¹²⁶ This causes

¹²² ERRC interviews with a primary school director, a primary school child protection worker and a guardianship officer. Szabolcs-Szatmár-Bereg County, Hungary: September and October 2010.

¹²³ ERRC interview with the director of a children’s home. Budapest, Hungary: October 2010.

¹²⁴ ERRC interview with a Romani family. Borsod-Abaúj-Zemplén County, Hungary: October 2010. The 2007 ERRC report *Dis-Interest of the Child* discussed widespread usury affecting vulnerable groups in the Hungarian countryside. Since that time, there have been several trials against usurers in Baranya County but this problem persists as those affected are threatened by their usurers and refuse to testify. “Íme az uzsoranaptár!” *Nepszava*, 29 January 2009, available at: <http://www.nepszava.hu/articles/article.php?id=64985>. In March 2009 the Hungarian Criminal Code was amended to include usury as a criminal act. *Act IV. of 1978*, Article 330/A, available at: http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=97800004.TV. During this research, usury was reported to be a problem in Borsod-Abaúj-Zemplén County, Szabolcs-Szatmár-Bereg County, Baranya County and the city of Győr.

¹²⁵ The amount received from the central budget is based on the number of inhabitants and the provisions the local government provides.

¹²⁶ Zsuzsanna Erdős, “Legislative changes affecting child poverty and families between 2005 and 2009” (Gyermekszegénységet, családokat érintő jogszabályváltozások 2005 és 2009 között), in *Chances for Children in Hungary*. 2009 report by the Monitoring Committee of the „Making Things Better for Our Children” National Strategy, available at: <http://www.gyerekmotor.hu/>.

problems in poor rural areas, and also poorer districts within cities; where the unemployment rate is higher there is a greater need for basic care services. One Romani respondent from a small town told researchers that he had a problem with alcohol and that social services had simply taken his children away rather than trying to help him cure his problem.¹²⁷ The current method of financing the basic care system discriminates against geographical areas which are poorer and less populated, and thus indirectly against Romani families and children who live in these poorer areas in greater numbers. Several child protection experts have argued that service-based financing would allow more money to be allocated to areas where more services are needed.¹²⁸

All 17 child welfare workers interviewed reported that they do not have enough resources to provide adequate services to families, and that they are responsible for working with too many families to provide adequate service. For example, one child welfare worker reported that five social workers in her unit served about 800 children, at an average of 160 children per social worker, and she personally worked with 46 families.¹²⁹ Hungarian law establishes that social workers shall work with a maximum of 45 children or 25 families.¹³⁰ Another child welfare worker reported that he worked with three times as many children as legally allowed.¹³¹ The result of social workers working with too many families is less attention, time and visits per family, reducing the capacity of social workers to help families to improve their situation.

Inadequate funding also compromises the services available to families such as psychologists, lawyers or special education teachers. Professionals, such as psychologists, were often not present in the villages and small towns visited during research or the services are not offered to all families.¹³² A lack of funding also negatively impacts the availability of after-school programmes and kindergartens available to children. According to an expert: “There is a conflict: child protection in Hungary notices poverty by acting to address the consequences of poverty, but not to address the causes of poverty.”¹³³

As a result, prevention work with families at risk is ineffective and child welfare workers are present only when there are problems. Many Romani families see the child welfare service as an authority that deals with families with problems. In one small village, a Romani respondent noted that the child protection representative at the school and the officer of the guardianship authority are friends, so there is no forum to turn to if she feels that they commit an injustice to her child. She did not know about any child protection worker other than the guardianship officer.¹³⁴

127 ERRC interview with a Romani father. Szabolcs-Szatmár-Bereg County, Hungary: October 2010.

128 ERRC interview with child protection experts. Budapest, Hungary: October-November 2010.

129 ERRC interview with a child welfare worker. Szabolcs-Szatmár-Bereg County, Hungary: October 2010.

130 *Decree 15/1998 (April 30) of the Ministry of People's Welfare on the conditions of operation and duties of child welfare and child protection institutions and persons giving personalised care.*

131 ERRC interview with a child welfare worker. Borsod-Abaúj-Zemplén County, Hungary: October 2010.

132 ERRC interviews with Romani families in Szabolcs-Szatmár-Bereg County; Borsod-Abaúj-Zemplén County; Győr-Moson-Sopron County; and Baranya County. Hungary: October-November 2010.

133 ERRC interview with a child protection expert. Baranya County, Hungary: November 2010.

134 ERRC interview with a Romani mother. Győr-Moson-Sopron County, Hungary: September 2010.

Structural problems, such as a lack of cooperation with actors that often announce or indicate endangerment, also negatively affect the work of basic care level social workers. At times, social workers reported that relevant actors, such as doctors and police, do not alert them when they should start working with families at risk.¹³⁵ In other cases, social workers reported that indications are sent too often and too early: this was reported most frequently in relation to schools where social workers believed that some teachers don't work effectively with disadvantaged pupils.¹³⁶ On the other hand, some child protection workers in services such as schools and children's homes reported that basic care child welfare workers sometimes fail to respond to their indications or fail to cooperate with them adequately.¹³⁷

Social workers interviewed during the research indicated that they are not provided specific anti-discrimination training or other training on multiculturalism, which would enable them to better understand and deal with Romani clients and that there is a lack of good resources available for this.¹³⁸

7.4 Placement, Status and Duration of Romani Children in State Care

7.4.1 PLACEMENT OF ROMANI CHILDREN IN STATE CARE

When children are removed from their families and enter professional care, they are placed in large or small family-style children's homes, foster care or with adoptive parents. The majority of respondents at both basic and professional care levels stated that Romani ethnicity had no influence on whether children are placed in large or smaller family-type children's homes or foster care. Respondents explained the factors influencing the type of placement: keeping siblings together; the age of the child; the behaviour of the child; the preference of the biological family and the child; regional differences in the availability of children's homes and foster parents; disability; and permanent or serious illness.

Professionals generally agreed that one of the driving forces behind decision-making about children's placement was to try to keep siblings together. They pointed out that due to stricter limitations on the number of children foster parents can care for at one time (four), it is usually easier to place siblings in a children's home. Social workers and NGO representatives explained that Romani children, who often have more siblings and are often removed together, were more likely to be placed in a children's home than in foster care than non-Roma.¹³⁹ A representative of

¹³⁵ ERRC interview with a child welfare worker in Győr-Moson-Sopron County; a child welfare worker in Baranya County. Hungary: October-November 2010.

¹³⁶ ERRC interview with a child welfare worker in Budapest's 8th district; a child welfare worker in Győr-Moson-Sopron County; a child welfare worker in Szabolcs-Szatmár-Bereg County; child protection experts in Budapest. Hungary: September 2010-January 2011.

¹³⁷ ERRC interview with a child protection representative in a secondary school. Budapest, Hungary: October 2010.

¹³⁸ ERRC interview with a child welfare worker. Győr-Moson-Sopron County, Hungary: November 2010.

¹³⁹ ERRC interview with a child protection expert. Budapest, Hungary: September 2010.

a receiving home for infants stated that, while 95% of individual children leaving the home were placed with foster parents, this was much more difficult in the case of siblings.¹⁴⁰

Respondents also reported that age influences the placement of children, with a priority on providing younger children with family-type care. Children up to ten years of age are reportedly placed most often with foster parents, while older children are placed in children's homes, at times due to the preferences of foster parents.¹⁴¹ A representative of a Regional Child Protection Professional Service reported that if the child is older than nine or ten years of age, "it is usually for non-Romani children that we are able to find a foster family."¹⁴² With regard to placement into large or small family-type homes, most professionals were of the opinion that Romani ethnicity had no influence on the placement. However, one child welfare worker in Budapest claimed that in her experience small family-like homes do not like to take in older children, "Especially if they are Romani. Instead, 12 to 14-year-old Romani children are mostly placed in large, institution-like homes."¹⁴³ Romani children reportedly most often enter State care during their teenage years due to behavioural problems and school absenteeism, or below the age of three.¹⁴⁴

Professionals reported that the child's behaviour influenced placement: young children have fewer behaviour problems than teenagers so the latter were more likely to be placed in children's homes. A basic care social worker claimed that foster parents generally prefer not to have teenage Romani boys because they expect behaviour problems. Therefore, teenage Romani boys are more likely to be placed in an institutional setting than non-Roma.¹⁴⁵

The Child Protection Act sets out that the preferences of the biological family and the child must be considered in determining placement.¹⁴⁶ Child welfare workers in Győr-Moson-Sopron County and Budapest stated that Romani families prefer that their children not be placed with foster parents fearing that the "children will grow too attached to their foster parents".¹⁴⁷

Interviewees working at both the basic and professional care levels highlighted that regional differences in the availability of foster families and children's homes also influenced which form of care in which children were placed. Some respondents noted that a lack of available foster parents was in part connected to ethnicity, especially in counties where Roma constitute

140 ERRC interview with a representative of a receiving home for infants. Győr-Moson-Sopron County, Hungary: November 2010.

141 ERRC interview with child welfare workers. Budapest's 7th and 20th districts, Hungary: September 2010.

142 ERRC interview with a representative of the Regional Child Protection Professional Service. Szabolcs-Szatmár-Bereg County, Hungary: October 2010.

143 ERRC interview with a child welfare worker. Budapest's 15th district. Hungary: September 2010.

144 ERRC interview with the representative of the expert committee in Győr-Moson-Sopron County; and a special education teacher in a children's home in Baranya County. Hungary: November 2010.

145 ERRC interview with a child welfare worker. Budapest's 15th district, Hungary: September 2010.

146 *Child Protection Act*, Article 82.

147 ERRC interview with a child welfare worker in Győr-Moson-Sopron County; and a child welfare worker in Budapest's 8th district. Hungary: September-November 2010.

a higher proportion of the population, such as Szabolcs-Szatmár-Bereg and Borsod-Abaúj-Zemplén counties: “Many potential foster families drop out because they are unwilling to take in Romani children.”¹⁴⁸ Children’s homes in the poorer regions visited during the research were also notably less well equipped compared to those in Győr-Moson-Sopron County or in Budapest, meaning that the children in those homes – more likely to be Romani – have less access to after-school activities, computers and other facilities.¹⁴⁹

Child protection workers said that children with a disability or a serious illness are less likely to be taken in by foster parents.¹⁵⁰ A representative of a Regional Child Protection Professional Service said this was not necessarily motivated by ill will or discomfort but often by the realistic assessment about the parents’ ability to take the child to regular check-ups and treatment if living far away from hospitals or specialised services the child may need.¹⁵¹ Since Romani children are more likely to be exposed to health risks due to the poor living conditions of families, this may affect Romani children disproportionately.¹⁵²

7.4.2 STATUS OF ROMANI CHILDREN IN STATE CARE

One of the main observations of the 2007 ERRC report on child protection in Hungary was that the majority of Romani children were *de facto* removed from their families for an extended time while their official status remained “temporary”.¹⁵³ Most children resided in State care for many years without the requisite court order for long-term care. Recent data and the present research suggest that there has been no change in this practice in Hungary. According to the preliminary statistics from the National Institute for Family and Social Policy for 2009, there were 21,515 children and youth in professional care (in foster care, children’s homes or after-care up to 24 years of age). Of those children: 4.4% (945 persons) had spent more than 17 years in professional care; 15.7% (3,376 persons) had spent between 10 and 17 years in professional care; and 24% (5,165 persons) had spent between 5 and 10 years in professional care.¹⁵⁴ At the same time, 86.6% (15,212 children) of the 17,145 children below the age of 18 in State care in 2009 were in short-term care, and only 8% (1,414 children) were in long-term care.¹⁵⁵ Most childcare workers and directors of children’s homes confirmed during research that the majority of the children residing in their homes were in short-term care.¹⁵⁶

148 ERRC interview with a representative of a Regional Child Protection Professional Service. Szabolcs-Szatmár-Bereg County, Hungary: October 2010.

149 ERRC interview with a caregiver. Borsod-Abaúj-Zemplén County, Hungary: November 2010.

150 ERRC interview with representatives of receiving centres for infants in Győr-Moson-Sopron County and Budapest; roundtable discussion with experts in Szabolcs-Szatmár-Bereg County. Hungary: September 2010-January 2011.

151 ERRC roundtable discussion with experts. Szabolcs-Szatmár-Bereg County, Hungary: January 2011.

152 A. Revenga, D. Ringold and W.M. Tracy, *Poverty and Ethnicity: A Cross-Country Study of Roma Poverty in Central Europe*.

153 ERRC, *Dis-Interest of the Child*, p. 55.

154 Preliminary data from the National Institute for Family and Social Policy. Email correspondence dated 11 April 2011.

155 Preliminary data from the National Institute for Family and Social Policy. Email correspondence dated 11 April 2011.

156 ERRC interview with directors of children’s homes in Budapest and Szabolcs-Szatmár-Bereg County. Hungary: October 2010.

7.4.3 LOW RATE OF RETURN TO FAMILY

Several professional childcare workers observed that “It is very easy to enter State care, but it is almost impossible to leave it.”¹⁵⁷ All professionals interviewed during the research reported that the return rate of children from professional care to their families and home environment is extremely low. The average return rate of children was reported to be at or below 10%. However, in homes where the ratio of Romani children was reported to be lower, the return rate was reported to be slightly higher, at around 10-20%.¹⁵⁸

Poverty and material conditions among Romani families were the most frequently mentioned explanations for the low rate of return of Romani children by experts at both basic and professional care levels. Basic care social workers noted that it was close to impossible to help improve families’ living conditions due to the cumulative effect of long-term and often extreme poverty.¹⁵⁹ One children’s home representative in Budapest noted that since Romani children more characteristically enter State care due to serious material problems than non-Roma, they are less likely than non-Romani children to return to their families because it is very difficult to help the family improve their situation to a level where they can adequately provide for the child.¹⁶⁰ As one child welfare worker in Budapest mentioned, Romani families are at a disadvantage in finding employment and housing due to discrimination, thus it is harder for Romani families to improve living conditions.¹⁶¹

The lack of available social housing and the lack of space in temporary homes for families were also noted to be barriers to the return of children because the affected families generally can not afford to rent from private owners.¹⁶² Due to negative stereotypes about Roma, private owners also often refuse to rent property to Romani families. Numerous Romani families from rural areas interviewed during research had been told to repair their houses as a condition for their child’s return but had not been provided any financial support to do so by the local government.¹⁶³

Basic care social workers also reported that they have less energy to deal with families once their children are placed in State care. Some explained that this is the result of feeling that

¹⁵⁷ ERRC interview with a representative of a Regional Child Protection Professional Service in Szabolcs-Szatmár-Bereg County; the head of children’s homes in Budapest; the head of a home in Győr-Moson-Sopron County; and a child welfare worker in Budapest. Hungary: September-October 2010.

¹⁵⁸ ERRC interview with the head of a children’s home in Borsod-Abaúj-Zemplén County; a child welfare worker in Budapest’s 8 district; a caregiver in a children’s home in Budapest; and the head of a children’s home in Győr-Moson-Sopron County. Hungary: October-November 2010.

¹⁵⁹ ERRC interview with child welfare workers in Budapest’s 7th and 15th districts; representatives of child welfare offices in Budapest; and a child welfare office in Győr-Moson-Sopron County. Hungary, September-November 2010.

¹⁶⁰ ERRC interview with a caregiver in a children’s home. Budapest, Hungary: October 2010.

¹⁶¹ ERRC interview with a child welfare worker in Budapest’s 8th district. Hungary: September 2010.

¹⁶² ERRC interview with a family support worker in an infant’s home. Budapest, Hungary: September 2010.

¹⁶³ ERRC interview with Romani families in Szabolcs-Szatmár-Bereg County and Borsod-Abaúj-Zemplén County. Hungary: October 2010.

they've failed in their work once the child has been removed¹⁶⁴ and because of the dearth of human resources available to work with families post-removal.¹⁶⁵ Social workers also noted that it was extremely hard to maintain a good working relationship with parents after the removal of their children¹⁶⁶ because families may blame them and refuse to cooperate. Family cooperation is one of the main preconditions for the children's return home, along with staying in touch with children and following social workers' recommendations.¹⁶⁷ Poor relations between parents and social workers may negatively affect the assessment by the social worker, who may misinterpret parents' frustration as aggression. Professional care workers also reported that basic care social workers do not work effectively with families after the removal of their children: "The yearly revisions of temporary care are often just on paper. [...] At the basic care level, social workers think their responsibility is over once the child enters the professional care system."¹⁶⁸ Many professional childcare workers in children's homes complained that basic care workers do not visit the home, and the cooperation between basic care social workers and family support social workers in the home is inadequate.¹⁶⁹

The gap between the expectations of social workers and the situation of the families is often too big to overcome, as many of the required changes are not within the power of the affected families without significant outside support. Some social workers recommend the return of the child to their family when they see that "the parent indeed wants that, that is, if the parent looks for a job and finds one and is not fired" and "when the parent looks for accommodation, finds one and furnishes it too".¹⁷⁰ This approach ignores the desire of many Romani parents who want their children to return home but are unable to access work or accommodation due to discrimination and a lack of available jobs and affordable housing. Social workers also apply their personal standards and expectations in their work. This can negatively influence the assessment of social workers about the ability of the family to care for the child:

[When their children visit them] on the weekend, the parents destroy what we teach their children during the week. We teach them order: regular showers, brushing their teeth, folding their clothes, eating at tables which are laid nicely – at home it is OK to eat from the pot and when they come back from their family the children think it is OK because it is OK in their families [...] When children return from their families, all our work goes to nothing; [...] the family doesn't keep a diet for the child and doesn't take her to dance classes; it is a nihilistic environment.¹⁷¹

164 ERRC interview with a child welfare worker. Budapest's 7th district child welfare office, Hungary: September 2010. To overcome the limitation experienced in family social work this child welfare office created a special working group to improve their work with such families.

165 ERRC interview with a head of a children's home. Borsod-Abaúj-Zemplén County, Hungary: October 2010.

166 ERRC interview with a child welfare worker. Budapest's 20th district, Hungary: September 2010.

167 ERRC interview with a caregiver in a children's home. Győr-Moson-Sopron County, Hungary: November 2010.

168 ERRC interview with a representative of a Regional Child Protection Professional Service. Szabolcs-Szatmár-Bereg County, Hungary: October 2010.

169 ERRC interview with the head of a children's home. Budapest, Hungary: October 2010.

170 ERRC interview with a child welfare worker. Szabolcs-Szatmár-Bereg County, Hungary: October 2010.

171 ERRC interview with a head of a children's home. Budapest, Hungary: October 2010.

One social worker was critical of the “regulatory” attitude of colleagues, stating: “Unfortunately the child welfare service is often used as the hand of the authority to teach conformism to families. This is wrong. We have learnt that it is not against our own standards; we should measure improvement but always vis-à-vis the client.”¹⁷²

Child protection workers also noted that foster families are often unsupportive of visits between children in their care and family members, especially in the case of non-Romani foster parents and biological Romani parents, which can negatively affect chances for the child to return home.¹⁷³ Numerous Romani families complained that foster parents are uncooperative.¹⁷⁴ One family reported that due to a lack of support by the foster parents, the guardianship office decided against giving back their 18-month-old child.¹⁷⁵

Research affirmed that the longer the stay in State care, the lower the likelihood of Romani children returning to their families. One social worker noted some families eventually accept that their children live in a children’s home and may also view the change as alleviating their poor financial situation.¹⁷⁶ Families may also be unable to afford maintaining contact with their children if they are placed far away.¹⁷⁷ One young couple whose baby was unexpectedly placed in State care from a hospital following treatment could not afford the cost of transportation to the city of placement.¹⁷⁸ Children interviewed in some of the homes visited during the research still wanted to go back to their families. A 16-year-old child, who had been in the home for one year, said: “It is more comfortable here in the home but I would still rather go back to my family.”¹⁷⁹

Romani families may also face obstacles in exercising their rights in the State care system. Guardianship offices, for example, reported that there are extremely few appeal cases among Roma and even in case of appeals, they noted that most of them were denied before the second instance guardianship office.¹⁸⁰

172 ERRC interview with a social worker. Budapest 8th district, Hungary: September 2010.

173 ERRC interview with a representative of a Regional Child Protection Professional Service. Szabolcs-Szatmár-Bereg County, Hungary: October 2010.

174 ERRC interview with Romani families in Szabolcs-Szatmár-Bereg County and Borsod-Abaúj-Zemplén County. Hungary: October 2010.

175 ERRC interview with a Romani family. Szabolcs-Szatmár-Bereg County, Hungary: October 2010.

176 ERRC interview with a social worker. Győr-Moson-Sopron County, Hungary: November 2010.

177 ERRC interview with child welfare workers in Budapest’s 15th district; and a child welfare office in Győr-Moson-Sopron County. Hungary: September-November 2010.

178 ERRC interview with a Romani family. Borsod-Abaúj-Zemplén County, Hungary: November 2010. Earlier, this family had no money to pay for local bus ticket to visit the child in hospital so they spent an extra 2-4 hours walking to the hospital and home.

179 ERRC interview with a Romani child in a children’s home. Borsod-Abaúj-Zemplén County, Hungary: November 2010.

180 ERRC interview with a guardianship officer. Győr-Moson-Sopron County, Hungary: November 2010. This person reported an average of one case in every two to three years.

8 Adoption Procedures and the Influence of Ethnic Identity

Article 7(2) of the Hungarian Child Protection Act states that a child who for any reason is deprived of their family “has the right – in an adoptive family or another form of care replacing the family – to protection substituting parental care or that of other relatives.” Article 7(3) indicates that “in the course of substitute care for the child, their freedom of conscience and religion must be respected, and consideration must be given to their national, ethnic and cultural affiliation.” Family tale books have been developed as a method to help address identity and adjustment issues and a training methodology for such was accredited in late 2010.¹⁸¹

Child protection workers cannot handle the ethnic data of children for the purpose of adoption, meaning that a prospective adoptive parent cannot officially be told the ethnicity of the child. In practice, however, social workers continue to report that caregivers informally tell prospective adoptive parents the perceived ethnicity of the child. Social workers also reported that it is harder to place a Romani child with adoptive parents.¹⁸² Respondents noted that a darker skin tone renders adoption less likely.¹⁸³ Some professionals believe that it is rare that a Romani child is adopted because there is more likely to be a family member that will take the child.¹⁸⁴

Respondents also noted that services available to support adoptive parents are insufficient, and that adoptive parents do not know where to turn for help when they have difficulties related to adoption or with the adopted child.¹⁸⁵

¹⁸¹ ERRC interview with a representative of the National Institute for Family and Social Affairs. Budapest, Hungary: October 2010.

¹⁸² ERRC interview with the head of children’s home. Budapest, Hungary: September 2010.

¹⁸³ ERRC interview with a child welfare worker. Budapest’s 8th district, Hungary: September 2010.

¹⁸⁴ ERRC interview with a child welfare worker. Budapest’s 8th district, Hungary: September 2010.

¹⁸⁵ ERRC roundtable discussion in Szabolcs-Szatmár-Bereg County. Hungary: January 2011.

9 Romani Children in State Care and Disability

In the homes visited during research, most children labelled with a disability amongst the institutionalised children were Romani. The Hungarian child protection system continues to categorise children in professional care as either “special”, “unique” or “normal”. Children categorised as “special” are those who suffer from serious psychological, integration or behavioural problems or drug or other addictions. In the “unique” category are children who have a permanent illness or a physical or mental disability, or are under the age of three.¹⁸⁶ Preliminary statistics for 2009 from the National Institute for Family and Social Policy show that out of 21,515 children and young adults in State care, 6,401 (29.75%) children were categorised as unique and 546 (2.54%) were categorised as special: 3,187 (14.81%) of the total or 49.79% of those categorised as unique were diagnosed with a mental disability.¹⁸⁷

The heads of five children’s homes provided data on the percentage of children in their care categorised as unique. Some childcare workers underlined the high percentage of Romani children among those categorised as unique due to mental disability. In three of the four homes where data on disability and ethnicity were both provided, all mentally disabled children were reported to be Romani.¹⁸⁸ One director estimated that 90% of all children categorised as having a mental disability are of Romani origin.¹⁸⁹

The high representation of Romani children among those categorised as unique due to mental disability is clearly linked to their overrepresentation among children categorised as having a mental disability in primary education (see Section 4). Most home directors interviewed in this study refused to express an opinion on whether the children categorised as mentally disabled were actually disabled. Most expressed support for the competence of expert committees to make objective decisions on the basis of “very good and reliable tests.”¹⁹⁰ Two home directors referred to cases of misdiagnosis of Romani children.¹⁹¹ In one case, even though the child was re-categorised as “normal” the expert committee decided to keep the child in the “disabled” category because the child would otherwise need to change schools and a normal school would be too difficult given the difference in curriculum.¹⁹²

¹⁸⁶ *Child Protection Act*, Articles 53 and 58.

¹⁸⁷ Preliminary data received from the National Institute for Family and Social Affairs. ERRC email correspondence dated 11 April 2011.

¹⁸⁸ ERRC interview with a caregiver in Szabolcs-Szatmár-Bereg County; the head of a home in Budapest; and a special education teacher in a home in Baranya County. Hungary: October–November 2010.

¹⁸⁹ ERRC interview with the head of a children’s home. Szabolcs-Szatmár-Bereg County, Hungary: October 2010.

¹⁹⁰ ERRC interview with a special education teacher. Budapest, Hungary: October 2010.

¹⁹¹ ERRC interview with a psychologist in a children’s home and the head of a children’s home in Budapest. Hungary: October 2010.

¹⁹² ERRC interview with the head of a children’s home. Budapest, Hungary: October 2010.

One home director explained that when children in their care are tested for mental disability, they are not present because they are not the legal guardians,¹⁹³ and noted that two of the three children in that home diagnosed with mental disability do not appear to be disabled. Several Romani children categorised as having a mental disability told researchers that they found the special school curriculum too easy¹⁹⁴ and, in one case, limiting. This Romani girl living in a children's home explained that after attending special school the only vocational training available to her was sewing, which was, as she said, "Not for me. I cannot sit still, I always want to move," she said, showing a large collection of medals won in athletic competitions.¹⁹⁵

¹⁹³ ERRC interview with the head of a children's home. Szabolcs-Szatmár-Bereg County, Hungary: October 2010.

¹⁹⁴ ERRC interview with children in a children's home in Szabolcs-Szatmár-Bereg County, Budapest and Borsod-Abaúj-Zemplén County. Hungary: October-November 2010.

¹⁹⁵ ERRC interview with a Romani child in a children's home. Szabolcs-Szatmár-Bereg County, Hungary: October 2010.

10 Discriminatory Treatment and Segregation

Child protection experts expressed the opinion that child protection workers in Hungary do not have more prejudices than the average Hungarian, on the contrary, they have less as otherwise they would not enter the profession given that poor and Romani people are predictably overrepresented in the clientele.¹⁹⁶ Interviews with child protection professionals revealed a wide range of attitudes, from highly conscious of the impact of the majority society on the disadvantaged situation of a disproportionate number of Roma, to that of blaming “Romani subculture,” or “Roma culture” or the “thinking, attitude and customs” of Roma for the endangerment of Romani children and their placement in State care.¹⁹⁷ Some of the child protection workers that blamed Romani culture for their disadvantaged situation vis-à-vis the child protection system acknowledged that anti-Roma prejudices make it more difficult for Roma to improve their situation, but believed that Romani families could change if they wanted to. Some child protection workers made discriminatory or prejudicial statements about Roma.

Romani families did not report experiences in which a child protection worker openly expressed negative sentiments about Roma; however they reported openly anti-Roma sentiments from people working directly or indirectly with the child protection system, such as mayors and school employees. As one father said “The mayor is very mean; he often says that we, Roma, should be exterminated. He comes here and threatens to have our children taken away if we do not vaccinate our dog.”¹⁹⁸ Several child protection representatives at primary schools were also reported to have made openly anti-Roma statements.¹⁹⁹

Romani families also experienced unfriendly or condescending treatment from social workers. In one settlement, families complained that they were not allowed to enter the office of the child welfare services and that their private matters were discussed in the corridor.²⁰⁰ A Romani mother described the social workers she knows: “They only come here to check how things are, why my daughter did not go to school or to see the circumstances; they come and check what I cook, they lift the lid of the pot without asking”.²⁰¹ In one village Romani families reported that the social worker stopped visiting them because “he must have been warned by his bosses because he had been too helpful to the Roma, always telling us what support we can apply for and what is due to us.”²⁰² Threats of child removal were reported

196 ERRC interview with a child protection professional. Budapest, Hungary: September 2010.

197 ERRC interview with the head of a home in Budapest; and a child welfare worker in Szabolcs-Szatmár-Bereg County. Hungary: September- October 2010.

198 ERRC interview with a Romani family. Győr-Moson-Sopron County, Hungary: November 2010. .

199 ERRC interview with Romani families. Szabolcs-Szatmár-Bereg County and Győr-Moson-Sopron county, Hungary: October and November 2010.

200 ERRC interview with two Romani families. Szabolcs-Szatmár-Bereg County, Hungary: October 2010.

201 ERRC interview with a Romani mother. Borsod-Abaúj-Zemplén County, Hungary: November 2010.

202 ERRC interview with two Romani families. Győr-Moson-Sopron County, Hungary: November 2010.

as a recurring “tool” used to “regulate” some of the families by mayors, school workers and child welfare workers.²⁰³

It was reported that few child protection workers recognise that the lack of cooperation and the distrust that Romani families may display towards child protection workers is triggered by repeated experiences of marginalisation.²⁰⁴ The impact of this on the relation between child protection workers and Romani families is palpable and works to the disadvantage of Romani children, since a positive assessment by child welfare workers and guardianship offices relies on the family’s cooperation with child protection workers. One child welfare worker reported, “Many officials hate the cheek of Roma”, explaining that most officials dislike when Romani parents are aggressive towards them, which can happen, this child welfare worker said, as Roma tend to see “every actor in the system as an authority which is against them.”²⁰⁵

Some child protection workers have a tendency to make their own norms the standard for assessing their clients rather than considering the values and practices of the affected families, which many consider to be “against the generally accepted cultural norm.”²⁰⁶ The practices in Romani families are looked down upon and child protection workers consider that they need to adapt to the norms of the majority: “They are behind regarding a sense of responsibility [...] Integration should not be forced until white society accepts them. First they should be developed, especially those in the settlements in the countryside who live in such dirt and squalor, they need to be taught hygiene, how to clean, wash clothes and send their kids to school.”²⁰⁷

Romani children in State care may experience ethnic discrimination as well as discrimination due to their status as a child living in a State home, which also affects non-Romani children in State care. Children who self-identified as Romani during interviews were asked about experiences of harassment or discrimination based on their ethnicity. One Romani child, in a home where Romani children were the minority, said he had been harassed about his ethnic identity by his peers in the home, but he never reported this to anyone.²⁰⁸ He said “there are anti-Roma comments here and bugging.” Non-Romani children interviewed during this research without exception made negative comments about Roma people, ranging from “I am happy I am not Roma” to “They are the same as us only a little worse; they like to steal things” and “Real Gypsies are bad people.”²⁰⁹

Romani children in homes face placement in segregated education like Romani children living with their families; Romani children often go to poor quality schools which are mainly

203 ERRC interview with Romani families in Szabolcs-Szatmár-Bereg County, Győr-Moson-Sopron County and Baranya County. Hungary: October-November 2010.

204 ERRC interview with the head of a home. Szabolcs-Szatmár-Bereg County, Hungary: October 2010.

205 ERRC interview with a child welfare worker. Budapest’s 8th district, Hungary: September 2010.

206 ERRC interview with a special education teacher. Baranya County, Hungary: November 2010.

207 ERRC interview with the head of a children’s home. Budapest, Hungary: October 2010.

208 ERRC interview with a Romani child in a children’s home. Szabolcs-Szatmár-Bereg County, Hungary: October 2010.

209 ERRC interview with non-Romani children in children’s homes in Szabolcs-Szatmár-Bereg County and Győr-Moson-Sopron County. Hungary: October-November 2010.

attended by other Romani children. In one home in Győr-Moson-Sopron County, a Romani girl was ostracised by her peers in an elite school and as a result was taken by the caregivers to the town's "Gypsy school" because it was more welcoming.²¹⁰ Most Romani children indicated that they had faced harassment on ethnic grounds outside the home, usually at school,²¹¹ but few children reported their ill-treatment to their guardian or the head of their home. In several cases the situation reportedly improved after the guardian or the head of the home went into the school and talked to a teacher or director.²¹² Other children that asked for help said that the situation did not change.²¹³ However, the majority of Romani children that experienced harassment stated that they had not reported their experience to anyone and that their guardians did not know about it.²¹⁴

Caregivers confirmed that children in their care are often treated differently at schools by teachers, peers or both.²¹⁵ Teachers were reported to complain that children in State care "live off the State."²¹⁶ A child reported that one of their teachers called them "parasites" because they live in State care and one researcher witnessed a conflict when visiting a home, hearing a caregiver shout angrily at one of the Romani girls "You parasite! Nothing is enough for you!"²¹⁷ Some children reported that they hide the fact that they live in State care at school. Caregivers reported that schools sometimes pick and choose which children they will accept and when they learn that a child is from a home, there is no longer space available for new students (who were previously invited by phone to the school).²¹⁸ Negative opinions about children living in State care are reportedly intertwined with anti-Roma prejudices since "teachers automatically assume that all children in the homes are Romani."²¹⁹

Certain homes have reportedly become "collectors" of difficult cases - children who are not welcome by other homes. The refusal of homes to receive certain children is reportedly

210 ERRC interview with caregivers in a children's home. Győr-Moson-Sopron County, Hungary: November 2010.

211 ERRC interview with Romani children in children's homes in Budapest, Szabolcs-Szatmár-Bereg County and Baranya County. Hungary: September-November 2010.

212 ERRC interview with the head of a children's home. Szabolcs-Szatmár-Bereg County, Hungary: October 2010.

213 ERRC interview with Romani children in children's homes in Szabolcs-Szatmár-Bereg County, Baranya County and Győr-Moson-Sopron County. Hungary: October-November 2010.

214 ERRC interview with Romani children in children's homes in Budapest, Szabolcs-Szatmár-Bereg County and Baranya County. Hungary: October-November 2010.

215 ERRC interview with the head of a children's home in Szabolcs-Szatmár-Bereg County; with caregivers in a children's home in Szabolcs-Szatmár-Bereg County; and a caregiver in a children's home in Győr-Moson-Sopron County. Hungary: October-November 2010.

216 ERRC interview with a child in a children's home. Borsod-Abaúj-Zemplén County, Hungary: November 2010.

217 ERRC interview with Romani children in children's homes in Borsod-Abaúj-Zemplén County and Baranya County. Hungary: November 2010. The word "parasite," stigmatising primarily Romani people, has become common in the discourse of an extreme right wing party in Hungary and a 2010 election poster campaigned around this word.

218 ERRC interview with the head of a children's home and a caregiver. Győr-Moson-Sopron County, Hungary: November 2010.

219 ERRC interview with the head of a children's home and a caregiver. Győr-Moson-Sopron County, Hungary: November 2010.

indicated before the meetings at which child placement is decided.²²⁰ Among the “collector” homes visited during research some, but not all, were Roma-only homes. Researchers noted that the reported proportion of Romani children in homes or groups differed significantly within the same region; the best equipped homes were generally where the proportion of Romani children was very low.

²²⁰ ERRC interview with the heads of two children’s homes. Budapest, Hungary: October 2010.

11 Developing Ethnic Identity and Countering Anti-Roma Discrimination

The struggle of identity and belonging that many Romani children raised in State care go through is compounded by the negative stereotypes that they frequently hear about Roma from their peers, their caretakers and the society around them. Several non-Romani children interviewed in the homes visited expressed negative attitudes about Roma.²²¹ Indeed, some Romani children also expressed negative sentiments about Roma during their interview, stating that Roma “are more dangerous and criminal than others” and that “Roma do not care about anything.”²²² Romani children mentioned music, dance and love of family as positive attributes of Romani culture.²²³ Some Romani children in State care and young Romani adults that have left State care reportedly distance themselves from other Roma, especially those living in extreme poverty or unemployed.²²⁴

Most of the children’s homes visited did not offer programmes to support the development of Romani ethnic identity or a positive attitude towards Roma. Only four out of 24 homes visited during research were reported to organise Roma days or offer Romani language or dance classes through the local school, and one home reportedly invites well-known Romani artists to meet the children.²²⁵ However, the resounding message of home directors on this issue was that “being Roma is not an issue in [our] home, and every child is a child.”²²⁶ Only two home directors reported speaking with Romani children in the home to prepare them for the difficulties they may face due to common prejudices against Roma.²²⁷ None of the other homes reported that they had a programme to counter anti-Roma prejudices, nor did they plan to talk to children about anti-Roma discrimination in society.

Most Romani children expressed an interest in learning about Romani culture during their interview. Caregivers in the homes where no such programmes were available were not aware of this and when questioned about it often said that children in their homes were not

221 ERRC interview with non-Romani children in children’s homes in Szabolcs-Szatmár-Bereg County and Győr-Moson-Sopron County. Hungary: October-November 2010.

222 ERRC interview with Romani children in a children’s home. Borsod-Abaúj-Zemplén County, Hungary: November 2010.

223 ERRC interview with Romani children in a children’s home. Szabolcs-Szatmár-Bereg County, Hungary: October 2010.

224 ERRC interview with caregivers in children’s homes in Szabolcs-Szatmár-Bereg County and Budapest. Hungary: October 2010.

225 ERRC interview with heads of children’s homes in Budapest and Szabolcs-Szatmár-Bereg County. Hungary: October 2010.

226 ERRC interview with caregivers in Győr-Moson-Sopron County; and a representative of a Regional Centre of Homes in Szabolcs-Szatmár-Bereg County. Hungary: October-November 2010.

227 ERRC interview with the heads of children’s home in Budapest and Szabolcs-Szatmár-Bereg County. Hungary: October 2010.

interested in Romani culture, either because they had been in homes from an early age or because they distanced themselves from the culture they came from.²²⁸

One children's home visited in Szabolcs-Szatmár-Bereg County offered a positive example in terms of promoting a positive Romani identity. The director had long been involved in studies concerning the ethnic identity of Romani children in State care and places significant importance on programmes strengthening Romani identity. She invites Romani activists and artists for discussions with the children and young adults in the home and organises other activities that strengthen a positive image of Roma.²²⁹

The introduction of the family tale book was also viewed during research as a positive step in enabling Romani and non-Romani children in State care to embrace their backgrounds, their differences and the fact that they were raised in State care. This book is supposed to be written by a social worker in the home to bring children closer to their families and to reach a clearer and accepting understanding of their biological family. Family tale books explain the context of the child's placement in State care and should provide as much information as possible including family photos to help children develop a positive sense of their own life history and bring the family closer to the child.²³⁰

The absence of Romani employees who speak Romani or Beas in children's homes was also noted to be a barrier to the positive self-identity of Romani children in the homes and to communication with some children.²³¹ In the 24 children's homes visited during the research, there were only four Romani professionals employed. Respondents reported that there are very few Romani applicants for available positions in the homes²³² and that Romani social workers had left positions in the service because they were discouraged by the lack of results.²³³

228 ERRC interview with caregivers in a children's home in Győr-Moson-Sopron County; and a special education teacher in Baranya County. Hungary: November 2010.

229 ERRC interview with the head of a children's home. Szabolcs-Szatmár-Bereg County, Hungary: October 2011.

230 ERRC interview with a representative of the National Institute for Family and Social Policy. Budapest, Hungary: October 2010.

231 A representative of a receiving center for infants recalled the case of one child who could only speak Romani and no one except the cleaning lady could understand the child. ERRC interview with the head of a children's home, Budapest, Hungary, September 2010.

232 ERRC interview with the head of a children's home in Budapest; and a representative of a Regional Child Protection Professional Service in Szabolcs-Szatmár-Bereg County. Hungary: October 2010.

233 ERRC interview with the head of a children's home in Győr-Moson-Sopron County; a representative of a Regional Child Protection Professional Service in Szabolcs-Szatmár-Bereg County; a child welfare worker in Budapest's 8th district; and a child welfare worker in Győr-Moson-Sopron County. Hungary: September - November 2010.

12 Conclusions

Research by the ERRC in 2010 largely confirms previous findings concerning the overrepresentation of Romani children in Hungarian children's homes. Romani children continue to be overrepresented in State care compared to their overall share of the population, accounting for 65.9% of all children living in the children's homes visited during research.

The overrepresentation of Romani children in State care is mainly due to the fact that a large number of Romani children are removed from their families due to material reasons, despite the fact that Hungarian law bans child removal for solely material reasons. Indeed, the number of children being removed from their families for this reason is reported to be on the rise as a result of the economic crisis. School absenteeism is the most frequent trigger prompting child protection workers to monitor Romani families and a significant reason for the removal of Romani children from their families. The perceived "deviation" of Roma from the majority's norm compounded with negative stereotypes among child protection workers also increased the likelihood of Romani children entering institutions. In addition, there is an insufficient number of social workers available to support families to address situations of endangerment, and a lack of available preventative programmes and services. The funding of preventative programmes was noted to be insufficient, with negative impacts on rural areas and poorer city districts where more Roma tend to live. The cumulative effects of poverty and marginalisation are often insurmountable barriers to the return of Romani children to their families once they have entered State care.

Furthermore, ethnicity plays a role in the placement of Romani children in State care. Whether the determining factor is the number of siblings, age, child behaviour, preference or availability of placement type, Romani children are more likely than non-Romani children to be placed in children's homes, especially large institute-style homes. Some child welfare workers exhibit anti-Roma attitudes, which undoubtedly influence their work in support of Romani families at risk of separation or in support of the return of Romani children to their families.

In State-run children's homes, Romani children are reported to experience discriminatory treatment on account of their ethnicity as well as their status as an institutionalised child. They face negative treatment and remarks from their caregivers and their peers in the homes, as well as in accessing public services outside the homes such as schools. Some children's homes have reportedly become collectors of children that other homes do not want. Such homes often house a large proportion of Roma and may offer material conditions of a lower standard than other homes. There is a general lack of programmes promoting a positive Roma identity among Romani children living in State care and few actions to help Romani children prepare for the discrimination that they are likely to face upon leaving the system. There is also a lack of Roma human resources among child protection professionals.

CONCLUSIONS

Some foster parents and prospective adoptive parents reportedly refuse to accept Romani children, meaning that they are more likely to remain in institutional forms of care. Romani children commonly stay in the system for many years, typically until they reach adulthood. The rate of return to families is very low in general, and especially among Romani children.

13 Recommendations

On the basis of the findings of this research, the Hungarian Government is recommended to:

1. Ensure judicial review of all decisions to remove children from their families on a regular basis;
2. Create a legal obligation to regularly collect data disaggregated by ethnicity and other relevant factors in the area of child protection;
3. Annually collect comparable data disaggregated by ethnicity, gender, disability and other relevant factors, in the areas of child protection, education, housing, employment and health care, with appropriate measures to protect the personal data of children and families;
4. Provide information about free legal support to families at risk of child removal, especially Romani families endangered by discrimination and social exclusion;
5. Develop and adopt a detailed description of child endangerment and methodological guidance to facilitate objective and consistent assessment;
6. Ensure regular and systematic monitoring and evaluation of both basic and the professional care services, including children's rights representatives, which takes account of the perceptions of families and children and their level of satisfaction with child protection services;
7. Align child protection policy with Hungary's National Framework for Roma Integration;
8. Implement positive action programmes to support Roma to access employment and quality education in line with the targets established in the Europe 2020 Strategy (75% employment, below 10% school drop-out rate and at least 40% completion of tertiary education) and relevant national policies;
9. Implement positive action programmes to facilitate the employment of Romani professionals in child protection services;
10. Make anti-discrimination and multi-culturalism training an obligatory component of school curricula for child protection and social work professionals;
11. Prioritise funding for basic child welfare services on a service provision basis to ensure an adequate level of preventative work and avoid the under-financing of the regions and city districts most in need;
12. Introduce cost-sharing by all levels of governments in all areas of the child protection system to reduce the shifting responsibilities as a result of financial considerations;
13. Increase the number of preventative social workers, enabling improved community social work by reducing the caseload per worker;
14. Establish a separate social work unit to work with children and families on reintegration;
15. Implement comprehensive programmes for integration, employment, education and housing to disadvantaged families to combat their social and economic exclusion;
16. Build integrated social housing and make it available for families in need, with special attention given to families currently living in segregated and inadequate housing;
17. Increase the hours of training for prospective foster parents and adoptive parents and include an anti-discrimination approach in the methodology;

RECOMMENDATIONS

18. Require full time child protection workers in schools;
19. Develop understandable guidance on children's and parents' rights for social workers to distribute among families at risk of separation; and
20. Work with Romani organisations to implement trainings on non-discrimination and Romani language, history and culture with child protection workers and children in State care.

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The European Roma Rights Centre (ERRC) is an international public interest law organisation working to combat 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 has consultative status with the Council of Europe, as well as with the Economic and Social Council of the United Nations.

Romani children are overrepresented in State care compared to their overall share of the population in Hungary. A large number of Romani children are removed from their families due to material reasons and the number of children removed from their families for this reason is reported to rising due to the economic crisis, despite the fact that Hungarian law bans this. Child protection workers are most frequently alerted that they should monitor Romani families due to school absenteeism, which a significant reason for the removal of Romani children from their families, in addition to negative stereotypes about Roma among some child welfare workers. There are an insufficient number of skilled social workers available to support endangered families and a lack of available preventative programmes and services, particularly in rural areas and poorer city districts where more Roma tend to live. The cumulative effects of poverty and marginalisation are often insurmountable barriers to the return of Romani children to their families once in State care. Romani children are more likely than non-Romani children to be placed in children's homes compared to other forms of alternative care including foster care and adoption. In State care, Romani children are reported to experience discriminatory treatment on account of their ethnicity and also their status as an institutionalised child. They face negative treatment and remarks from their caregivers and their peers in the homes, as well as in accessing public services outside the homes such as schools. There is a lack of programmes promoting a positive Roma identity among Romani children living in State care and a lack of Romani child protection professionals. Few Romani children are reintegrated with their families and many end up staying in institutional care until they reach adulthood.



CHALLENGING DISCRIMINATION PROMOTING EQUALITY