

WRITTEN COMMENTS

by the European Roma Rights Centre, concerning Hungary

For for consideration by ODIHR Director Maria Telalian and her delegation on
their visit to Budapest (26-27 November 2025)

CHALLENGING DISCRIMINATION PROMOTING EQUALITY

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The ERRC reiterates its condemnation of the criminal charges initiated by the regime against **Géza Buzás-Hábel**, Romani teacher, human rights activist and the leader of Diverse Youth Network. Buzás-Hábel is under investigation for organising the Pride event in Pécs, which took place on 4 October 2025. Under the government's draconian legislation, passed in parliament on 18 March, Géza Buzás-Hábel, as an organiser, could face a penalty of up to one year in prison.

The racism and discrimination faced by Roma in Hungary takes place against a backdrop of unrelenting subversion of EU values and the rule of law; the persistent dismantling of checks and balances; the wilful shrinking of civic space and growing restrictions on NGOs; and a seemingly endless state of danger – a 'Schmittian' state of exception that has entrenched the very arbitrary habit of rule-by-decree. All the while, many European Commission recommendations remain unaddressed, and Hungary continues to ignore an increasing number of judgments by the Court of Justice of the European Union and the European Court of Human Rights.

THE HUNGARIAN LAW ON THE PROTECTION OF LOCAL IDENTITY

The ERRC, in an open letter to the European Union, and a complaint to the Hungarian national authorities, condemned recent legislation enacted in Budapest as paving the way for increased segregation and exclusion of Roma. The **Hungarian Law on the Protection of Local Identity** which entered into force on 1 July 2025, gives municipal authorities the right to adopt local decrees to defend their 'fundamental right to self-identity', to take action against 'undesired directions of societal development', and to determine who may move in to a locality, and who may not.

The ERRC maintains that this law basically provides a legal framework for racial segregation, and allows for the drafting of municipal decrees that systematically exclude Roma from taking up residence in towns and villages across Hungary. This is nothing less than apartheid by stealth.

Article 2 of the amendment of Article XXVII of the Fundamental Law **stipulates the following**:

- Based on the right to local self-identity, the municipal community may exercise self-defence, which aims to protect and preserve the community's societal structure, way of life, traditions and customs as well as the municipality's characteristics.
- Based on the right to local self-identity, the municipal community may prevent the undesired increase of the population of the settlement and may take action against the undesired directions of societal developments.
- As a local matter of public interest, the municipal community shall have the right to determine who may move into the municipality and under what conditions.

Despite assurances that these measures '*shall be applied without violating human dignity ... and in accordance with the principle of equal treatment*', lawyers have stated that the law was "*clearly enacted so that those settlements that want to keep Roma or lower-income social groups away can do so.*" The exclusionary intent is made clear by the introduction of settlement taxes, which would have a highly disproportionate impact on the Roma who are extremely overrepresented among the poorest in Hungary. The ERRC maintains that there can be no space in the European Union for any form of racial apartheid.

For more detail see: <https://www.errc.org/news/apartheid-by-stealth-errc-condemns-hungarian-law-on-the-protection-of-local-identity-as-discriminatory>

DISPROPORTIONATE NUMBERS OF ROMANI CHILDREN IN STATE CARE AND VULNERABLE TO ABUSE

ERRC [research](#) and litigation over the years has exposed how Romani children are grossly overrepresented in the care system. Despite provisions in domestic law that ‘a child may not be separated from his or her family solely for financial reasons’, the ERRC has documented patterns of disproportionate removals of Romani children from their families without adequate justification or evidence of imminent risk; and found that poverty among Romani families remains the most common reason for child removal.

Less than a month after the European Court of Human Rights (ECtHR) ruled against Hungary for wrongfully removing a new-born from its Romani mother, the Orbán regime doubled down and introduced a new amendment to the child protection law, enabling the authorities to decide on removal even *before* a child is born.

This retrograde step came in the wake of a [ruling delivered on 10 June 2025, by the European Court of Human Rights \(B.T. and B.K.Cs v. Hungary\)](#), which found that Hungarian authorities had violated the Romani applicants’ right to respect for their family life by forcibly separating a mother from her new-born son immediately after birth without justification or any evidence of life-threatening or imminent harm. According to the amendment passed on 1 July 2025, the guardianship authority may decide to remove a child before she is born, if child welfare risk factors are discovered during pregnancy that have not been eliminated by the 31st week of the mother’s pregnancy.

For more detail: <https://www.errc.org/news/family-friendly-hungary-allows-for-removals-to-be-decided-before-a-child-is-born>

For many Romani children, caught in a cruel snare of poverty and racism, who end up placed in state-run care homes in a dysfunctional and discriminatory child-protection system, there is precious little by way of protection or care. As a consequence, some of these vulnerable youngsters become victims of abuse.

In 2018, the ERRC collaborated with [BBC documentary-maker](#) Stacey Dooley, who revealed the shocking plight of Romani children in Hungary, taken from their families and exposed to violence and sexual exploitation within the care system. She met with distraught mothers whose children had been taken into care, who spoke of their powerlessness to protect their children from abuse in the institutions. She exposed cases where pimps were grooming vulnerable young girls, where care workers seemed unbothered, and took no action to prevent the girls’ drift into prostitution.

The fact that little had changed in the intervening years was made clear [by recent abuse scandals in children’s homes](#). In August, shocking images of abuse and neglect from a children’s home – including one of an eighteen-month-old boy tied to a radiator with a scarf – were broadcast in a report by RTL’s *Házon kívül* on 17 August 2025. The report, which revealed accounts of sexual and violent abuse of young residents by some staff, included images of teenagers sleeping on filthy mattresses, a five-year-old with a cut wrist, and smashed glass doors. As reported in [hvg.hu](#), serious cases also occurred in other institutions of the county’s specialised service, a 14-year-old girl was allegedly raped by a supervisor, who occasionally took her out of the home and offered the girl to his friends. According to a worker at a home in Kisújszállás, where the girl was later transferred, the man was arrested by police, but the case was subsequently dropped due to lack of evidence.

THE PERSISTENCE OF SCHOOL SEGREGATION OF ROMANI CHILDREN

Despite numerous court rulings and EU infringement proceedings, research published in 2024 by the [Rosa Parks Foundation](#) revealed the extent to which Romani children still face structural discrimination and racial segregation within an educational system stubbornly skewed to reproduce and exacerbate social inequalities. The research revealed how existing practices result in “*an unjustifiably high proportion of Roma children being diagnosed with mild intellectual disability*”; exposes how the diagnostic process leaves wide scope for biases, subjective diagnoses, and misdiagnosis, all the while excluding Romani parents from participation: “*There are simply no guarantee rules in place to ensure that the assessment is carried out with due regard for children’s rights and disability rights, recognising and assisting parents as equal partners.*”

More than a decade after the European Court of Human Rights ruled in [Horváth and Kiss v. Hungary](#), the researchers state, “*Hungarian legislation still allows for segregation on the basis of disability, which, as this research highlights, has become a tool for ethnic segregation.*”

The researchers were often confronted with expert opinions that *‘more children should be segregated’*. They found from the expert interviews that when professionals recommend special but segregated education for Romani children, often their consideration was not related to the child’s learning disabilities, but rather reflected a cultural deficit approach. Experts regarded segregation as a lesser harm to children from families burdened by socio-cultural disadvantages – children they deem as doomed to fail in the mainstream system. However, the researchers found that instead of attributing these issues to broader structural factors, many experts frame them as *“a consequence of cultural differences, effectively placing the responsibility on parents.”*

In a [press release](#) issued on 21 March 2025, the UN Special Rapporteur on the right to education Farida Shaheed stated that strict anti-segregation policies must be enforced to prevent Romani students from being wrongly placed in special education and to ensure equal access to quality education. She expressed *“serious concerns about widening inequalities, curriculum rigidity, the marginalisation of Roma students and the erosion of academic freedom.”*

The Special Rapporteur warned of a “hollowing out” of the public education system, with growing inequalities between under-resourced state schools and better-funded church-run institutions, which now account for about 20%, with over 33% of secondary schools now under church control. Shaheed warned that as more schools go private, particularly in remote areas, public schools will be left with fewer resources and a higher concentration of disadvantaged students, leading to increased segregation of Romani children.

While there is no comprehensive nationwide analysis available on how private schools (including church schools) can contribute to or trigger segregated education, experience gathered from studies conducted in a particular region and of NGOs indicate that the level of segregation has gained momentum, particularly due to the rising numbers of church schools.

The 2025 *Roma Civil Monitor* reported that segregation of Roma children remains widespread, with no improvement in sight. The report notes an increase in ‘White flight’ (where middle-class parents transfer their children to better-equipped schools in the town or district centre), segregation within institutions; and a growing number of so-called ‘ghetto schools’ is also growing. According to the latest available data, more than 40% of Roma students aged 6-15 in Hungary attend segregated or Roma-majority schools.

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

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

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

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

DISCRIMINATORY POLICING

22 December 2024: The ERRC has issued a complaint to the National Chief of Police and the Hungarian Equal Treatment Authority following the death of József Zsákai while being apprehended by police officers on 22 December 2024 in the town of Zagyvarékas. As [reported earlier](#), following a car chase and a brief struggle with arresting police officers, the 40-year-old Romani man lost consciousness, and neither the officers nor the paramedics who arrived nine minutes later were able to resuscitate him. In edited video footage of the incident broadcast on television, a police officer can be heard shouting “Stop, you motherfucker!”, and the police pursuing, grappling with, and handcuffing the man, who can be heard shouting “I’m sick, I can’t bear it”. The police chase-and-arrest operation, which resulted in a fatality, was just down to the fact that officers knew József Zsákai was driving without a valid licence. For more details [here](#)

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

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

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

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

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

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

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

REPRODUCTIVE RIGHTS OF ROMANI WOMEN

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

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

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

Regional and structural inequalities: The situation of Romani women in the field of maternity care, “all the women [...] who were selected for interviews mentioned the difficulties related to access to care”. If the nearest obstetric clinic is 20-30 kilometres away, both travel costs and travel time constrain access, especially when “the opening hours of obstetrical clinics do not take into account public transport schedules, meaning that it is virtually impossible to arrive at the obstetrician’s appointment on time and return home the same day travelling by public transport”. Moreover, there are significant regional disparities in the distribution of health care services in Hungary, and the Romani population is disproportionately affected by the shortcomings (including the high number of vacant general/paediatric practitioner positions in the disadvantaged regions of the country). A previous investigation by the ERRC, *Ambulance Not on the Way*, revealed the phenomenon of denying emergency aid to Roma in several Central Eastern European countries, including Hungary.

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

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

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

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

In the case of a 16-year-old girl, who also arrived at the hospital with her mother, no clear explanation was given when the medical staff prevented her mother from entering the labour room (despite the fact that she was ready to pay the fee for the hygienic attire). It should be noted that these cases included underage girls who would have a “double entitlement” for a companion during delivery; not just as birthing women, but also as

children (under the age of 18 years) who have a special right to be accompanied by a parent or a trusted adult while they are in a hospital. According to the account of another interviewee it is a quite common experience for Romani families that companions are prevented from entering the labour room, regardless of the age of the birthing woman/girl.

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