



UPR of Hungary – 39th session – November 2021

Minority Rights Group Europe - Idetartozunk Egyesület (Hungary)

1. DISMANTLEMENT OF THE INDEPENDENT EQUALITY BODY

Hungary had since 2005 an independent administrative body tasked with the promotion and protection of freedom from discrimination on the ground of gender, ethnicity, religion or belief, age, disability and sexual orientation or gender identity. That body was dismantled through an amendment to the 'Act on Equal Treatment and the Promotion of Equal Opportunities' adopted by the Parliament on 1 December 2020, that entered into force on 1 January 2021.

This equality body had large powers and resources to fight discrimination, resulting in the Equal Treatment Authority examining more than 10,000 cases between 2005 and 2020, which, in case of appeals, were in most cases upheld by the courts.

The law adopted in December 2020 replaces this independent body by a simple and less-resourced Directorate General for Equal Treatment established within the Office of the Commissioner for Fundamental Rights, Hungary's national human rights institution (NHRI). That NHRI has recently been downgraded to B status under the Paris principle by GANHRI's Sub-Committee on Accreditation, including because of its failure to "effectively engage on and publicly address all human rights issues, including in relation to vulnerable groups such as ethnic minorities, LGBTI, refugees and migrants".

Recommendation: Re-establish the recently dismantled independent Equal Treatment Authority.

2. THE EFFECTS OF THE COVID-19 PANDEMIC ON ROMA COMMUNITIES

According to a 2020 study conducted by the Hungarian branch of the [National Democratic Institute](#) (NDI), Roma families were disproportionately negatively affected during the first wave of the pandemic in relation to the resort to online education. In many places, there was either no internet access, or there were no computer or smartphone available for school-age children.ⁱⁱ In the second and third waves, the number of COVID cases among Roma was much higher, and so was the death rate among this community.ⁱⁱⁱ In Hungary, health

indicators show a much higher rate of health problems within the Roma community than within the rest of society. As a consequence, the effects of the COVID pandemic were far more devastating for them. At the same time, there is a high level of mistrust among Roma regarding the vaccines. According to a survey conducted in January by the University of Pécs, only nine percent of Roma wanted to be vaccinated.^{iv}

Recommendations:

- Ensure that Roma have the same access to health services as others and promote the uptake of the vaccination through an information campaign.
- Roma children should be provided with the necessary technical means and support for distance learning.

3. FAILURE TO ENSURE ADEQUATE STANDARDS OF LIVING IN ROMA SETTLEMENTS

Roma communities are concentrated in North-Eastern Hungary and Southern Transdanubia, with high proportions living in small settlements often located in disadvantaged, peripheral regions.^v They live mainly in Roma-only settlements, or in segregated ghettos in cities and towns.

The areas where they live are typically deprived of asphalt roads, pavements or even running water.^{vi} In many places, asphalt roads, sewers and water pipes end at the border of the Roma settlement. There is no garbage collection, the poor condition of the road means that in case of a medical emergency, the ambulance cannot get to the ghetto in the winter or when the weather conditions lead to muddy and wet roads, and the only source of drinking water is a public well. This situation is the result of authorities' neglect, discriminatory patterns of investment and their general failure to ensure that people living in Roma settlements enjoy their right to an adequate standard of living on par with other citizens of Hungary.

Recommendation: Take necessary measures to ensure access to basic utilities (clean drinking water, sewerage, garbage collection, paved roads) for Roma residents of disadvantaged settlements.



4. INCREASED SCHOOL SEGREGATION

School segregation, including the placement of Roma children in schools for children with disabilities, remains widespread in Hungary and has increased by almost 10% between 2008 and 2016.^{vii} There are more and more small villages in the country with only Roma pupils in one single school, and the number of segregated schools within larger cities has also increased. There are also church-run schools in which there are only Roma pupils. In addition, half of Roma students drop out of the education system, barely 24% complete secondary education, and only 5% go on to higher education. In comparison, these numbers for non-Roma students are 35% for higher education, and 75% for secondary education. School segregation contributes to these high drop-out rates.^{viii} The CRC, the CERD and the Human Rights Committee have all expressed concern at the situation of Roma in schools and have called on Hungary to end school segregation.

Recommendation: End all segregation in education faced by Roma children, and adopt policies to support reduction of the drop-out rate for Roma children in secondary education and higher education.

5. THE ISSUE OF FINES RELATED TO COVID RESTRICTIONS

Racial profiling of Roma by law-enforcement authorities have been an ongoing issue in Hungary. The CERD expressed concern at this practice in 2019. During the second and third waves of the pandemic, Idetartozunk Association received several complaints from parts of the country with sizeable Roma

ⁱ <https://www.ohchr.org/Documents/Countries/NHRI/GANHRI/EN-SCA-Report-June-2021.pdf>

ⁱⁱ <https://www.ndi.org/publications/impact-covid-19-hungarys-roma-communities>

ⁱⁱⁱ <https://hu.euronews.com/2021/04/02/hullanak-mint-a-legyek-a-magyar-romakat-kulonosen-sujtja-a-koronavirus>

^{iv} <https://merce.hu/2021/04/10/kampany-indul-a-roma-allampolgarok-oltasaert/>

^v A roma népesség területi megoszlásának változása Magyarországon az elmúlt évtizedekben. Debreceni Egyetem 2018.

^{vi} https://jelen.media/kozelet/amikor-parakapura-van-penz-de-a-melyszegenysegen-eloknek-csak-egy-befagyott-kut-jut-1332?fbclid=IwAR2Amc6ZUGTUbiAml4GE_gvEgtJaR2B4UaHjUIPyZL5jA4NzjISdAFEFEdw

populations reporting that far more Roma were fined for violation of the restrictions than non-Roma. Typically, they were fined for not wearing the mask properly while non-Roma citizens who did not wear the mask properly either were not fined.

Recommendation: Prevent and combat racial profiling practices in the police, including through awareness raising trainings, in collaboration with affected communities.

6. DISCRIMINATORY EXCLUSIONS FROM WORK SUPPORT PROGRAMMES

Many Roma benefit from state-funded “public work programmes”, which aim to provide work to unemployed persons who receive regular social assistance. The employer is the local government, and salaries and additional costs are paid by the state. However, since July 1st of 2020, there has been a reinstating of the rule which says that due to the untidy condition of its immediate living environment, a jobseeker shall be excluded from this scheme for a period of three months. This exclusion condition, that has been applied in an arbitrary way to a number of Roma beneficiaries, had already been ruled unconstitutional by the Constitutional Court in 2017 and quashed because it discriminates against the poorest and most vulnerable members of society. This provision has however been introduced in the same law and implemented again since July 2020.

Recommendation: Stop the arbitrary application of the law on Roma public workers and withdraw the provision which was ruled unconstitutional by the Constitutional Court in 2017.

^{vii} United States Department of State, *Country Reports on Human Rights Practices for 2019: Hungary*, 11 March 2020. Available at: <https://www.state.gov/reports/2019-countryreports-on-human-rights-practices/hungary/>

^{viii} European Commission, *Civil társadalmi jelentés a Nemzeti Társadalmi Felzárkózási Stratégia megvalósulásáról: Magyarországon* [Civil Society Monitoring Report on Implementation of the Hungarian National Social Inclusion Strategy in Hungary], 2018

<http://autonomia.hu/wp-content/uploads/2018/09/Civil-tarsadalmi-jelentes-Aqs-a-Nemzeti-Tarsadalmi-Felzarkozasi-Strategia-megvalosulasarol-Magyarorszagon.pdf>