

The Movement Toward Anti-Discrimination and Integration of Roma in Hungary

Maxine G. Sleeper

*Columbia University School of Law
New York, NY
<http://www.columbia.law.edu>
mgs19@columbia.edu*

*ELTE University School of Law
Budapest, Hungary
<http://www.elte.hu>
Adviser: Dr. Ágnes Kövér*

Hungary has made important advances toward the incorporation of an anti-discrimination norm. Hungary prides itself on having effective minority policies, and in being a leader in the field of minority rights in this region. However, the discrimination against Roma and the marginalization of this community in many spheres of life reflect the need for stronger policies and a dedication to adequate implementation of these policies. As international pressure mounts, the adoption of a comprehensive anti-discrimination law is seeming more likely. This law would be a welcome addition to Hungary's current legislative framework concerning minorities, but would not be sufficient. The discrimination against Roma in the field of education is perhaps the most harmful and extreme form of prejudice and racism against the Roma population. Through the Ministry of Education, Hungary is now developing an educational integration program in an attempt to combat the substandard education and the isolation of Roma in many of Hungary's schools. These programs must be well-funded and properly supported on a local, national and international level.

1. Introduction

At present, there are 13 officially acknowledged minority groups in Hungary.²⁰ Under Article 68 of the Constitution of Hungary, these ethnic minorities represent a constituent part of the State and shall be ensured their collective participation in public affairs.²¹ Hungary prides itself on having effective minority policy and in being a leader in the field of minority rights. While there have indeed been significant advances in the legislative and political development of minority rights policy, some minority groups, most notably the Roma, continue to suffer grave discrimination and have recourse to few, if any, remedies. The discrimination against Roma and the isolation of this community in many spheres of public life reflect the need for stronger policies and a well-resourced dedication to adequate implementation of these policies.

In no area is this more crucial than in the field of education. As will be discussed in greater detail below, discrimination and segregation in education has perhaps the most debilitating effects on a community. This paper seeks to present information on the issue of Hungary's national policies on the issue of discrimination, and provide an understanding of some of the primary obstacles facing equal rights in education. In light of Hungary's emerging legislative developments in the area of anti-discrimination, the paper will also examine whether or how these legislative frameworks can be implemented. In this gap between legislation and implementation, or laws and enforcement, lies the most fertile ground for advocacy, law reform, and other initiatives promoting effective change. Discrimination affects

many sectors and areas of society. Its elimination is conceptually inseparable from our understanding of democratic governance. The goal, and perhaps the hardest to achieve, is for non-discrimination to be operationally inseparable from effective democratic governance.

Hungary has developed important legal traditions and a respect for the rule of law which will allow it to be a model for the development of minority policies for other countries in this region. Hungary must now build on the foundation it has laid in order to strengthen its legislative framework and ensure that its policies are implemented so as to be effective tools for combating discrimination.

2. General Background

Today, in Hungary, as in many countries in its surrounding regions, racially and ethnically diverse states have become the norm. Globalization and the enlargement of the European Union have increased the movement of people across borders, and have thereby threatened to bring an end to former notions of the nation state. In recent years, Hungary and other countries in Central and Eastern Europe have begun to witness the emergence of a norm against racism and discrimination. As the legal norm has grown stronger through legislative directives from the European Union, protocols from the Council of Europe, and further reaching international instruments addressing issues of discrimination, the principles of anti-discrimination have not yet developed into a societal norm. Reports of the rise of nationalism throughout the region, right-wing extremists in power, or the rise in anti-Semitism and anti-Roma sentiment, coupled with

²⁰ Hungarian Helsinki Committee, *The Situation of Minorities in Hungary*, October 1999, at p. 5. As provided under Article 61 of the Minorities Act, the following ethnic groups qualify as minorities: Bulgarian, Gypsy, Greek, Croatian, Polish, German, Armenian, Romanian, Ruthenian, Serbian, Slovakian, Slovenian and Ukrainian.

²¹ Constitution of Hungary, Article 68, para. 1, 2.

economic difficulties have helped to bring the issue of discrimination to the forefront.

Discussions of discrimination and the machinery for combating discrimination have become increasingly important in an environment of ethnic conflict, marginalized communities, and gender inequalities. International pressure is an important impetus in helping countries realize that anti-discrimination policies (and a societal acceptance of this norm) will be an essential element in creating a more productive society. It is in Hungary's best interest to foster harmony and equal opportunities in order to have a more active workforce, a more educated population and therefore a stronger state.

Anti-discrimination norms exist at a number of levels: international, regional, national and even local. International instruments have taken the first step in promoting this norm of anti-discrimination. Nearly all human rights documents, both international and domestic, include provisions relating to the guarantee of equality. But treaties which speak specifically to discrimination and minority rights set the standard for how states must provide the legal framework and adequate implementation mechanisms to promote anti-discrimination and the rights of minorities. The International Convention on the Elimination of all Forms of Discrimination and the Convention on the Elimination of all forms of Discrimination Against Women set out important standards for the respect of human rights. Standards for the protection of minorities have been established in the OSCE's Copenhagen Document on the Human Dimension, the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and the Council of Europe's Framework Convention on the Protection of National Minorities.

More recent developments within the

European Union and the Council of Europe have helped shape national policies on discrimination. The EU's Race Directive of June 2000 prohibits discrimination on the grounds of race or ethnicity and requires that states provide effective remedies for violations. This directive must be incorporated and implemented in domestic law by all EU member states by July 2003, and is part of the *acquis communautaire* – the body of law with which all candidate states must comply. Protocol 12 to the European Convention on Human Rights provides that “the enjoyment of any right set forth in law shall be secured without discrimination...No one shall be discriminated against by any public authority on any ground.” Ratification of Protocol 12 would allow for an individual right of access to the European Court of Human Rights on the grounds of discrimination alone (without this protocol, discrimination may only be claimed before the Court under Article 14, which requires that discrimination be present in conjunction with a violation of another article of the Convention).

3. Defining Discrimination

What is discrimination?

Traditional conceptions of equality provide us with a general understanding of discrimination. According to the International Convention on the Elimination of All Forms of Racial Discrimination, discrimination includes any restriction, distinction, exclusion or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.²²

Because issues of discrimination are inherently linked to minority rights policy, it may be useful to examine briefly theories of minority rights which shape discrimination efforts, minority policies and integration initiatives. The dominant view in Anglo-Saxon political thought held that collective rights protecting minorities or ethnic groups conflicted with the notion of individual liberty.²³ Minority rights discourse fell out of favor following World War II primarily because the rise of communism suppressed most ethnic or cultural identities and communities. Minority rights are often controversial because they seem to be at odds with basic principles of non-discrimination and individual liberties. However, a more modern approach blurs this distinction. Will Kymlicka's "*Multicultural Citizenship*" supports the liberal theory of minority rights which asserts that collective rights need not conflict with individual liberties. Essentially, special rights do not necessarily violate the liberal equality principle.²⁴ The primary question underlying this debate is whether governments should address concerns of minority citizens on the basis of their membership in a cultural or minority community or as individual citizens of the state. Some experts have questioned the importance of this distinction by asserting that non-discrimination is where minority rights discourse and anti-racist discourse overlap.²⁵ Non-discrimination is a key principle of minority rights, and minority rights are becoming inseparable from the rights of the individual. This paper does not seek to elaborate further on this theoretical

distinction, but merely introduces the distinction in order to highlight some important questions surrounding anti-discrimination policies.

Direct / Indirect discrimination

While there is no uniform approach to the definition of discrimination, current European law makes a distinction between "direct" and "indirect" discrimination. The EU Race Equality Directive defines direct discrimination as that which occurs when "one person is treated less favorably than another is, has been or would be treated in a comparable situation on the grounds of racial or ethnic origin."²⁶ Direct discrimination is clearly based on the concept of equality as consistent treatment. One major problem with discrimination policies that address only "direct" discrimination is that anyone who suffers from discrimination on this ground must find a similarly situated individual not of that minority group (or of the opposite sex in cases of gender discrimination) as a comparator. The definition indicates that a comparison is the basis for this legal claim. In the case of sex discrimination, a woman would have to prove that she has been treated less favorably than a man in her same situation. Anti-discrimination advocates and international organizations are urging countries to adopt legislation that goes beyond targeting just direct discrimination.

Indirect discrimination, as defined by the European Union Directive, occurs when an apparently neutral provision, criterion or practice would put persons of a racial or ethnic origin at a particular disadvantage compared to others, unless that provision, crite-

22 International Convention on the Elimination of all Forms of Racial Discrimination (CERD), Article 1.

23 Swenden, Wilfried and Vermeersch, Peter, "The Dynamics of Ethnic Minority Policy: The Hungarian Roma and Australian Aborigines Compared" (2002), at p. 2.

24 Kymlicka, Will, *Multicultural Citizenship* (1995) at p. 34-48.

25 The Dynamics of Ethnic Minority Policy, *supra* note 4, at p. 2.

26 Council Directive (EC) 2000/43 of 29 June 2000, Article 2, para. 2(a).

tion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.²⁷ The incorporation of indirect discrimination as an essential part of anti-discrimination policies represents a move toward substance over consistency. In the European Union, this has been most apparent in the area of gender discrimination and women with child-care responsibilities. In many countries throughout central and eastern Europe, facially neutral policies often have a disparate impact on the Roma, women, and many other vulnerable groups. Common examples include situations in which governments define a family unit in such a way that those who are indigent and not married in a civil ceremony (this includes a great majority of Roma families) cannot qualify for full family benefits under healthcare laws. In addition, governments may characterize Romani homes as “temporary” and thereby exclude the people living in these homes from establishing official residency and receiving the benefits associated with such residency.²⁸

Some experts argue that there are limits to both direct and indirect anti-discrimination provisions in that neither adequately require governments to make affirmative efforts to promote equality – rather they are simply negative requirements to refrain from discriminating. “Fourth generation” (as they are often called) anti-discrimination provisions are based on a positive duty on the part of the state to compensate victims, restructure institutions, and promote equality. This reformulation of anti-discrimination policies eliminates the need for proof of individual prejudice or of unjustified disparate impact as a result of a certain condition or practice. All that is required is an acknowledgement

on the part of the state that there is structural discrimination and that the State must play an active role in combating this discrimination.²⁹

4. Discrimination:

Actors and Victims

The perpetrators of Discrimination: Government officials, the public sector, private sector actors, society

Discrimination can come from many different sources in society, but is often most harmful when it comes from government officials or governmental policies. By international instruments and Constitutional provisions, governments are typically not legally permitted to enact discriminatory laws or policies. But discrimination from governmental bodies, actors, or agencies is, in too many cases, widespread.

Some have argued that racism and other forms of discrimination are linked to political power. One manifestation of this power is of discrimination as a political agenda: according to one theory, political elites may use or strengthen racism and discrimination to shore up political support and achieve their goals. Alternatively, political elites may be responding to existing racism, and institutionalizing it for political purposes. The reality is often a combination of these two theories – those holding political power seize racist sentiments and legitimize them by incorporating them into the political or governmental structure.

Many governments deny the existence of discrimination within their country’s borders – an obvious indication of the country’s unwillingness to devote resources to eliminating discriminatory practices. In addition,

27 Id. Article 2, para. 2(b).

28 Zoon, Ina, *On The Margins: Roma and Public Services in Romania, Bulgaria, and Macedonia* (2001) at p. 10-23.

29 Fredman, Sandra, *Discrimination Law* (2002), at p. 12-14, 176-195.

legislation opposing discrimination which lack “teeth” or enforcement mechanism not only fails to abate discrimination, but may be interpreted as the government’s intention to turn a blind eye, or grant permission. An extension of this situation is the complete lack of remedies available for victims of discrimination in many countries throughout the region. In addition, many policies of governments or governmental actors are accurately categorized as instruments of indirect discrimination: testing of Roma students and subsequent placement in special schools for the mentally disabled; failure to provide legal defense to Roma or other marginalized minorities in criminal cases; failure to provide economic opportunities for women; inadequate government response to violence against women.

But these actors, specifically national and local government officials, are the very actors who must take responsibility for eliminating and providing remedies for discrimination. The responsibility lies with the party with the most power to effect change, and that is indeed the governments.

Private actors are also frequent perpetrators of discrimination. Discrimination by private employers, restaurant owners, etc. also contributes to the disempowerment and marginalization of vulnerable groups. Women are refused jobs, and ethnic minorities are turned away from jobs, restaurants, and bars on a regular basis. Private actors are often less accountable to their victims of discrimination because they often fall outside of laws proscribing racist or discriminatory acts. For Hungary and other accession countries to the European Union, policies specifically addressing the private sector must be adopted. The Race Equality Directive applies to “all persons, as regards both public and private sectors.” While this Directive is clearly not relevant to all the countries in the region,

it represents an important shift toward broader accountability. Private actors may also be punished or sanctioned through domestic criminal or civil law systems.

Societal discrimination can be especially harmful because it may shape government policies or lend support to government inertia in developing anti-discrimination policies. Experts have asserted that the elimination of prejudice from a society toward minorities or other vulnerable groups is more challenging and presents more of a long-term problem than legal and institutional forms of discrimination. Fear and dislike of foreigners and other categories of “others” by the society affects work performance, ambition, and interest in participation of individuals in vulnerable groups. And because, of course, members of society are the individual actors in the government and in private enterprise, broad-based societal traditions of prejudice and discrimination influence all sectors and all actors in society. Social and culture stigmas can also negate actions taken by the government. For example, many countries have laws which outlaw rape or domestic violence and may even provide avenues for remedy for violations of these laws. However, women who are victims of domestic violence or rape often refuse to approach the authorities because of the stigma assigned to the victim of such crimes and the shame it is thought to bring upon the victim’s family.

5. The Roma in Hungary

Some have argued that racism operates on at least three axes. The first is that of denigrating stereotypes, prejudice, hatred, and even violence. The second is a cycle of disadvantage – political, economic, and social. And the third axis is a negation or obliteration of culture, religion or language.³⁰ These axes are merely component manifestations of

discrimination, and do not represent an order of events, escalation or hierarchy of impacts. Policies to combat racial and ethnic discrimination must address each axis with particular attention paid to the political context and the group in question.

The Roma community in Hungary has historically been one of the most marginalized and persecuted minorities. Their marginalization is reflected in their material situation, as Roma experience some of the worst poverty and suffer disproportionately high unemployment. While discrimination against Roma has persisted for centuries, an understanding of the recent historical context provides an important foundation in analyzing the role of discrimination against the Roma in today's societies.

a. Historical Background

During communism, ethnicity was suppressed or ignored through a movement known as "automation."³¹ Ethnicity and cultural identity was expected to disappear automatically and a new socialist identity would take its place. Because culture and ethnicity was seen as a byproduct of financial or material inequalities, the socialist and communist regimes expected that establishing equity would eliminate the need for cultural identity. Toward the end of the 1970's Hungary replaced policies on assimilation with discourse on "integration." Recognition of minority culture and language rights paved the way for the transition in 1989, when Roma gained official recognition as an ethnic group and a national minority in most of post-communist Europe. A new emphasis on "multiculturalism," which served as a complete rejection of Marxist-Leninist theories, began to emerge in Hungary. But the legal recognition

and protection of culture and language failed to bring about major improvements in the actual status of Roma in society.³²

With the collapse of communism, the Roma lost their relatively secure economic position. Because the Roma remained an underdeveloped community with very little education and limited professional skills, the Roma were unable to compete for jobs in the emerging market economy. In addition, because Roma almost never owned land, the Roma did not benefit from laws which dissolved cooperative farms or privatized land. Many Roma families who were housed and employed by big companies lost their jobs, their homes, and their residential permits. A large number of Roma began to emerge in urban centers as homeless and "illegal" residents. However, the transitions to a liberal democratic regime did bring about new opportunities for political participation for the Roma, which was an important first step in allowing the Roma to be more active members of society and assert their rights. In Hungary now, Roma are elected to serve in legislative bodies and are entitled to form self-governments at both the local and national level. In most parts of Hungary, however, Roma are neither an effective or powerful pressure group nor a popular cause for other politicians. In many local areas throughout Hungary, in fact, support for Roma causes if often seen as a political liability.

Discrimination against the Roma reaches all sectors of society and creates a complex web of disadvantage, inequality and disempowerment. Programs to remedy some of the crises in the Roma community have been developed and initiated by national and local governments, civil society organizations, and the Roma community itself. The road is long and the scope for improvement is vast.

30 Freedman, Sandra, "Combating Racism with Human Rights" in *Discrimination and Human Rights: The Case of Racism* (2001) at p. 13.

31 The Dynamics of Ethnic Minority Policy, *supra* note 4, at p.4.

32 *Id.*

b. A brief look at discrimination against the Roma in Hungary

According to census figures, Roma comprise around 4.5% of the Hungarian population (according to credible NGO estimates, this population of Roma in Hungary is probably larger, but is likely not more than 7 or 8%). At present, about 2/3 of all Roma live in countries throughout Central and Eastern Europe and the Balkans. Continued discrimination and inadequate policies regarding the Roma will only lead to the creation of a permanent underclass which will place an even greater burden on the economies of these transitioning states. The Roma are overrepresented in all categories in need of social protection: they are uneducated, unskilled, remain unemployed for long periods of time, have large families, and often lack residence permits, identity papers, or citizenship papers. Ironically, however, many of the social protection programs screen out Roma from support. Roma face discrimination in the areas of employment, education, housing, healthcare, law enforcement and access to public places.

In the judicial system, complaints by Romani victims of human rights abuses are not adequately investigated and prosecuted. In addition, Romani defendants are subjected to pre-trial detention more often and for longer periods of time than non-Roma. Roma also reportedly receive more severe sentences. Police abuse in Hungary continues to be a serious problem. A 1998 survey revealed high levels of prejudice against Roma on the part of the Hungarian police. According to the study, which took the opinion of 1,530 police officers, 80% of those interviewed considered Roma violent; 54% stated that they believed that a criminal way

of life is a key element of the Roma identity.³³

While the health status of individual Romani persons depends on living conditions, lifestyle and socioeconomic status, there is a general demographic trend that the life expectancy for Roma is significantly lower than that of the majority population in most countries in the region. In Hungary, the rate of childbirth is significantly higher among the Roma population, but mortality is also significantly higher. As a result, life expectancy is correspondingly shorter.³⁴ In Hungary, children under 15 years of age make up 38% of the Roma population (twice that of the total population).³⁵ Roma children often have a higher rate of malnutrition, anemia, and other nutritional related diseases than their non-Roma peers. Substandard living conditions, the lack of safe drinking water and poor hygiene exacerbates susceptibility to infectious and digestive diseases. Roma also often have very restricted access to healthcare. With no money to pay for private consultations and no family doctor to refer them for treatment, the healthcare system is essentially closed to the Roma. The discrimination is not limited to single doctors – healthcare institutions have also been known to refuse treatment to Roma patients. At best, Roma patients have access to emergency care. In addition, Roma suffer disparate impact from neutral healthcare laws which provide that only a wife or husband has the right to noncontributory health insurance. Because a higher percentage of Roma live in common-law marriages, they are disproportionately affected by this provision of the law. In Hungary, Roma communities also suffer from a lack of information about the healthcare system and the discretionary power of social workers who can withhold or withdraw their health insurance.³⁶

33 *Written Comments of the European Roma Rights Center Concerning the Republic of Hungary*, For Consideration by the United Nations Committee on the Elimination of Racial Discrimination at its 61st Session, 5-23 August, 2002, at p. 16.

34 Bureau for European Comparative Minority Research, *A Roma's Life in Hungary: Report 2000*, at p. 47.

35 *Id.*

The issue of housing is of particular importance for Roma in Hungary. The great majority of Roma live in residentially segregated areas. Many live in slums or unplanned settlements that lack proper roads, access to drinking water, electricity or sewage disposal. There are no Hungarian laws that address discrimination in access to housing. Roma are therefore even more vulnerable to the effects of increasing incidents of evictions, as a result of anti-squatting amendments adopted in May 2000³⁷. These amendments give notaries the power to order eviction from council housing within eight days. These new policies have triggered a wave of evictions which are thought to be motivated by racism toward the Roma.³⁸ The Roma Civil Rights Foundation reports an increase in evictions of Roma from 2-3 per month in 1999 to 3-4 per week in 2000.³⁹

It is estimated that the unemployment rate among Roma in Hungary is 70%. In some villages, 90-100% of the Roma population is unemployed. The Minority Ombudsman noted that there have been many discriminatory job advertisements, but that Hungary's legal regime provides no effective remedy.⁴⁰ Such systematic discrimination compounds the effects of other factors that contribute to high levels of unemployment. As noted above, Roma were particularly hard hit by the transition to a market economy. In addition, industrialization has presented an additional challenge to Roma who traditionally survived on more traditional trades. But per-

haps most important, low levels of educational achievement among Roma further reduce prospects for employment.⁴¹ Policies and practices of providing social protection often discriminate directly or indirectly against the Roma. International and European law call for states to provide a minimum amount of social support for their citizens.

One major challenge in measuring the magnitude of discriminatory practices by governmental and private actors is the Hungarian authorities' refusal to generate and make public data on the relative situation of the Roma and other vulnerable groups. Under Hungary's data protection law, gathering data according to ethnicity is illegal, absent the express written consent of the person concerned.⁴² Many minority rights activists claim, however, that the argument that gathering data is illegal is used mostly to hinder efforts of civic organizations and independent researchers to show patterns of discrimination. This gives rise to local suspicion that Hungarian authorities may not be serious about combating racial discrimination in Hungary.

Perhaps one of the most important and damaging area of discrimination against the Roma occurs in the area of education. Across the entire region of Central and Eastern Europe, the education of Romani children is characterized by both segregation from the mainstream system and poor quality schools. In Hungary, Roma children are placed in special schools and may also be placed in seg-

³⁶ Id., at p. 51.

³⁷ Act No LXI of 2000.

³⁸ Open Society Institute – EU Accession Monitoring Program, *Monitoring the EU Accession Process: Minority Protection* (2001) [Hereinafter: *Minority Protection 2001*] at p. 234.

³⁹ Annual Report of the Parliamentary Commissioner for National and Ethnic Minority Rights 2000, p. 118.

⁴⁰ Annual Report of the Parliamentary Commissioner for National and Ethnic Minority Rights, 1 January – 31 December 1998, at section 4.2.5.

⁴¹ OSCE High Commissioner on National Minorities, *Report on the Situation of the Roma and Sinti in the OSCE Area*, 2000, at p. 33.

⁴² *Written Comments of the European Roma Rights Center Concerning the Republic of Hungary*, For Consideration by the United Nations Committee on the Elimination of Racial Discrimination at its 61st Session, 5-23 August, 2002, at p. 29.

regated classes in the mainstream schools. This discrimination in education has taken on various forms throughout the region but the effects are the same: Roma children receive a lower quality education than their non-Roma peers and are therefore unprepared and uncompetitive in the job markets. The position of both Romani children and adults is, in a sense, part of a vicious cycle – poverty and a lack of material resources mean that Roma children are not going to school or are not going to decent schools, and the resulting lack of education forces the community as a whole to remain at the bottom of the social and economic ladder.

6. A Closer Look at Roma Education in Hungary

Government officials, NGO representatives and other Roma activists have acknowledged that the current situation of Roma education in Hungary has reached a crisis point. Many regard education as the key field of public activity. Education can be used, therefore, as a tool for combating discrimination, and schools must be prepared to play an important role in this effort.⁴³ While there is arguably a universal recognition of the crucial role of education in the development of the free and autonomous individual, discrimination against Roma in the field of education is pervasive. Discrimination in education can take many different forms: segregation in schools or classes for the mentally handicapped; segregation in substandard schools or classes in the mainstream educational system; school segrega-

tion resulting from residential segregation (gypsy “ghetto” schools); exclusion from the school system; abuse in schools, including racially motivated physical abuse.⁴⁴ In any form, disadvantage in education and access to education is a strong force in perpetuating cycles of isolation, disadvantage and marginalization. The percentage of the Roma population in elementary school roughly corresponds to the percentage in the population (around 5%), but decreases to less than one percent in secondary school and to around 0.1% at the university level.⁴⁵

Schools throughout Hungary are becoming increasingly ethnically segregated – due in part to the growing Roma population in many areas of the country. Of 192 schools surveyed, the proportion of Roma students in 1989 was 25.1%; in 1999, the proportion was 40.5%.⁴⁶ As the proportion of Roma students in a school increases, non-Roma parents seem more likely to transfer their children to schools that have fewer or no Roma students. In one Budapest school, the proportion of Roma pupils increased from 40% to 100% between 1989 and 1999.⁴⁷ Even in schools where Roma and non-Roma students are present, Roma students are often placed in separate classes (remedial or “catch-up” classes). Romani children in segregated classes are often taught according to an adjusted curriculum, not designed to provide education on an equal footing. The effects of such schooling arrangements is to exclude Roma from equal education, thereby eliminating any possibility of developing the needed knowledge and skills to compete for jobs in a market economy. In Hungary, estimates indi-

43 Interview with Minority Ombudsman, Jenő Kaltenbach, March 14, 2003.

44 European Roma Rights Center, *Barriers to the Education of Roma in Europe: A Position Paper by the European Roma Rights Center*, May 5, 2002, available at <http://errc.org/publications/position/education.shtml>.

45 European Commission against Racism and Intolerance (ECRI), *Second Report on Hungary*, March 2000, para. 33.

46 Institute for Education Research, as cited in G. Havas, “Kitoresi pont: az iskola” (“Breaking point: the school”), Beszelo, November 2000, p. 50-65.

47 Minority Protection, 2001, at p. 226.

cate that Roma make up 84.2% of the students in “catch-up” classes.⁴⁸ An unfortunate aspect of this arrangement is that school authorities have a financial stake in maintaining these catch-up classes because they can receive supplementary grants for the education of minority children (as provided under the 1993 Public Education Act).⁴⁹ Catch-up classes, therefore almost never catch the students up to the appropriate level. Most Romani children are never mainstreamed into the normal school system. They finish their educational career in the separate system and rarely go on to secondary school or university. In practice, these classes are typically substandard, offering poor quality education in separate classes, and even separate buildings.⁵⁰ In January 2002, The Roma Press Center reported that an investigation carried out by the Minority Ombudsman’s office found that Romani pupils at a primary school in Verpelét in Heves County are educated in separate classes from the first grade on, without the express consent of the parents.⁵¹ The Minority Ombudsman declared that the segregation of the Romani students is unlawful and that students are subject to discrimination as a result of the practices.

In addition to separate classes, Romani children are often also channeled into “special schools” for the mentally disabled. These schools offer a limited curriculum with lower educational requirements. Roma

children are often over-represented in these special schools. The percentage of Roma children attending special schools grew from 25% in 1974-1975 to 90% in certain parts of Hungary in 1990.⁵² According to the European Commission Against Racism and Intolerance (ECRI), despite the fact that rules regulating entry to the special schools have been tightened over the years, Roma children still constitute around 60% of the total number of children in these types of schools nationwide. This channeling, “which in principle is carried out by an independent board, is often quasi-automatic in the case of Roma/Gypsy children.”⁵³

A relatively new phenomenon is that of declaring as “private students” those problematic students who are disruptive in class.⁵⁴ This private study scheme does not involve school attendance. This has had a disparate impact on many Romani students and has excluded them almost entirely from education. Because these students are still expected to take final examinations, many drop out of school entirely.⁵⁵

A particularly illustrative case of school segregation in Hungary is the case of the village of Jászladány in Szolnok County. In May 2002, the local government announced that it would open a private school for students “who are indeed willing to study” in order to provide schooling exclusively for non-Romani children. According to Nép-

48 Barriers to the Education of Roma in Europe, at p. 6.

49 Interview with Viktoria Mohacsi, Ministerial Commissioner – Office of Minister’s Commissioner for Integration of Roma and Disadvantaged Children, Ministry of Education, March 21, 2003. Since 1993, these Roma Minority programs have spread in Hungary, and significant amounts of state funds are distributed for “minority education.”

50 Barriers to the Education of Roma, at p. 6.

51 European Roma Rights Centre, “Ombudsman Finds Discrimination against Roma in Education in Hungary” Nr 2, 2002, available at http://errc.org/tr_nr2_2002/snap14.shtml.

52 Minority Protection at p. 226. A 1998 survey in Borsod county by the Minority Ombudsman’s office showed that over 90% of students attending special school in that county were Roma.

53 European Commission Against Racism and Intolerance, *Second Report on Hungary*, March 2000, para 30.

54 According to the Act on Public Education, section 1, paragraph 7, compulsory education can be met by attending school or as a private student depending on the choice of the parents concerned. Traditionally, private study arrangements were reserved for very gifted students.

szava, a Hungarian national daily newspaper, the mayor of Jászladány, Mr. István Dankó, stated that “peoples who bear different cultures cannot be locked up together by force, so the best way to avoid confrontation is to set up alternative institutions.”⁵⁶ Jászladány is a village of 6,443 people, of which 665 are registered Roma. According to Mayor Danko, the population of Roma in the village is closer to 1,800.⁵⁷ In the primary school in the village, 40% of the students are Roma. From 1995 until 2001, more and more students in the village began attending school in other villages because the schools were reportedly not preparing students adequately for secondary schools. Teachers and the principal of the state school in Jaszladany reported that discipline problems among the Roma is the primary reason that the other students are not able to learn. “When there were fewer than 30% Roma in each classroom it was fine, but when the Roma population in the school went above 50%, it was too many.”⁵⁸ The director of the school and the teachers agreed that it is the “arrogance and violence” of the Roma students which makes the school environment intolerable for the non-Roma students.

In order to provide an alternative school in Jaszladany, the town started a foundation which would run a private school for students who are willing to learn and behave according to the “house rules.” According to

the hired principal of the Foundation School, the main purpose of the school is to raise local and national patriotism and to provide a moral education. While these goals seem somewhat vague, the impact on segregation in the town is abundantly clear. The state school became over 90% Roma, and the Foundation School is 90% non-Roma.⁵⁹ The local government has provided the Foundation School with the use of public buildings.

But the creation of this private school became the topic of great controversy in 2001. The Minister of Education and the Minority Ombudsman both voiced strong opinion that this school was simply a mechanism for racial segregation and was unconstitutional.⁶⁰ The head of the local minority government in Jászladány raised strong protest over the creation of this school on the grounds that the minority self-government was not consulted in its formation and that this new school was simply a means of segregating the students.⁶¹ The mayor claimed that the matter did not require consultation with the minority self-government because it did not involve issues of minority education.⁶² In September 2002, the Minister of Education refused to grant registration to the Foundation School, and the school was forced to shut down. In November 2002, a county court found that the foundation functioned legally. The school is now reportedly not operating, and is hoping to begin official-

55 Petrova, Dimitrina, “Racial Discrimination and the Rights of Minority Cultures” in *Discrimination and Human Rights: The Case of Racism* (2001) at p. 58.

56 *Népszava*, Roma Press Center, as cited in ERRC Snapshots, “Ombudsman Finds Discrimination against Roma in Education in Hungary,” Nr 2, 2002.

57 Interview with Mayor István Dankó, March 28, 2003.

58 Interview with Gonda Sándorné, Principal of Jaszladany Public School, March 28, 2003.

59 The principal of the state school noted that the Roma attending the Foundation School were the “elite” Roma who are just as appalled and annoyed by Roma behavior in the state school as are the non-Roma parents.

60 *Élet és Irodalom*, EXLVI, September 20, 2002.

61 *Népszabadság*, “Két Tanévnyitó Jászladány” August 30, 2002.

62 Roma Press Center, “Ombudsmani intelem a Jászladány polgármesternek” July 18, 2001.

ly in September 2003. In practice, however, the school is functioning. The students and the teachers who had planned to enroll in the Foundation School have been attending classes in a separate (and far more modern and well-kept) building since September; the curriculum is more challenging, and those students who could not keep up have returned to the state school (of the 10 students who have returned, 8 are Roma). The mayor reports that this is not actually the Foundation School because the students are not paying the 3,000 HUF monthly tuition to attend the separate school. The result, therefore, is that the public school system in Jászladány is now almost completely segregated along racial and ethnic lines.

The story of segregation in Jászladány highlights some of the more disturbing and discouraging aspects of discrimination against Roma in education. As Hungary is trying to move toward integration in its classrooms, this village is institutionalizing segregation. The situation serves to underscore the importance of a national initiative regarding desegregation, and the challenges for which it will most certainly face. Desegregation programs will require both national and international support and funding, but must be tailored to meet the needs of the local environments. They must be well funded in order to provide for smooth implementation on the local level. But any successful desegregation program must take into account the all-encompassing nature of the problem. Parents, teachers, and students must all be involved and educated about the importance of integration. Assistance to families, both social and financial will be crucial. Additional training of teachers will be required to begin to overcome the prejudice which is pervasive in many classrooms.

7. European Legislative Framework for Anti-Discrimination Policies

The Council of Europe and the European Union: Progress and Limits

Both the Council of Europe and the European Union have made great strides in protecting minorities and combating discrimination. The emphasis on human rights and principles of anti-discrimination principles within the laws of the EU indicate a movement toward a vision of the European Union as a guarantor, not just of economic integration, but of fundamental human and social rights. In 1999, the Treaty of Amsterdam came into effect which created two new important provisions to the founding treaties of the EC. Article 13 provided the legal competence for the EU Council to take “appropriate measures to combat discrimination based on sex, racial, or ethnic origin, religion, belief, disability, age or sexual orientation.” In addition, Article 29 was amended in order to specify that one of the key objectives of the European police and judicial cooperation was to prevent and combat racism. The European Charter on Fundamental Rights also indicates a departure from the economic orientation of European integration. The strength of its provisions, however, is severely limited by its non-binding status. Human rights advocates around the region must now encourage the governing bodies of the EU to see this vision through, and to ensure its implementation and adequate enforcement on a national level. The enlargement of the European Union holds great promise for national policies on discrimination in Hungary.

The Race Equality Directive:

Perhaps the most significant development in EU law, the Race Equality directive forbids discrimination on the grounds of racial

or ethnic origin, and requires member states to adopt domestic anti-discrimination laws and to enforce these laws with enforcement bodies. The Directive is perhaps most significant and innovative in its provisions on remedies and enforcement. The Directive allows for organization claims, as long as organizations have a "legitimate interest" in the claim. In addition, the Directive calls for a shifting of the burden of proof to the respondent where "facts from which it may be presumed that there has been direct or indirect discrimination" are established.⁶³ The Directive calls for states to create or designate bodies dedicated to the promotion of equal treatment. However, the Directive fails to provide guarantees against discrimination in criminal justice. This is a particularly significant weakness because criminal justice represents an area where discrimination, especially on the grounds of race and ethnicity, is rampant and possibly most harmful.

Employment Directive:

Also arising out of Article 13 of the Amsterdam Treaty, the European Union Directive seeks to present a framework for combating discrimination on the grounds of religion, belief, disability, age, or sexual orientation as regards employment and occupation. This Directive provides a broader scope of protection than the Race Equality Directive, but also specifically refers to direct and indirect discrimination. The provisions of this Directive must also be incorporated into domestic law and must be backed by effective judicial and/or administrative procedures available to all persons. Like the Race Equality Directive, this employment directive calls for the burden of proof to fall on the respondent, and also allows for organizations or associations to bring claims as long

as they have a "legitimate interest." The employment directive may prove to be especially useful in promoting equal rights because, as mentioned above, discrimination in employment and high levels of unemployment is a common factor contributing to poverty, marginalization, and social isolation of many vulnerable groups.

Protocol 12:

Protocol 12 of the European Convention on Human Rights makes up for one of the inherent weaknesses of the Convention by providing an independent right to non-discrimination. Prior to the adoption of Protocol 12, discrimination could only be claimed under Article 14- and must have been claimed in connection with a violation of another right provided in the Convention. Protocol 12 is far more comprehensive in the range of grounds of discrimination to which it applies. These grounds include sex, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. This list is not exhaustive by virtue of the phrase "any ground such as" in the article. But Protocol 12 has not yet entered into force. It requires ten ratifications for entry into force. As of March 30, 2003, only three countries had ratified the protocol. Hungary signed the protocol in April 2000, but has not ratified it.

These recent developments within the European legal context are especially important for Hungary and other countries within the Council of Europe and seeking accession to the European Union.

Implementation of anti-discrimination laws

Perhaps the greatest challenge in incorporating regional and international norms into a

⁶³ Council Directive (EC) 2000/43 of 29 June 2000, Article 8.

domestic framework is in the enforcement and implementation of these laws. Countries may force through their parliament some type of palliative law which satisfies the compliance requirement of the accession countries to adopt the *acquis communautaire*, but fails to provide real remedies or to make significant progress in the area of anti-discrimination.

Implementation will depend largely on adequate funding and political will. Central and Eastern European countries have benefited from PHARE assistance, but more assistance must be dedicated specifically to the area of “institution building.” Additional resources can help develop the political and societal will be necessary in transforming the law reform into reality.

8. Hungary's Legislative Framework

a. Anti-Discrimination Measures

The Hungarian legal system is regarded as “dualistic” from the point of view of the status of international law. In a dualist system, the supremacy of international law is recognized, but the rules of international law may not be applied directly on the domestic level until they have been officially integrated into domestic law through acts of either Government or Parliament.⁶⁴ Hungary is a party to several international treaties which aim to protect the rights of vulnerable groups and combat discrimination: The United Nations International Covenant on Civil and Political Rights, The Convention on the Rights of the Child, The Convention

on the Elimination of All Forms of Racial Discrimination, and the Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms.

Hungary has come under some criticism from international human rights organizations for its failure to adopt a comprehensive anti-discrimination law. As will be discussed below, a concept paper is now open for comment which could develop into a draft for a comprehensive law. For now, Hungary's prohibition against discrimination is enshrined in several different documents. But this present system is not as effective as it could be. Some legal fields have anti-discrimination provisions, while others do not. Some have an elaborate system of sanctions, while others have no sanctions at all. Human rights groups have criticized this system as being incoherent.⁶⁵

The Constitution of the Republic of Hungary provides that everyone is equal before the law, and that the Republic of Hungary shall respect the human rights and civil rights of all persons in the country without discrimination on the basis of race, color, gender, language, religion, political or other opinion, national or social origins, financial situation, birth or on any other ground whatsoever.⁶⁶

Several of Hungary's legal codes provide for anti-discrimination measures. According to Act XXII of 1992 on the Labor Code, it is prohibited to discriminate between employees in connection with employment according to their gender, nationality, race, origin, religion, or political conviction.⁶⁷ The Labor Code provides for the imposition of sanctions for violations of this provision. However, until June 30, 2001, these provi-

⁶⁴ Hungarian Helsinki Committee, *The Situation of Minorities in Hungary*, October 1999, at p. 4. Hungary's Constitution (Article 7, paragraph 1) states that the legal system accepts the generally acknowledged rules of international law and guarantees that domestic law be harmonized with international obligations.

⁶⁵ Open Society Institute – Monitoring the EU Accession Process: *Minority Protection*, Volume 1, 2002, p. 265.

⁶⁶ The Constitution of the Republic of Hungary, Article 57, para. 1, Article 70 / A, para. 1.

⁶⁷ Act XXII of 1992 on the Labor Code, Article 5.

sions were not applied in cases in which there was no existing labor relationship between the parties. As a result, discriminatory refusals to hire on the basis of ethnicity were not subject to sanction. Even now, however, there have no reported cases of courts punishing employers or other authorities for discriminatory hiring practices.⁶⁸ Under Hungary's Public Education Act, all forms of discrimination are prohibited in public education.⁶⁹ The Minority Ombudsman has urged that amendments be adopted which would allow for the imposition of sanctions for discrimination in the educational system.⁷⁰ In the 1998 modifications to the law, no such provisions were adopted.

Hungary has shown that it is committed to taking important steps in combating discrimination. The government established the Parliamentary Commissioner for Ethnic and National Minorities (Minorities Ombudsman) who is charged with investigating infringements of the rights of national or ethnic minorities, and may initiate measures for remedies. The Ombudsman is entitled to investigate any authority, including the armed forces, the national security services, and the police. While the Ombudsman has played a significant role in promoting rights and developing a stronger minority rights based agenda in Hungary, its powers remain somewhat limited. The Ombudsman has no power to impose legal sanctions directly on perpetrators of infringements of minority rights. Some human rights activists have argued that the Ombudsman's office should have broader powers in order to

bring cases before administrative or regular courts. Still, the office has had a significant impact. Reports estimate that 60-75% of the Ombudsman's office's recommendations, initiatives and legislative suggestions, many of which have been aimed at fighting discrimination, have been accepted by the respective government offices concerned.⁷¹

Among Hungary's legislative initiatives designed at improving the situation of the Roma is the 1999 Medium-term Package for the Improvement of the Living Conditions and Social Situation of the Roma Population. This package outlines policy objectives in the area of education, culture, employment, agriculture and regional development; anti-discrimination programs; and social, health and housing programs. According to the Office for National and Ethnic Minorities, the tasks defined in the package are intended to promote the social integration of the Roma without reinforcing segregation processes.⁷² While this initiative was seen as an important step in addressing the concerns of the Hungarian Roma, very little has been done to implement these policy objectives.

Several experts and NGOs argue that Hungary must adopt a comprehensive anti-discrimination act. This act would develop an adequate system of sanctions which would be sufficient for the prevention of discriminatory acts and the effective punishment of offenders, and setting up an effective institutional system which would guarantee the implementation of the anti-discrimination act.⁷³ Currently, a comprehensive anti-discrimination concept paper,

68 ERRC Written Comments to CERD, *supra* note X at 25.

69 Act LXXIX of 1993 on Public Education, Article 4, para. 7.

70 The Hungarian Helsinki Committee, *The Situation of Minorities in Hungary*, October 1999, at p. 7.

71 Open Society Institute, *EU Accession Monitoring Program: Minority Protection*, 2001, at p. 254.

72 Office for National and Ethnic Minorities, *Government Measures to Improve the Living Conditions of the Roma in Hungary 2000-2001*, Budapest, 2002, p. 1.

73 International Helsinki Federation for Human Rights, *Human Rights in the OSCE Region: Report 2001*, at p. 164.

74 Interview with Minority Ombudsman, Jenő Kaltenbach, March 14, 2003.

which was drafted by two experts in the Ministry of Justice and done in coordination with the Minority Ombudsman, is open for comments and is expected to become draft legislation by the summer of 2003.⁷⁴

b. Desegregation Measures

The current government has taken important steps to show that addressing discrimination in education is a top priority. Within the office of the Prime Minister, a new state secretariat for Roma integration policy issues was established under the leadership of Mr. László Teleki, President of the National Alliance of Roma Organizations. State Secretary Teleki took several important first steps upon entering this new position. He submitted and had approved an increase of HUF 400M available for scholarships to Roma students for the 2002/2003 academic year. Almost 20,000 Roma students were able to receive grants (a 50% increase from the 12,777 students who received grants in 2001/2002).⁷⁵ The Minister of Education has appointed Viktória Mohacsi as the Ministerial Commissioner in the Office of Minister's Commissioner for Integration of Roma and Disadvantaged Children. Along with her staff and in conjunction with representatives from the Roma community, Ms. Mohacsi has begun to develop concrete policies aimed at integrating local schools throughout the country.

This plan, the "Preparation for Integration from September 2003"⁷⁶ is based on the principle that it is the government's task to focus attention on the inclusion of Roma

children in schools and the elimination of segregation. The Decree OM 57/2002 of the Minister of Education does not require schools to implement integration, but it provides guidance, additional funding, and programmatic support for those schools that commit to integrating their Roma students with non-Roma students.⁷⁷ Developmental funds will come in the form of a new per capita support system. As of 2003, if a school commits to the integration program, it will be possible to increase the per capita support for the education of each Roma child by as much as 50%. The Hungarian Government will provide 50% of the funding for these programs with European partners providing the rest. In the 2003/2004 school year, schools that join the integration process will receive EUR 2.5 million from the Phare Program. Roma community centers will receive another EUR 4 million in support from Phare. This may allow some communities and schools to begin planning for extracurricular study programs.

The integration plan also includes the development of the National Education Integration Network. This network, with its headquarters in Budapest, will have 53 other offices around the country and will provide coordination assistance among the local kindergartens, elementary schools, and community centers.

Local education authorities have until May 2003 to decide whether or not to participate in this integration program. 400 schools around the country have already agreed to participate.

⁷⁵ Office for National and Ethnic Minorities, "Selected News on the Social Integration of the Roma in Hungary" July-August 2002.

⁷⁶ This is a program describing the implementation of Decree OM 57/2002. (XI.18) of the Ministry of Education.

⁷⁷ Interviews with Viktória Mohacsi, Jan. 20, 2003 and March 21, 2003. Most information related to the Integration Program was gained from these two interviews.

While this program is receiving broad support from many representatives of the Roma community, it has also come under some strong criticism because it only addresses integration within the context of separate classrooms, not separate schools. This leads to an addition, and even more divisive disagreements over the fact that this program will not provide additional funding for “ghetto schools.” The only schools that will benefit from this program are those that have a mixed population of students. “Ghetto schools” as they are often called, are almost always exclusively Roma. Significant debate continues about whether improving Roma education necessarily requires the closing of all ghetto schools. While the Minister of Education’s plan does not require the ghetto schools to close immediately, but does look to their eventual elimination as a longer term goal.

As this integration program is in its very earliest stages, much remains to be seen about how it can be effectively implemented on the local level, but monitored and supported on a national level. Its creation and development is an encouraging first step in raising awareness about issues with Roma education, and focusing attention on education as an essential tool in combating discrimination.

9. Conclusion

NGOs and other civil society organizations must continue to play a dynamic role in shaping discrimination laws and policies in Hungary and in insisting upon adequate enforce-

ment and remedies. Local NGOs may be the most useful in raising awareness and urging action because they are often awarded greater legitimacy among local populations, and have a greater reputation for accuracy than international organizations or even governments. While NGO efforts are not sufficient, they are essential in developing initiatives, shaping policies, and monitoring government performance.

The role of governments in combating discrimination will, of course, be paramount. National legislative frameworks and effective implementation measures are necessary for any anti-discrimination and integration initiative.

In addition, the involvement of international organizations and donor bodies can not be overlooked. As the European Union seems to be making a shift toward more comprehensive human rights policies, so too are other powerful organizations such as the World Bank. With broader mandates to work with local organizations in its effort to promote development and eliminate poverty, the World Bank should be encouraged to focus on issues of discrimination, and to support national anti-discrimination institutions. NGOs can play an important role in attracting foreign and international funding to support government anti-discrimination laws and enforcement mechanisms.

Hungary has now taken important first steps toward combating discrimination and promoting equality and integration. It must now make sure that it develops comprehensive and effective legislation, and ensure that this legislation is backed by adequate resources, institutional capacity, and political will.

Bibliography

Act LXXIX of 1993 on Public Education

Act XXII of 1992 on the Labor Code

Act No LXI of 2000

Advisory Committee on the Framework Convention for the Protection of National Minorities, Opinion on Hungary (Adopted 22 September 2000)

Annual Report on the Activities of the Parliamentary Commissioner for the Rights of National and Ethnic Minorities, 2001

Annual Report on the Activities of the Parliamentary Commissioner for the Rights of National and Ethnic Minorities, 2000

Annual Report on the Activities of the Parliamentary Commissioner for the Rights of National and Ethnic Minorities, 1999

Bell, Mark, Anti-Discrimination Law and the European Union, 2002 (Oxford University Press)

Bíró, Anna Mária and Kovács, Petra, Open Society Institute – Local Government and Public Service Reform Initiative, Diversity in Action: Local Public Management of Multi-Ethnic Communities in Central and Eastern Europe

Bureau for European Comparative Minority Research (BECMiR), A Roma's Life in Hungary: Report 2000. (Budapest)

Cahn, Claude, Roma Rights Quarterly, "Smoke and Mirrors: Roma and Minority Policy in Hungary," Nr 4. 2001

Constitution of the Republic of Hungary

Council Directive (EC) 2000/43 of 29 June 2000 (European Union Race Directive)

Élet és Irodalom, "A Jászladányi iskolapélda" September 20, 2002.

European Commission Against Racism and Intolerance (ECRI), Second Report on Hungary, (Adopted 18 June 1999)

European Roma Rights Center, Roma Rights Quarterly, "Discrimination Against Roma in Hungary" Nr 1. 2001

European Roma Rights Center, Roma Rights Quarterly, "Ombudsman Finds Discrimination against Roma in Education in Hungary" Nr 2. 2002

European Roma Rights Center, Position Paper, "Barriers to the Education of Roma in Europe: A position paper by the European Roma Rights Center" May 5, 2002 available at <http://www.errc.org/publications/position/education.shtml>

European Roma Rights Center, Written Comments of the European Roma Right Center Concerning the Republic of Hungary. For Consideration by the United Nations Committee on the Elimination of Racial Discrimination (5-23 August 2002)

Fredman, Sandra (Ed.), Discrimination and Human Rights: The Case of Racism, 2001 (Oxford University Press)

Fredman, Sandra, Discrimination Law, 2002, (Oxford University Press)

G. Havas, "Kitoresí pont: az iskola" ("Breaking point: the school"), Beszelo, November 2000

Human Rights Watch, World Report 2002: Hungary, Human Rights Developments available at www.hrw.org

Hungarian Helsinki Committee, The Situation of Minorities in Hungary (October 1999)

International Convention on the Elimination of All Forms of Racial Discrimination (Adopted December 1965)

International Helsinki Federation for Human Rights, Human Rights in the OSCE Region: Report 2002.

International Helsinki Federation for Human Rights, Human Rights in the OSCE Region: Report 2001.

- Kádár, András, Lilla Farkas and Márta Pardavi, Legal Analysis of National and European anti-discrimination Legislation (September 2001) Report submitted for European Roma Rights Center, Interights, and Minority Policy Group "Implementing European Anti-Discrimination Law"*
- Kymlicka, Will, Multicultural Citizenship (1995)*
- Legal Defense Bureau for National and Ethnic Minorities (NEKI), White Booklet 2001.*
- Legal Defense Bureau for National and Ethnic Minorities (NEKI), White Booklet 2000.*
- Legal Defense Bureau for National and Ethnic Minorities (NEKI), White Booklet 1999.*
- Népszabadság, "Két Tanévnyitó Jászladányban" August 30, 2002*
- Office for National and Ethnic Minorities, Selected News on the Social Integration of the Roma in Hungary (July – August 2002)*
- Open Society Institute – EU Accession Monitoring Program, Monitoring the EU Accession Process: Minority Protection (2001)*
- Open Society Institute – EU Accession Monitoring Program, Monitoring the EU Accession Process: Minority Protection (2002)*
- Bíró, Anna Mária and Kovács, Petra, Open Society Institute – Local Government and Public Service Reform Initiative, Diversity in Action: Local Public Management of Multi-Ethnic Communities in Central and Eastern Europe*
- Organization for Security and Cooperation in Europe (OSCE) High Commissioner on National Minorities, Report on the Situation of Roma and Sinti in the OSCE Area (2000)*
- Roma Press Center, "Ombudsmani intelem a jászladányi polgármesternek" July 18, 2001*
- Swenden, Wilfried and Vermeersch, Peter, "The Dynamics of Ethnic Minority Policy: The Hungarian Roma and the Australian Aborigines Compared" (Working paper for presentation at ECPR Joint Sessions of Workshops, March 2002)*
- Zoon, Ina, On the Margins: Roma and Public Services in Romania, Bulgaria, and Macedonia, 2001 (Open Society Institute)*