

Response of Hungary

89. *The Independent Expert makes the following conclusions and recommendations:*

(a) The Independent Expert considers the system of minority self-governments to be a valuable contribution to efforts to enable cultural autonomy for 13 minority groups in Hungary. Care should be taken, however, to make clear that the minority self-governments' system is not seen as a substitute for full and effective participation in the "majority" political apparatus or as a mechanism through which municipal governments may evade responsibility to guarantee fundamental economic and social rights;

(b) The Government of Hungary should seek to adopt, without further delay, measures to ensure the effective political participation of underrepresented minorities including the Roma in Parliament as provided for in Hungary's Constitution. Full and effective participation in national and regional political structures, as well as Roma representation within key government ministries, is considered essential to future efforts to protect and promote the rights of Roma and other marginalized groups;

The Government attaches importance to liaising (and interest representation) with organizations which are active in inclusion and provide on-site assistance: the effectiveness of the policy also reflects the good relations with the implementers. The expression of opinions is possible on every issue, according to the "nothing about us without us" principle. Coordinated by the inclusion area and having **operated since 2011, the Roma Coordination Council (ROK-T), which was created by Government Decree 1102/2011 (IV 15), is a body of 29 members, which includes representatives of Roma non-governmental organizations, churches, local government associations, national and regional Roma minority governments and other organizations.** The permanent guests of the Council are the following: the President of the Equal Treatment Authority, the President of the Hungarian Central Statistical Office, and the National Assembly Committee on Culture and Welfare. **The Council serves the socialization of the inclusion policy, as well as the tracking of the implementation of the framework agreement between the Government and the National Roma Municipal Government (NRMG).**

(c) The Government of Hungary should ensure consultation with and the full and effective participation of minorities including the Roma in all decisions that affect them, and in the planning, design, implementation and evaluation of policies and programmes in respect of minority issues;

(d) The Government should take steps to clarify the relationship between local minority self-governments and municipal "majority" governments to emphasize the primary responsibility that rests with municipal majority governments for meeting the social welfare needs of minority communities, including health care, education, housing and social benefits;

At an all-governmental level it is the **Hungarian National Social Inclusion Strategy** that responds to the needs of those living in poverty, especially the Roma, while the **Local Equal Opportunity Programmes** serve the local roll-out of the Strategy, the preparation of local level strategic and action plans. In addition, in 2015, thanks to the **SROP 1A3 grant**, **83 district-level round tables** could be established, and **district level Opportunity**

Creating Programme Plans were developed. Launched in 2015, the main mission of the Roma Platform is to ensure that we serve the aims defined in the National Social Inclusion Strategy not only by the central tools of action by the state, but also by involving the regional actors at various levels (the representatives of counties, districts and municipalities) in the implementation of the strategy, in the dialogue on the action points and the assessment of the results and failures. In the framework of the project we seek to establish connections, to pursue the appropriate forms of a professional dialogue with decision makers working at various territorial levels of public administration, experts, representatives of civic associations, actors of churches – with all parties that have / may have a role in the improvement of the social situation of the Roma population. The aim is to provide a missing link in order to enable us to contribute to the establishment of a system of medium-level coordination forums of social inclusion, up to the county level. Accordingly, in addition to national, local and district forums, coordination talks began at the county level as well, furthermore, the knowledge and experience manifest at different levels have been synthesized, regular liaising and communication is starting between the involved parties.

The social and economic development of Hungary is not possible if the people in the country are in bad health and are suffering from sickness. The good health of the population is an essential requirement for a successful nation and hopeful future.

The National Social Inclusion Strategy adopted on 30 November 2011 sets the following objective in relation to health status:

- improving the health status of Roma, those in need and children, extending life expectancy at birth and improving access to health services, and
- early talent management, development of early childhood education and care.

The government manages the implementation of the National Social Inclusion Strategy in three-year-long **government action plans (2012-2014; 2015-2017)**.

Based on the problems found, **the interventions focus on the supporting of a healthy lifestyle and regular attendance at health-related screenings; extending the child healthcare knowledge of parents; reducing inequalities in fundamental healthcare; and establishing the system of in-school health improvement.**

Numerous programs were launched to implement the tasks set out in the action plans.

The State Secretariat for Healthcare is regularly and constantly working in cooperation to develop, prepare, implement and assess plans for tasks laid down in strategic documents and legal regulations, with regard to healthcare and the aspects of medical care within the social inclusion policy, doing this within the healthcare sector as well as other state secretariats in the Ministry of Human Capacities and background institutions, academic, professional and civic organizations.

(e) In recognition of the extreme poverty faced by a disproportionate number of the Roma population, a governmental institution should be established with responsibility for

coordinating the work of different ministries and institutions to ensure coherent and coordinated approaches to poverty reduction, particularly with targeted efforts with respect to the Roma minority.

90. The Independent Expert considers that activities of the newly re-elected Government to restructure its previous institutional focus on Roma issues, including dedicated departments in a network of the most relevant ministries, in favour of a broad-based policy to address disadvantaged groups, alongside widespread budgetary cuts and downsizing, will lead to an erosion of the progress made to date on Roma issues. The problems faced by Roma require urgent and focused attention, including affirmative action policies, for a considerable period.

The Government of Hungary should review and reverse its policy of institutional reform and restructuring of government departments which is diminishing the focus of attention on Roma issues in key ministries. Roma-targeted policies should be continued and strengthened along with the recruitment of Roma professionals into key government posts relating to Roma issues and policy. This is highlighted as a previous best practice by the Independent Expert.

For 89-90.

A range of positive measures were implemented during the past period in order to consummate nationality cultural autonomy. The Fundamental Law accepted in 2011 started the restructuring process of the legal regulations determining societal and everyday life. **Instead of the quantitative perception suggested by the “national and ethnic minority” definition, with the agreement of the people involved and returning to many centuries of old Hungarian traditions, the new Fundamental Law reintroduced the notion of “nationality”.** The National Assembly accepted Act CLXXIX of 2011 on the Rights of Nationalities (hereinafter: the Nationality Act) as part of the process of renewing its public law system. Besides the new Fundamental Law that defines these communities as a constituent part of the state and as part of the Hungarian political nation, the **Nationality Act** was also passed by the Parliament following a widespread and in depth consultation. The Nationality Act preserves and further develops the results already achieved, it clarifies and extends the **individual and collective rights** of the persons belonging to one of the thirteen indigenous nationality communities of Hungary – the Bulgarians, Gypsies, Greeks, Croatians, Poles, Germans, Armenians, Romanians, Rusyns/Ruthenians, Serbians, Slovaks, Slovenians and Ukrainians. A legal environment was created to ensure wider opportunities for nationalities, with regard to public education, the public institutional use of language, franchise, and other fields. The institution establishment and takeover activity of nationality self-governments continues, and their economic independence has also increased.

Protection of minorities also ensured in the new Criminal Code which renders crimes against minorities and other vulnerable groups to be punished. In addition, racist motive and/or purpose is considered malicious motive which results a more severe punishment in case of homicide, battery, violation of personal liberty, libel, unlawful detention, insult of a subordinate. State victim support services include facilitating the protection of victims’ interests, granting instant monetary aid etc. Legal aid is free of charge depending on the victim’s financial situation. The new Criminal Code and other rules have been strengthened regarding participation in disbanded (paramilitary) organizations as well as the use of non-official uniform-like clothing to avoid intimidation by such groups. In 2012 the Parliament

has tightened the House Rules on hate speech by MPs with the introduction of strict disciplinary measures and waiving of immunity in such cases. Due to the new rules, courts are increasingly ordering the perpetrators to visit certain memorials or read specific books. With the proliferation of hate crimes through the social media, the implementation of rendering electronic data inaccessible is growing.

The new Fundamental Law states that the **“freedom of expression may not be exercised with the aim of violating the dignity of the Hungarian nation or of any national, ethnic, racial or religious community”** and **individuals can file a law suit on grounds of hate speech**. The hate crimes staff unit of the Police monitors extremist communication channels in conformity with data protection regulations. If they recognise mobilization against vulnerable groups, they inform immediately the territorial police forces. In addition a **“hate-crime expert net”** has been formed in 2012 by the Police to follow up, register and manage crimes and criminal processes, evaluate the data of investigations, and establish integrated legal practise, aiming also to reduce the high level of latency. The network organises trainings to improve the efficiency of the investigation process, and provides expertise for such investigations.

The Government issued a **“zero tolerance policy” towards anti-Semitism and anti-Roma attitudes**. Such incidents have been promptly followed-up by high-level official condemnations on the part of the Hungarian government and by legislative changes. The new Criminal Code punishes the public denial of Crimes of National Socialist or Communist Regimes (including the Holocaust) with up to 3 years of imprisonment.

The nationalities could join the work of the Parliament by right for the first time as of the parliamentary elections in 2014. Parallel to accepting the Act on the rights of minorities, the National Assembly also accepted **Act CCIII of 2011 on the Elections of Members of Parliament in Hungary, by which – in order to help representatives of nationalities receive mandates – a so-called preferential quota has been established, by the help of which the nationality representative mandate may be earned with a quarter of the number of votes required to enter the National Assembly**. In case the preferential quota should not help a nationality representative into the National Assembly, the law provides for the election of a nationality advocate for the community in question. The advocate may be the person first on the list of candidates of the nationality self-government. **Pursuant to Act XXXVI of 2012 on the National Assembly any representative receiving a mandate from the nationality list as well as the nationality advocate is a member of the permanent committee representing the nationalities which, concerning nationalities is an initiating, recommending, assessing and controlling contributing organisation of the National Assembly**.

According to the Fundamental Law, Hungary shall guarantee the fundamental rights to everyone without discrimination and in particular without discrimination on grounds of race, colour, sex, disability, language, religion, political or other opinion, national or social origin, property, birth or any other status [Article XV, paragraph (2)]. Every Hungarian citizen belonging to a nationality shall have the right to freely express and preserve his or her identity [Article XXIX, paragraph (1)]. Act CXI of 2011 on the Commissioner for Fundamental Rights provides that the Commissioner for Fundamental Rights – especially through proceedings initiated ex officio – pays particular attention to, among others, the protection of the rights of the nationalities of Hungary and the most vulnerable groups of the society.

The Deputy of the Commissioner for Fundamental Rights responsible for the protection of the rights of the nationalities of Hungary monitors the enforcement of the rights of the nationalities of Hungary and regularly informs the Commissioner for Fundamental Rights on the findings regarding the enforcement of the rights of the nationalities of Hungary, and draws the attention of the Commissioner for Fundamental Rights to threats of infringement of rights affecting any large groups of natural persons. **The Deputy can propose the initiation of ex officio proceedings to the Commissioner for Fundamental Rights, participates in the investigations of the Commissioner for Fundamental Rights, and may propose that the Commissioner for Fundamental Rights go to the Constitutional Court.**

The **Nationality Act** was passed by Parliament following a widespread and in depth consultation; and the nationalities living in Hungary continuously participate in decisions and issues concerning them – through the nationality self-governments with nation-wide competence. Besides the nationality self-governments with nation-wide competence, the elected nationality advocates also work for their respective communities by joining the work of the Parliament.

The nationality self-governments, besides the local governments of the counties or municipalities, are bodies entitled to the rights of evaluation and agreement in the most important issues of the community (education, culture and use of language). Since 1994, they have been acting as unique, individual partners of the Hungarian minority policy at every municipality and since 2006, in every county where a nationality community lives in relevant numbers. The regulatory objective of the Nationality Act is that nationality self-governments only be formed at municipalities and territorial levels if the relevant community's existence is substantiated by census data, but the national representation of the nationality in question should also be ensured even if they do not form any other form of municipal government.

In accordance with the Fundamental Law, the election of the municipal governments of the nationalities is held every 5 years on the date of the general election of the local government representatives and mayors. Only citizens who are on the electoral registry of the nationality in question may participate in nationality self-government elections. At the national level of the system of nationality self-governments, the nationality self-governments with nation-wide competence can be found, that are strategic partners of the central public administration and of the Government regarding the solution of certain nationality policy questions.

During the municipal elections held in 2014, 2146 nationality self-government elections were held in 1523 settlements. 60 regional nationality elections were held from the 64 scheduled, with the highest number in Budapest in the case of 12 nationalities, besides the election of the 13 nationality self-governments with nation-wide competence. During the election of the members of the nationality self-governments, about 64% of voters belonging to the thirteen nationalities living in Hungary and included in the nationality electoral register have participated in the voting.

After the general elections of 2014, based on the law, all nationalities – through their advocates – have been officially present in the National Assembly; therefore, through the work of the *Committee Representing the Nationalities* the advocates receive a significant role in the legislation process. The permanent committee for the representation of nationalities is an initiating, recommending, assessing and controlling contributing organisation of the National Assembly, concerning nationalities.

As for the relation between local municipalities and nationality self-governments, the Nationality Act indicates that there is no hierarchical relationship between local municipalities and nationality self-governments [§76, paragraph (5)] and the chapter titled “Cooperation of Nationality self-governments with State and Local Municipality Agencies” contains specific regulations on the relation between the municipalities.

In 2010, the Government developed a new horizontal policy and with the establishment of the State Secretariat in charge of social inclusion, positioned this at a high level in the governmental structure.

A significant result of the Hungarian Presidency of the Council of the European Union was that the European Commission adopted the European Union Framework for National Roma Integration Strategies up to 2020 (COM (2011) 173), then the Council approved the related conclusion on 19 May 2011, thus the Member States committed themselves to participating in the framework strategy. Accordingly, the member states were to prepare or revise their national Roma integration strategies, and submit those to the Commission until the end of December 2011. The adoption of the framework was a real historic step and milestone for some 10 million Roma of Europe.

Hungary was the first of the member states to prepare and submit, in the beginning of December 2011, the National Social Inclusion Strategy, which was prepared in line with the Commission Communication on the EU Framework of National Roma Integration Strategies. The comprehensive poverty reduction programme of the Hungarian National Social Inclusion Strategy is aimed at the integration of people living in extreme poverty within a thematic system. The Hungarian National Social Inclusion Strategy intends to create a framework for greater consistency of sectoral policy strategies to ensure cross-sectoral approaches are more effective. In 2014, we updated the strategy, by building on the experiences and accomplishments of the last three decades, furthermore, in 2015 we developed the second three-year action plan of the Hungarian National Social Inclusion Strategy (HNSIS) applying it to the period between 2015 and 2017, which was accepted by the Government on 18 August 2015.

The Government’s strategy of inter-ministerial coordination, for the coordination of government activities, was created in parallel with the establishment of NTFS, the Social Inclusion and Roma Affairs Inter-Ministerial Commission. The Committee aims at coordinating the Government’s actions to support the effective inclusion of lagging behind social groups in order to ensure that measures of the ministries reinforce each other to promote social inclusion and the most efficient use of the state funds available for inclusion. A Committee monitors the implementation of the inclusion strategy and the action plan. Each year, the programme monitoring report for the Government is prepared with the involvement of the Monitoring Working Group of the Committee on the implementation of the Strategy. The chairman of the Committee is the state secretary of the Ministry of Human Capacities responsible for social inclusion. The Committee includes the representatives of the Ministry for National Economy, the Ministry for National Development, the Ministry of the Interior,

the Ministry of Public Administration and Justice, the Ministry of Human Capacities, as well as the Ministry of Rural Development, the President of the Central Statistical Office and the Prime Minister's Office.

91. A comprehensive anti-discrimination law and a newly established Equal Treatment Authority to handle complaints were welcomed by the Independent Expert as valuable new additions to Hungary's legal standards and enforcement mechanisms. However, limitations in the powers of the Parliamentary Commissioner for the National and Ethnic Minorities Rights (Minority Ombudsman) and the Authority have circumscribed the impact that these mechanisms have had to date. Further, in the absence of positive legislation placing specific responsibility for implementation of law and policy on identified government bodies, judicial interventions with regard to discrimination will go no further than a finding of violation. Without such positive law, the courts have been reluctant to issue orders for compliance.

(a) Amendments to existing legal provisions or new provisions should clarify the responsibility of specifically identified government agencies to implement law and policies relating to non-discrimination and equality. Such positive legislation would give licence to the judiciary to elaborate directives (corrective remedies) for rectifying situations found to be in violation of statutes or the Constitution.

(b) The Equal Treatment Authority should be empowered to impose specific corrective actions upon entities found in violation of the Equal Treatment Act, to impose punitive damages and to vigorously champion the undertaking of affirmative action programmes in all of the public and private sectors. Resources available to the Authority should be increased to match the dimensions of the problems experienced in Hungary.

(c) The Equal Treatment Authority should be fully independent from the Government, and the role and powers of the Parliamentary Commissioner for the National and Ethnic Minorities Rights (Minority Ombudsman) should be strengthened.

The **Equal Treatment Authority** conducts proceedings if the principle of equal treatment might have been violated either at the request of the injured party or upon its own motion (ex officio) in cases set forth by law in order establish whether any discrimination occurred. The Act on Equal Treatment prohibits discrimination on the basis of protected characteristics. **Protected characteristics are as follows: gender, ethnic origin, race, skin colour , age, mother tongue, disability, state of health, motherhood (pregnancy) or fatherhood, family status, sexual orientation, gender identity, social origin, financial status, religious or ideological conviction, political or other opinion, part-time status or fixed-term of employment relationship, membership in an interest representation organization, any other status.** The Equal Treatment Authority is able to initiate procedure if one year from the date of becoming aware of the breach of the law and three years from the occurrence of the breach of the law have not expired yet. The **procedure may be initiated by natural persons who suffered disadvantage (in person or through their representatives)**, heads or representatives of legal persons, interest representation organizations or bodies submitting a complaint as actio popularis, in a complaint submitted to the Authority. Complaints may be submitted against: state and local government organizations, organizations exercising official powers, the Hungarian Army and law enforcement bodies, organizations performing public utility services, institutions providing educational, social, child protection, cultural and health services, voluntary insurance funds, private insurance funds, parties and all other budgetary

agencies. The Authority may also proceed **ex officio** against: the State of Hungary, local governments and nationality local governments and the relevant bodies thereof, organizations exercising official power, and the Hungarian Army and the law enforcement bodies, if the violation of the principle of equal treatment is noticed by the Authority. The Authority may also proceed in certain relations of the private sector. The Authority may conduct investigations: in employment relationship, in respect of the employer, in the course of using state subsidies, in respect of sole traders and partnerships receiving subsidies, in respect of catering and commercial, as well as cultural institutions and institutions established for the purpose of entertainment, in respect of bidders of contracts or those who invite such persons to tender.

If it is proved in the course of the procedure that the person or organization placed under the procedure violated the principle of equal treatment, the **Authority may order that the state of infringement be terminated, forbid the continuation of the violation, order that its final decision declaring the infringement be made public, impose fine from HUF 50 thousand to HUF 6 million**, decide on the procedural cost in a way that it must be covered by the offending party. However, the Authority may not establish financial compensation for a client and may not order the restoration of the original status either (e.g. may not oblige an employer to take the complainant back to his original position). Prior to taking a decision the Authority shall try in all cases to reach a settlement between the parties. If the parties show willingness and settlement was reached, which corresponds to the law, the Authority shall approve the settlement in a decision. The implementation of the settlement may be enforced in the same way as of the decisions establishing the breach of law. **The procedure is free of duty.**

In procedures initiated concerning the violation of the principle of equal treatment based on the written authorization of the complainant, social and interest representation organizations may proceed as representatives and they can also exercise the so-called client rights (right to notices, access to documents, declaration). Civil organizations may initiate proceedings before the Authority in the interest of a large group with a protected characteristic (e.g. religious conviction, disability, sexual orientation, race, ethnic origin) in the case of infringement or the imminent danger thereof. The organizations may also initiate lawsuits under personal or labour law in the above cases because of the violation of the principle of equal treatment (*actio popularis*).

No appeal lies against the decision taken by the Authority, the court review of the decision may be requested at the Budapest Metropolitan Public Administration and Labour Court. Court proceedings are free of duty only if the petitioner was granted personal exemption from duty.

92. Hungary's post-communist constitutional arrangements entrenched significant autonomy for municipal authorities in areas such as education. This has thwarted the national Government's efforts to gain broad-based compliance with national policies on issues such as school desegregation. The Independent Expert noted that the Government

must take effective steps to monitor and enforce compliance with national standards and fulfilment of rights of Roma at the municipal level.

In accordance with the amendment of the Act of National Public Education adopted in December 2014, **the pedagogical professional services provided in the framework of the state's public education duties, including teacher training, are provided by the Education Office through the Pedagogical Education Centres from 1 April 2015.** Trainings cover a number of areas, including the management of public education, organization and quality improvement, measurement and evaluation, special education, developer education, **talent development, equal opportunities, nationality education,** information technology and mental health, and also carry specific contents, e.g. understanding the media. Teachers have the opportunity to develop their varying competences. Continued trainings in the special subjects also appear in further training, as it is essential to renew, extend and improve the knowledge and skills, which are required in the framework of the educational and pedagogical work to directly deal with the students. In the framework of the priority project SROP 3.1.2/B, the **National Public Education Portal** was created, which **provides an opportunity for the teachers to obtain and apply new methods of organising learning and pedagogical procedures, and may play an important role in making available to both the pedagogues and the students the knowledge and digital contents that contribute to the success of the school career of students living in disadvantaged regions and Roma pupils.**

93. The situation of multiple discrimination faced by Roma women presents specific challenges, including in the fields of education, employment, health care and housing, which require targeted attention and dedicated resources within the relevant ministries and local and regional authorities. Attention to Roma issues only within the context of a wider policy framework on gender and women's rights issues will fail to meet the needs of Roma women or protect and promote their rights, freedoms and opportunities. The full and effective participation of Roma women is an essential component of Government and civil society efforts to address their issues. The early establishment of an advisory body on Roma women's issues to the Ministry of Social and Labour Affairs should be considered as a means of gaining the views and experience of Roma women and assisting in the planning, design, implementation and evaluation of policy with regard to Roma women.

Announced in July 2016, the project titled Support of Cooperation for Inclusion serves the promotion of Roma women's civil society organizations, provides support for their efforts, with an allocation of HUF 2.2 billion. As of 1 October 2016, the project began operations, the project implementation period lasts until 2020. The partial aim of the project is to enhance the active role assumed by Roma women, to provide a professional incentive to their becoming a civil society organisation.

94. The Independent Expert highlighted particular concern over the situation of Roma in the fields of education and employment, as well as the need to comprehensively address the widespread societal discrimination and anti-Roma prejudice manifest in other sectors relating to social and economic rights. With respect to these sectors, the Independent Expert makes the following recommendations.

Education

95. While the government policy with respect to desegregation must be commended, it is clear that the current approach based on financial incentives is grossly inadequate to match the non-Roma citizen resistance at the municipal level.

(a) The State must devise effective measures to fulfil its obligation to guarantee compliance with its national anti-discrimination and equal treatment legislation, its Constitution and its international legal obligations to eliminate discrimination. It must put in place effective dissuasive sanctions that attach to relevant identified authorities if compliance is not realized. Consideration should be given to the withdrawal of funding from schools that fail to integrate according to their legal requirements;

The requirement of equal treatment applies to all education and training carried out **in accordance with the requirements approved or ordered by the State, or whose organisation is supported by the State through direct normative budgetary subsidy, or indirectly by State contribution**, in particular by cancelling or clearing public charges or by tax credit. Every person must be treated equally in relation to education and training, **particularly** in determining the conditions of **joining education, assessing applications, defining and setting the requirements** for education, **performance evaluation, providing and using services related to education**, access to benefits related to education, accommodation and provisions in boarding schools, issuing certificates, qualifications and diplomas available in education, access to career counselling, and in the termination of the relationship related to participation in education.

The implementation of Act CXXV of 2003 on equal treatment and equal opportunities is the ongoing duty and responsibility of all relevant public administration bodies and its implementation is monitored by the independent Equal Treatment Authority (ETA). **The Act regulates in detail** the issues of the procedures of the ETA and the **legal consequences that may be applied in case of a violation of the requirements of equal treatment**. In October 2016, the Government submitted a bill, in which it makes a proposal for the amendment of the Act on Equal Treatment and the Promotion of Equal Opportunities and the Act on National Public Education. The amendment aims to provide stronger guarantees than before to prevent the unlawful segregation of disadvantaged children, including Roma children. Its adoption will give more security to prevent segregated education based on ethnicity or nationality with the aim to provide religious education. The bill also includes extra requirements to ensure the equivalence in quality of the nationality education provided to the Roma pupils. The legal guarantees proposed in the bill aim to prevent segregation more effectively than before.

The principles of Act CXC of 2011 on National Public Education (, hereinafter, the “Public Education Act”) includes the **requirement to ensure equal treatment and the possibility to conduct a procedure for establishing the nullity and invalidity of unlawful decisions**.

According to Government Decree 229/2012. (VIII. 28.) on the implementation of the Act on National Public Education, **a public education development plan must be drawn up at the county level**, which must include measures aimed at ensuring, inter alia, **equal opportunities**.

And Section 38 of Government Decree 229/2012. (VIII. 28.) on the implementation of the Act on National Public Education **sets out** the rules on the official oversight and, thus, **revealing and stopping the practice of any unlawful segregation**. Pursuant to the law, the Government Offices audit the compliance with the requirement of equal treatment in the context of official oversight and take measures to eliminate any irregularity revealed. In order to ensure monitoring, **the Decree also includes regulations that establish the relationship between the Government Offices engaged in official oversight in terms of the enforcement of equal treatment and the county public education development plans, as well as the local public education equal opportunities programmes**. So, **the Government Offices can monitor if the findings and measures taken in the context of their**

oversight are incorporated in the equal opportunities action plan aiming to enforce equal treatment and reducing unequal opportunities in education.

The prevention and monitoring of the occurrence of illegal segregation between schools is also promoted by that the **school district boundaries are reviewed annually** in order to prevent unlawful segregation.

In order to avoid and prevent segregation, the call 3.1.5. “Support for institutions at risk of school leaving” of the Human Resource Operational Programme now declares that the implementation of desegregation measures is an objective and an expected result. The scheme relies on the guidance of the European Commission on the use of EU funds allocated to desegregation measures and the policy recommendations compiled by the “School Policies” Thematic Working Group of the Commission for the prevention of school leaving without qualification.

Desegregation measures are based on a survey conducted on the basis of a segregation index. The index will be used as the basis for implementing the improvements necessary to enhance inclusive education.

(b) The free-choice system for parents and the ability of schools to freely select or exclude students has been an engine to generate segregation in Hungary’s public schools. The Independent Expert welcomes recent initiatives to limit “free choice” in ways that would create and sustain a healthy balance of ethnic diversity in public schools and equal access to the highest possible quality education for all students. Such measures should be maintained and vigorously enforced;

While enforcing the principle of free school selection, the prevention and elimination of school segregation and the elimination of the unwanted effects of free school selection are promoted by Section 24 of Decree 20/2012. (VIII. 31.) EMMI on the operation of educational and training institutions and the use of names by public education institutions, which regulates the **designation** of primary school **admissions districts**.

It **aims** to ensure that **schools** responsible for mandatory admission **do not segregate pupils on the basis of their origin or social situation**. Consequently, when setting the district limits of a primary school responsible for mandatory admission, the social and economic status of the families living in the vicinity of the school must be taken into account in all cases. **The Decree lays down the procedural rules on the prohibition of segregation.**

The right to free school selection may be exercised with restrictions only, because if the parent chooses a nursery or school other than the one responsible for mandatory admission the other institution chosen by him can admit the pupil only to vacancies remaining after admitting pupils having their home address or, in the absence thereof, place of stay in the given district and even, in such a situation, it must give priority to disadvantaged pupils (Sections 50-51 of the Public Education Act).

In order to define the admissions districts, the Government Office seeks the opinion of the municipal governments of the settlements in its area of competence by the last day of November each year, which the number of disadvantaged primary school children in the register of the clerk of the settlement who have their home address or, in the absence thereof, place of stay in the settlement, broken down by institutions and member institutions. The Government Office informs the municipal governments and the primary schools operating in their area of competence about the designated districts by the last day of February.

If there are several primary schools operating in the settlement, the proportion of disadvantaged pupils calculated in each admission district may be maximum fifteen percent higher than the proportion of the disadvantaged primary school children calculated for the settlement as a whole. To determine the proportion disadvantaged pupils in the admission districts, the number of

disadvantaged children having their home address or, in the absence thereof, place of stay in each admission district must be divided by the number of all pupils having their home address or, in the absence thereof, place of stay in the admission district. **If there are several primary schools or member institutions or function exercising locations operating in the settlement, the settlement as a whole may not be designated as a single district.**

Schools responsible for mandatory admission **must not segregate pupils on the basis of their origin or social situation.** Consequently, when setting the district limits of a primary school responsible for mandatory admission, the social and economic status of the families living in the vicinity of the school must be taken into account in all cases. The prevention and monitoring of the occurrence of illegal segregation between schools is also promoted by that the **school district boundaries are reviewed annually** in order to prevent unlawful segregation.

The amendment, which entered into force in September 2012, clarified the conditions for defining the district limits better than before by taking into account the findings of the study¹ analysing the regulation and definition of district limits: it states that where a settlement has more than one school, the member institution shall define the district limit in order to facilitate the elimination of segregation in violation of the Equal Treatment Act, which can be experienced at the level of member institutions. It clarified the conditions for defining the district limits and declared that where a settlement has more than one school, the entire settlement may not be regarded as a single district, which is a change that also serves to prevent unlawful segregation.

(c) The Government must also initiate a system of compulsory independent monitoring of schools to ensure that national policies with respect to desegregation are fully implemented at the municipal level.

Government Decree 229/2012. (XII. 28.) Korm. on the implementation of the National Public Education Act includes provisions related to official audits and, thus, the identification and elimination of the practice of unlawful segregation. Pursuant to the law, **the Government Offices audit the compliance with the requirement of equal treatment in the context of official oversight and take measures to eliminate any irregularity revealed.** The minister in charge of education also takes measures to conduct official audits in the cases he obtained knowledge of, or as a result of the inspection conducted by the parliamentary commissioner for fundamental rights.

In order to ensure monitoring, provisions were inserted in Government Decree 229/2012. (VIII. 28.), effective from March 2013, **which include regulations that establish the relationship between the Government Offices engaged in official oversight in terms of the enforcement of equal treatment and the county public education development plans, as well as the local public education equal opportunities programmes. The legislative intent was to promote the flow of information between all those involved in order to ensure that the Government Offices can control if the institutions concerned observe the findings made during the audits and their actions are incorporated in the equal opportunities action plans.**

96. The current practice of labelling young Roma children as mentally disabled without justification based on the child's intellectual capabilities is an unfortunate ruse to create segregated schools and classrooms. The practice is a serious violation of the rights of the child, discriminatory against Roma and has massive negative impact on the lives and future life chances of the targeted children.

¹ Helga Andl – Miklós Kóródi – Norbert Szűcs - Zoltán Ákos Vég: Registration, district limits and prioritisation, 2009.

(a) This system should be abolished and legal sanction brought against those authorities continuing this practice;

In order to change the practice that the Roma children are declared children with mild intellectual impairments, Decree 15/2013. (II. 26.) EMMI on the operation of the special pedagogical service institutions (hereinafter, the “Decree”) laid new foundations for both **the structure and the functioning of the special service institutions and the specific tasks**. On this basis, **the expert examination starts at the request of the parents or**, if the proceedings are not initiated by the parent, **with the consent of the parent**. Opening the proceedings may be requested or initiated at the head institution or member institution of pedagogical special service institution competent for the home address or, in the absence of such, the place of stay (collectively, the “home address”) of the child. An examination to establish or exclude locomotor disability, sensory disability or speech impediments may be requested or initiated also directly at the expert committee with a national level regional service obligation appointed by the Klebelsberg Centre. **If the child receives preschool education or school education, the nursery respectively the school is required to contribute to the preparation of the request for the examination**. If, based on the opinion of the educational institution or the child welfare service, the child protection institutions, the social institution of the court guardian of guardians, it is necessary that experts examine the child or pupil, it must suggest the parents, stating the reasons, that the child or pupil appears and takes part in the expert examination. If the parents agree, the nursery or the school ensures that the examination request is prepared within 10 days. **The parent must be informed about the possible consequences of the examination findings and the rights of the parent concerning the examination and the findings thereof. If the examination of a multiply disadvantaged child or pupil is requested, an equal opportunities expert may also be present during the examination. If the parent agrees, the request for drawing up an expert opinion, signed by the parent, is sent by the nursery or the school to**

- **the member institution of the institution competent for the parent’s home address,**
- **Education Office** (hereinafter, the “Office”), **where the examination of a multiply disadvantaged child or pupil has been initiated.**

In the absence of the parent’s consent, the institution that initiated the examination will **apply for opening an administrative official proceeding by the competent district office**. The following entities are obliged to request opening the proceeding:

- the educational, child welfare, child protection or social institution or the court of guardians if the parent does not agree with the need for the expert examination or does not sign the request,
- the expert committee, if the parent and the child do not appear at the expert examination despite repeated notice or do not participate in the expert examination, or do not agree with the contents of the expert opinion or the transmission thereof,
- the special service/equal opportunities expert, if the rules concerning the examination procedure have been violated during the procedure of the expert committee,
- the head of the designated educational institution, if the child is not enrolled in the designated educational institution based on the expert opinion.

Non-discriminatory proceedings are also ensured by the following rules:

If a child with multiple disadvantages is examined the special service/equal opportunities expert must be present during the examination by the expert committee, unless the parent expressly waives by declaration. The expert committee must address the Education office within fifteen days of the receipt of the request for initiating the examination and no later than ten days before the date of the examination to appoint a special service/equal opportunities expert, and simultaneously provides information on the place and the time and date of the expert examination. The Education Office appoints the special service/equal opportunities expert within eight days of receipt of the request. **After the completion of the expert examination, the parent must be informed of the findings of the expert examination, the expected content of the expert opinion and the rights and obligations**

of the parent. The fact of giving such information and meeting the obligation to provide information must be in writing and signed by the parent. If a special service/equal opportunities expert is involved in the procedure, he/she must be present also when the parent is informed. **The special service/equal opportunities expert may express his/her opinion in relation to the work and the findings of the expert and suggest that the parent exercise the right to seek remedy. In addition, the special service/equal opportunities expert must initiate administrative official proceedings if the rules concerning the examination procedure have been violated during the procedure of the expert committee.**

The expert committee may establish mild intellectual disability only in case if it is justified by the data of the medical data sheet issued based on Section 4(3) of Decree 4/2000. (II. 25.) EüM on the family doctor, family paediatrist and dentist activities and in accordance with Schedule 4 thereof or data relating to the continued monitoring of the child's development in accordance with Section 4(3).

If the data of the medical data sheet and the medical expert opinion prepared during the procedure of the expert committee as well as the preliminary skills assessment done during the pedagogical and psychological examination render mild intellectual disability probable, the child must undergo continuous monitoring. During the continuous monitoring, the child or pupil takes part in nursery or school education with the other children or pupils in the nursery or primary school in his/her home address or the nursery or primary school of his/her choice. **The continuous monitoring starts in the month following the pedagogical and psychological examination and lasts until the end of the academic year if there are at least seven months remaining by the end of the given educational year or academic year, or until the half of the pedagogical year or academic year following the examination if there are less than seven months remaining by the end of the given educational year or academic year.** At the beginning of the continuous monitoring, **the expert committee determines the duties of the teacher involved in the monitoring.** Throughout the continuous monitoring, **the representative of the expert committee will observe the child or pupil in the nursery or teaching classes at least two times.** At the end of the continuous monitoring, the expert committee examines the development of the child or the pupil and prepares the expert opinion, as a summary of the examinations, based on its experience. During the continuous monitoring, **the teacher prepares detailed assessments of the development of the child as instructed by the expert committee on a regular basis, but at least in every two months.** During the continuous monitoring, the teacher **informs the parent of his/her findings at least once a month and assists the parent in home education. At the end of the continuous monitoring, the teacher delivers the detailed evaluation to the expert committee.**

The expert committee informs the parent about the possibilities on the basis of which his child with special educational needs can take part in early development and care, preschool education or developer education and fulfil compulsory education. **The public education institution is chosen by the parent from the institutions designated by the expert committee. If a parent disagrees with the designated institution or disagrees with the contents of the expert opinion, or the procedure of the expert committee, he/she may initiate a review procedure at the competent district office.** As a matter of fact, the expert committee carries out reviews at certain intervals *ex officio* as follows: **the expert opinion of the expert committee must be reviewed during the first educational year or academic year following the start of its implementation. The person who was involved in making of the expert opinion may not take part in the first review conducted *ex officio*. If the child or pupil has mild intellectual disabilities and other psychological developmental disturbance, the expert opinion must be reviewed *ex officio* in every second academic year after the first *ex officio* review until the academic year in which the pupil reaches the age of ten, respectively in every three years thereafter and until the academic year in which the pupil reaches the age of sixteen and also in the case of the autism spectrum disorder or if the pupil has conduct, integration or learning difficulty.**

The parent may initiate the review procedure at any time. The expert committee must conduct the review procedure at the request of the parent if more than six months have passed since the review ex officio and there are more than six months until the date of the next ex officio review.

A full review procedure must be carried out:

- **in the context of the first ex officio review procedure** of a child or pupil with mild intellectual disabilities or other psychological disorder,
- **if necessary to comply with the requirements of the official request,**
- **in the proceedings opened at the request of the parent,** provided, that **the more than two years passed since the last full review.**

The nursery or school educating the child may initiate a review procedure at any time, but not more than once per academic year, of which it must inform the parent by stating the need for the review. In the case of a child with special educational needs, if the review is **conducted** at the request of the nursery or the school **one member of the expert committee will do classroom observation in the child's nursery group or school class for at least a whole day as part of the review and make records of his/her observations.**

As a result of the measures to reduce labelling children as having intellectual disabilities groundlessly, the ratio of children and pupils with mild intellectual disabilities decreased from year to year from 2.1% to 1.5%.

(b) Culturally and linguistically appropriate assessments of learning abilities should be developed by nationally recognized professionals in consultation with professionals from minority communities to replace the current testing process that has resulted in the disproportionate targeting of Roma students for schools and classrooms for the mentally disabled. Students who have already been tested should be reassessed immediately. A national plan, implemented at the local level with full involvement of parents, should be established and independently monitored to ensure that the legitimate special needs of identified students, including Roma, are met in the most appropriate manner;

Launched in 2002, the "From the last desk" programme aimed to change the disadvantageous rate of children labelled as having intellectual disabilities in Hungary compared to the international data. When summing the experience of this programme, the conclusion was drawn that there is a need to renew the institutional network involved in labelling. The need to modernise the diagnostic toolkit used in labelling was also confirmed. In order to ensure that the assessment takes the socio-cultural circumstances into account and is free of bias and distortion, we initiated discussions with the experts and Roma specialists of the National Educational Integration Network before the standardization work and the test admissions. It has never been legally allowed in Hungary to make a decision on the child's capabilities and school career exclusively on the basis of a single intelligence test. It has always been a requirement that the assessment of the child should fit in a complex examination framework, which requires the involvement of the life history, versatile pedagogical examinations, an assessment of speech and language development, personal features, motivational factors and medical examination. However, the level of implementation in practice was not even, so the previously applied assessment practice could really receive many legitimate critiques. In order to ensure that negative bias is avoided in the case of the Roma children, the evaluation strategy and the diagnostic findings and recommendations elaborated on the basis thereof should be developed along the following aspects:

- establishing trust and motivation
- **adaptation to the social experience of the child**
- making the external circumstances of the examination familiar to the child

- **adaptation to the child's language experience and the linguistic culture of his/her narrow community**
- taking into account the ability to practise in the examination situations
- **taking into account the strengths/good properties**
- **life history of the child**
- interpretation of the test results and the IQ in a complex framework.

The standardized WISC-IV tool was provided to all expert committees free of charge in 2008. Organised by the national distributor of the test OS Hungary Tesztfelkészítő Kft., the WISC-IV course was attended by **1036 specialists, who were also prepared to use the test.**

In addition, **significant measures have been taken to make integrated education more widespread.** The legislation in force provides a range of discounts to pupils with special educational needs participating in integrated education (such as the use of tools, longer preparation period, written examination instead of oral examination or vice versa, exemption from evaluation and grading in respect of certain subjects or parts of subjects, etc.). The following rules are designed to guarantee lower class sizes: **in calculating the class number, one child taught in integrated education is equivalent to 2 or 3 persons (according to the area of disability).**

The **whole special service system (including the activities of the expert committees) has been completely transformed** within the framework of Decree 15/2013. (II. 26.) EMMI on the operation of the pedagogical special service institutions, which entered into force on 01.03.2013 (hereinafter, the "Decree"). Accordingly, **one special service institution** (hereinafter referred to as "Institution") **had to be established in each county**, which unites all the special services functioning in the given county (subject to any exception contained in the Decree). In addition, **the professionals working outside the special service but engaged in special service activities were also transferred to the staff of the Institution.** As a requirement, the Institution in each county consist of a head institution and district member institutions, which are completed by county member institutions in certain counties and Budapest (also county and nationwide member institutions in Budapest). **The following of the special service activities are the county-level tasks:**

- **a part of the expert committee activity and**
- **consulting in the continuation of study and choice of career,**

which are attended by the head institutions or, in the case of the larger counties, the head institution and the member institution(s) with county-level competence jointly. The diagnosis of intellectual disability, autism spectrum disorder and other psychological developmental disorders is the duty of the county-level expert committees. **Overall, the diagnosis of intellectual disability, autism spectrum disorder and other psychological developmental disorders is carried out by 24 head institutions and member institutions acting as expert committees. The diagnosis of movement, visual, hearing and speech disabilities is a task assigned to the Metropolitan Pedagogical Special Service and the activity is carried out by the member institutions of the Metropolitan Pedagogical Special Service specially established for that purpose with nationwide competence** (one member institution for each disability area, that is, a total of four). In addition to the nationwide member institutions named above, speech disability may be examined at the county level as well. **District-level tasks:**

- **special pedagogical consulting, early development, education and attendance,**
- **developing pedagogy,**
- **educational consulting,**

- logopedic attendance,
- conductive educational attendance,
- adapted physical education,
- school psychology and nursery psychology service,
- attendance of particularly talented children and pupils.
- expert committee activity at the level of the school district,

which are carried out by county-level member institutions in all counties. As a result of the heavy investments and the close cooperation with the authorities in the past period, **special service work is being carried out in more 300 function exercising locations. The development of the special service functions and special services in transition was supported by the priority project TÁMOP 3.4.2.B**, where the implementation period was from 2012 to 2015 and the overall amount that could be used for the implementation was 2.3 billion Forints. **The content of the scheme was defined by taking into consideration the observations of public organisations on unjustified labelling as disabled and the recommendations of the Disability Committee of the UN on inclusive education. The main activities of the priority projects are the following:**

- provide professional support for the renewal of the institutional structure of pedagogical special services,
- support the professional renewal of the pedagogical special service activities,
- expand the toolkit of the pedagogical special service work,
- provide a single electronic registration system.

The “expand the toolkit of the pedagogical special service work” sub-project needs to be highlighted, as twelve diagnostic and development procedures are being standardised and improved in its context.

A single electronic registration system was developed in the course of the priority project: **the Integrated Tracking System** (hereinafter referred to as “ITS”) **is designed to track the course of life of the children and pupils attended by the special services, provide integrated records of the attendance processes and document the path of life of the beneficiaries in a uniform way.** The application of the process tracking system **extends to the identity of the beneficiary, the features of the attendance assigned to him/her** (duration, type of development, applied tools, etc.) and **supporting the introduction and application of protocols assisting the professional work. It must be used by all special services.** The ITS was introduced in November 2014. Using the IT tracking system, the **professionals can obtain information** (depending on the specific privileges to access to information) **on whether the child who is attended has received the necessary development after screening, followed by diagnosis, the duration thereof, the person who conducted the development and what were the results. The ITS can handle the ethnicity information concerning the child or pupil.** The ITS is a complex programme: **the main panels open first and then it gradually activates the additional features.** The Education Office activated the section on the protocol administration interface for entering data concerning nationality on 17 September 2015. Given that **the overall “start-up time” of the ITS is approx. 4 academic years due to the particularities of the special service activities, the data concerning the children’s nationality, which was provided voluntarily, can be evaluated in the future.**

In addition, the SROP 3.4.2.B project mentioned above also included **the development of the professional protocols of the specific special service activities, including the work of the expert committees.**

(c) The Independent Expert greatly welcomes government initiatives such as the “Sure Start” programme, to support Roma and other disadvantaged students from the earliest age. However, urgent attention is required to address the current shortfall in kindergarten places for Roma children particularly in isolated rural settlements;

It was a problem before the **introduction of compulsory nursery from the age of 3 that small children with multiple disadvantages and Roma children had the least access to the nursery service, who had** the greatest need for attending the nursery for longer periods. The lack of nurseries and nursery places hits primarily the villages that are characterised by high unemployment, lasting extreme poverty and a high rate of the Roma population. **Entering into force in September 2015, compulsory nursery from the age of 3** aims to remedy this situation.

The priority project EFOP-3.1.1. Support for early childhood education offers the possibility to **strengthen the role of nurseries and family day-care facilities in creating opportunities and their role in compensating disadvantages through the provision of training and support services.** The activities that can be carried out during the priority project contribute to

- **improving the professional skills of the nursery teachers, nursery managers, persons educating small children and professionals directly supporting the pedagogical and educative work** by sharing the pedagogical content on opportunity creation and compensating disadvantages,
- **improving the professional/legal preparedness of the nursery administration specialists** employed by the nursery maintainers, with special focus on the tasks related to compulsory nursery attendance from the age of 3 and sensitisation oriented to the mitigation of disadvantages locally.

The target group of the training courses are primarily the nurseries and the nurseries and infants’ nurseries, where the proportion of the attended children with disadvantages exceeded 15%, as well as the family day-care facilities, where the percentage of children receiving regular child protection benefit exceeded 15% and/or the family day-care facility in question provides the service in a settlement that is lagging behind in socio-economic and infrastructural terms or where unemployment is significantly above the national average.

Experimental Opportunity Points are created for the disadvantaged children’s inclusion and early enrolment in nursery, primarily in the **beneficiary regions and the regions that need development,** through coordination aimed at the more coordinated implementation of opportunity creating programmes for nursery-age children and through the provision of a wide range of services for nurseries.

In the framework of the **EFOP-3.1.9. Institutional support for early childhood education scheme,** the organisations maintaining nurseries and family day-care facilities can receive funding **to further develop their educational programmes and holding events to promote the compensation of disadvantages.**

The Government **has extended the scope of persons eligible for free child catering in the nurseries and infants’ nurseries.** In addition to those who were eligible based on social needs, catering has become free for children living in big families or living with sickness/disability, as well as those of the children who paid the full price in the family of whom the monthly per capita net income does not exceed 130% of the net minimum wage.

Number of children receiving three daily meals in the nursery or infant’s nursery

	Number of persons receiving free	Number of persons receiving meals	Number of persons receiving meals	Total (persons)

	meals	at half price	at full price	
Until 2016	92 000	54 000	197 000	343 000
From 2016	321 000	0	37 000	358 000

Measures for strengthening nursery care as the starting phase of lifelong learning: **expansion of nursery places, programmes to improve nursery care, the and Integrated Educational System to support the integrated education of disadvantaged children, and the educational tasks set out in the core programme of nursery education.**

The introduction of the extension of nursery attendance was preceded by capacity improvement, which included investments to increase the number of nursery places. Compared to the 354,267 nursery places in the 2009/2010 school year, the number of places in the 2013/2014 educational year was 378,352, which is a 6.8% increase. **In 2014, the central budget provided support of 1 bn HUF (together with the own contribution of the municipalities and municipal associations, 3.3 bn HUF in total) for expanding the number of nursery places.**

(d) Initiatives aimed at assisting disadvantaged students, including afternoon schooling and extra-curricula activities are welcome. Such measures should be extended and adequately funded to take into account the serious extent of discrimination faced by the Roma at all levels of the education system, and to assist Roma children to complete secondary education;

Measures to support pupils with disadvantages and Roma pupils:

- In order to strengthen the role of schools in opportunity creation, **the introduction of whole-day school** in the primary schools began in 2012. In this form of education, **education has to be organised in morning and afternoon training sessions in such a way that the activities last at least until 4 pm.** In addition, **the institutions must provide supervision until 5 pm.**
- The “Second-Chance” type **programmes aim to reintegrate students who have dropped out of public education into the system and help them graduate from school.** 560 students have participated in the programme so far.
- The “Provisions for the Journey” Scholarship Programme (Road to Secondary School, Road to Secondary School Leaving Examination, Road to Profession) **provides personal mentoring support and scholarships** to multiply disadvantaged students in the primary schools and secondary schools, especially the Roma students. Nearly 13 thousand students received mentoring and financial support in the framework of the opportunity creation sub-programmes. 7,700 mentors are involved in the Scholarship Programme.
- The **Arany János Talent Development Programme is designed to allow the children of the poorest parents who have a low education to successfully engage in secondary education, thus creating an opportunity to enter higher education.** A significant result is that 80% of the students were admitted to higher education institutions and the -out was under 10%. The **Arany János Collegiate Programme aims to motivate the secondary school leaving examination and subsequent higher education, as well as the successful labour market integration of multiply disadvantaged students and students in need by means of individual development, career guidance and social support.** It is typical that the study average of the grades participating in the programme equalled to or were better than the average of the institution in question. The **Arany János Collegiate Vocational School Programme aims to support students with multiple disadvantages is considered to be in need to obtain a profession and reduces their drop-out, as well as to compensate for the social disadvantages through the promotion of cooperation between the participating**

institutions, the elaboration of individual development plans, continuous feedback on the individual progress of the students and career guidance. The drop-out rate is considered to be much lower than the national average.

- **The objective of the Nationality Study Scholarship is to support children with outstanding skills who are members of a nationality and promote their continued studies in higher education institutions.** When the scholarship is awarded, students are prioritised whose education lays the most burden of his/her breadwinner compared to the other applicants.
- **The implementation of two programmes² with a duration of two years, each from EU sources of 4 bn HUF, commenced in the autumn of 2013, which are designed to improve the equal opportunities in education of disadvantaged pupils including, in particular, Roma pupils. Both programmes supported the pedagogical culture change and methodological renewal of the institutions such as that the institutions become able to promote the success of students with disadvantages and multiple disadvantages at school. In order to implement the “Support for public education institutions on the principle of equal opportunities” programme, public education institutions of all types from nurseries to secondary schools could submit applications. The programme was specifically designed to support integrated education. The “Support for initiatives that promote further education” scheme supported 92 secondary schools to promote the success of students with multiple disadvantages, in particular Roma students, at secondary school and their admission to higher education. The programmes ran until June 2015.**

(e) An affirmative action policy in regard to access to higher education, including via the Roma scholarship scheme, should be maintained and expanded to encourage Roma to complete higher education courses. Revisions to the financing and administration of the scholarship programmes, including the introduction of “post-financing” have created financial and administrative barriers for some students and should be reviewed;

Support for and leveling of the career path for Roma intellectuals is of utmost importance, not only for the rise of Roma society but also for our whole society. The Christian Roma College Network (CRCN) was established in 2011 for the purpose of educating Roma intellectuals, who are building a common future. The Act on National Higher Education came into effect in September 2012, and accordingly, organizations entitled to establish and manage higher education institutions may operate a special college for Roma, provided they enter into a partnership with an institute for higher education.

Students of the Roma Special College receive a performance-based scholarship. In 2011, nine Roma Special Colleges started operating in eight university cities, with six of them run by churches and three by other (higher education) institutions. In all nine special colleges, altogether 235 students have been involved since the beginning of the 2014/2015 school year. In the 2014/2015 school year two more special colleges were added to the network, thus the Union co-financing programme, made available in 2016, now enables the funding of 11 Roma Special Colleges with HUF 1.5 billion.

The “Road to a degree” scholarship and financial assistance programme for the creation of opportunities opened the possibility to improve the chances of students with disadvantages and multiple disadvantages, particularly Roma students, for getting a

² TÁMOP (Social Renewal Operational Programme) schemes 3.3.8 and 3.3.10

degree. Another target group can join the programme from the 2015/2016 school year: students participating in higher vocational training may also receive assistance.

(f) Roma communities should be encouraged, including through a targeted public awareness campaign and through the social worker system, to realize their full obligations to the education of both boys and girls and to encourage school attendance;

(g) All currently certified teachers and all currently in institutions of teacher training should receive training on pedagogical approaches for ethnically diverse student bodies. Included should be specific training:

(i) In working with children from disadvantaged backgrounds;

(ii) On how to help non-minority children overcome their racial prejudice and resentment;

(iii) On how to deal with hate speech in the classroom.

- Passing the teachers' special examination requirements has a decisive role in **the teacher career model**. Since 2001, **this knowledge is a part of the output requirements** also on the basis of Ministerial Decree 41/1999. (X. 13.) of the Ministry of Education on the qualification requirements of the teachers' special examination and Ministerial Decree 10/2006. (IX. 25.) of the Ministry of Education on the general conditions of organising vocational further training.
- Defined according to the European Qualifications Framework , as adopted by the European Commission in February 2015, the regulation of the training and output requirements of higher trainings (FOKSZ, BSc, MSc) on the basis of the **Hungarian Qualifications Framework** was completed in early 2016 in accordance with the descriptive specific areas (knowledge, skills, attitude and autonomy) set out in the frameworks. **The development affects** the area of teacher training, including the training of the **training and output requirements of nursery teachers and primary school teachers** and of the initial training of special needs teachers and conductors. The training and output requirements **emphasize the development of the (key) competences necessary for the consolidation of the basic skills of the children and students and the expansion of the areas of inclusive pedagogy and that of the competences of the teachers aligned to the social environment.**
- **The Romology knowledge is now a part of teacher training. In addition to the general pedagogical and methodological knowledge, a course is available in the primary school and nursery school teacher training with the designation "gypsy-Roma training", which results in an independent professional qualification. Both in divided training commenced in the multi-cycle training and the undivided training that started in 2013, the knowledge of the Roma people was an integral part of the qualification and the preparation of the teachers.**
- It is a pronounced task also in the Action Plan of the Hungarian Social Inclusion Strategy that conceptual and, even more prominently, practical knowledge and competences must be included in the training and output requirements of the teachers and the material of knowledge of accredited continued teacher training, which **can help the integrated education and personal development of children and young people with disadvantages, including Roma children and young people, as well as the unfolding of their skills and talents.** The implementation of the measure was supported by several tenders. As a result of the projects, **300 teachers passed qualification exams, 3,000 teachers participated in in-service training based on e-learning, 400 consultants were trained, the in-service training of 4,000 vocational school teachers was completed and the development of 450 schools and 800 nurseries became possible.**
- To assist in the **culture change in teaching, the adaptation of a model educational programme is implemented** from 2015 onwards in the public institutions educating and

teaching students with disadvantages and multiple disadvantages. When the **programme was chosen**, it was a paramount aspect **that it should be suitable for the compensation of disadvantages, for talent development and for being applied in heterogeneous groups**, as well as for contributing to the dissemination of digital pedagogy. 13 public education institutions were selected on the basis of specific criteria. Of these, the development and further trainings were implemented as a pilot in one institution in 2015, and it is planned that they will be implemented in the other 12 institutions in 2016 in the framework of the EFOP-3.1.2. The **Complex Instructional Program** (hereinafter, the “KIP”) applied is a **differentiated person-driven education and teaching method that supports the school success of the groups of students involved (students with disadvantages and multiple disadvantages, students with special educational needs or integration or learning difficulties, children belonging to the Roma nationality, etc.)**. The KIP method is a pedagogical tool that builds on the activity of the students and improves the effectiveness of learning through the application of independent knowledge acquisition and cooperative learning solutions and procedures, which also support the students’ talent development and the ability of public education to compensate disadvantages.

Employment

97. In order to fashion appropriate policy initiatives, the Government must more proactively confront the important factor of racial discrimination that operates against Roma in the labour market.

Concerning the Hungarian National Social Inclusion Strategy 7.4. Employment, the main objective of the strategy is to increase the employment rate and promote the labour market integration of people disadvantaged in terms of the labour market, including Roma. This requires both the expansion of employment opportunities available to them and to clear the fundamental obstacles to their employment. Their active inclusion can be supported by combining the means of employment, cash benefits and personal services.

(a) The Government should robustly enforce and monitor the provisions of the Equal Treatment and Promotion of Equality Act which requires public organizations, including government offices, of more than 50 employees to establish and implement an equal opportunities plan and to recruit Roma workers. This legislation should be extended to all private and foreign owned organizations.

(b) The equal opportunities plans should include specific goals and timetables for corrective measures and implementation should be proactively monitored and evaluated on an annual basis by the Equal Treatment Authority. Their implementation should be evaluated based on a results framework, that is, to what extent there has been a change in the profile of the workforce. Achieving an ethnically balanced workforce should be the responsibility of the employer.

(c) The Equal Treatment Authority should use a “carrot and stick” approach to motivate employers to comply; using its authority to investigate and impose penalties where they find non-compliance and finding ways to offer technical and financial assistance where that would be an incentive.

(d) Sophisticated employment training programmes that target disadvantaged communities are welcome and should be expanded by government and private employers. Training should be for skilled work as well as unskilled, and should be paired with job placement services that include placement for people with vocational or secondary school education.

Launched in the programming period of 2007-2013, the Active for Work project serves to improve the social situation, employability of persons in a disadvantaged situation in the labour market, primarily those with low education or no education, through programmes supporting the completion of primary school studies and enhancing basic skills, competences, provision of work practice and programmes aimed at the reduction of functional illiteracy and laying the foundation for the learning of trades. Almost 18,000 persons were involved in the training, 14,500 completed the course, of which 3,500 found employment. 47% of training participants declared themselves as Roma. The project titled Active for Knowledge, expected to be announced in the fourth quarter of 2016, is aimed to continue the programme.

(e) The Government should put a particular focus on outreach to the more than 30 per cent of jobless Roma women for employment training and job placement.

Roma women are the force reserves of Hungary and also Europe, who can turn the devoted work they do for their families into benefits for the country, and can be important players in the labour market if they receive the opportunities and trust. We launched the Increasing Opportunities for Women programme in 2012, by which Roma women have been trained and employed in the social- and child welfare and child protection services system. As a result of training in the framework of the programme, more than 1,107 Roma women have gained vocational qualifications in one of the following fields: kindergarten nurse, kindergarten minder or educator, child and youth supervisor, social worker and nurse, social assistant. As a result of the programme, 499 of those trained were employed in the social- and child welfare system. The project will continue from 2016, in the framework of HROP -1.1.2 Increasing Opportunities for Women - training and employment and HROP-1.1.3 Increase Opportunities for Women - training project.

Housing

98. Regarding housing, the Independent Expert makes the following recommendations:

(a) A government-funded rehabilitation programme for Roma housing should be continued and expanded to address the urgent housing needs of many communities. This scheme should include wider community rehabilitation initiatives, including the provision of contracts to Roma businesses, and the training and employment of community members;

The system of cash and in kind social benefits was significantly changed from 1st of March 2015. The competences of state and local governments regarding the system of social benefits were sharply divided. The benefits provided by state belong to the competence of district offices and financed by central budget. **The settlements gained opportunity to develop the local social welfare system in accordance with local needs**, as the municipalities can define forms and eligibility criteria of social benefits belonging to their competence. The regulation concerning the home maintenance support and debt management service was repealed from the 1st March 2015. Beyond this date new entitlement to support and service cannot be established. **The local governments can provide financial aid to support the housing costs and those who accumulated arrears in relation to their home maintenance expenditures in the frame of local benefit.** The forms, eligibility criteria and amount of allowances provided in the frame of local benefit is determined by the local governments, thus the

authorities have opportunity to support the needs of poorest households. **The Government supports the habitation of families with many various means, such as the reduction of utility costs and the measures helping families with arrears stemming from mortgage loans.**

The primary directions of state action have been laid down in the Hungarian National Social Inclusion Strategy (hereinafter HNSIS), adopted in 2011 and updated in 2014. Measures implemented in the framework of the HNSIS focus on those areas which, based on situational analysis, require urgent intervention. These include child poverty, access to quality public services, labour market integration, improving the housing situation as well as **discrimination against Roma**. Programmes are linked to each other, apply a comprehensive and multidisciplinary approach, focus on the target groups taking into account individual responsibility and community participation.

The following results in housing can be reported from the previous years:

1. Access to public services was improved through comprehensive settlement rehabilitation programmes with an EU funding of 4 billion forints, which also improved access to community services. In the framework of the comprehensive settlement rehabilitation programmes (SROP 5.3.6.) 22 applicants received grant in a total of 3.1 billion forints in 2012 during the first round (implementation is still in progress), while 62 applications have been submitted during the second round, out of which 34 applications – after an increase in the allocated funds – received grants. Signing of the grant agreements is in progress, the projects are continuously starting.
2. In order to support the housing component of the SROP 5.3.6 settlement programme, a tender procedure titled SIOP 3.2.3/A. “Funding housing investments” (budget after increase: 2.6 billion forints) had been launched and 8 applications were received before the deadline, amounting to a total grant request of 1.96 billion forints. Tenders not only offer the establishment of social housings, but also include other living environment related investments (for example parks, playgrounds) which will become available for every resident in that part of the settlement. The programmes are expected to involve 2 520 persons (current number: 1.710), out of which 60%, 1.512 persons (current number: 700) also participate in training.

Linked to the comprehensive settlement programmes, in the summer of 2015 the Government adopted the “Policy strategy to manage segregated housing”, which defines its primary objective as to improve the underdeveloped parts of settlements and segregated neighborhoods in the 2014-2020 period. The strategy

- provides a framework for managing housing issues in underdeveloped parts of settlements with local peculiarities to be indicated and validated by local actors, local governments in the Community Intervention Plans which are mandatorily prepared during the utilization of the grants. In the case of underdeveloped parts of settlements, the management of the situation goes beyond borders of the settlements. In these cases it is necessary that the impacts and the opportunities of townships be taken into consideration and the problems of segregated housing should be managed in agreement with the other settlements in the region. The primary objective of housing interventions is to enable individuals to manage their own housing and life while taking mutual community interests into consideration on the basis of norms of everyday cooperation.

- The strategy also has a general objective that is to abolish segregated housing not suitable for human use, while in certain cases – absolutely taking individual circumstances into consideration – the rehabilitation of houses, integrating them into the settlement and providing the foundations for targeted policy directions and contents until 2020.

After updating the strategy, in September 2015 the Government adopted the second action plan of the social inclusion strategy for the 2015-2017 period, which, in harmony with the *Policy strategy to manage segregated housing*, serves the implementation of HNSIS and this strategy by taking the following measures in housing:

1. Comprehensive programmes must be launched for social, economic inclusion of disadvantaged areas. For this reason, the implementation frameworks, the coordination mechanisms and the conditions of integration into local processes by coordinated interventions and services improving the opportunities of people living in townships requiring development through comprehensive programmes must be established.
2. Targeted programmes must be launched in order to stop and reverse exclusion of settlements.
3. Targeted programmes must be launched in order to prevent the exclusion of depopulated villages.
4. Inclusion programmes supported by continuous professional presence must be launched in settlements in very difficult situations where local communities, lacking own contribution, expertise and information, can only be motivated from the outside.
5. Comprehensive programmes must be launched in order to support human developments serving the social and regional integration of persons living in estate-like housing environments, as well as to ensure infrastructural developments, housing investments. Programmes implemented with the initiative and active contribution of persons living in estate-like housing environments must be supported.
6. The common professional and methodological support of comprehensive settlement programmes launched under various operative programmes must be ensured, thereby enabling peer learning. Innovative projects, trainings and community programmes in the area must also be supported.
7. Innovative programmes must be developed to support the integration of people living in extreme poverty, including Roma and people in disadvantageous situations, as well as to improve the efficiency of organizations working with them, in particular with regard to regional disadvantages.

The national segregation database and map were completed by the second half of 2016, and indicate that in the area of Hungary there are 1,384 underprivileged settlements or neighbourhoods in 709 localities of the country, mainly inhabited by Roma, and 2.8% of the population of the country live in these. In order to halt the process of exclusion, and to raised, as much as possible, the status of the area and the people living there, as well as to rehabilitate them, the grant opportunities published in 2016 provide an allocation of HUF 22 billion (ESF) and HUF 22.85 billion (ERDF), respectively.

(b) The Government should remedy gaps in current legislation leading to housing rights violations against minorities. The Government should: (i) without delay, ratify relevant international standards including the Revised European Social Charter; (ii) provide domestic law recognition of the right to adequate housing; and (iii) improve domestic law protections to tenants, in particular protections against forced eviction.

99. The Independent Expert also made recommendations regarding other social services:
(a) An independent investigation into the functioning of child protection services should be undertaken to enforce national guidelines and criteria, and effective mechanisms to regulate and monitor child protection services at the local level;
(b) Urgent steps are required to ensure adequate coverage by general medical practitioners, and to address the current serious shortfall in the number of general practitioners, particularly working in disadvantaged and rural Roma settlements and with Roma communities;

Practice Programme I and II funded from the budget of the National Public Health and Medical Officer Service the aim is that medical care is ensured even in family doctor districts for the care of adults and mixed age groups alike, in which the status has not been filled for a long time, by employing eligible doctors not having passed the family doctor's special exam as civil servants.

In the framework of the *Practice Programme I*, 98 doctors have joined the system by the end of 2015, and filled in family physician functions that had been vacant in the past. Of which 27 doctors commenced the family doctor's activities in prioritised districts, 13 doctors in districts to be developed, while 27 doctors in districts to be developed through a complex programme.

In Practice Programme II, by the end of 2015, 209 doctors joined the system and acquired thereby the right to practice as a family physician. Of which 46 doctors commenced the family doctor's activities in prioritised districts, 11 doctors in districts to be developed, while 26 doctors in districts to be developed through a complex programme.

Swiss-Hungarian Cooperation Programme – Priority 8, Public healthcare-focused basic provision organisational model programme 2012-16. – in a project with a funding of CHF 15,294,118 four new practice communities were created in the Northern Great Plain and Northern Hungary regions by involving 24 primary care practices.

The programme has a community-oriented basic healthcare model focusing on prevention and care for those suffering from a chronic illness, by involving local communities – especially the Roma population. Providing availability to base healthcare and improving the quality of life of the Roma population living in the areas of the practice community, and the involvement of Roma communities are the priorities of this programme (Roma mother-child health programme; Training Roma health guardians; Training Roma health representatives). In the framework of the programme **approx. 36,000 people, with nearly 10,000 from the Roma minority attended complex screenings (including more than 20 parameters) and life-style counselling. By the end of 2015, the health status of 19,303 adults was examined**, with 40% of them coming from the Roma minority.

Training Roma health guardians – The Roma community can be most effectively reached, if the person bringing the change is coming from inside and actually living in the relevant community. This also means that the scope of competence of Roma health guardians covers their own community, hence their employment is linked to practices (and not practice communities). **In summer 2013, the programme fulfilled its undertaking and recruited 48 Roma health guardians, who attended a further-education in August 2013. As a result of**

the training, all of the attendees were given a healthcare mediator training. Some of them were given further-education and 2 earned a social worker qualification and 20 received a medical care assistant diploma.

Roma mother-child health programme – **Roma mothers were counselled by district nurses (who also examined the health status of their children)** in settlements belonging to the 24 practices on a monthly basis as part of Roma mother-child club sessions. **These club sessions are organized thematically, each discussing one issue of public interest** with demonstration and direct experiencing. The estimated rate of Roma persons attending mother-child club sessions **in the 13 most disadvantaged settlements** is near to 90%.

Developing district nurse primary care- the programme implemented by November 2015 **from EU funds of HUF 4 billion** focused on supporting a healthy early childhood and a successful start of school years, and the monitoring of development in all age groups, but in particular that of children between 0-7 years of age. The **objective** of the programme was to develop and provide the workers of base paediatrician care (district nurses, family physicians and paediatricians) with **standardized and modern skills and methods**; raising the awareness and improving the competence of parents in the areas of child development, care and education; introducing a questionnaire monitoring the development of the child based on parental observation; and establishing the Methodological Standard of District Nurses to support the professional methodology of district nurses.

Breast-feeding support – **Successful breast-feeding is built on three pillars: the implementation of the WHO/UNICEF Baby-friendly Hospital Initiative, standardised professional guidelines and approach, as well on the strict regulation concerning the marketing of breast-milk substitutes.**

The National Committee for Supporting Breast-feeding held trainings in 2015 in a programme bearing the title “**Theoretical and practical issues of breast-feeding**”, **at 10 venues**, from a central budgetary funding on HUF 8 million, for 493 medical workers, with 215 professionals taking part in beneficiary and developing districts and 123 professional attending the trainings of the Baby Friendly Hospital.

Implementation of complex institutional movement programmes and related health development programmes in primary schools – The EU programme, implemented between 2014 and 2015 from a funding of HUF 2 billion, aimed to develop the competences of primary-school students required to lead a health-conscious life-style through community-building, health improvement and physical exercise programmes, as well as by the development of the skills and knowledge and awareness-raising of professionals participating in the programmes relying on methodologies prepared in the course of the programme.

The health improvement components of the programme were implemented in 288 public education institutions, with the contribution of 1061 professionals (926 teachers, 55 county coordinators, 7 regional coordinators) and with the participation of 30,903 students with at least 9,271 of them being disadvantaged. The head of each institution made a statement as to

at least 30% of the pupils involved belong to the category of either disadvantaged or multiple disadvantaged.

Development of the preventive capacities of the healthcare system – Creating health improvement offices – The development of the preventive capacities of the healthcare system was implemented from an EU development funding of HUF 7.1 billion and led to 61 health improvement offices (hereinafter referred to as: "HIO") being set up in Hungary (in 20 of the most disadvantaged districts and 18 disadvantaged districts). The central budget supported the programme with HUF 902 million in 2015 and HUF 1537.2 million in 2016.

The fundamental objective of the setting up of such offices is to contribute to decreasing the number of cardiovascular and tumorous diseases, reducing early and avoidable mortality and to improve the ways of life that determine health quality, as well as the attitudes and habits having an impact on health preservation. Increasing health awareness in the public.

- **Individual client status examination and risk estimation**, and related counselling,
- Implementation of life-style changing programmes and **community-level health education and improvement programmes in various settings**
- **Monitoring the health improvement activities, intensifying cooperation between organizations engaged in health improvement and integrating organizations into a single network** in the HIO district

The health status of 170,927 clients was checked in 61 HIOs since September 2013, with 46,569 clients being from the 20 most disadvantaged HIOs.

Supporting the cessation of smoking – The **National Methodological Centre for Supporting the Cessation of Smoking** telephone-based service (call centre) was launched from an EU funding of HUF 1 billion, where qualified psychologists and physicians provide information and counselling on smoking and quitting smoking as well as provide support programme via a free phone number; and by operating an **internet website** (www.leszokaspont.hu) **wide-ranging communication is ensured**. Group counselling with complete national coverage was organized in 86 TB clinics (13 disadvantages and 7 of the most disadvantaged regions) to support the cessation of smoking. **The number of attendees in supporting the cessation of smoking in the 7 most disadvantaged regions: 407.**

Organized public health screenings

In order to involve the target population considered to be the most vulnerable based on age group, **a targeted public health screening system was established** (biannual breast-screening programme for women between 45-65 years of age; cytological screening repeated in every 3 years after the one-off negative screening of women between 25-65; biannual colon and rectal pilot screening of men and women between 50-70 years of age).

Organized breast-screening for women is currently provided at **40 complex screening centres equipped to conduct mammography screenings and clinical patient monitoring and 7 mammography screening stations only suited to perform screenings**, thereby

covering the country and having sufficient capacity to examine the entire vulnerable population. The programme is implemented from the funding provided by the National Public Health and Medical Officer Service (HUF 200 million every year) and E-Alap.

Based on positive examples in foreign countries, **district nurses are implementing a cervical screening programme to increase the rate of attendance at organized cervical screenings. District nurses bring the screenings closer to women living in small settlements; and convincing even women to undergo screening who have not been at a gynaecologist for 10 or more years.**

In pilot programmes implemented in previous years and funded from internal resources and EU funding in years 2014-2015, a complex training series was completed by **1,433 district nurses, mainly working in settlements with populations below 5,000 (including 964 district nurses from disadvantaged and most disadvantaged settlements), and were given authorization to perform cervical screening.**

While the deformation leading to cancer or tumours can be detected at an early stage, the vaccination against cervical cancer can even prevent infections of Human Papillomavirus, which is the most common source of the disease. The Government introduced the mandatorily offered, free-of-charge vaccination against *Human Papillomavirus (HPV)* from September 2014 with the aim of drastically reducing the prevalence and mortality of cervical cancer for decades to come.

Pursuant to the applicable legislation, HPV vaccination can be given free-of-charge to girls above the age of 12, in the 7th grade of primary school, with parental consent, through vaccination campaigns in schools. In years 2014-15, **79.4% of girls eligible for the vaccine were given HPV vaccination free of charge.**

For HPV vaccination the central budget allocated HUF 1.7 billion in the years 2014-15.

In order to reduce mortality due to tumours of the colon or the rectum, a colon screening programme based on stool blood sample testing within the scope of women and men between the ages of 50-70 has been completed in four counties (Győr-Moson-Sopron, Nógrád, Heves, Csongrád counties) by involving family physicians and assistants on a voluntary basis, and covering persons living in the family physician's wards and of an endangered age.

According to the experiences drawn from the pilot colon screening programmes, **colon screening can be extended to the entire nation by 2018 from EU funding.**

(c) Adequate provision of a network of qualified social workers, including via recruitment and training of Roma and those experienced in Roma issues should be undertaken urgently as an essential measure to ensure full knowledge of, and access to, key social and health services and benefits for Roma communities;

The scheme titled HROP-1.3.2 Mentoring Network for Inclusion was published in October 2016, the mission of which is to ensure that programmes serving social inclusion, matching the aims formulated in the Action Plan of HNSIS for 2015 to 2017, should reach disadvantaged, primarily Roma in the highest possible ratio, relying on the network of

mentors to be established. For that purpose, “assisting mechanisms”, process support must be applied to ensure that the opportunity-creating and disadvantage-mitigating programmes reach a wider community of Roma, and that Roma communities obtain information and become mobilized for participation in the programme.

(d) A government-sponsored publicity campaign using appropriate media should be conducted as required to assist in the process of raising public awareness of services and benefits particularly to disadvantaged Roma communities.

Collection and use of disaggregated data

100. In terms of collection and use of disaggregated data, the Independent Expert makes the following recommendations:

(a) The collection of data disaggregated by ethnic group as well as along gender lines is recommended as an essential means of revealing the full extent of social and economic problems experienced by different ethnic groups, and to assisting in the development of appropriate and effective policy and practice;

(b) The Government should undertake confidence-building and awareness-raising measures amongst the Roma, and other minority groups, to promote participation in voluntary data collection, including census registration, and allay fears that data collection will be used as a further means of continuing discrimination.

The respective Act contains strict rules on collection of ethnic data and it is prohibited by law to record data on ethnicity which is not based on voluntary disclosure.

The last comprehensive census held in Hungary took place in 2011. During past years, the number and ratio within the population of those declaring their nationality identity has started to increase – according to the census data, almost 6% of the population of the country (a total of 644 524 persons) have affiliation to a nationality. The legal framework created by the civic government, the practical solutions, the subsidy system in support of educational and cultural autonomy and the generally accepting atmosphere of the majority have resulted in the increase of persons freely declaring their nationality by about one and a half in comparison to figures obtained a decade earlier. The increase in the number of people belonging to nationalities is all the more surprising as the questions regarding nationality were grouped among the optional questions, as in the earlier censuses.

Upon preparation of the census, multiple rounds of negotiations had been conducted with the national municipal governments of the nationalities living in Hungary. As a result of reconciliation, the questionnaire containing the nationality data for the 2001 census has been amended. In the course of the 2011 census, the residence and personal questionnaires and the reply guidelines were made available in all 13 nationality languages, in printed form as well as on-line. Census data regarding the nationalities (“1.1.6.1 Population by mother tongue, nationality and sex”) can be attained on the website of the Hungarian Central Statistical Office (KSH) under the following link (available in English):

http://www.ksh.hu/nepszamlalas/docs/tables/regional/00/00_1_1_6_1_en.xls.

Nationality and language data of the 2011 census

Nationality	Number of nominated nationalities (at least one YES answer)	Mother tongue	From among Hungarian nationals	Language used with family members and friends	Languages spoken (total of nationality and linguistic groups)
Gypsy/Roma	315,583	54,339	314,738	61,143	87,549
Croatian	26,774	13,716	26,054	16,053	36,296
German	185,696	38,248	174,553	95,661	1,111,997
Romanian	35,641	13,886	25,318	17,983	128,852
Serbian	10,038	3,708	8,524	5,713	28,707
Slovak	35,208	9,888	31,457	16,266	44,147
Slovenian	2,820	1,723	2,700	1,745	3,435
Bulgarian	6,272	2,899	5,794	2,756	6,069
Greek	4,642	1,872	4,176	2,346	6,206
Polish	7,001	3,049	5,523	3,815	11,127
Armenian	3,571	444	3,383	496	790
Rusyn/Ruthenian	3,882	999	3,695	1,131	3,067
Ukrainian	7,396	3,384	4,638	3,245	21,218
Total:	644,524	148,155	610,553	228,353	1,489,460

Source: Central Statistical Office

Remarks: the number of answers in the table exceeds the number of respondents because of the option of multiple binding.