

HUNGARY

Romaphobia and fascism on the rise



Eighteen years after the adoption of electoral democracy and a free market economy, social and economic rights are still violated, while inequality and discrimination are pervasive. The creation of democratic laws and institutions has brought an increasing awareness of human rights, resulting in some legislative measures and some achievements. However discrimination against ethnic minorities is still deeply rooted, and discrimination against sexual minorities is becoming more evident.

ATTAC HUNGARY
Matyas Benyik

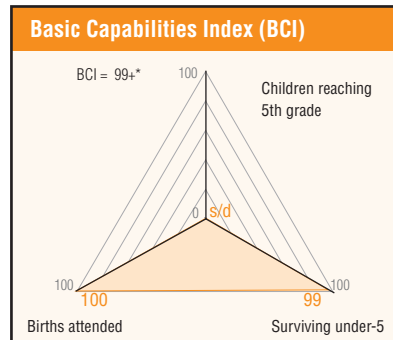
Hungary has ratified most of the major international instruments combating discrimination and is also a party to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Previously inconsistent and scattered anti-discrimination legislation has recently been thoroughly reformed to conform to the EC anti-discrimination *acquis*.

In 1997, the Government adopted its first programme for social integration of the Roma. Public debates on discrimination led to the adoption of a comprehensive anti-discrimination law in late 2003. The Equal Treatment Act (ETA), which covers all five grounds included in the EC Directives, came into force on 27 January 2004. Under the ETA, the Equal Treatment Authority went into operation on 1 February 2005. The Equal Treatment Authority is responsible for combating all types of discrimination and has already handled several hundred cases. However, a multitude of veiled abuses of human rights remains, and the ETA is not fully enforced.

Hungary has made its transition to capitalism and democracy more 'successfully' than most of its neighbours, but the majority has not benefited. For most Hungarians, the market economy has meant unemployment, involuntary retirement, and the loss of a secure livelihood. About 1.5 million people became jobless, and unemployment is the primary cause of poverty. About 60% of the population is worse off. The most affected groups include unskilled workers, the population of small towns and villages, families with children and the Roma. In addition to being the groups most negatively affected by the economic transition, minorities, particularly the Roma, have become scapegoats as the majority of Hungarians have experienced a severe drop in living standards.

Discrimination against the Roma

The Roma (Gypsies) constitute about 7% of the population (some 700,000 people). Despite legislative efforts and integration programmes, discrimination in education, employment, health care, housing and access to goods and services is still deeply rooted. The UN Committee on the Rights of the Child has expressed



concerns about the prevalence of discriminatory and xenophobic attitudes. Roma children are stigmatized, excluded and impoverished. This discrimination is most notable in housing, jobs and access to health, adoption and educational services. The Committee expressed concern at the arbitrary segregation of Roma children in special institutions or classes. Access to preschools is limited in regions with a predominantly Roma population and a high incidence of poverty. The Roma are greatly overrepresented among the poorest groups. Hundreds of thousands live precariously in social ghettos. Thousands have no access to water and electricity, and are malnourished when not starving. The desperate situation the Roma face is a consequence of pervasive racial discrimination, as well as the transition to a market economy.

Roma health

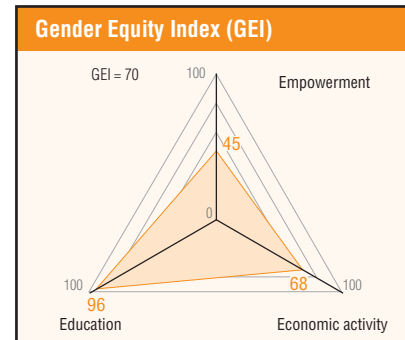
The life expectancy of the Roma is estimated to be 10 years below the national average. Factors contributing to the poor health of Roma women include:

- Direct discrimination and degrading treatment in the form of extortion, neglect, verbal abuse and segregation in maternity wards;
- The extreme poverty of Roma women, which makes it impossible for them to pay for medical treatment, particularly since the recent introduction of a 'medical visiting fee'.

Egregious practices, including coerced sterilization of Roma women, have occurred in the past. Hungarian law does not require informed consent for sterilisation in all cases.

Roma education

Hungary's post-communist constitutional provisions granted municipal authorities significant



autonomy in areas such as education. This has thwarted the national Government's efforts to gain broad-based compliance with national policies on school desegregation and to improve the education situation of Roma, especially Roma women. They have disproportionately low education attainment levels compared not only to the majority population but also to Roma men.

Roma girls and boys suffer verbal and physical harassment by classmates. Teachers rarely punish this behaviour, even when Roma parents report it. The combination of poverty, patriarchal attitudes and early childbearing continue to have a negative impact on the number of years that Roma girls and youth attend school.

These barriers are further exacerbated by the common practice of placing Roma children in special schools for the mentally disabled, based on poor judgments by mental commissions. Furthermore, school segregation along ethnic lines in separate classrooms or schools has increased in recent years.

Employment

The overall employment rate in Hungary is low (56.7% in 2007) and the unemployment rate is growing (more than 8% in January 2008).¹ Among the Roma, unemployment rates are far higher. The Office for National and Ethnic Minorities cites rates of 90% to 100% in particularly disadvantaged regions. Roma women face extremely high unemployment rates compared to Roma men and the majority population.

* One of the BCI components was imputed based on data from countries of similar level.

¹ Hungarian Central Statistical Office (2008). *Employment and unemployment November 2007-January 2008*, First Release Serial:39, Budapest.

Recent progress

In the past few years, cases of human rights abuse have been increasingly brought to public attention. In addition, implementation of the ETA shifted the burden of proof in many discrimination cases (previously, the current system had only applied in existed only in the realm of labour law). Although the ETA applies to all discrimination cases, legislation severely restricts the criteria for its application. The protection provided by the ETA is amplified by the Civil Code and by a number of other laws (e.g. consumer protection, law on labour supervision, etc.) and statutes regulating the operation of institutions (e.g. Parliamentary Commissioner for Human Rights).

In April 2006 Prime Minister Ferenc Gyurcsány and his socialist-liberal coalition won the elections and returned to office. Although this Government has been much better than its predecessors in promoting civil dialogue and consultation on discrimination, the decision to dismantle the Government's current focus on Roma issues in favour of a broad-based policy addressing 'disadvantaged groups' could hinder progress on Roma issues. Essential steps are needed to ensure this minority's full and effective political participation. One key means to fulfil their rights would be to promote inclusion of the Roma in electoral and administrative bodies and increase their representation in government administration.²

Women and domestic violence

According to a report released in 2007 by Amnesty International,³ 28% of more than 1,000 women surveyed reported that they had been beaten and more than 7% said they had been forced to have sex by their partner.⁴ Individuals known to the victim commit two thirds of sexual crimes in Hungary. Few of them are tried for their crimes. According to the report, the laws on rape need urgent reform. The Penal Code defines rape and other crimes of sexual violence as "crimes against marriage, the family, youth and sexual morality", ignoring the survivor and encouraging silence. Even more disturbing, the code states that rape must involve violence or threat of physical harm, thus requiring survivors to prove they physically resisted their attacker or that the person committing the rape directly threatened their life or physical integrity. Widespread prejudice makes it difficult to obtain justice, since raped girls and women can expect to be disbelieved and stigmatized.

Many cases simply drop out of the legal process, failing even to reach court. The police may not identify the attacker; the victim or other witnesses may decide to withdraw their statements or not to press charges. The situation is even worse among Roma women; more than two fifths of the them have suffered or currently suffer domestic violence, but

the survivor seeks police assistance in only one case out of five; the police responded effectively in just one out of seven cases. Violence against Roma women is pervasive, both within and outside the Roma community.

Roma women rarely turn to institutions that address discrimination, such as the Equal Treatment Authority, since they are barely represented in the self-government entities of the Roma minority and not represented at all in those representing women in general. Although some Roma women have succeeded in entering the public sector, most are employed within the Roma community.

Low levels of reporting are attributable to poor police investigative skills and training, the lack of official support and services offered to victims, the flawed legislation covering rape and other sexual crimes, and widespread social prejudices encountered by women who report such crimes. Only the strongest cases reach the courts, those in which the victim has been seriously injured. In rape and other sexual crime cases that are adjudicated, the conviction rate for is one of the highest in Europe, more than 50%.

Women's employment

A 2006 study⁵ found that the employment rate for women remains static and the unemployment rate is rising. Despite legal regulations to combat discrimination on any grounds, women receive less pay and encounter more modest career prospects than men when they enter or re-enter the labour market.

Since 1993, the employment rate for Roma women has not surpassed 15%.⁶ The latest statistical data show a further decrease, due to unfavourable changes in pension regulations and low participation in public employment.

Human trafficking

Hungary is primarily a transit country for human trafficking, though to a lesser extent it is a destination of women from neighbouring countries and a source of women. Women are transported through Hungary for the purpose of commercial sexual exploitation to Austria, Slovenia, Germany, Spain, the Netherlands, Italy, France, and the United States. Hungarian women are trafficked primarily to Western and Northern Europe and to North America.

Although the Government fully complies with the minimum standards for the elimination of trafficking, and has shown a sustained commitment to combating it, Hungary was designated a Tier 1 transit country and to a lesser degree a source and destination country in the *Trafficking in Persons Report 2007*. Since then the Government has introduced new enforcement measures and the police have improved their efforts to identify and care for victims.⁷

Rising fascism and anti-Semitism

Since the adoption of electoral democracy, xenophobia has steadily increased. Hungary is now the most xenophobic country in Eastern Europe, more so than the Balkans.⁸ In harmony with the triumph of liberal thinking, Hungary-nationalistic and neo-Nazi associations (e.g. Blood and Honour) mushroomed. Although Nazi-style parties do not enjoy wide support, the growing number of paramilitary organizations poses a real threat to Jews, Roma and gays. It is frightening to see neo-Nazis marching in the streets of Budapest waving Arrow-Cross inspired Arpad-flags and wearing symbols resembling those of the Nazi era. Jobbik, an extreme-right anti-Semitic and homophobic party currently enjoying poll ratings in the tenths of a per cent, recently established a paramilitary group called *Magyar Garda* (Hungarian Guard) composed of a few hundred young extremists.

Reacting to the pressure of NGOs and the Jewish and Roma communities, Prime Minister Gyurcsány asked public prosecutors to keep a close eye on this extremist grouping. "The establishment of *Magyar Garda* threatens our most important common values: respect for human dignity, the right to a life free from fear, and respect for others' cultures, ethnic origins, and world views", stated Gyurcsány.

Legal measures are being prepared to ban *Magyar Garda*. It could be disbanded soon. However, in order to prevail, the anti-fascist struggle also requires a change in social and economic policies, since neo-liberal austerity measures create fertile ground for fascist tendencies.

Excessive use of force and ill-treatment

Between the 17 and 20 of September 2006, police and protesters clashed after Prime Minister Gyurcsány admitted he had lied during the election campaign. The passivity of the police on that occasion opened the way for a series of arson attacks and the looting of the Hungarian state television headquarters: protesters set fire to cars and threw stones at the police.

Violence erupted again on 23 October. Ultra-nationalist and extreme right groups clashed with the police during the commemoration of the 1956 uprising, and the police repressed them with excessive force, including rubber bullets, water cannons and tear gas. Protesters taken into custody were beaten and some detainees were denied immediate access to a lawyer.

These human rights violations were widely criticized by opposition parties and civil society activists.⁹ In addition, incidents in which the police used excessive force against suspects, particularly Roma, have been reported, and there have been repeated allegations of government interference in editorial and staff decisions in the state-owned media. In September 2007, vandals sprayed anti-Semitic slogans on a mobile Holocaust memorial exhibition just outside Budapest. ■

2 Written comments of the European Roma Rights Centre concerning Hungary for consideration by UN CEDAW at its 39th Session (23 July-10 August 2007).

3 Amnesty International (2007). *Hungary Cries Unheard: The Failure to Protect Women from Rape and Sexual Violence in the Home*, AI Index: EUR 27/002/2007, London: AI.

4 Tóth, O. (1999). *Erőszak a családban* [Domestic Violence], TÁRKI Social Research Centre, in Amnesty International, 2007, *op. cit.*

5 Koncz, K. (2006). *A felzárkózás elmaradása: a magyar n'k munkaer'-piaci helyzete* [Out of step: Hungarian female employment], in Statisztikai Szemle [Statistical Review], July 2006, p. 651-674.

6 *Ibid.*

7 U.S. State Department Trafficking in Persons Report, June 2007.

8 Wallace, C. (1999). *Xenophobia in Post-Communist Europe*. Studies in Public Policy: 323. Glasgow: University of Strathclyde, Centre for the Study of Public Policy. In: Hagan, M. (2003). *Human Rights Melodrama*, p. 2-3.

9 International Helsinki Federation Report 2007, *Human Rights in the OSCE Region*, Hungary, p. 82-85.