

Hungary  
RAXEN National Focal Point

Thematic Study

Housing Conditions of Roma and  
Travellers

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DISCLAIMER: This study has been commissioned as background material for a comparative report on housing conditions of Roma and Travellers in EU Member States by the European Union Agency for Fundamental Rights. The views expressed here do not necessarily reflect the views or the official position of the FRA. The study is made publicly available for information purposes only and does not constitute legal advice or legal opinion.

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# Executive summary

## Desk research

### Legal and policy framework

The political and economic changes of 1989-1990 mark an important border in terms of the legal and policy framework of housing.

In the current public administration structure, wide mandates are delegated to a fragmented system of local governments, including mandates in terms of housing and social policy.

Due to mass privatisation in the first half of the 1990s, the proportion of public tenements in Hungary is among the lowest in Europe, approximately 4-5 per cent of flats. Experts agree that such a low proportion of public rental flats does not make the operation of a proper social housing policy possible, and this structural characteristics of the Hungarian housing sector is the primary factor responsible for the housing problems of low-status households, among whom Roma are overrepresented.

Although the Hungarian Constitution<sup>1</sup> does state that citizens have the right to social security, according to the current interpretation, the right to housing cannot be derived from the relevant passage of the Constitution as the state is obliged to provide accommodation in case of threat of life, which does not equal to the right to housing.

A 2000 amendment of the Act on Housing<sup>2</sup> simplified the rules for eviction in case of squatters who reside in the respective flat for less than 60 days, delegating decision-making in such cases to local notaries. (In 2000, another legal amendment included squatting among offences, to be sanctioned with a fine or detention.<sup>3</sup>) The Act on the Protection of Children<sup>4</sup> sets forth that children cannot be separated from their families on a purely material basis.

At present, although housing policies exist, they are not fitted in a comprehensive, official (legitimated) housing policy document. (There is a National Housing Programme, officially not legitimated but widely used as a

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<sup>1</sup> Hungary/Act No. XX (1949)

<sup>2</sup> Hungary/Act No. LXXVIII (1993)

<sup>3</sup> Hungary/Act No. LXIX (1999)

<sup>4</sup> Hungary/Act No. XXXI (1997)

guide by policy makers.<sup>5)</sup> There is no comprehensive sectoral governance of housing either.

Housing-related legislation and most public policies do not target Romani people (or any specific group of Roma, such as women, children, the elderly and persons with disabilities), but low-status social groups in general, based on the approach that Roma are strongly overrepresented among the low-status population groups, so such a targeting also includes low-status Roma, while it refers also to those low-status non-Roma who need assistance.

A more or less integrated housing policy has been in place since 2001. The housing policy introduced in 2001 explicitly targeted middle-class households (not lower-status ones). In 2003 and 2005, amendments were made to the provisions, aiming at a better targeting of sources (limiting better-off households in obtaining disproportionately more state subsidies than the poorer ones). However, the system is still based on property subsidies, there are nearly no tenancy subsidies at all. Major policy developments in the reporting period, in addition to the above, were the introduction of debt management services and normative housing maintenance subsidies.

At present, the key document of Roma-related policies including housing is the Hungarian government's Strategic Plan for the Decade of Roma Inclusion Programme, and, at present, its two-year Action Plan for 2008-2009.

In the National Development Plan of Hungary, equal opportunities appear as a key priority, and equal opportunity issues are mainstreamed in sectoral development policies and programmes. Housing is among the first areas where such measures appeared. The most important initiatives are presented in this report.

## Quantitative data

Strict data protection rules (the collecting and processing of sensitive data, among them data on national or ethnic origin, is prohibited without the concerned person's explicit consent)<sup>6</sup> strongly limit the scope of available data.

Available data show the inferior quality of Romani housing in terms of amenities and density. There are significant disparities between Romani households as well: the more segregated the environment, the poorer the housing quality of Romani households. In Hungary, compared to other countries in the region, disparities between neighbouring Romani and non-Romani households are relatively small, which suggests that housing

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<sup>5</sup> Interview No. 2

<sup>6</sup> Hungary/Act No. LXIII (1992)

inequalities are strongly determined by spatial disparities; so the poor housing conditions of Roma are to a large extent linked to their spatially disadvantageous dispersion.<sup>7</sup>

The most problematic feature of the Romani housing is segregation, the most widespread forms of which are colonies, micro-regions subject to 'ghettoisation' and urban slum areas. Methodological differences between different data sources do not make comparison possible; available sources estimate the proportion of Roma living in segregated environment to 45-55 per cent.

No precise data are available for the number of tenancy evictions and for the number of households threatened by eviction. A survey conducted by the *Roma Polgárjogi Alapítvány* (RPA) [Roma Civil Rights Foundation (RCRF)] in 2004-2005 identified approximately 250-250 evictions in Budapest and in larger cities respectively. The same survey also identified in Budapest approximately 2,200, in larger cities 5,400 households threatened by evictions. On the national level, the number of those indebted households which face court proceedings due to rent debts and debts concerning public utility fees is approximately 100,000 (2004 data).<sup>8</sup> No precise data exist on the proportion of Roma among them.

According to available data, housing conditions of Roma, especially the spatial dimension, that is, their concentration in small settlements and economically distressed regions does have a negative effect on their access to (quality) education, employment and health care facilities.

## Qualitative information

Although for many of the issues raised in the Guidelines no Roma-specific data are available, disadvantages of low-status Romani households can be traced in terms of affordability, location, habitability (especially in case of colonies), and accessibility (here some general characteristics of the Hungarian housing market should also be highlighted, that is, the very high housing price/income ratio and very low housing credit/housing price ratio compared to Western Europe).

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<sup>7</sup> A. Bernát (2005) 'A magyarországi cigányság helyzete közép-kelet-európai összehasonlításban', in: T. Kolosi, I.Gy. Tóth, Gy. Vukovich (eds.) *Társadalmi Riport 2005*, Budapest: TÁRKI pp. 118-137. also available at: [http://www.tarsadalomkutatas.hu/kkk.php?TPUBL-A-691/publikaciok/tpubl\\_a\\_691.pdf](http://www.tarsadalomkutatas.hu/kkk.php?TPUBL-A-691/publikaciok/tpubl_a_691.pdf) (27.03.2009)

<sup>8</sup> P. Bakos (2008) *Lakhatás és hajléktalanság 2008. Magyar országjelentés*, available at: [http://www.refomix.hu/cikkek/Hungary\\_housing\\_homelessness\\_2008\\_HU.pdf](http://www.refomix.hu/cikkek/Hungary_housing_homelessness_2008_HU.pdf) (27.02.2009)

Available information suggests that, especially in case of micro-regions subject to 'ghettoisation', social exclusion becomes a self-accelerating, intergenerationally transmitted process.

In terms of access to social housing, in addition to the scarcity of public tenements which, as a structural characteristics, determines low-status households' access to public housing, several local government provisions with disparate impacts on low-status Roma can be traced (e.g. discrimination against squatters in the distribution of public tenements). As regards evictions, there are also cases of maladministration which negatively affect low-status Romani households. In private housing, there is no systematic information on the exclusion of Roma, although it is believed that such a practice exists; cases where the constitutional right to the freedom of choice of residence and the right to free movement are violated (by citizens or even by local leaders) deserve particular attention.

On the basis of available information, it can be clearly stated that the housing situation of Roma, especially its spatial dimension (concentration in smaller settlements, economically distressed regions), is a strong factor in the social exclusion of Roma, and poses the threat of the reproduction and acceleration of that exclusion.

## Case law and complaints

In Hungary, there are several public bodies that record and process complaints or allegations of human rights violations, racism and discrimination, including housing issues. The most relevant bodies for the purposes of the present study are civil courts, the *Egyenlő Bánásmód Hatóság* (EBH) [Equal Treatment Authority (ETA)], the *Nemzeti és Etnikai Jogok Országgyűlési Biztosa* (Kisebbségi Ombudsman) [Parliamentary Commissioner for the Rights of National and Ethnic Minorities (Minority Ombudsman)] and the *Állampolgári Jogok Országgyűlési Biztosa* (Általános Ombudsman) [Parliamentary Commissioner for Civil Rights (General Ombudsman)] and the *Alkotmánybíróság* (AB) [Constitutional Court].

The report analyses three cases: a court case when compensation was awarded to Romani persons evicted in a manner that violated human dignity; a case of the ETA where the Authority found discrimination on financial basis against a Romani woman<sup>9</sup> in an eviction case, and a case when the Minority Ombudsman found the violation of the constitutional rights of the free choice of residence

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<sup>9</sup> In the Authority's practice, it often occurs that ethnic discrimination cannot be proved, only discrimination on financial basis can be established. (The problem was reflected, for instance, in their 2007 report: *Egyenlő Bánásmód Hatóság* (2008) *Tájékoztató az Egyenlő Bánásmód Hatóság 2007. évi tevékenységéről*, available at: <http://www.egyenlobanasmod.hu/data/2007beszamolo.pdf> (27.03.2009))



and free movement, although the court decisions did not establish the charge of discrimination.

## Good practices

Among good practices, the *Magdolna negyed program* (MNP) [Magdolna Quarter Programme] and the *Befektetés a jövőbe program* [Individual Development Account (IDA)] programme were discussed.

- The Magdolna Quarter Programme is a complex social rehabilitation programme of a deprived, segregated area of Budapest where Roma are overrepresented.
- The IDA programme is a specific financial support scheme to assist deprived households, especially Roma, to improve their housing situation.<sup>10</sup>

## Major national projects

Three national-level actions were highlighted.

- *Telepeken élők lakhatási és szociális integrációs programja* [Housing and social integration programme of residents of colonies]<sup>11</sup>, launched in 2005, is a programme that is based on a complex approach, targeting housing, social integration and (re)integration in the labour market side by side, in most cases with the elimination of the respective colony.
- Mainstreaming of anti-segregation in urban development policies: as a precondition for applying for urban development sources in the framework of the *Új Magyarország Fejlesztési Terv* (ÚMFT) [New Hungary Development Plan (NHDP)],<sup>12</sup> Integrated Urban Development Strategies including Anti-segregation Plans should be elaborated by most cities<sup>13</sup> since the end of 2007. One type of rehabilitation approved and supported in the framework of the NHDP is 'social rehabilitation', complex programmes aiming to keep most of current residents in the rehabilitated area.

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<sup>10</sup> The programme is related to other type of assets as well, but in most cases it was targeted at housing-related developments, see e.g. F. Babusik (2008) *A program záró értékelése - a mérhető hatások rövid összefoglalója*, available at: <http://www.autonomia.hu/index.jsp?id=22&main=287&akt=22&lang=hu> (27.03.2009)

<sup>11</sup> The concept 'colony' here and throughout the report refers to totally segregated neighbourhoods with almost or exclusively Romani residents, with extremely poor living conditions (shanties made from absolutely inadequate material, total lack of amenities, services, etc)

<sup>12</sup> The current National Development Plan of Hungary for the years 2007-2013, providing the framework for the allocation of Structural Fund sources.

<sup>13</sup> Depending on their size.

- *Leghátrányosabb helyzetű kistérségek felzárkóztatási programja* [Development programme of the most disadvantaged micro-regions]: the programme, launched in 2008, aims at the complex development of the 33 most deprived micro-regions of the country. The approach of the programme is new within the EU: it aims at balancing spatial inequalities within the boundaries of a country, at a low territorial level (micro-regions or even smaller territorial units within micro-regions).

## Field research

### Methodology

In the framework of the field research, five interviews were carried out: two with governmental representatives and three with civil society representatives.<sup>14</sup>

### Summary of main points

The most important problems regarding the housing of Roma mentioned in the interviews were the property-based approach of the current housing policy, housing problems arising from the low income of many Romani households, segregation and the action of local government which had disparate impacts on Roma (often involving the suspicion of discrimination).

As regards organisations' most relevant work in terms of Romani housing, the *Szociális és Munkügyi Minisztérium Roma Integrációs Főosztály* (SZMM RIF) [Roma Integration Department of the Ministry of Social Affairs and Labour] is in charge of Roma-related issues concerning housing; *Önkormányzati Minisztérium Lakásügyi Főosztály* [Housing Department of the Ministry of Local Government] manages many of the state housing subsidies; the RCRF is the most significant NGO which deals with, among others, the issue of Romani housing; the *Autonómia Alapítvány* [Autonomia Foundation] is one of the most significant NGOs dealing with Roma-related developments; *Nemzeti és Etnikai Kisebbségi Jogvédő Iroda* (NEKI) [Legal Defence Bureau

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<sup>14</sup> Governmental actors: the *Szociális és Munkügyi Minisztérium Roma Integrációs Főosztály* (SZMM RIF) [Roma Integration Department of the Ministry of Social Affairs and Labour], *Önkormányzati Minisztérium Lakásügyi Főosztály* [Housing Department of the Ministry of Local Government]. Civil society actors: RCRF, *Autonómia Alapítvány* [Autonomia Foundation] and *Nemzeti és Etnikai Kisebbségi Jogvédő Iroda* (NEKI) [Legal Defence Bureau for the Rights of National and Ethnic Minorities].

for the Rights of National and Ethnic Minorities]<sup>15</sup> deals with the legal representation of victims of discrimination on the grounds of ethnic origin, including housing discrimination cases.

Concerning Roma-related housing policies, some of the interviewees criticised the lack of a comprehensive policy, and highlighted the following issues as being most important: the property-based current policies, the problem of segregation and mainstreaming of desegregation in general development policies as a key priority.

Among good practice examples, the following were mentioned (sometimes together with critical remarks): the housing and social integration programme of residents of colonies; Integrated Urban Development Strategies including Anti-segregation Plans; social rehabilitation, development programmes of the most disadvantaged micro-regions; Individual Development Account and the complex social development programme in Nagybörzsöny.

The RCRF and NEKI are directly involved in discrimination cases. The representative of the RCRF highlighted that, although small successes can be achieved, NGOs cannot cope with the structural factors leading to discrimination. The representative of NEKI expressed some difficulties NGOs meet when acting in discrimination cases, including the difficulty of establishing discrimination, the large resource demands of such cases and the high risk of claimants being bribed to withdraw their complaints.

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<sup>15</sup> Hereinafter we use the Hungarian abbreviation – NEKI – as it is widely known and used for the identification of the organisation in national and international fora (see e.g. <http://www.eumap.org/journal/features/2002/may02/echrindhunroma> (27.03.2009))

# 1. Desk research

## 1.1. Legal and policy framework

### 1.1.1. The impact of general public policies on the housing situation of Roma and Travellers (including instances of indirect discrimination)<sup>16</sup>

The political and economic changes of 1989-1990 mark an important border in terms of the legal and policy framework of housing. Below, we summarise the most important changes from the perspective of the present report, and their relevant consequences.

#### Public administration, the system of local governments

The Act on Local Governments, adopted in 1990, established a new system of highly autonomous local governments. The Act, among other tasks, delegated the management of housing, spatial development, spatial planning and primary social care to local governments. In line with providing a high level of autonomy for local governments, the Act dissolved the power of the 'middle-level', the counties, which were key actors of the redistribution of development resources under socialism. Since 1990, no significant middle level (county/region) has existed in the Hungarian public administration. In Budapest, a special, two-level system came into existence. The municipal government is mandated with issues relevant for the whole capital or its larger parts, while the mandate of districts cover issues affecting their own territory. Theoretically, the levels are not hierarchical; they differ in mandate and responsibilities. Based on the Act, a very fragmented system of local governments emerged<sup>17</sup> (in 2008, 3,175 local governments operated in the country of ten million people).<sup>18</sup> The reorganisation of public administration and the current institutional settings has had diverse impacts on housing inequalities and discrimination.

Because of the different financial situation of the local governments, there are significant disparities between local social security systems,. This circumstance

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<sup>16</sup> The Guideline lists the issue at a later phase of the document, but, after thorough consideration, we decided to present this relevant information here, as, in our view, it is needed for a right understanding of the issues discussed later

<sup>17</sup> Hungary/Act No. LXV(1990)

<sup>18</sup> Source: Ministry of Local Government. In addition to the 3,152 local governments of settlements, 23 Budapest district governments

increases inequalities,<sup>19</sup> since areas with the highest proportion of disadvantaged, among them Romani families tend to concentrate in the depressed areas of the country (see section 1.2.6.) where the financial opportunities of the local governments to provide social care are much less favourable than in other parts of the country.

Experts warn that in the present legal framework, where a wide range of services are located in the mandate of local governments, while it may indeed enhance a better informed decision-making and local initiatives,<sup>20</sup> on the other hand, as local governments are continuously under-financed, they are interested in pushing poor (among them, poor Romani) families out of their area (as they are more likely to obtain social subsidies from the local government, they are more likely to live in deteriorated public rental flats where rents do not even cover maintenance costs, etc). Since 1990, several forms of structural and, in some cases, even direct discrimination where local governments are involved have emerged.<sup>21</sup>

- Indirect discrimination: Indirect discrimination appears mostly in the form of 'maladministration'. In these cases, no direct discrimination or violence against legal provisions referring to minority rights and equal treatment can be traced. Therefore, discrimination is difficult to prove. However, erroneous, bureaucratic, non-sensitive operation of public administration results in serious disadvantages, in some cases involving the violation of other legally guaranteed rights or legal provisions of the operation of public administration.<sup>22</sup> Examples include:<sup>23</sup>

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<sup>19</sup> L. Kőszeghy (2007) 'A cigány és nem cigány lakosság lakhatási egyenlőtlenségeinek tényezői', in: Balogh Margit (ed.) *Diszciplínák határain innen és túl. Fiatal Kutatók Fóruma* 2, 2006 Budapest: MTA Társadalomkutató Központ pp. 11-33

<sup>20</sup> K.I. Pálné (2008) 'Helyi kormányzás Magyarországon', Budapest-Pécs: Dialóg Campus

<sup>21</sup> J. Ladányi (2006) 'Mióról gondoskodnak a "gondoskodó" önkormányzatok?', in: *Beszélő* Vol. 11, No. 7, also available at: <http://beszelo.c3.hu/cikkek/mirol-gondoskodnak-a-gondoskodo-onkormanyzatok> (27.03.2009); J. Ladányi (2008) 'Lakóhelyi szegregáció Budapesten', Budapest: Új Mandátum könyvkiadó; J. Kaltenbach (1996) *A Nemzeti és Etnikai Kisebbségi Jogok Országgyűlési Biztosának tájékoztatója az 1996-os évről*, Budapest: Országgyűlési Biztosok Hivatala, available at: [http://www.kisebbségiombudsman.hu/word/08-06-2008\\_13\\_49\\_12/beszamolo\\_1996.html](http://www.kisebbségiombudsman.hu/word/08-06-2008_13_49_12/beszamolo_1996.html) (27.03.2009)

<sup>22</sup> J. Kaltenbach (1996) *A Nemzeti és Etnikai Kisebbségi Jogok Országgyűlési Biztosának tájékoztatója az 1996-os évről*, Budapest: Országgyűlési Biztosok Hivatala, Budapest: Országgyűlési Biztosok Hivatala, available at: [http://www.kisebbségiombudsman.hu/word/08-06-2008\\_13\\_49\\_12/beszamolo\\_1996.html](http://www.kisebbségiombudsman.hu/word/08-06-2008_13_49_12/beszamolo_1996.html) (27.03.2009)

<sup>23</sup> Sources: E. Kállai (2008) *Beszámoló a nemzeti és etnikai kisebbségi jogok országgyűlési biztosának tevékenységéről 2007*, Budapest: Országgyűlési Biztosok Hivatala, available at: <http://3ddigitalispublikacio.hu/media/ombudsman/m.html> (27.03.2009); NEKI (2003) *Fehér Füzet* 2002, available at: [http://www.neki.hu/index.php?option=com\\_docman&task=cat\\_view&gid=32&dir=DESC&order=name&limit=5&limitstart=5](http://www.neki.hu/index.php?option=com_docman&task=cat_view&gid=32&dir=DESC&order=name&limit=5&limitstart=5) (27.03.2009)

- rejection to establish new construction sites, thereby preventing Romani families from building homes in the settlement;
  - appointment of new construction sites for constructions which were made possible due to the so-called *Szociálpolitikai támogatás* (szocpol) [social policy allowance], since 1994: [housing construction allowance] segregated from the settlement;
  - negligence in registering Romani families as permanent residents in the settlement;
  - omission of infrastructural development of areas inhabited mostly by Roma;
  - arbitrary interpretation of the term 'behavioural problems' as the basis of the termination of rental contracts;
  - improper fulfilment of housing-related tasks by local governments, e.g. negligence in maintaining acceptable physical condition of public rental flats, or failure to provide acceptable living conditions for households affected by natural disasters such as floods or storms;
  - reluctance to provide proper debt management services;
  - 'export of poverty' with the purchase of flats for low-status tenants in other districts/settlements.<sup>24</sup>
- Direct discrimination: Examples of direct discrimination can also be found, the most serious forms of which are actions aiming to limit the constitutional right of the free choice of place of residence and free movement, either through actions pushing out Roma from the settlement/district, or through actions preventing Romani families from moving to the settlement/district.<sup>25</sup> Apart from that, the representative of the RCRF mentioned a case when a local provision for public tenements set forth the examination of the life style in case of Romani families applying for public tenements. Upon the RCRF's initiative, the provision was annihilated by the competent *Közigazgatási Hivatal* [Public Administration Office] as unlawful.

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<sup>24</sup> C-Press (2008) *Cigányok és szegények: kiszorítás a belvárosból*, available at: [http://portal.c-press.hu/index2.php?option=com\\_content&do\\_pdf=1&id=3476](http://portal.c-press.hu/index2.php?option=com_content&do_pdf=1&id=3476) (27.03.2009)

<sup>25</sup> J. Kaltenbach (2000) *Beszámoló a nemzeti és etnikai kisebbségi jogok országgyűlési biztosának tevékenységéről 1999. január 1.-1999. december 31.*, Budapest: Országgyűlési Biztosok Hivatala, available at: [http://www.kisebbségiombudsman.hu/word/08-07-2008\\_10\\_46\\_43/besz%C3%A1mol%C3%B3\\_1999.html](http://www.kisebbségiombudsman.hu/word/08-07-2008_10_46_43/besz%C3%A1mol%C3%B3_1999.html) (27.03.2009); NEKI (2003) *White Booklet 2002*, available at: [http://www.neki.hu/index.php?option=com\\_docman&task=cat\\_view&gid=34&Itemid=45](http://www.neki.hu/index.php?option=com_docman&task=cat_view&gid=34&Itemid=45) (27.03.2009)

## Privatisation of housing stock and its consequences

In the first half of the 1990s, especially following the 1993 Housing Act<sup>26</sup> which set tenants' rights to purchase their tenements with advantageous conditions, mass housing privatisation took place. Except for households of the lowest income level and those living in usually much deteriorated buildings appointed for renewal, most residents bought their rental flats.<sup>27</sup> As a result, at present the ratio of rental flats in Hungary is among the lowest in Europe (according to formal statistics, the ratio of public rental flats is 4-5 per cent, the ratio of private rental flats is 3-5 per cent, though the actual numbers might be a little higher due to an inestimable rate of undocumented rents (to avoid taxation)). The quality of public rental housing stock is poor, and is decreasing as local governments do not have resources, or, in some cases, are reluctant to properly maintain and renovate houses and flats in their property.

Due to the insignificant number and rate of public rental flats (the number of public rental flats is approximately 120,000, the number of vacancies in the sector is estimated to no more than 1,000-2,000 flats per annum),<sup>28</sup> there is hardly any space for the operation of social rental housing system, affecting all disadvantaged groups of society,<sup>29</sup> among them, many of the Roma. According to the reports of the Minority Ombudsman, in many cases, the complaints the Commissioner receives can be derived from the above structural problem of the housing sector.<sup>30</sup>

According to the Housing Act,<sup>31</sup> flats could only be sold to inhabiting tenants, until 30.11.2000. Since then, local governments have been allowed to sell flats to third parties without the consent of inhabitants. Although such a practice has not become widespread (many local governments set in their local housing

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<sup>26</sup> Hungary/Act No. LXXVIII (1993)

<sup>27</sup> Flats in buildings appointed for renewal were exempt from the privatisation rule.

<sup>28</sup> J. Hegedüs (2006) 'Lakáspolitikai és a lakáspolitikai – a közpolitika korlátai', in: *Esély*, Vol. 18, No. 5, pp. 65-100, available at: [www.esely.org/kiadvanyok/2006\\_5/HEGEDUS.pdf](http://www.esely.org/kiadvanyok/2006_5/HEGEDUS.pdf) (27.03.2009)

<sup>29</sup> R. Hegedüs, R. Kovács, I. Tosics (1994) 'Lakáshelyzet az 1990-es években', in: R. Andorka, T. Kolosi, Gy. Vukovich (eds.) *Társadalmi riport 1994*, Budapest: TÁRKI, pp. 137-164. Also available also at <http://www.tarki.hu/adatbank-h/kutjel/pdf/a906.pdf> (27.03.2009); ECRI (2009) *ECRI Report on Hungary (fourth monitoring cycle)*, available at: <http://www.coe.int/t/dgh/monitoring/ecri/Country-by-country/Hungary/HUN-CbC-IV-2009-003-ENG.pdf> (27.03.2009) p. 36

<sup>30</sup> J. Kaltenbach (2007) *Beszámoló a Nemzeti és Etnikai Kisebbségi Jogok Országgyűlési Biztosának tevékenységéről, 2006. január 1.-december 31.*, Budapest: Országgyűlési Biztosok Hivatala, available at: [http://www.kisebbségiombudsman.hu/word/04-29-2008\\_09\\_53\\_05/besz\\_2006.html](http://www.kisebbségiombudsman.hu/word/04-29-2008_09_53_05/besz_2006.html) (27.03.2009)

<sup>31</sup> Hungary/Act No. LXXVIII (1993)

regulation that they will refrain from such a practice), experts draw attention to this provision as a worrying factor in terms of secure housing.<sup>32</sup>

Although, as seen above, local governments have wide mandate in terms of housing management (with a limited scope of housing property), as the 2004 report of the Minority Ombudsman set, many local governments lack a long-term housing policy, in many cases management of housing is limited to letting of vacancies.<sup>33</sup> In line with the above public administrative settings and the lack of public rental housing stock, the scope of both national and regional housing policies is limited.<sup>34</sup>

### 1.1.2. Protection of the right to adequate housing in national legislation, both general and Roma/Traveller-specific

In Hungary, Article 70/E(1) of the Constitution states that Hungarian citizens have the right to social security. However, according to the present official interpretation set in a 2000 Constitutional Court decision, the right to housing cannot be derived from the above passage of the Constitution; the state is obliged to provide accommodation in case of direct life threat, but such an obligation does not equal to the right to housing.<sup>35</sup> Former decisions of the Court include that the state is not obliged to ensure subsidies for housing, neither to elaborate rules for housing.<sup>36</sup>

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<sup>32</sup> <http://www.origo.hu/itthon/20001129november.html> (27.03.2009). However, optional purchase of buildings comprising of public tenements occurred in some inner city areas of Budapest, in the framework of urban renewal actions. Investors had to take on the task of placement of residents. Source: G. Csanádi et al. (2007) 'Belső-Erzsébetvárosi rehabilitáció', in: *Tér és társadalom*, Vol. 20, No. 1, pp. 73-93. available at:

[http://www.rkk.hu/TET/2006\\_1/index.html](http://www.rkk.hu/TET/2006_1/index.html) (27.03.2009)

<sup>33</sup> K. Iványi (2006) *A romákkal szembeni diszkrimináció típusai és sémái a magyar közigazgatásban*, available at:

[www.kszk.gov.hu/data/cms28629/15\\_resztan\\_ivanyi\\_szocialisugyek\\_061129.doc](http://www.kszk.gov.hu/data/cms28629/15_resztan_ivanyi_szocialisugyek_061129.doc) (27.03.2009); J. Kaltenbach (2004) *A Nemzeti és Etnikai Kisebbségi Jogok Országgyűlési Biztosának beszámolója a 2004-es évről*, Budapest: Országgyűlési Biztosok Hivatala, available at: [http://www.kisebbségiombudsman.hu/word/04-29-2008\\_11\\_12\\_05/besz\\_2004.html](http://www.kisebbségiombudsman.hu/word/04-29-2008_11_12_05/besz_2004.html) (27.03.2009)

<sup>34</sup> Some additional key data on housing in Hungary: At present there are approximately 4 million flats in Hungary. In terms of quantity, the housing stock seems to be adequate to the housing needs. Problems rather appear in terms of quality and the regional distribution of flats. A further important characteristic of the Hungarian housing sector is the high proportion of buildings constructed with industrial technologies compared to Western Europe. (Interview No. 2)

<sup>35</sup> Hungary/Constitutional Court, Resolution No. 42/2000 (08.11.2000)

<sup>36</sup> Hungary/Constitutional Court, Resolution No. 32/1991 (30.10.1991); 731/B/1995 (30.06.1991)



#### 1.1.2.1. Protection against forced evictions, including the provision of alternative accommodation in cases of forced evictions

- Regulations referring to evictions are set forth in the Act on Housing (see in section 1.1.2.2.).

#### 1.1.2.2. Laws and regulations of relevance to housing affecting Roma and Travellers

### Territorial planning laws

No specific measures in territorial planning laws exist with regard to the Romani housing (or low-status social groups in general). No systematic information is available on how planning regulations affect Romani communities. However, the following is relevant from the point of view of the present study: as mentioned above, local governments are mandated with spatial development. Minority ombudsman and NGO reports mention examples of indirect discrimination in the form of ‘maladministration’ related to spatial planning, such as the rejection to establish new construction sites to prevent Romani families from building homes in the settlement; and the appointment of new constructions sites (for constructions with the housing construction allowance) segregated from the settlement.

### Security laws

No specific measures exist in terms of security laws with regard to Romani housing.<sup>37</sup> However, two issues might be mentioned here. First, according to the *Országos Területrendezési Terv* (OTrT) [National Spatial Structure Plan], construction sites on waterlogged areas can be authorised only exceptionally, within frames set in an inland inundation plan. One of the interviewees mentioned that, according to their experiences, certain local governments provided construction permissions for Roma in waterlogged areas.<sup>38</sup> Second, the assigned construction administration should order the demolition of life-

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<sup>37</sup> Basic provisions regarding the technological parameters of housing are set in the governmental decree *Országos Településrendezési és Építési Követelmények* (OTÉK) [National Settlement Planning and Construction Requirements], Hungary/Government Decree 253/1997. (20.12.1997)

<sup>38</sup> Interview No. 3. The existence of such practice seems to be substantiated by the fact that one of the programme components of the current *Roma Integráció Évtizede Cselekvési Terv 2008-2009* [Action Plan for the Decade of Roma Inclusion 2008-2009] with regard to housing is the revision of local construction administration in order to ban the release of construction permissions in unhealthy environs (for details see section 1.1.6.)

threatening buildings (at owners' costs). NEKI came across cases when Romani households, having no resources to amend their house and receiving no local government support for that, became threatened by homelessness as a result of such orders. (The interviewee added that, in such cases, it is, nevertheless, difficult to establish discrimination as a background factor.)

## Tenancy eviction laws

As regards the protection of people with contracts, the Housing Act<sup>39</sup> defines certain cases when lessors do have the right to terminate the contract (e.g. when tenants fail to pay rent, but performing a conduct 'which opposes the requirements of co-habitation'<sup>40</sup> may also fall in this category). In such cases, the lessor should issue a written warning, and, in case the tenants fail to fulfil the criteria set in the warning, it may terminate the contract in a written form. However, in case the termination of the contract results from 'an objectionable behaviour so serious that the lessor cannot be expected to maintain the contract',<sup>41</sup> lessors are not obliged to issue a warning prior to the written termination of the contract. Detailed rules for tenements, as presented above, are elaborated by local governments.

The 1993 Housing Act<sup>42</sup> delegated decision-making in tenancy eviction cases to courts. In 2000, the Act on Offences<sup>43</sup> defined squatting as a petty offence, sanctionable with a 150,000 HUF (approximately 500 EUR)<sup>44</sup> fine, or detention. In the same year, an amendment of the Act on Housing simplified evictions in case of squatters. According to the provision applied since May 2000, eviction of squatters within a 60-day time span from the arbitrary occupation of the flat does not need court decision and can be executed on the basis of a resolution issued by the local notary. Such a legal proceeding provides less legal guarantees for the evicted: a resolution issued by a local notary can be executed within eight days, regardless of appeal.

The Act on the protection of children<sup>45</sup> sets that children cannot be separated from their families on the basis of endangerment deriving from purely material reasons.

It is relevant to note when talking about eviction-related policies that many of the Budapest districts as well as many larger cities (e.g. Miskolc, Szeged,

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<sup>39</sup> Hungary/Act No. LXXVIII (1993)

<sup>40</sup> Hungary/Act No. LXXVIII (1993), Art. 24 (1)(c)

<sup>41</sup> Hungary/Act No. LXXVIII (1993), Art. 25 (4)

<sup>42</sup> Hungary/Act No. LXXVIII (1993)

<sup>43</sup> Hungary/Act No. LXI (1999)

<sup>44</sup> Throughout the report we use the exchange rate 1 EUR=300 HUF

<sup>45</sup> Hungary/Act No. XXXI (1997)

Szekszárd) declare a moratorium for evictions in winter months (from November/December until March).

## Legislation on social housing

In Hungary, management of social housing, including the formulation of provisions regarding the distribution of social housing is in the mandate of local governments, therefore, the legal provisions for social housing differ from settlement to settlement. (For the effects of the system of local governments and housing privatisation resulting in an extremely low proportion of social housing, see section 1.1.1.) Eligibility criteria include limitations in terms of income per capita and households' assets. However, in addition to that, some local governments utilise rules which make most disadvantaged families unable to obtain a public tenement (see in section 1.1.1.)

In 2006, significant modifications of the Housing Act<sup>46</sup> entered into force. Among other changes, the new provision differentiates between social, expenditure-based and market-price rental flats. Local governments have to establish new local regulations, defining the status of their flats and setting eligibility rules and rents. Additionally, the Act orders the payment of 'flat use fee' for flat users without entitlement, which, after a two-months initial phase when it equals to the rent of the flat, can be increased (in the previous provisions the 'fixed' period was six months), and prohibits the letting of substandard flats. New elements include the right given to local governments to terminate rental contracts at any time, without reasoning, although in such cases an exchange flat should be provided. Although no comprehensive research was carried out on the effects of these changes, experts warn that they are likely to increase the risk of homelessness for marginalised households (further decrease of social rental housing stock, decrease of affordability and accessibility).

## Laws and regulations that define overcrowding

According to the definition applied by the Hungarian Central Statistical Office, a flat shall be considered overcrowded if the number of persons per rooms exceeds two, or the index is two but co-habitants are not spouses or siblings.<sup>47</sup>

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<sup>46</sup> Hungary/Act No. LXXVIII (1993)

<sup>47</sup> Központi Statisztikai Hivatal (2006) *Helyzetkép a lakásviszonyokról 1999-2005*, available at: <http://portal.ksh.hu/pls/ksh/docs/hun/xftp/idoszaki/pdf/lakashelyzet9905.pdf> (27.03.2009)

### 1.1.2.3. Laws and regulations that deal with specific issues concerning the housing of Roma and Travellers (such as regulation of halting sites, regulation of mobile homes, etc.)

No laws and regulations dealing with specific issues concerning Romani housing exist. In Hungary, the Romani population lives settled, hence regulation of halting sites, mobile homes is not relevant.

### 1.1.3. Specific protection of Roma and Travellers rights in national legislation

At present, housing-related legislation and most public policies do not target Roma (or any specific group of Roma, such as women, children, the elderly or persons with disabilities), but low-status social groups in general. However, it is widely acknowledged that among low-status social groups Roma are strongly overrepresented. Although, due to methodological differences, estimations somewhat differ, survey data from the beginning of the decade show that the proportion of people living in extreme poverty in the country is approximately 6-8 per cent, while the same ratio for Roma is multiple to that (20<sup>48</sup>-40<sup>49</sup> per cent, depending on methodological differences), and the proportion of Roma among the extremely poor is estimated at 25<sup>50</sup>-30<sup>51</sup> per cent. Such an approach is not contested by the sectoral governor of Roma-related policies, the Department of Roma Integration in the Ministry of Social Affairs and Labour either: 'We think that housing problems of Roma are fully covered if we talk about housing problems of low-status households. No [Roma] people who would otherwise need support are omitted from developments if we follow this logic. We tend to say that it is not all Roma who have to be dealt with in terms of housing, while all low-status persons need support.'<sup>52</sup>

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<sup>48</sup> J. Ladányi, I. Szelényi (2002) *The Making of an Underclass – Historical and Comparative Perspectives*. Draft Manuscript, referred to by Zs. Ferge (2007) 'Mi történik a szegénységgel? Csalóka "posztmodernitás"', in: *Esély*, Vol. 19, No. 4, available at <http://www.hapn.hu/download.php?id=643> (27.03.2009)

<sup>49</sup> [http://www.gyermekszegenyseg.hu/tanulmanyok/article.php?menu\\_id=13&article\\_id=76](http://www.gyermekszegenyseg.hu/tanulmanyok/article.php?menu_id=13&article_id=76) (27.03.2009)

<sup>50</sup> J. Ladányi (2007) 'Az antiszegregációs programok szükségességéről és lehetőségeiről', in: *Kritika*, Vol. 7, 2007 October, available at: [http://www.kritikaonline.hu/kritika\\_07oktober\\_ladanyi.html](http://www.kritikaonline.hu/kritika_07oktober_ladanyi.html) (27.03.2009)

<sup>51</sup> J. Ladányi (2005) 'A bulldózeres városrekonstrukciótól a szociális gettóig', in: *Mozgó Világ* Vol. 31, No. 12, available at: <http://www.mozgovilag.hu/2005/12/07ladanyi.htm> (27.03.2009)

<sup>52</sup> Interview No. 1. Throughout the report, we indicate supplements to quotes made by the author of the present study to make the text more articulate with square brackets.

Though in Hungary specific legal provision for minorities exist, the relevant Act, Act No. LXXVII. of 1993 on the Rights of national and ethnic minorities<sup>53</sup> which, in addition to 12 national minorities, lists Roma as an ‘ethnic minority’, contains no specific provision with respect to housing.

As regards antidiscrimination legislation, the definition of ‘direct discrimination’ in the 2003 Act on Equal Treatment and the Promotion of Equal Opportunities<sup>54</sup> which transposed Directives 2000/43/EC and 2000/78/EC into the Hungarian legislation lists ethnic origin as one of the protected characteristics,<sup>55</sup> and the Act, among other areas of social life, deals separately with the issue of negative discrimination in housing.<sup>56</sup> The Act also sets that local governments may elaborate an equal opportunities plan, including the analysis of the situation of disadvantaged social groups and defining aims to improve equal opportunities, among others, in the area of housing.

#### 1.1.4. Legislative or administrative decisions regarding ‘ethnic’ data collection related to housing

As regards ‘ethnic’ data collection related to housing, general rules of the collection of ‘ethnic’ data apply. According to the 1992 Act on the Protection of Personal Data and the Access to Public Data,<sup>57</sup> the collecting and processing of sensitive data, among them data on national or ethnic origin, is prohibited

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<sup>53</sup> Hungary/Act No. LXXVII (1993)

<sup>54</sup> Hungary/Act No. CXXV (2003)

<sup>55</sup> According to the Act, provisions that result in a person (or a group) being treated less favourably than another person (or group) in a comparable situation because of his/her sex, racial origin, colour, nationality, national or ethnic origin, mother tongue, state of health, religious or ideological conviction, political or other opinion, family status, motherhood (pregnancy) or fatherhood, sexual orientation, sexual identity, social origin, financial status, the part-time nature or definite term of the employment relationship or other relationship related to employment, the membership of an organisation representing employees’ interests, other status, attribute or characteristic (hereinafter collectively: characteristics) are considered to be discriminative.

<sup>56</sup> According to the Act, a specific case of the violation of the postulate of equal treatment is to negatively discriminate, either directly or indirectly, persons with protected characteristics in terms of state or local housing support, preferences or interest subsidies; to negatively discriminate them in the process of selling or letting of publicly owned flats and building plots; to deny the issuing of, or setting conditions for, permissions of construction administration based directly or indirectly on any of the protected characteristics; housing-related provisions cannot aim at the involuntary segregation of population groups with any of the protected characteristics.

<sup>57</sup> In particular, Articles 2(2) and 3(2) of Act No. LXIII (1992) on the Protection of Personal Data and the Access to Public Data

without the concerned person's explicit consent.<sup>58</sup> This Act strongly limits the scope of available data.

### 1.1.5. General public policy on housing (e.g. action plans and strategies) targeting specifically Roma and Travellers on national, regional and local level

General housing policies do not target Roma directly. The respective components of housing-related policies target low-status people in general (based on the consideration that targeting low-status people policies will 'automatically' find disadvantaged Romani households).

In Hungary, no officially legitimated, comprehensive housing policy exists. It does not mean that no policies with regard to housing exist (see below), but these policies do not constitute part of a comprehensive, officially legitimated housing policy framework. There is no comprehensive sectoral governance of housing either; different housing-related issues are managed by different governmental bodies, such as the Ministry of Local Government and the *Nemzeti Gazdasági és Fejlesztési Minisztérium* (NFGM) [Ministry for National Development and Economy]. Social housing issues are in the mandate of the Ministry of Social Affairs and Labour.

A housing policy analysis<sup>59</sup> establishes three phases of national housing policies since 1989-1990. In the first phase, between 1990-1994, housing policies were limited to the management of transition: among others, rendering of the unmanageably large state-subsidised credit stock inherited from the socialist era, and the management of the then emerging privatisation. An additional, important event was the increase of the housing construction allowance in 1994. The housing construction allowance (before 1994 'social policy allowance') was a state-provided, non-refundable subsidy for construction depending on the number of (existing or – for married couples – undertaken)<sup>60</sup> children, established before 1989-1990. As a result of the increase, the number of constructions boosted, and while it indeed provided housing opportunities for many large, low income households, among whom Roma were over-represented, seriously questionable processes also emerged or strengthened: many of the houses built on housing construction allowance were of unacceptable quality (as families received a fixed amount of subsidies,

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<sup>58</sup> For a detailed discussion of the data protection system in Hungary in relation to ethnic data see A. Krizsán (2001) 'The Case of Hungary', in: A. Krizsán. (ed.) *Ethnic Monitoring and Data Protection*, Budapest: CEU Press

<sup>59</sup> The source of the passages below on state housing policies, unless indicated above, is J. Hegedüs (2006) 'Lakáspolitikai és a lakás piac – a közpolitika korlátai', in: *Esély*, Vol. 18, No. 5, pp. 65-100, available at: [www.esely.org/kiadvanyok/2006\\_5/HEGEDUS.pdf](http://www.esely.org/kiadvanyok/2006_5/HEGEDUS.pdf) (27.03.2009)

decreasing of construction costs proved to be an effective way of realising extra profits), in segregated areas, in settlements in depressed areas. In the second phase of housing policies, between 1995-2000, among others, core institutions of a market housing system were established. In these phases, housing was not perceived by politicians as an important social issue. The third phase of housing policy is the period since 2000.

The beginning of the reporting period, 2000 marks an important border in national housing policies.<sup>61</sup> Two programmes aiming to help housing credits were launched (interest subsidies for mortgage loans and supplementary interest subsidies). These programmes – explicitly – targeted mainly those middle-class households which do have own resources for the improvement of their housing situation. Additionally, state supports for the construction of public rental housing were introduced. The latter was more likely to reach low and lower-middle income groups, though in their distribution, structural discrimination may have been present. No state provisions referred to rules for the operation of the newly built rental housing stock. According to most local government regulations, criteria for eligibility include households' pre-savings to ensure a future housing credit's retention. Unemployed and living on state subsidies, most Romani households cannot fulfil such criteria.<sup>62</sup> However, it became clear that the programme cannot solve the lack of social tenements.<sup>63</sup> Additionally, the newly formed housing policy, among others, set the energy saving renewal of buildings (separately for buildings constructed for industrial technologies and other buildings) and urban renewal (physical renewal of buildings) as a goal.<sup>64</sup>

By the beginning of 2003, state subsidies linked to interests became an increasingly unmanageable problem for the state budget. Parallel to that, as interest subsidies were disproportionately more beneficial for the more well-off, many experts evaluated them as socially unjust. Although the experts' analysis demonstrates that state subsidies indeed helped lower income households many

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<sup>61</sup> Hungary/Government decree No. 12/2001. (31.01.2001)

<sup>62</sup> J. Kaltenbach (2004) *Beszámoló a Nemzeti és Etnikai Kisebbségi Jogok Országgyűlési Biztosának tevékenységéről 2002*, Budapest: Országgyűlési Biztosok Hivatala, available at: [http://www.kisebbségiombudsman.hu/word/05-06-2008\\_10\\_58\\_03/besz\\_2002.html](http://www.kisebbségiombudsman.hu/word/05-06-2008_10_58_03/besz_2002.html) (27.03.2009). However, according to the interviewed representative of the RCRF, housing subsidies launched in 2001 in some cases led to the increase of segregation as new housing was constructed in segregated areas

<sup>63</sup> The number of constructed tenements increased: altogether approximately 12,500 rental flats were constructed. Prior to that and after the rearrangement of the programme, the number of new constructed tenements did not exceed a few hundred per year

<sup>64</sup> The urban renewal programme was unsuccessful: due to complicated administration, the number of applications were low. Consequently, the programme ended in 2004. The so-called 'panel programme', though it underwent some modifications, still exists. S. Fayman, K. Keresztély et. al. (2009) *Les politiques de renouvellement urbain des villes d'Europe centrale illustrées par la réhabilitation des quartiers existants La ville de Budapest en Hongrie*, available at: <http://www.anah.fr/nos-publications/etudes-europeennes/page-actu-etud-eu.htm> (27.03.2009)

of whom would have been unable to obtain housing without such a support, a disproportionate part of supports were absorbed by better-off households.

After the 2002 elections, in 2003, the new government cut back on subsidies. Among others, a government decree established a limitation in terms of the maximum amount of credit to be subsidised.<sup>65</sup> Parallel to that, the amount of the housing construction allowance increased and other conditions of the allowance also changed (e.g. the age limit, time span, set of supportable activities increased).<sup>66</sup> Policy makers aimed at a better targeting of housing subsidies to lower income, disadvantaged households. Meanwhile, foreign currency credit schemes were launched so governmental cutbacks did not lead to a general setback in housing related financing.

In 2003-2004, a 'National Housing Programme' was elaborated<sup>67</sup> with the aim to produce a comprehensive, systematic policy document, but was not legitimated (passed) by the government. Nevertheless, according to the interviewed representative of the Ministry of Local Government, it is widely used as a guide by policy makers.

In line with the mainstream policy makers' approach of targeting low-status population in general,<sup>68</sup> the 'National Housing Programme' does not target Roma directly. However, its core aims include the operation of a just and sustainable system of support to ensure due housing conditions for the disadvantaged (such population groups, according to the Programme, are e.g. the disabled, one-parent households, Roma, persons grown up in state child protection facilities, former homeless), and the fight against their spatial segregation, with the active role of the state. In order to achieve these goals, the Programme includes a sub-programme which aims to eliminate, renovate or reconstruct deteriorated areas where minorities and marginalised groups are concentrated, with the involvement of local governments and local minority governments. It involves support for the purchase or construction of flats, support for social rental housing (with an approach to support tenants instead of flats), debt management and complex renewal (infrastructure development as well as social, education and employment programmes), with the involvement of residents. The Programme also supports the development of the social rental sector, the development of the system of housing subsidies and debt management programmes to improve the financial conditions of disadvantaged households, preventing them from the loss of their flats. Additionally, it includes support for energy-saving renewals to decrease housing costs and the renewal of housing estates.

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<sup>65</sup> Hungary/Government decree No. 221 (12.12. 2003)

<sup>66</sup> Hungary/Government decree No. 52 (25.03.2004)

<sup>67</sup> Hungary, Miniszterelnöki Hivatal, Lakásügyi Kormány megbízott (2003) *Othon Európában. A nemzeti lakásprogram pillérei*

<sup>68</sup> Hungary, Miniszterelnöki Hivatal, Lakásügyi Kormány megbízott (2003) *Othon Európában. A nemzeti lakásprogram pillérei*



In February 2005, the government launched a new programme – the so-called ‘Fészekrakó’ programme – to increase the accessibility of housing.<sup>69</sup> Core components of the programme were state guarantees for young couples to decrease retention, increase of the amount of the housing construction allowance, extension of the housing construction allowance to the purchase of used flats, with available support amounting to 50 per cent of the normal housing construction allowance (available for constructions) and value limitations for eligible flats; introduction of a programme of rent support for households living in sublets (to enhance the integration of the private rental sector to the social rental system). According to experts’ evaluation, state guarantees and the extension of the housing construction allowance fulfilled the policy makers’ plans. However, no information is available on the effects of the programme specifically on young Romani couples. Meanwhile, rent supports did not become popular – as a result of administrative criteria (conditions for support included that the tax identification number of landlords should be reported to the *Adó- és Pénzügyi Ellenőrzési Hivatal* (APEH) [Hungarian Tax and Financial Control Administration]) which prevented affected households – and landlords – from participation (the amount of available subsidies did not make tenants and landlords interested in the formalisation of otherwise undocumented private rents).<sup>70</sup>

### Further housing-related policies: Debts and debt management<sup>71</sup>

After 1989-1990, the conditions for credits of the National Savings Bank, the only – therefore most important – housing credit source in the socialist era, were rearranged, and state subsidies on credits were drastically cut. Debtors had opportunities for prepayment, but disadvantaged families were not able to take advantage of prepayment or to pay back the increased amount, therefore had to face the risk of eviction. Additionally, housing maintenance costs increased: in 2003, housing maintenance costs exceeded 30 per cent in more than 20 per cent of households.<sup>72</sup> Until the end of the 1990s, no comprehensive debt management system was set up: the task was delegated to local governments, no normative housing maintenance subsidy existed, local governments did not receive systematic, normative support for debt management.<sup>73</sup> The first comprehensive measures appeared in 1998 but were not integrated with other instruments of social policy, or provided temporary support. The elaboration of

<sup>69</sup> [http://misc.meh.hu/binary/7392\\_051025\\_h\\_feszekrako.pdf](http://misc.meh.hu/binary/7392_051025_h_feszekrako.pdf) (27.03.2009)

<sup>70</sup> The problem was also reflected in interview No. 2

<sup>71</sup> Unless otherwise indicated, the following subchapter on debt management is based on É. König (2006) ‘Adósságkezelés – sikerek és kudarok’, in: *Esély*, Vol. 18, No. 1, available at: [http://www.afsz.hu/resource.aspx?ResourceID=szocpol\\_szochalo\\_konig](http://www.afsz.hu/resource.aspx?ResourceID=szocpol_szochalo_konig) (27.03.2009)

<sup>72</sup> J. Hegedüs (2006) ‘Lakáspolitikai és a lakáspiac – a közpolitika korlátai’, in: *Esély*, Vol. 18, No. 5, pp. 65-100, available at: [www.esely.org/kiadvanyok/2006\\_5/HEGEDUS.pdf](http://www.esely.org/kiadvanyok/2006_5/HEGEDUS.pdf) (27.03.2009)

<sup>73</sup> Between 1990-1994, two calls were launched for a limited set of local governments by the then existing Welfare Ministry for supporting local governments’ debt management.

details, including eligibility criteria, was delegated to local governments. In 2001, a governmental decree<sup>74</sup> established a system of support for credit debts (pre-1989 and 1989-1993 debts).<sup>75</sup> According to experts, such support reached only a part of the debtors, disproportionately: lower income, marginalised households were less likely to access it. The first systematic debt management system was passed in 2001, and has operated since 2003. It includes debt-reducing services, debt-management counselling and the provision of housing maintenance subsidy. From 01.01.2003, local governments may operate such debt management systems (90 per cent of debt reducing support can be reimbursed from the central budget), but the establishment of such systems did not become compulsory; as a result, they appeared mainly in larger cities. Since 2006, setting up of a debt management service has been compulsory for settlements above 40,000 inhabitants, and new forms of housing cost control were introduced, such as pre-paid public utility arrangements. For smaller settlements operation of such services is not compulsory; experience shows that most of them do not set up a debt management service. Due to the differences between the regional distribution of Roma and non-Roma and the overrepresentation of Roma in smaller settlements, it is reasonable to assume that Roma are less likely to live in settlements where a debt management service is available. In the previous years, new rounds of debt consolidation programmes were also introduced, but, according to experts, they reached only a certain proportion of those affected. Although debt management systems have been set up and developed in the reporting period, it is reasonable to assume that, for structural reasons, affected Roma are less likely to access them than affected non-Roma.

## Further housing-related policies: Housing maintenance subsidies

The Act on Social Administration and Social Provisions,<sup>76</sup> among others, provides framework provisions for housing maintenance subsidies. Before 01.05.2004, an amendment of the Social Act, decisions on the provision of such subsidies had been solely in the mandate of local governments. It led to significant disparities between local governments (see above), and smaller settlements where the Roma are overrepresented (see in section 1.2.6.) were less likely to provide such subsidies.<sup>77</sup> Additionally, households living in flats which lack basic amenities – thus having low maintenance costs – tended to fall out from eligibility. The 2004 amendment introduced a normative housing maintenance subsidy. Eligibility criteria for the normative subsidy include an income limit (eligible are households where the income per capita does not exceed 150 per cent of the minimum age pension), and a housing cost/income

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<sup>74</sup> Hungary/Government decree No. 66/ (20.04. 2001)

<sup>75</sup> Between 1990-94, conditions for credits were very disadvantageous

<sup>76</sup> Hungary/Act No. III (1993), hereinafter referred to as the Social Act

<sup>77</sup> <http://szochalo.hu/hireink/article/101310/1307/> (27.03.2009)

ratio limit counted on the basis of normative housing costs and flat size. The normative subsidy is provided by local governments, but 90 per cent of the total amount is reimbursed to them by the central budget. Although, according to experts' analysis, the introduction of the normative subsidy improved the affordability of housing (for the first time since the end of the 1990s the number of supported households increased, by August 2005 nearly 150,000 households received the normative subsidy which amounted to approximately 15-30 per cent of acknowledged housing costs, depending on household income),<sup>7879</sup> it became subject to criticism by citizens and NGOs such as the RCFC, as households living in small, congested flats still tend to fall out from eligibility.<sup>80</sup> In 2007, subsidies for gas- and district heating expenses were introduced on a social basis.

#### 1.1.6. 'Positive action' measures to improve the housing situation of Roma and Travellers

Since 1997, when the first systematic policy measures for the improvement of the situation of Roma in Hungary were established, all governmental programmes emphasised the need to combat residential segregation and the improvement of housing conditions of the Roma. However, until 2004-2005 no specific programmes were developed.<sup>81</sup>

The main approaches to current Roma-related policy measures are (1) group targeting, that is, based on the consideration that Roma are overrepresented in disadvantaged social groups (with poor education, permanently unemployed etc.), policies target these groups; (2) spatial targeting, that is, launching (complex) programmes in disadvantaged areas based on the consideration that Roma are overrepresented in such areas; (3) specific programmes related to specific problems that Roma are facing, such as combating school dropout, labour market reintegration of permanently unemployed, etc.<sup>82</sup>

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<sup>78</sup> J. Hegedüs (2006) 'Lakáspolitikai és a lakáspiac – a közpolitika korlátai', in: *Esély*, Vol. 18, No. 5, pp. 65-100, available at: [www.esely.org/kiadvanyok/2006\\_5/HEGEDUS.pdf](http://www.esely.org/kiadvanyok/2006_5/HEGEDUS.pdf) (27.03.2009)

<sup>79</sup> P. Bakos (2008) *Lakhatás és hajléktalanság 2008. Magyar országjelentés*, available at: [http://www.refomix.hu/cikkek/Hungary\\_housing\\_homelessness\\_2008\\_HU.pdf](http://www.refomix.hu/cikkek/Hungary_housing_homelessness_2008_HU.pdf) (27.02.2009), p. 29

<sup>80</sup> Interview No. 3

<sup>81</sup> J. Kaltenbach (2004) *Beszámoló a Nemzeti és Etnikai Kisebbségi Jogok Országgyűlési Biztosának tevékenységéről 2002*, Budapest: Országgyűlési Biztosok Hivatala, available at: [http://www.kisebbségiombudsman.hu/word/05-06-2008\\_10\\_58\\_03/besz\\_2002.html](http://www.kisebbségiombudsman.hu/word/05-06-2008_10_58_03/besz_2002.html) (27.03.2009)

<sup>82</sup> Szociális és Munkaügyi Minisztérium (2006) *Nemzeti Stratégiai Jelentés (NSJ) 2006-2008*, available at: <http://www.szmm.gov.hu/main.php?folderID=16285> (27.03.2009)

## *Roma Integráció Évtizede Program (RIÉP) [Decade of Roma Inclusion Programme]*

Hungary has been participating in the Decade of Roma Inclusion Programme since its beginning. In 2007, the Parliament passed a resolution on the programme's Strategic Plan, and a two-year Action Plan, both<sup>83</sup> dealing separately with the issue of housing. The Strategy sets the significant decrease of segregation as a basic aim. Other goals include the implementation of complex programmes for speeding up the social integration of colony residents; complex development of most disadvantaged areas with the overrepresentation of Roma;<sup>84</sup> creation of a specific financial model for the development of public utilities in disadvantaged areas (e.g. on a normative basis); the involvement of residents with low or no income in rental and social rental housing programmes; improvement of access to financial and other means which prevent the loss of housing and amendment of the system of housing-related social support in order to increase mobility. Tasks included in the Action Plan for the years 2008-2009 are as follows: (1) revision of the practice of construction administration in order to ban the release of construction permissions in unhealthy areas; (2) revision of legal provisions and practices related to squatters, as well as services provided by the social security system and the system of child protection, to secure the implementation of child protection legislation, namely, that children must not be separated from their families on a solely material basis; (3) complex development programmes for the most disadvantaged micro-regions with specific regard to combating segregation in education and housing; (4) programmes should be launched for the rehabilitation of segregated, underdeveloped urban neighbourhoods and for the social integration of their residents; (5) pilot programmes should be launched to promote more sustainable life styles and consumption modes in colonies and colony-like areas; (6) plans should be developed for the elimination of Romani colonies, with specific regard to areas endangered by floods or inland inundation; (7) the *Országos Cigány Önkormányzat* (OCÖ) [National Gypsy Self Government] and local Gypsy self-governments should be consulted when elaborating local rural development strategies; (8) models for (Romani) agricultural co-operatives should be developed in three regions (North Hungary, North Great Plain and South Great Plain).

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<sup>83</sup> Hungary/Parliament Resolution No. 68 (28.06.2007); Hungary/Government Decree No. 1105 (27.12.2007). Both documents can be downloaded from <http://www.szmm.gov.hu/main.php?folderID=1052&articleID=4821&ctag=articlelist&iid=1&accessible=0>

<sup>84</sup> See below in the current section

## Other social inclusion policies

In the principles of the *Magyar Köztársaság Esélyegyenlőségi Programja* [Programme for Equal Opportunities in the Hungarian Republic]<sup>85</sup> elaborated in 2004, the elimination of extreme residential segregation appears as one of the priorities. The 2004 *Társadalmi összetartozásról szóló nemzeti cselekvési terv* [National Action Plan on Social Inclusion] (for 2004-2006) referred to territorial inequalities as one of the key problems in terms of social inclusion, and, among others, set infrastructural development and the extension of the then existing complex spatial development programmes as policy goals. Decreasing territorial disparities, however, was not included among key priorities: such policies were discussed under the 'improvement of access to resources, rights, goods and services' section. The *Nemzeti Stratégiai Jelentés a Szociális Védelemről és Társadalmi Összetartozásról* [National Strategy Report on Social Protection and Social Inclusion] for the years 2006-2008 and 2008-2010, following the National Action Plan, indicates the decrease of spatial and housing disadvantages as one of its three priorities, among others, with the improvement of the situation of multiply disadvantaged Romani population as a horizontal aspect, and the implementation of specific measures to combat the segregation of Roma.<sup>86</sup>

## Spatial development policies

The *Országos Területfejlesztési Koncepció* [National Spatial Development Concept],<sup>87</sup> in line with the above policy measures, includes among its main aims the development of the disadvantaged regions of the country with the overrepresentation of Romani residents, especially the inner and outer peripheries in the Southern Transdanubia region and North-East Hungary. The focus of the concept is not on Roma but on residents of these areas affected by unequal opportunities arising from regional differences. The concept also declares the provision of basic conditions of proper existence (such as supply of water and electricity, surfaced roads etc.) in each settlement as a goal.

At the same time, it is important to note that as national resources for spatial development are limited, available EU development funds (thus EU development priorities) have a strong impact on the actual content of national spatial development policies.

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<sup>85</sup> [http://www.cipp.hu/download.php?frm\\_id=2340826512.doc&frm\\_category\\_id=220](http://www.cipp.hu/download.php?frm_id=2340826512.doc&frm_category_id=220). (27.03.2009)

<sup>86</sup> Szociális és Munkaügyi Minisztérium (2006) *Nemzeti Stratégiai Jelentés (NSJ) 2006-2008*, available at: <http://www.szmm.gov.hu/main.php?folderID=16285> (27.03.2009)  
Szociális és Munkaügyi Minisztérium (2008) *Nemzeti Stratégiai Jelentés (NSJ) 2008-2010*, available at: <http://www.szmm.gov.hu/main.php?folderID=21125> (27.03.2009)

<sup>87</sup> First accepted in 1995, revised version accepted in 2005

## New Hungary Development Plan 2007-2013<sup>88</sup>

In the NHDP for 2007-2013 (on the basis of which Structural Fund sources can be obtained),<sup>89</sup> equal opportunities appear as a key priority. For that reason, the *Nemzeti Fejlesztési Ügynökség* (NFÜ) [National Development Agency], in co-operation with the sectoral Ministries elaborates guides to help applicants for NHDP sources in the compilation of equal opportunities' analyses and programmes.

In order to improve the situation of the lowest-status social groups, including Roma, the NHDP defines the elaboration of complex programmes as a goal by including programme elements that refer to community development, education, employment, creation of workplaces, improvement of housing conditions as well as development of economy and infrastructure. In multiply disadvantaged regions, it targets the increasing of the mobility of work force, increasing of employment opportunities and attracting of highly skilled professionals. In order to facilitate access of disadvantaged regions to resources, the NHDP orders the application of central programmes, normative subsidies, in some cases global support, since disadvantaged regions are usually unable to apply for resources through tenders. The NHDP sets disadvantaged areas with the overrepresentation of Roma and urban ghettos as target areas for development. The plan defines the fight against self-accelerating social and spatial deterioration processes as a major goal, and includes programmes which focus on the comprehensive improvement of the situation of local residents (including non-Roma). In case of areas with an overrepresentation of Roma, the programme defines the increase of employment opportunities, strengthening of local enterprises and development of education fitting local demands as fundamental goals, together with labour market reintegration programmes.

The Action Plans related to the Operative Programmes of the NHDP include more specific elements with regard to equal opportunities and the improvement of housing conditions of the Roma (complex programmes for the most disadvantaged micro-regions and specific measures to motivate settlements for an integrated approach towards spatial development).<sup>90</sup> (Specific outcomes of such policies are presented in section 1.6.)

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<sup>88</sup> [http://www.nfu.hu/the\\_new\\_hungary\\_development\\_plan](http://www.nfu.hu/the_new_hungary_development_plan) (27.03.2009)

<sup>89</sup> In Hungary, due to the scarcity of national development sources, EU sources strongly determine development policies. The most significant projects from the point of view of the present study are issued on the basis of EU sources, therefore, we include such projects in the present section

<sup>90</sup> The report highlights the most relevant elements with regard to the improvement of the housing situation of Roma, while, of course, several other measures might also affect it

## Summary of most important programmes and projects

The most important programmes and projects launched in the previous years (either from national, EU or other sources) are as follows:<sup>91</sup>

- Spatial development allocation fund; support for the equalisation of spatial disparities; allocation fund for the development of most disadvantaged micro-regions. The distribution of these resources falls in the competence of county and regional development councils. These funds aim mainly at the establishment of employment opportunities, human infrastructure development, support for local governments' service provision and development of local economies.
- Cserehát Spatial Development Programme: this pilot programme, launched in 2005, aims at the development of economy, establishment of employment, community development and improvement of access to services in one of the most deprived areas in the country.
- The programme entitled *Élhetőbb Faluért* [For more habitable villages] focuses on local community development programmes, on the promotion of local natural values and products, on cultural and eco-tourism, on the provision of social and settlement management tasks through communal work and on enabling local communities to access EU resources.
- Programmes related to the *Új Magyarország Vidékfejlesztési Program* (ÚMVP) [New Hungary Rural Development Programme (NHRDP)] include the improvement of transport services and the LEADER rural development programmes aiming at the implementation of local rural development plans.
- CBC and INTERREG programmes aiming at the development of border areas. The programmes include infrastructure development and improvement of local economies (many of the deprived areas are located in border areas).
- Energy-saving renewal of flats located in buildings constructed with industrial technologies, launched by government decree No. 12/2001 on state housing subsidies, mentioned earlier.
- *Szociális földprogram* [Social land programme] which aims to provide support for agricultural activities for disadvantaged residents of small settlements (mainly Roma).
- Local employment agreements and programmes that aim at the establishment and development of social economy.

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<sup>91</sup> Szociális és Munkaügyi Minisztérium (2006) *Nemzeti Stratégiai Jelentés (NSJ) 2006-2008*, available at: <http://www.szmm.gov.hu/main.php?folderID=16285> (27.03.2009). The programmes and projects considered to have the most significant effect on Romani communities are presented in Part 1.6. in detail



- Development of services provided for the homeless: in 2007, a mid-term plan was passed by the government including, among others, integration programmes, the placement of homeless families in depopulated rural settlements (with the provision of housing and employment opportunities).
- Individual Development Aid (to be discussed in more detail in section 1.5.2.)
- Social urban renewal programmes (a specific example of which is presented in part 1.5.1; the national project and its context is presented in section 1.6.)
- Urban renewals on the basis of Integrated Development Strategies which include Anti-segregation Programmes (to be discussed in more detail in section 1.6.)
- Housing and Social Integration Model Programme of Residents of Colonies (to be discussed in more detail in section 1.6.)
- Programme for the development of the most disadvantaged micro-regions (to be discussed in more detail in section 1.6.)

#### 1.1.7. Housing components, as well as components relevant to Romani and Traveller women, of existing national gender equality legislation and policy

No specific gender equality legislation and policy exists in Hungary, a practice criticised, among others, by the parallel report of the European Roma Rights Centre (ERRC) submitted to the United Nations Committee on the Elimination of Discrimination Against Women (CEDAW) in 2007.<sup>92</sup> The ERRC pointed out that, in addition to the lack of policy measures to combat discrimination against woman, no policies exist with regard to Romani women who are subject to multiple discrimination. Although programmes were launched in the previous years to improve the situation of the Romani population, these programmes did not have a significant positive impact on the life circumstances of Romani women.

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<sup>92</sup> ERRC (2007) *Written Comments of the European Roma Rights Centre Concerning Hungary For Consideration by the United Nations Committee on the Elimination of Discrimination against Women at its 39th Session. (July 23-August 10, 2007)*, available at: <http://www.errc.org/cikk.php?cikk=2136> (27.03.2009)



### 1.1.8. Housing components, as well as components relevant to Roma and Travellers, of existing national disability legislation and policy

According to the Act on the Rights and the Equal Opportunities of the Disabled,<sup>93</sup> disabled persons do have the right to choose adequate housing, with regard to their disability. Additionally, the current version of the Act includes rights to barrier free, sensible and securely built environment. Originally, the Act set a 2005 deadline for the barrier-exemption of public buildings, which in the amendment was shifted to 2010 for central institutions and to 2013 for local governments. In 2006, the Parliament decided to establish a uniform, 2010 deadline. The Parliament also passed a National Programme for the Disabled, components of which should be implemented, among others, in spatial development. A new, revised Programme was passed in 2006.<sup>94</sup> The Programme and the related Action Plan for 2007-2010, among others, set that legal provisions and financing structures related to housing should be revised with regard to barrier-exemption.<sup>95</sup> According to the already discussed Government Decree No. 12/2001 on state housing support, the state provides financial support for barrier-exemption for the disabled.<sup>96</sup> However, none of the above documents include any mention of the Roma.

### 1.1.9. The impact of legislation on the housing situation of Roma and Travellers and especially of the Race Equality Directive 2000/43/EC as transposed into national legislation

Council Directive 2000/43/EC was transposed into the Hungarian legislation by the Equal Treatment Act.<sup>97</sup> The Act lists ethnic origin among the protected characteristics and among other areas of social life, and deals with housing separately (see above, in section 1.1.3.). The National Action Plan for Social Cohesion for 2004-2006 refers to Council Directive 2000/43/EC when it sets the promotion of the integration of ethnic minorities and other disadvantaged groups as a goal in terms of housing as well (non-segregation).<sup>98</sup> In those terms, the Directive had its impact on housing policies and – depending on the

<sup>93</sup> Hungary/Act No. XXVI (1998) amended in 2006

<sup>94</sup> Hungary/Parliament resolution No. 10 (16.02.2006)

<sup>95</sup> Hungary/Government Decree No. 1062 (07.08.2007)

<sup>96</sup> The accessibility and amount of the support criticised by NGOs, see e.g. <http://www.fogyatekosugy.hu/main.php?folderID=1447&articleID=5614&ctag=articlelist&id=1> (27.03.2009)

<sup>97</sup> Hungary/Act No. CXXV (2003)

<sup>98</sup> Egészségügyi, Szociális és Családügyi Minisztérium (2003), *Nemzeti Cselekvési Terv (NCST) 2004-2006*, available at <http://www.szmm.gov.hu/main.php?folderID=1385> (27.03.2009)

implementation of policies – the housing situation of Roma as well. However, relevant programmes do not refer to the Directive directly.

For other relevant impacts of legislation, including indirect discrimination, see section 1.1.1.

## 1.2. Quantitative data on the housing situation of Roma and Travellers

### 1.2.1. Number of Roma and Travellers in the country, if possible broken down by reference whether sedentary, semi-sedentary or itinerant

Due to strict data collection provisions (see in section 1.1.4.), no official data exist on the number of Romani population in Hungary.

The most recent census was conducted in 2001. Provision of data on ethnic or national origin was voluntary and based on self-identification. As a result, there is a large difference between census data and data of surveys where the identification of Roma was dependent on the perception on their social environment (e.g. the Roma surveys). In the 2001 census, 189,984 persons identified themselves as Romungro, Romani or Beash,<sup>99</sup> which constitutes 1.86 per cent of the total population (10,198,315 persons according to the census data).<sup>100</sup> Compared to that, the Third Roma Survey<sup>101</sup> conducted in 2003 estimates the number of persons living in Romani households between 570,000 and 600,000 people, out of which 19,000 to 20,000 are non-Romani.<sup>102</sup> Although there are debates on the limits of the above data sources, the 6 per cent proxy for the proportion of Roma in Hungary is widely used.<sup>103</sup>

In Hungary, Roma live settled, no semi-sedentary or itinerant groups can be found.

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<sup>99</sup> In the Hungarian census questionnaire: cigány, romani, beás.

<sup>100</sup> Source: Hungarian Central Statistical Office

<sup>101</sup> The referred source was the third comprehensive survey of the Hungarian Romani population, following the First Roma Survey in 1971 and the Second Roma Survey in 1993.

<sup>102</sup> I. Kemény, B. Janky, G. Lengyel (2004) *A magyarországi cigányság 1971-2003*, Budapest: Gondolat Kiadó, MTA Etnikai-nemzeti Kisebbségkutató Intézet

<sup>103</sup> The sample of the survey was based on the 2001 census data; interviewees were identified based on their social environments' perception of their ethnic origin. For debates on the definition of Roma, see e.g. J. Ladányi, I. Szelényi (2000) 'Ki a cigány?', in: A. Horváth, E. Landau, J. Szalai (eds.) *Cigánynak születni – Tanulmányok, dokumentumok*, Budapest: Aktív Társadalom Alapítvány, Új Mandátum Könyvkiadó, pp. 179-191, available at: [http://adatbank.transindex.ro/html/cim\\_pdf443.pdf](http://adatbank.transindex.ro/html/cim_pdf443.pdf) (27.03.2009); J. Ladányi (2008) *Beszámoló a '33 leghátrányosabb helyzetű kistérség' szegregátumainak meghatározásával kapcsolatos vizsgálódásokról*, manuscript provided by the author for the purposes of the present report. The 6 per cent proxy is used e.g. by the ECRI's latest report on Hungary as well, ECRI (2009) *ECRI Report on Hungary (fourth monitoring cycle)*, available at: <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Hungary/HUN-CbC-IV-2009-003-ENG.pdf> (27.03.2009)

## 1.2.2. Data on the housing conditions of Roma and Travellers and non-Roma/Travellers, including location issues

### Housing quality

In terms of amenities, the situation of Roma has improved in several respects in the last decades, but the disparities between the Roma and the average Hungarian population are still prevailing.

Data from the 2001 census on housing broken down by ethnicity are available only for small settlements (under 10,000 inhabitants).<sup>104</sup> These data clearly show the disparities between Romani households and non-Romani households in several quality dimensions (possession of water toilet, sewage, bathroom, wall type) especially in smaller settlements.

In settlements with a population between 5,000-10,000, inhabitants the largest differences in terms of the measured dimensions can be found in terms of sewerage (12.8 per cent of Romani households lack sewerage compared to 7.5 per cent for the non-Roma), lack of flush toilet (19.1 per cent of Romani, 13.6 per cent of non-Romani households) and congestion (according to EU standards, 12.4 per cent of Romani households, 16.3 per cent of non-Romani households lived in congested flats).

In settlements with a population under 5,000 inhabitants, the differences between Roma and non-Roma are even larger (except for differences concerning the proportion of those who live in 'good' flats, the largest difference can be found in terms of lack of sewerage (24.6 per cent of Romani households lived in flats without sewerage, compared to the 13.6 per cent in case of non-Roma), lack of flush toilet (35 per cent in case of Romani households, and 22.9 per cent in case of non-Roma), 'bad' housing conditions (39.2 per cent in case of Roma, 28.2 per cent in case of non-Roma).

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<sup>104</sup> European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities (2005): *Policy measures to ensure access to decent housing for migrants and ethnic minorities*, Brussels: European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities, also available at: [http://ec.europa.eu/employment\\_social/publications/2005/ke6705501\\_en.pdf](http://ec.europa.eu/employment_social/publications/2005/ke6705501_en.pdf) (27.03.2009). The summary published by the Commission is based the study of B. Edgar (2004) *Policy measures to ensure access to decent housing for migrants and ethnic minorities*, Dundee: Joint Centre for Scottish Housing Research , available at: [http://ec.europa.eu/employment\\_social/social\\_inclusion/docs/decenthousing\\_en.pdf](http://ec.europa.eu/employment_social/social_inclusion/docs/decenthousing_en.pdf) (27.03.2009)

Data of the Third Roma Survey show disparities between Romani and non-Romani households for the total housing stock, in terms of flat size, congestion and access to public utilities. The proportion of one-room flats is 28 per cent in case of flats inhabited by Roma, while it is only 12 per cent for the total housing stock. Differences are even larger in terms of water supply (90 per cent for the total housing stock, 72 per cent for flats inhabited by Roma), water toilet (91 per cent vs. 51 per cent) and bathroom supply (90 per cent vs. 57.6 per cent). As regards congestion, while in non-Romani households the number of persons per room remained below one, in Romani households the same indicator was 2.4 per cent in the 2003 survey. Moreover, the data for congestion in Romani households are worse in the 2003 survey (2.4 per cent) than in the 1993 Roma survey (2.27 per cent).

In terms of housing quality, a 2004 survey conducted by Delphoi Consulting commissioned by the Ministry of Health, Social and Family Affairs shows similar results.<sup>105</sup> According to data of Delphoi Consulting, 60.9 per cent of Romani households have bathroom, 54.1 per cent have flush toilet and 72.6 per cent have running water.

Additionally, research results of the latter survey also point out that there are significant disparities between Romani households as well; Romani households in segregated environment have much poorer housing quality than Romani households in non-segregated environment. The more segregated the environment, the poorer the housing quality of Romani households. (However, even data for Romani households in non-segregated environment are worse than data for the total housing stock, the relatively smallest gap is to be seen in terms of running water (90 per cent for total housing stock, and 86.3 per cent for Romani households in non-segregated environment).)

Based on a multi-variable model, according to Delphoi Consulting, one third of Romani households live within good housing circumstances, while one third – in housing terms – is deprived (lack of amenities, extreme segregation).

A 2004 research conducted by TÁRKI compared Romani and non-Romani households in the same neighbourhoods in order to exclude the effects of

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<sup>105</sup> Though data are similar, there are significant methodological differences between the two surveys. The Third Roma Survey used a one per cent sample of the Romani population, on the basis of the 2001 census data (5,408 persons in 1,165 flats). The survey of Delphoi Consulting was based on an 1998 documentation by G. Kertesi and G. Kézdi (in G. Kertesi, G. Kézdi (1998) *A cigány népesség Magyarországon, dokumentáció és adattár*, Budapest: Socio-typo), and a demographic prognosis by L. Hablicsek (in L. Hablicsek (1999) *A roma népesség demográfiai jellemzői, kísérleti előreszámítás 2050-ig*. Budapest: KSH Népeségtudományi Intézet), aiming to represent Romani population above 19 years by gender, age, region and the proportion of Roma in the settlement. More detailed methodological information can be found in the original sources

settlement type and regional position. It concluded that significant differences can be found between Romani and non-Romani households living in the same locality, e.g. while in case of Romani households the number of rooms per residents is 0.49, the same indicator for non-Roma is 0.95, and similar disparities can be found in terms of water supply (34 per cent of Roma lack water supply, compared to 9 per cent of neighbouring non-Roma), proper hygienic conditions (46 per cent of Roma lack proper hygienic conditions, compared to 24 per cent of neighbouring non-Roma). Additionally, Romani households are more likely to live within improper housing conditions (poor quality flat/house, slum environment in case of 36 per cent of Roma, compared to 19 per cent of neighbouring non-Roma who have improper housing conditions).

At the same time, the report draws attention to the fact that, compared to other countries in the region,<sup>106</sup> disparities between neighbouring Romani and non-Romani households are relatively small, which suggests that housing inequalities in terms of the examined dimensions are determined rather by regional disparities than ethnic belonging. (At this point, it is worth referring back to the census data: in case of the smallest settlements even the housing conditions of non-Romani households are disadvantaged compared to the total housing stock, at least in terms of lack of sewerage and congestion. (In Hungary, regions characterised with small settlements are among the most underdeveloped ones.))

## Location issues

### Differences in terms of settlement type

There are systematic differences between the territorial allocation of the total population and the Romani population in terms of settlement type. The proportion of Roma living in Budapest is smaller than the share of Budapest in the total population (10.4 per cent compared to 17.0 per cent, according to the Third Roma Survey), while the proportion of Roma living in villages is larger than that of the total population (39.9 per cent compared to 35 per cent). In case of smaller villages, the difference between Roma and non-Roma is estimated to be larger.<sup>107</sup>

### Regional allocation

The territorial distribution of Roma is very uneven, and systematically differs from that of the total population. Roma are over-represented in underdeveloped,

<sup>106</sup> The research covered 11 countries in Central Eastern, Eastern and South Eastern Europe

<sup>107</sup> According to data of the second, 1993/4 Roma survey, source: G. Havas (1999) 'A kistelepülések és a romák', in: F. Glatz (ed.) *A cigányok Magyarországon. Stratégiai Kutatások, Magyarország az ezredfordulón*. Budapest: MTA

economically depressed areas of the country, especially in the north-eastern and south-western part of the country, with poorer access to workplaces, (quality) services, educational and healthcare institutions.

According to census data, the proportion of Roma is the highest in four north-eastern counties: in Borsod, Szabolcs-Szatmár-Bereg, Nógrád and Heves counties. The 2003 Roma Survey also shows the disproportionately high proportion of Roma in the north-eastern part of the country: in Heves, Nógrád and Borsod counties ((16, 14.2 and 13.1 per cent, respectively). According to the estimates of the survey, Szabolcs-Szatmár-Bereg county is also characterised by the overrepresentation of Roma, but on a lesser scale. For 2001 census data on settlements where Roma are overrepresented in depressed areas, see Annex 1.

Changes in the territorial distribution of Roma reinforce their concentration in depressed and/or segregated areas. Between 1993 and 2003, the proportion of Roma significantly increased especially in the northern part of the country: compared to the total, the Romani population increased from 24.3 per cent to 30.8 per cent.<sup>108</sup> According to data of the Third Roma Survey, between 1993 and 2003, the number of Roma in Budapest increased from 44,000 to 60,000-63,000, and the proportion of Roma living in Budapest compared to the total Romani population increased from 9.1 per cent to 10.4 per cent. Many of the Roma concentrate in certain slum areas of Budapest downtown, especially in Józsefváros, the 8th district, and, according to experts' analysis based on 2001 census data and data of a 2005 survey, the process of ghettoisation can be observed in some downtown areas, reinforced by the fact that most urban renewal programmes aim at the 'gentrification' of the respective areas (see in section 1.1.1.).<sup>109</sup>

In 2007, on the basis of a complex indicator, the government defined the set of most disadvantaged micro-regions to be helped with a complex development programme.<sup>110</sup> Thirty-three micro-regions were included, which provide habitation for ten per cent of the total population, of which one third are Roma.<sup>111</sup>

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<sup>108</sup> I. Kemény, B. Janky (2003) 'A 2003. évi cigány felmérésről. Népesedési, nyelvhasználati és nemzetiségi adatok', in: *Beszélő* Vol. III/VIII, No. 10, pp. 64-76, also available at: <http://beszelo.c3.hu/03/10/07kemeny.htm> (27.03.2009)

<sup>109</sup> J. Ladányi (2008) *Lakóhelyi szegregáció Budapesten*, Budapest: Új Mandátum Könyvkiadó, referring to Z. Kovács (2005) 'Budapest funkcionális átalakulásának főbb vonásai a rendszerváltozás után', in: *Földrajzi közlemények*, Vol. 14, No. 1-2, pp. 83-102

<sup>110</sup> Hungary/Government decree No. 311 (17.11.2007) For details of the programmes see section 1.6.)

<sup>111</sup> [http://www.nfu.hu/download/11637/LHH\\_m%dszertan\\_0905.doc](http://www.nfu.hu/download/11637/LHH_m%dszertan_0905.doc) (27.03.2009)

## Environmental issues

With regard to colonies, data of the 2001 and 2003 research are available. The research examined whether (1) the majority of the houses have non-proper walls (e.g. adobe), and whether there is (2) illegal waste deposit, (3) carcass deposit, (4) area with inland inundation, (5) lack of gas pipe, (6) lack of pipe water, (7) lack of sewerage, (8) lack of electricity, (9) more than half an hour distance to dust free road and (10) population above 50 persons. The number of colonies with more than 50 persons and many of the above risks was the highest in Bács-Kiskun county (in the South East).<sup>112</sup>

### 1.2.3. Data on housing tenure of Roma and Travellers

There is no quantitative information on housing tenure of Roma.

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<sup>112</sup> Debreceni Egyetem Népegészségügyi Főiskola (2002) *Telepek és telepszerű lakóhelyek felmérése. A kkf-1281/2002 számú pályázat kutatási beszámolója a környezetvédelmi minisztérium környezetbiztonsági és környezetegészségügyi főosztálya számára*, available at: <http://www.romaweb.hu/romaweb/index.jsp?p=sajat&id=telepkutanyag> (27.03.2009). The data do not cover north-western counties, however, in these parts the number and proportion of Roma is smaller than the country average



1.2.4. Number of Roma/Travellers living in regulated encampments, and numbers of such areas in the country, with approximate duration of residence; Data on public utilities available in regulated encampments

In Hungary, the Romani population lives settled, therefore, no encampments exist.

1.2.5. Number of Roma/Travellers living in unregulated encampments, and numbers of such areas in the country, disaggregated by country/region, with approximate duration of residence; Data on public utilities available in unregulated encampments

In Hungary, the Romani population lives settled, therefore, no encampments exist.

1.2.6. Number of Roma/Travellers living in segregated settings, and number of such areas in the country, with approximate duration of residence

It is important to note that the magnitude of segregation strongly depends on the method of measurement, thus data from different sources cannot be perceived as comparable.

Results of the 2003 Roma Survey show a changing pattern of segregation. Although the proportion of Roma living in colonies decreased (in 1993 the Second Roma Survey estimated the proportion of Roma living in colonies at 13.7 per cent, or 60,000 persons, in 2003, according to the Third Roma Survey, the proportion of Roma living in colonies was 6 per cent, or 36,000 persons), the proportion of Roma who live in segregated areas greatly increased, and new forms of segregation appeared. In 1993, 30 per cent of Romani families had only Roma, or mostly Roma, in their environs (and in case of further 29 per cent the social environment was mixed, Roma and non-Roma). According to the 2003 data, 23.4 per cent of Roma live in an exclusively Romani environment, a further 31.8 per cent live among mostly Romani neighbours, thus altogether approximately 55 per cent of Roma live in exclusively or mostly Romani environment (22 per cent lives in a mixed environment, 17.2 per cent in mostly non-Romani environment and 5 per cent in a social environment where no

Roma are present). The proportion of Roma living in segregated environment is smaller in Budapest than in smaller cities and villages (6.7 per cent live among exclusively Romani neighbours in Budapest, compared to one fourth of Roma in the countryside; 23.3 per cent of Roma who live in Budapest live among mostly Romani neighbours, compared to approximately one third in the countryside). In areas where Roma are overrepresented, especially in the eastern part of the country, the ratio of segregation is higher.

According to data of the Delphoi Consulting (based on a different methodology, see above), 27.8 per cent of Roma live in totally segregated Romani environment (colony of 'ghetto'), and an additional 16.9 per cent in areas with exclusively Romani residents, but not colony-like environment. Thus altogether 44.7 per cent of Roma live segregated. Nearly half of Roma (47.3 per cent) live in mixed neighbourhoods, and 4.1 per cent in non-Romani environment. Data provided by the Delphoi Consulting, similarly to those of the Third Roma Survey, show differences between settlement types. In Budapest, colonies or 'ghetto'-like environments are not typical (only four per cent of Roma are estimated to live in such areas). In the countryside, this type of housing is more common: nearly 30 per cent of Roma are estimated to live in colonies or 'ghetto' like environments in villages and smaller cities; in larger cities this proportion is 32.1 per cent.<sup>113</sup> In the capital, segregation appears rather in the form of neighbourhoods inhabited mostly by Roma, but not colony or ghetto-like (totally segregated) areas (18 per cent of Roma in Budapest live in such areas; however, in villages the proportion of this type of housing is similar – coupled with other forms of segregation, see above).

According to a research conducted by TÁRKI in 2003,<sup>114</sup> 29 per cent of settlements had at the time of the research areas where the Romani population was overrepresented (compared to the scope of settlements where Roma definitely live, it was 36 per cent). In general, the larger the proportion of Roma, the more likely the settlement has an ethnically segregated area. However, regional differences exist. In the Northern Hungary and Northern Great Plain Region where Roma are overrepresented, more settlements have segregated neighbourhoods. In Southern Transdanubia, where Roma are also overrepresented, segregation seems to appear rather on the settlement level, as the area is characterised by very small settlements.

The most typical forms of segregation are (1) colonies, (2) seriously disadvantaged micro-regions subject to the process of 'ghettoisation' and (3)

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<sup>113</sup> F. Babusik (2005) *Az esélyegyenlőség korlátai Magyarországon. Státusz, etnicitás, kirekesztődés az egészségügyben és a szociális szférában*, Budapest: L'Harmattan

<sup>114</sup> M. Kopasz (2004) 'Lakóhelyi szegregáció és társadalmi feszültségek a magyarországi településeken', in: T. Kolosi, I.Gy. Tóth, Gy. Vukovich (eds.) *Társadalmi Ríport 2004*, Budapest: TÁRKI, pp. 414-424. The research is based on questionnaires sent to local governments; respondents were local government officials

urban slum areas. In the following, we present the main quantitative data available for these types of segregated areas.

## Colonies

Although there is no commonly used, official definition of colony in Hungary, definitions agree that it means totally segregated neighbourhoods (with almost, or exclusively, Romani residents), with extremely poor living conditions (shanties made from absolutely inadequate material, total lack of amenities, services, etc), causing physical, psychical and social damages to their residents.

It is difficult to provide precise estimation of the current number of colonies in the country as different sources, based on methodological differences, refer to different numbers.

A research conducted in 1997 estimated the number of colonies at 538 with approximately 96,000 residents. Another examination conducted in the first years of the decade (2001, 2003) estimates this number at 758, with approximately 120,000 residents. (These resources defined colonies as areas with at least four flats with an inferior territorial position and access to public utilities compared to the other parts of the settlement, significantly worse flats in terms of amenities, quality, density, factors of unhealthy environment). A 2003 research, based on a 'hygiene definition' of colonies (areas which pose a health risk to their inhabitants and their social environment), estimated the number of colonies at 767, with approximately 138,000 residents. At the same time, the Third Roma Survey estimated the number of Roma residing in colonies at 36,000.<sup>115</sup> The Ministry of Social Affairs and Labour counts with an estimation of 500 colonies and 100,000 residents.<sup>116</sup>

## Seriously disadvantaged micro-regions subject to the process of 'ghettoisation'

In the previous decades, segregation appeared on the settlement level as well (among others, as a result of a 1965 programme for the elimination of Romani colonies and the spatial development policy of the socialist era, not subject to the present study).<sup>117</sup> Selective migration processes in some small villages led to the emergence of 'ghetto settlements' especially in the north-eastern and south-

<sup>115</sup> The discrepancy results from methodological differences.

<sup>116</sup> Szociális és Munkaügyi Minisztérium (2008) *Kormányzati intézkedések a lakhatási szegregáció visszaszorítására*, available at: <http://www.romaweb.hu/romaweb/index.html> (27.03.2009)

<sup>117</sup> L. Kőszeghy (2007) 'A cigány és nem cigány lakosság lakhatási egyenlőtlenségeinek tényezői', in: M. Balogh (ed.) *Diszciplínák határain innen és túl. Fiatal Kutatók Fóruma 2, 2006* Budapest: MTA Társadalomkutató Központ pp. 11-33

western areas of Hungary. This form of segregation was already observed in the beginning of the 1980s.<sup>118</sup> The 2001 census found ten 'ghetto villages' where the population was almost exclusively Romani, and an additional 100 small villages where Roma comprised at least half of the population.<sup>119</sup>

In the previous years, researchers described a new form of segregation on the basis of the above 'ghettoised' micro-regions.<sup>120</sup> The scope of quantitative data for such regions is limited; past years' research show the existence of such regions in North-East and South West Hungary. Census data for areas where the proportion of poorly educated/unemployed/Roma is the highest (in the top decile) show the concentration of such settlements. According to research data, in the Cserehát region (North East Hungary), 15 per cent of the population identified him/herself as Romani in the census;<sup>121</sup> according to researchers, this ratio is approximately 20 per cent, while the ratio of Romani children in elementary schools might even exceed 50 per cent. In Ormánság, local governments estimate the proportion of Roma in the total population at 25-30 per cent (in some settlements it reaches 100 per cent).<sup>122</sup>

## Urban slum areas

The capital as well as many large cities have slum areas (usually in the inner parts) where the Roma live concentrated. No systematic quantitative data are available for concentration of Roma in large cities; however, some data are available for the capital. In Budapest, the 2001 population census identified approximately 14,000 Romani residents many of whom live concentrated in the inner Pest areas, especially in the 7th, 8th and 9th districts (11 per cent of the total population of Budapest, 35 per cent of those who identified themselves as Roma live in these three districts). The most numerous Romani community can be found in the 8th district called Józsefváros.<sup>123</sup> While in the census 0.7 per cent of the total population of Budapest identified themselves as Romani, in the 8th district this proportion was 3.3 per cent of the residents.

### 1.2.7. Data on household type and size, including overcrowding, national room and space standards

<sup>118</sup> T. Virág (2008) Szegénység és gettósodás, in: *Ezredforduló*, Vol. 1, No. 3, pp. 17-18

<sup>119</sup> The above numbers are supposed to be higher as the census is perceived to underestimate the number of Roma (see above)

<sup>120</sup> For details see section 1.3

<sup>121</sup> 2001 population census, data are based on self-definition

<sup>122</sup> B. Baranyi (ed) (2005) *Roma szegregációs folyamatok a csereháti és dél-baranyai kistérségekben*, Budapest: Gondolat Kiadó-MTA Etnikai-Nemzeti Kisebbségkutató Intézet

<sup>123</sup> K. Zoltán (2005) *Population and housing dynamics in Budapest metropolitan region after 1990 – draft paper for the ENHR conference, Iceland 2005*. The paper was not published and, at present, the paper is not available on the Internet

## relating to overcrowding, and comparable room and space data for Roma and non-Roma

Relevant data were presented in section 1.2.2., together with other housing quality indicators.

### 1.2.8. Data on the forced evictions, including data on the cases where alternative accommodation was provided

There is no official data on the number of forced evictions (tenancy evictions are executed by local governments, and no aggregated data on such actions exists), therefore, no data on cases where alternative accommodation was provided is available either.

Only a survey conducted by the RCRF in 2004-2005 is available regarding estimations on the scale of the phenomenon and on the number of people potentially affected. According to the research (conducted in the form of questionnaires sent to Budapest districts' local governments via post),<sup>124</sup> the annual number of evictions in the middle of the decade in Budapest was approximately 250, affecting at least 1,000 persons. Further approximately 2,185 households, estimated 8,740 persons were endangered by eviction (flat users without entitlement, squatters and residents with terminated rental contracts). Altogether, according to the Foundation's estimates, approximately 10,000 persons were threatened by eviction in the capital, but since the number of children in families threatened by evictions is often higher than the average, the real number could be even higher. (According to the Public Endowment for the Homeless, the number of households inhabiting their flats without entitlement, therefore, threatened by evictions, is several thousands in the capital.)<sup>125</sup> The Foundation surveyed the phenomenon in larger cities in the countryside as well (most public rental flats are located in Budapest and the larger cities). According to the results, approximately 5,400 households (12 per cent of all households) were threatened by evictions, the rental contracts were terminated in 1,843 cases, the research found 186 squatter households and 2,439 flat users without entitlement. In the examined period, 251 households were evicted and the official process already began in case of 693 households. Although the research did not ask data providers to estimate the proportion of Romani households among those affected, on the basis of other information,

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<sup>124</sup> J. Setét (2005) *Kilakoltatással fenyegetett családok vizsgálata Budapesten 2004 – összegzés*, available at: <http://www.romapolgarjog.ingyenweb.hu/keret.cgi?/2004.html> (27.03.2009)

<sup>125</sup> P. Bakos (2008) *Lakhatás és hajléktalanság 2008. Magyar országjelentés*, available at: [http://www.refomix.hu/cikkek/Hungary\\_housing\\_homelessness\\_2008\\_HU.pdf](http://www.refomix.hu/cikkek/Hungary_housing_homelessness_2008_HU.pdf) (27.02.2009)

including qualitative information obtained from the Foundation, it can be stated that Roma are overrepresented in the above group.

On country level, the number of indebted households (including rent debts and debts concerning public utility fees) is 13 per cent of all households according to 2004 data. In 2004, 500,000 households were indebted, out of which court proceedings were underway in case of 100,000 households, thus for the latter group the danger of eviction existed. No data are available on the proportion of Roma in this group, but Romani households are considered to be overrepresented among those who face the risk of eviction.<sup>126</sup>

#### 1.2.9. Data on access of Roma/Travellers to public utilities, broken down per residential type

Relevant data were presented in section 1.2.2. of the present chapter, together with other housing quality indicators.

As far as access of the Romani population to waste disposal and public transport is concerned, no quantitative data are available.

#### 1.2.10. Data on available halting sites and the estimated number of halting sites needed to ensure legal space for all Roma and Travellers, as well as the technical criteria that halting sites should conform to

In Hungary, the Romani population lives settled, therefore, the question is not relevant.

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<sup>126</sup> P. Bakos (2008) *Lakhatás és hajléktalanság 2008. Magyar országjelentés*, available at: [http://www.refomix.hu/cikkek/Hungary\\_housing\\_homelessness\\_2008\\_HU.pdf](http://www.refomix.hu/cikkek/Hungary_housing_homelessness_2008_HU.pdf) (27.02.2009)

## Quantitative data regarding the impact of housing conditions of Roma on the right to education, employment, and the highest attainable level of health

### Impact of housing conditions on the right to education

The systematically different settlement type and different regional distribution of the Romani population has a strong impact on the right to education. According to research, significant disparities can be found in the area of school performance depending on settlement size. Regional disparities can also be found: e.g. the areas where school failures are more frequent are the country's most underdeveloped ones. Quality educational services are particularly poor in villages subject to 'ghettoisation'. Additionally, in the previous year (parallel to efforts to decrease segregation), the government took steps aiming at the rationalisation of the institutional structure of education. In 2007, the Ministry of Education and Culture drew a minimum of 15 students per class as a prerequisite to state financing. As a result, 450 schools were merged with others and further 33 closed down. Many of the dissolved schools were public schools in small villages inhabited mostly by Romani population. Experts warn that such a process will increase segregation in education.<sup>127</sup>

### Impact of housing conditions on the right to employment

In general, employment of Roma falls significantly behind the respective data for the whole population, main factors of which are considered to be the poor level of education of Roma, regional disparities and discrimination. In 2003, the employment rate of Romani men in economically active age groups (15-59 years) was 38 per cent, compared to 63.1 per cent for the total population; the employment rate of Romani women was 20 per cent, compared to 50.9 per cent for the total population; the employment rate of the whole Romani population was 29 per cent, compared to 60.8 per cent for the whole population.<sup>128</sup> In terms of the impact of housing conditions on the right to employment, again, the

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<sup>127</sup> Segregation is otherwise a decisive characteristics of the Hungarian educational system in terms of the education of Roma: every sixth Romani child attends a school where the proportion of Roma is over 50 per cent, and segregation within the school (among classes or sub-departments) is even more frequent. Source: G. Havas, I. Kemény, I. Liskó (2005) *Cigány gyerekek az általános iskolában*, Budapest: OKI-Uj mandátum; G. Kertesi, G. Kézdi (2005) 'Általános iskolai szegregáció I-II', in: *Közgazdasági Szemle*, Vol. 52, No. 4, pp. 317-355; No. 5, pp. 462-479

<sup>128</sup> I. Kemény, B. Janky, G. Lengyel (2004) *A magyarországi cigányság 1971-2003*, Budapest: Gondolat Kiadó, MTA Etnikai-nemzeti Kisebbségkutató Intézet; Central Statistical Office [http://konyvtar.ksh.hu/kiadvanyok/Foglalkoztatottsag\\_es\\_munkanelkuliseg/ofa5/table.html](http://konyvtar.ksh.hu/kiadvanyok/Foglalkoztatottsag_es_munkanelkuliseg/ofa5/table.html) (27.03.2009)

effect of regional distribution should be emphasised. Roma are overrepresented in areas with poorer employment opportunities. The results of the 2003 Roma survey show that regional position has a significant effect on the employment rate of Roma. Data disaggregated for regions are available only for Romani men; however, these data show extreme regional differences especially in terms of Budapest and its surrounding area, and the countryside. In Budapest and its surroundings, 57.7 per cent of the Romani men were employed, which is considered to be a very favourable proportion (see data for the proportion of employed in the total population above). The proportion of employed among the Romani men in the countryside was approximately half of the above data, or less. In the most advantaged countryside area, Transdanubia, only 31.5 per cent of the Romani men were employed. In other areas the situation was even worse: in the Eastern area only 14 per cent of the Romani men were employed.

According to research published in 2005, approximately 200 villages, most of which are populated mostly by Roma, lack active workplaces and proper transport links which would enable residents to obtain a job outside the settlement.<sup>129</sup>

## The right to the highest attainable level of health

The life span of the Romani population is considered to be ten years shorter than of non-Roma.<sup>130</sup> A survey published in 2004 revealed that the access of the Romani population to primary care services is significantly worse than that of the average population, which is strongly related to spatial disparities: 18.6 per cent of the Romani population lives in settlements without a primary care physician.<sup>131</sup>

Except for where it was indicated, no relevant data disaggregated by sex, age or disability are available. However, due to the different demographical structure of the low-status, among them, Romani population compared to that of the majority population, which also includes higher birth rates, it can be safely assumed that Romani children are overrepresented among those who face housing problems and related inequalities.

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<sup>129</sup> G. Kertesi (2005) 'Ingázás a falusi Magyarországon. Egy megoldatlan probléma', in: *Közgazdasági Szemle*, Vol. XLVII., No. 10, pp. 775-798. also available at: <http://www.epa.oszk.hu/00000/00017/00064/pdf/kertesi.pdf> (27.03.2009)

<sup>130</sup> F. Babusik (2005) *Az esélyegyenlőség korlátai Magyarországon. Státusz, etnicitás, kirekesztődés az egészségügyben és a szociális szférában*, Budapest: L'Harmattan

<sup>131</sup> F. Babusik (2004) 'Hozzáférési különbségek az egészségügyi alapellátásban I, Struktúra és esélyegyenlőség', in: *Esély*, Vol. 15, No. 4, pp. 71-99.. available at [http://www.szochalo.hu/szochalo/upload/esely200404\\_babusik.rtf](http://www.szochalo.hu/szochalo/upload/esely200404_babusik.rtf) (27.03.2009)



## 1.3. Qualitative information on the housing situation of Roma and Travellers

### Additional factors of housing inequalities

In addition to factors such as disparate impacts of sectoral legislation and policies (on public administration, housing etc. see above in section 1.1.) and direct discrimination, some 'external' background factors play an important role in the shaping of inequalities between Roma and non-Roma, of which we find important to highlight the following:

- The economic crisis after 1990 led to mass unemployment, especially in former industrial areas, in the 'North-East-South-West industrial axis' of the country and in some 'traditionally' underdeveloped agricultural areas, especially in the eastern regions. Parallel to that, the establishment of a market economy led to the emergence of new economic centres and newly developing areas especially in the western and north-western areas of the country, and a devaluation of eastern parts. Linked to the above, regional disparities have increased since 1989-1990, and the situation of the Northern Great Plain region, the Northern Hungary region and some parts of the Southern Transdanubia Region – areas where the Roma are traditionally overrepresented – has significantly worsened.<sup>132</sup>
- Additionally, the economic crisis forced many former employees and families – among them many Roma – to move back to the countryside. This reinforced the concentration of Roma in settlements that offer very poor living conditions, and in deprived regions with a lack of employment opportunities, services and institutions, thus speeding up the process of 'ghettoisation.' The process was also highlighted by the representative of the RCRF among the key problems in the area of Romani housing. Parallel to that, as Budapest was still less affected by the economic crisis, many Romani families moved to the capital to 'try their luck.' (See data in section 1.2.6.)<sup>133</sup>

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<sup>132</sup> Parallel to the above differences, more delicate spatial patterns can be identified (see e.g. P. Beluszky (1999) *Magyarország településföldrajza*, Budapest-Pécs: Dialóg Campus) which, with respect to the focus of the present study, are not discussed here in detail

<sup>133</sup> I. Kemény, B. Janky (2003) 'A 2003. évi cigány felmérésről. Népesedési, nyelvhasználati és nemzetiségi adatok', in: *Beszélő* Vol. III/VIII, No. 10, pp. 64-76, also available at: <http://beszelo.c3.hu/03/10/07kemeny.htm> (27.03.2009)

### 1.3.1. Quality of housing available to Roma and Travellers in terms of affordability, habitability, accessibility, location and cultural adequacy

#### 1.3.1.1. Quality of housing available to Roma and Travellers in terms of affordability

As presented above (in section 1.1.5.), the maintenance costs of housing are on the increase.<sup>134</sup> For low income households, the proportion of housing maintenance costs compared to total income is even higher, not only as a result of lower income (income disparities also grew), but also resulting from the different costs of housing stock inhabited by them (e.g. district-heated housing estate flats).<sup>135</sup> At present, no comprehensive system aiming to ensure the security of housing exists (there are such elements, e.g. as the normative housing subsidy, rent subsidies etc., but they are not part of a comprehensive system). Affordability problems disproportionately affect lower status social groups, where Roma are overrepresented, and, together with privatisation, resulted in a downward mobility in the housing market to urban slums, downgrading housing estates, agglomerations around larger cities, pauperised small villages<sup>136</sup> and homesteads.<sup>137</sup> Mobility of low-income households to agglomerations, small villages and homesteads, besides getting rid of unaffordable housing costs, is motivated by the gap between property prices of old and new dwellings and, in many cases, the hopes that agricultural activity will reduce households' expenditures. The latter usually shortly proves impossible due to the lack of households' agricultural skills, while members of the households tend to lose their contacts with the city, including employment, as commuting is unaffordable for most of them, and become dependent on local governments' subsidies.

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<sup>134</sup> J. Hegedüs (2006) 'Lakáspolitikai és a lakás piac – a közpolitika korlátai', in: *Esély*, Vol. 18, No. 5, pp. 65-100, available at: [www.esely.org/kiadvanyok/2006\\_5/HEGEDUS.pdf](http://www.esely.org/kiadvanyok/2006_5/HEGEDUS.pdf) (27.03.2009)

<sup>135</sup> J. Hegedüs (2006) 'Lakáspolitikai és a lakás piac – a közpolitika korlátai', in: *Esély*, Vol. 18, No. 5, pp. 65-100, available at: [www.esely.org/kiadvanyok/2006\\_5/HEGEDUS.pdf](http://www.esely.org/kiadvanyok/2006_5/HEGEDUS.pdf) (27.03.2009)

<sup>136</sup> J. Hegedüs (2006) 'Lakáspolitikai és a lakás piac – a közpolitika korlátai', in: *Esély*, Vol. 18, No. 5, pp. 65-100, available at: [www.esely.org/kiadvanyok/2006\\_5/HEGEDUS.pdf](http://www.esely.org/kiadvanyok/2006_5/HEGEDUS.pdf) (27.03.2009); T. Virág (2006) 'A gettósodó térség', in: *Szociológiai Szemle* Vol. 11, No.1, pp. 60-76

<sup>137</sup> A. Takács (ed.) (2005) *Tanyakutatás 3. kötet: A homokhátsági tanyák társadalma és szociális problémái (tanulmányok)*, Kecskemét: MTA RKK ATI, available at <http://www.alfoldinfo.hu/tanyakutatás/3fuzet.html> (27.03.2009)

### 1.3.1.2. Quality of housing available to Roma and Travellers in terms of habitability

Quantitative data presented above (in section 1.2.2.) showed the inferior quality of Romani housing, in part, resulting from their spatial dispersion. As presented above, residents of Romani colonies tend to face health-threatening housing conditions; in case of many colonies, several such factors are present parallel (non-proper walls, presence of illegal waste deposit, presence of carcass deposit, area with inland inundation, lack of amenities, etc.)

Poor housing conditions of Roma were referred to in ECRI's reports, including the recently published Fourth Report as well.<sup>138</sup>

### 1.3.1.3. Quality of housing available to Roma and Travellers in terms of accessibility

In Hungary, as presented above, the rental sector is very small, so the main form of accessing housing is flat purchase. However, the housing price/income ratio is very disadvantageous compared to Western Europe, although it somewhat improved in the past years. In the 1990s, it was 4.5-6.5; in 2005, it was 5,8 according to experts' estimates, but is still double of the same indicator in Western European countries. Social selection through the system of bank sector (housing credits) is still prevailing, so state subsidies for credits tend to access households with higher incomes. Additionally, as the housing credit/house price ratio is low, the role of intra-generation savings and intergeneration transfers is strong, so households without savings and such transfers suffer disadvantages.<sup>139</sup>

The target group of actions aiming at the improvement of access to housing is basically not the Roma but low-status population in general. There are measures supporting disadvantaged social groups (social housing, subsidies for flat construction and purchase, debt management service, etc., as presented above), but also obstacles in the accessibility of them for the low-status social groups, including Roma, such as the scarcity of social rental flats, property-based housing subsidies, conditions of debt management and lack of debt management systems in smaller settlements and, in addition, some local provisions regarding

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<sup>138</sup> ECRI (2009) *ECRI Report on Hungary (fourth monitoring cycle)*, available at: <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Hungary/HUN-CbC-IV-2009-003-ENG.pdf> (27.03.2009) Par. 123

<sup>139</sup> J. Hegedüs (2006) 'Lakáspolitikai és a lakáspiac – a közpolitika korlátai', in: *Esély*, Vol. 18, No. 5, pp. 65-100, available at: [http://www.esely.org/kiadvanyok/2006\\_5/HEGEDUS.pdf](http://www.esely.org/kiadvanyok/2006_5/HEGEDUS.pdf) (27.03.2009)

social housing.<sup>140</sup> These factors were highlighted among the most important issues concerning the housing of Roma by the representative of the RCRF as well.

#### 1.3.1.4. Quality of housing available to Roma and Travellers in terms of location

As presented above,<sup>141</sup> the proportion of Roma in smaller settlements exceeds the respective proportion of the total population. In Hungary, disparities in terms of settlement type are considered to be larger compared to most Western European countries, in part, due to spatial development policies before 1990.<sup>142</sup> After 1989-1990, regional differences began to increase, and, as presented before, Roma are overrepresented in economically depressed regions of the country with poorer employment opportunities (or even the total lack of such opportunities).<sup>143</sup>

Research published in 2004 revealed that the access of the Romani population to primary health care services is significantly worse than for the average population, which is strongly related to spatial disparities.<sup>144</sup>

As regards child-care centres and other social services, as primary social care is provided by local governments, there are systematic differences between local governments' capacities in providing such services, as well as the quality of services. In small settlements the availability and quality of such services is poorer.<sup>145</sup>

In the previous years, some specific policies negatively affected services in small settlements. Rationalisation of school size resulting of closing down small schools (see above in section 1.2.) was reported to have a negative effect on the access of children from small settlements, especially Romani children, to schools. Many of the dissolved schools were public schools of small villages inhabited predominantly by Roma, while neighbouring schools, despite legal obligation, often failed, or were reluctant to, accommodate Romani pupils coming from affected villages. In other cases, parents protested against the

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<sup>140</sup> L. Kőszeghy (2007) 'A cigány és nem cigány lakosság lakhatási egyenlőtlenségeinek tényezői', in: M. Balogh (ed.) *Diszciplínák határain innen és túl. Fiatal Kutatók Fóruma 2.* – 2006 Budapest: MTA Társadalomkutató Központ pp. 11-33

<sup>141</sup> See Section 1.2.2. 'Location Issues', p 40. of the present Report.

<sup>142</sup> Beluszky (1999) *Magyarország településföldrajza*, Budapest-Pécs: Dialóg Campus

<sup>143</sup> Beluszky (1999) *Magyarország településföldrajza*, Budapest-Pécs: Dialóg Campus

<sup>144</sup> Approximately 18.5 per cent of the Romani population lives in settlements that lack a primary care physician (see F. Babusik (2004) 'Hozzáférési különbségek az egészségügyi alapellátásban I. Struktúra és esélyegyenlőség', in: *Esély*, Vol. 15, No. 4, pp. 71-99, available at: [http://www.szochalo.hu/szochalo/upload/esely200404\\_babusik.rtf](http://www.szochalo.hu/szochalo/upload/esely200404_babusik.rtf) (27.03.2009)

<sup>145</sup> [www.cssk.hu/downloads/modszertan/onkorm.doc](http://www.cssk.hu/downloads/modszertan/onkorm.doc) (27.03.2009)

closing of the village school, and did not agree to commute their children to another settlement.

Results of the research on Romani colonies, as presented above, show the presence of health-threatening factors in the colonies (presence of illegal waste deposit, presence of carcass deposit, area with inland inundation, lack of amenities, etc.).

#### 1.3.1.5. Quality of housing available to Roma and Travellers in terms of cultural adequacy

No specific information is available regarding housing available to Roma and Travellers in terms of cultural adequacy.

#### 1.3.2. Issues of spatial and social segregation, and social cohesion

Following 1989-1990, researchers described new patterns of segregation.

#### Seriously disadvantaged micro-regions which undergo the process of 'ghettoisation'

Although some ghetto villages already existed prior to 1989-1990 (see above in section 1.2.6.), according to research, segregation appears on a new spatial level: ghettoised settlements form continuous areas in certain parts of the country (certain small village areas of North-East and South West Hungary), thus 'ghettoised micro-regions' emerge. In these areas, the segregation process fuelled by the immigration motivated by high costs of urban living, loss of employment, hopes to begin agricultural activity, etc. (see above), higher birth rate of low status, mostly Romani families and the parallel emigration of higher status, non-Romani families (and Romani families aiming to step out from the cycle of exclusion) accelerates.<sup>146</sup> (In these areas, in opposition with national trends, the population is on the increase.)<sup>147</sup>

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<sup>146</sup> B. Baranyi (ed) (2005) *Roma szegregációs folyamatok a csereháti és dél-baranyai kistérségekben*, Budapest: Gondolat Kiadó-MTA Etnikai-Nemzeti Kisebbségkutató Intézet

<sup>147</sup> T. Virág (2008) 'Szegénység és gettósodás', in: *Ezredforduló*, Vol. 1, No. 3, pp. 17-18

## Urban slum areas

As presented above (section 1.2.6.), another typical form of segregation is urban slum areas. In Budapest, most of the Roma live in the inner parts of the city, in the 7th-9th districts (especially in the 8th district). According to a study published recently, the pattern of ethnic segregation has changed within Budapest in the recent years: compared to 1990, smaller but ethnically more homogeneous segregated areas are present.<sup>148</sup> Some sociologists claim that in the 8th district an ethnic ghetto is being formed,<sup>149</sup> others argue that the proportion of the Romani population (the concentration of Roma is lower than in areas labelled as ghettos in Western European and especially U.S. context) and social-spatial patterns of the given areas do not make it reasonable to label the area as a ghetto.

Urban renewal actions is perceived to have had effects on the segregation in cities. Most urban renewal actions of the previous years aimed at the gentrification of the respective area, that is, pushing out lower-status, among them, Romani households, and attracting higher-status ones. (Even if gentrification is not the manifest aim of the programme, it is likely to occur, due to increasing property prices.) As a specific example, in 2008, the replacement of Romani families led to suspicions regarding a systematic effort to remove Roma from Ferencváros, an area subject to rehabilitation, to other parts of the city. A notorious example of this was when 17 Romani persons were moved from Ferencváros to a 52 sq.m. flat in the 21st district on the island of Csepel. Both the Romani family and residents of the Csepel condominium blamed the local government of Ferencváros for the situation. The case fuelled debates on the municipal level when the president of the Roma Minority Self-Government of Budapest put it on the agenda of the Budapest Municipality. The outcome of the debate is not known yet.<sup>150</sup>

In addition to Budapest, such processes were described in larger cities in the country as well.<sup>151</sup> Only a very few actions aim at keeping (most of the) residents in the area; however, since 2008, such actions have been included in national spatial development policies under the title 'social rehabilitation'. (see below, in sections 1.5.1. and 1.6.)

<sup>148</sup> J. Ladányi (2008) 'Lakóhelyi szegregáció Budapesten', Budapest: Új Mandátum könyvkiadó

<sup>149</sup> J. Ladányi (1992) 'Gondolatok a Középső-Józsefváros rehabilitációjának társadalmi összefüggéseiről', in: *Tér és Társadalom*, Vol.6, No. 3-4, pp. 75-89

<sup>150</sup> C-Press (2008) *Cigányok és szegények: kizorítás a belvárosból*, available at: [http://portal.c-press.hu/index2.php?option=com\\_content&do\\_pdf=1&id=3476](http://portal.c-press.hu/index2.php?option=com_content&do_pdf=1&id=3476) (27.03.2009)

<sup>151</sup> G. Csanádi et al. (2007) 'A városrehabilitáció társadalmi hatásai Budapesten', in: Gy. Enyedi (ed.) *A történelmi városközpontok átalakulásának társadalmi hatásai*, MTA Társadalomkutató Központ, 2007 pp. 93-119; K. Tomay (2006) 'Slumosodás és városrehabilitáció Budapesten', in: *Tér és Társadalom*, Vol. 20, No. 1, pp. 93-109, available at: [http://www.rkk.hu/TET/2006\\_1/index.html](http://www.rkk.hu/TET/2006_1/index.html) (27.03.2009); J. Ladányi (2008): *Lakóhelyi szegregáció Budapesten*, Budapest: Új Mandátum könyvkiadó

## Colonies

The most extreme form of segregation is colonies and colony-like environments. Although there is no precise estimation on the number of such colonies, their magnitude is estimated to several hundreds in the country. (See above in section 1.2.6.) Several types of these areas exist, such as:<sup>152</sup>

- segregated areas (e.g. certain streets) within settlements with inferior housing quality and infrastructure;
- colonies separated from the settlement, e.g. in former farmyards or workers' colonies;
- 'wild colonies' on the edge of settlements with shelters from inadequate material not qualifying as houses, with total or partial lack of infrastructure;
- 'old' colonies: already existing before 1965, not dissolved by the 1965 governmental colony-elimination programme (usually at the edge of settlements, at meadows, waterlogged areas or edge of forests, with unclear legal status);
- 'CS'<sup>153</sup> or 'Szocpol' colony: built after 1965, originally not as colonies; usually uniform, poor quality, often unfinished, substandard buildings on small plots, at the edge of settlements, in unhealthy environment, with poor infrastructure, often adjoined by even poorer quality constructions;
- segregated urban areas;
- segregated villages with the majority of Romani population, with poor infrastructure and deteriorated houses.

### 1.3.3. Access to private housing

Although no systematic information is available regarding the exclusion of Roma from private housing, it can be assumed that the phenomenon exists.

A study referring to one of the inner city areas of Budapest reports cases when owners were reluctant to rent their flats for Romani families, being afraid that they will not be able to 'get rid of them'.<sup>154</sup>

As regards flat purchase, reports of the Minority Ombudsman and NEKI refer to cases when the constitutional rights of Roma to the free choice of residence and free movement were limited by fellow citizen's (and even local leaders') actions

<sup>152</sup> <http://www.romaweb.hu/doc/kormanyzat/telep/telepprogram.html> (27.03.2009)

<http://www.ddrmk.hu/documents/romarehab2007.pdf> (27.03.2009)

<sup>153</sup> 'CS' stands for 'csökkentett értékű' (reduced value) houses.

<sup>154</sup> K. Bölöni (2004) *Immigration of the poor to Józsefváros*, manuscript

aiming to prevent Romani families from moving to a certain settlement or district by purchasing a house or building plot in the settlement.

According to the case description of NEKI referring to such an action,<sup>155</sup> in 2001, houses of Romani habitants near river Tisza in the Szabolcs-Szatmár-Bereg county were severely damaged by floods. Mr Jenő Sz. and his family with five children also lost their house, hence, according to a decree,<sup>156</sup> they were entitled to the right to be able to resolve their housing problem via receiving governmental funding for purchasing a home either in their place of residence, or in another settlement of their choice. Mr Sz. decided to purchase a house, owned by Mr and Mrs T. in the neighbouring village. When the villagers learnt that a Romani family was to move into the house, they threatened both the sellers and the buyer of the house in question. Instead of attempting to calm the villagers down, the mayor and the notary of the settlement took the lead in expressing this anger and organised a village meeting, which culminated in an atmosphere of hatred. Due to the protest of the locals, threats made by the neighbours, and the intervention of the local mayor and notary, as well as the passivity of the county office of public administration, Mr Sz. and his wife were prevented from being able to move into the village. For this reason, they had to move into another village and purchase a house.<sup>157</sup> In NEKI's practice, as the representative of the organisation reported, these are not isolated cases. Another case is presented in Annex 2.

A case in which the European Roma Rights Centre (ERRC) turned to the Minority Ombudsman may present a specific type of influencing the access to private housing by the establishment of specific construction regulations. The local government of a Hungarian city, in their local construction regulation, set that the minimum size of a building lot in a specific suburban area is 350 square metres, so the local government will not issue building permissions for smaller areas. According to the ERRC, such a regulation aimed at pushing Roma out of the area as the area was inhabited mostly by Romani families who have smaller households than the minimum building lot, thus the decree makes the renewal of old houses impossible, leading to the deterioration of the area and to the devaluation of the lots and the existing houses.<sup>158</sup>

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<sup>155</sup> The description is based on NEKI (2004) *White Booklet 2003*, available at: [http://www.neki.hu/index.php?option=com\\_docman&task=cat\\_view&gid=34&dir=DESC&order=name&limit=5&limitstart=0](http://www.neki.hu/index.php?option=com_docman&task=cat_view&gid=34&dir=DESC&order=name&limit=5&limitstart=0) (27.03.2009)

<sup>156</sup> Hungary/Government Decree No. 1033 (12.04.2001).

<sup>157</sup> NEKI (2004) *Sz. Jenő ügye*, available at: [http://www.neki.hu/index.php?option=com\\_content&task=view&id=321&Itemid=36](http://www.neki.hu/index.php?option=com_content&task=view&id=321&Itemid=36) (27.03.2009)

<sup>158</sup> ERRC (2004) *ERRC Complaint to Hungarian Minority Ombudsman in Housing Discrimination Case*, available at: <http://www.errc.org/cikk.php?cikk=2000&archiv=1> (27.03.2009)



### 1.3.4. Access to social housing

The most important factor limiting the access of Roma to social housing derives from a structural characteristic of the Hungarian housing sector, namely, the low proportion of public rental flats, which limits the access of low-status groups, among them Roma, to that type of housing.

Additionally, following the placement of the management of public housing to the mandate of local governments, many local governments utilised rules which reduce most disadvantaged families' opportunities to obtain a public tenement.

One form of such actions is excluding squatters – many of them being Roma – from the application for public rental flats.<sup>159</sup> Based on an initiative of the Parliamentary Commissioner for Civil Rights and the Parliamentary Commissioner for the Rights of National and Ethnic Minorities, in 2005, the Constitutional Court issued a declaration stating that local governments' indicating factors that were not closely linked to social situation over-reached their mandate set by the Act on Housing.<sup>160</sup> The declaration referred to specific local provisions. At present, there is no comprehensive information on whether all local governments who had such discriminatory components in their housing provisions amended them accordingly.<sup>161</sup> According to the representative of the RCRF, they meet local provisions which declare that those who have never been involved in arbitrary flat occupations enjoy priority in the distribution of social rental flats, so in his view the problem is still present.

Another form of discriminatory provision is auctioning off social rental flats, distributing them for those who offer the highest rent or, in case of similar offers, obtains less rental subsidy.<sup>162</sup>

<sup>159</sup> ECRI (2009) *ECRI Report on Hungary (fourth monitoring cycle)*, available at: <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Hungary/HUN-CbC-IV-2009-003-ENG.pdf> (27.03.2009) p. 36

<sup>160</sup> J. Kaltenbach (2004) *A Nemzeti és Etnikai Kisebbségi Jogok Országgyűlési Biztosának beszámolója a 2004-es évről*, Budapest: Országgyűlési Biztosok Hivatala, available at: [http://www.kisebbségiombudsman.hu/word/04-29-2008\\_11\\_12\\_05/besz\\_2004.html](http://www.kisebbségiombudsman.hu/word/04-29-2008_11_12_05/besz_2004.html) (27.03.2009); B. Lenkovics, J. Kaltenbach (2005) *Az állampolgári jogok országgyűlési biztosának és a nemzeti és etnikai kisebbségi jogok országgyűlési biztosának közös jelentése az önkényes lakásfoglalókat a bérlakáshoz jutás lehetőségétől megfosztó önkormányzati lakásrendeletek vizsgálatára indult OBH 2558/2005. és NEK 6053/2004. számú ügyekben 2005. május 2.* Budapest: Állampolgári Jogok Országgyűlési Biztosa, Nemzeti és Etnikai Kisebbségi Jogok Országgyűlési Biztosa

<sup>161</sup> Interview No. 3.

<sup>162</sup> Sources: E. Kállai (2008) *Beszámoló a nemzeti és etnikai kisebbségi jogok országgyűlési biztosának tevékenységéről 2007* Budapest: Országgyűlési Biztosok Hivatala, available at: <http://3ddigitalispublikacio.hu/media/ombudsman/m.html> (27.03.2009); ECRI (2009) *ECRI Report on Hungary (fourth monitoring cycle)*, available at: <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Hungary/HUN-CbC-IV-2009-003-ENG.pdf> (27.03.2009)

The fourth report of ECRI mentions two further forms of discriminatory provisions, that is, reluctance of local governments to properly announce auctions for social rental flats (informing only a select few), and making the provision of social rental flats conditional on the possession of a certain – usually large – amount of money.

In some cases, the factor of discrimination cannot be proved, but the contradictory practice of local government puts disadvantaged Romani families in a difficult situation, an example for which was reported by NEKI.<sup>163</sup> In a Budapest district, on the principle of equity, a ten-member family received a 30 sq.m. rental flat. Neighbours soon protested against the presence of the family, referring to noise, threats and over-use of common facilities. Meanwhile, after one of the children was hit by a neighbour, the tenant also wrote a letter to the local government stating that the family does not harm the neighbourhood, while it is constantly a target of anti-Romani actions. The local government performed an on-site investigation, and though no concrete evidences supporting the neighbours' complaints were found, they broke the rental contract and called upon the family to leave the flat in eight days. At the same time, other neighbours wrote a mail to the local government, supporting the family.

According to NEKI, there are contradictions in the local governments' actions. First, in order to save the family from homelessness, it provided the family with tenancy on equity principle. However, it may be doubtful if placing a ten-member family in a 30 sq.m. flat was the best solution, since such a density may well lead to conflicts with neighbours. Then, without thorough investigation, it called upon the family to leave the flat without taking steps to protect the rights of children. Even more, after the termination of the rental contract (on 31.12.2005) while the family stayed in, the local government informed NEKI that they would re-investigate the situation (based on supportive letters from neighbours). In September 2006, they called upon the family to sign a new contract until February 2007 if they agree on leaving the flat by 15.02.2007. Upon NEKI's request for information, they told it is the only formal way to modify the contract from February 2007, to eliminate the time limit for the future. However, according to NEKI, the legality of such action is questionable at several points. According to the latest information,<sup>164</sup> NEKI found that no further legal steps in the case can be taken.

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<sup>163</sup> The information below is based on NEKI's case description, NEKI (2006) *B. Sándorné ügye*, available at:

[http://www.neki.hu/index.php?option=com\\_content&task=view&id=300&Itemid=36](http://www.neki.hu/index.php?option=com_content&task=view&id=300&Itemid=36)  
(27.03.2009). The case was also referred to in interview No. 4

<sup>164</sup> Interview No. 4

### 1.3.5. Security of tenure and forced evictions

As regards evictions, no data are available regarding the scope and trend of the phenomenon in the reporting period.

After the 2000 amendment of the Act on Housing which placed evictions in case of squatters residing in the flat for less than 60 days in the mandate of local notaries instead of court decision (see above in section 1.1.2.2.), NGOs immediately warned that the modifications might be followed by a wave of evictions, and the Minority Ombudsman launched a specific investigation on evictions.<sup>165</sup> The latter concluded that the new provision did not result in an increasing number of evictions, and though the fact of ethnic discrimination cannot be clearly ascertained, squatting and evictions can be derived basically to social reasons, most of the evictions affect Romani families and might lead to ethnic conflicts. According to NGOs, among others, to the RCRF, evictions affect Roma disproportionately. The overrepresentation of Roma among those evicted is highlighted in ECRI reports, including the recently issued fourth report as well.<sup>166</sup>

Reports of the Minority Ombudsman and NGOs also warn that – although according to the Constitutional Court the concepts are well defined – in practice authorities tend to 'blur' the difference between squatters and flat users without entitlement (who, had had an entitlement before but lost it for some reason), exercising stricter eviction rules for the latter group as well.<sup>167</sup>

According to a 2005 study on the situation of disadvantaged population in the 7th district of Budapest, as well as one of the interviewees, it is problematic that the Housing Act does not define 'behaviour problems' precisely, but gives unclear descriptions such as 'non-functional use' and 'intolerable behaviour', and, thereby, provides a basis for arbitrary interpretation of the law, thus allowing for ethnic discrimination, as the context of the provision is clearly based on majority values and life style. Nevertheless, local government officials said that most of the eviction processes – formally referring to rental debts

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<sup>165</sup> J. Kaltenbach (2001) *Beszámoló a Nemzeti és Etnikai Kisebbségi Jogok Országgyűlési Biztosának tevékenységéről 2000*, Budapest: Országgyűlési Biztosok Hivatala, available at: <http://www.kisebbségiombudsman.hu/hir-352-nemzeti-es-etnikai-kisebbségi-jogok.html> (27.03.2009)

<sup>166</sup> ECRI (2009) *ECRI Report on Hungary (fourth monitoring cycle)*, available at: <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Hungary/HUN-CbC-IV-2009-003-ENG.pdf> (27.03.2009)

<sup>167</sup> J. Kaltenbach (2007) *Beszámoló A Nemzeti és Etnikai Kisebbségi jogok Országgyűlési biztosának Tevékenységéről 2006. Január 1.-december 31*, Budapest: Országgyűlési Biztosok Hivatala, available at: [http://www.kisebbségiombudsman.hu/word/04-29-2008\\_09\\_53\\_05/besz\\_2006.html](http://www.kisebbségiombudsman.hu/word/04-29-2008_09_53_05/besz_2006.html) (27.03.2009); Interview No. 3

which usually apply for 'problematic' families and are much easier to prove – in reality are based on 'behaviour problems'.<sup>168</sup>

As the 2004 report of the Minority Ombudsman stated, local governments mandated with local housing management, besides being owners of public housing, should act as public bodies in terms of housing – while they seem to emphasise their interests as owners.<sup>169</sup>

Reports of the Minority Ombudsman<sup>170</sup> and NGOs such as the RCRF regularly report cases where children of evicted families were taken to state child protection facilities; thus the rights of children were harmed.

In another case, seven families lost their homes when a building in the 14th district of Budapest was demolished due to a planned new construction, as reported by Minority Ombudsman in its annual report published in 2007 (referring to 2006). The Ombudsman initiated an investigation and found that the families were squatters, and were removed without a court or notary resolution.<sup>171</sup> Additionally, the rights of the children were ignored (namely, that children must not be separated from their families on a solely financial basis) since the local government took no steps to find place for the families in a Families' Temporary Shelter. Upon request by the Ombudsman, the local government – although 'very unwillingly', as a representative said, since they believe that many of the arbitrary flat users 'criminalise the area' – tried to accommodate the families, but unsuccessfully. (The families were later accommodated with the help of the RCRF.) According to the ombudsman, the action harmed the rights of the children, raised the suspicion of self-arbitration, abuse of official power and unequal treatment.<sup>172</sup>

<sup>168</sup> K. Bölöni (2004) *Immigration of the poor to Józsefváros*, manuscript.

<sup>169</sup> K. Iványi (2006) *A romákkal szembeni diszkrimináció típusai és sémái a magyar közigazgatásban*, available at: [www.kszk.gov.hu/data/cms28629/15\\_resztan\\_ivanyi\\_szocialisugyek\\_061129.doc](http://www.kszk.gov.hu/data/cms28629/15_resztan_ivanyi_szocialisugyek_061129.doc) (27.03.2009); J. Kaltenbach (2004) *A Nemzeti és Etnikai Kisebbségi Jogok Országgyűlési Biztosának beszámolója a 2004-es évről*, Budapest: Országgyűlési Biztosok Hivatala, available at: [http://www.kisebbségiombudsman.hu/word/04-29-2008\\_11\\_12\\_05/besz\\_2004.html](http://www.kisebbségiombudsman.hu/word/04-29-2008_11_12_05/besz_2004.html) (27.03.2009)

<sup>170</sup> J. Kaltenbach (2007) *Beszámoló A Nemzeti és Etnikai Kisebbségi jogok Országgyűlési biztosának Tevékenységéről 2006. Január 1.-december 31*, Budapest: Országgyűlési Biztosok Hivatala, available at: [http://www.kisebbségiombudsman.hu/word/04-29-2008\\_09\\_53\\_05/besz\\_2006.html](http://www.kisebbségiombudsman.hu/word/04-29-2008_09_53_05/besz_2006.html) (27.03.2009)

<sup>171</sup> In case of arbitrary flat owners who occupy the flat for longer than 60 days, a court decision, in case of arbitrary flat owners who use the flat for less than 60 days, a notary resolution is needed

<sup>172</sup> E. Kállai (2008) *Beszámoló a nemzeti és etnikai kisebbségi jogok országgyűlési biztosának tevékenységéről 2007*, Budapest: Országgyűlési Biztosok Hivatala, available at: <http://3ddigitalispublikacio.hu/media/ombudsman/m.html> (27.03.2009); NEKI (2003) *Fehér Füzet 2002*, available at: [http://www.neki.hu/index.php?option=com\\_docman&task=cat\\_view&gid=32&dir=DESC&order=name&limit=5&limitstart=5](http://www.neki.hu/index.php?option=com_docman&task=cat_view&gid=32&dir=DESC&order=name&limit=5&limitstart=5) (27.03.2009)

The Budapest Metropolitan Court, in its decision of 04.07.2007, following a repeated proceeding obliged the local government of the 2nd district in Budapest to pay 100,000 HUF (approximately 330 EUR) per capita as a non-pecuniary compensation for Romani persons in an eviction case (occurred in 2002), as the method of eviction, among others, harmed affected persons' right to human dignity.<sup>173</sup> (For details of the case see Annex 2.)

The so far only case of ETA when the Authority established discrimination in a housing issue is related to an eviction: the Authority established discrimination on financial grounds against a Romani woman who was evicted in the 9th district of Budapest, without prior notice, in her absence from her flat, causing also a partial destroying of her belongings (For details see Annex 2.)

Although, initiated by the Mayor of Budapest, Budapest districts, and many country cities declare a moratorium for evictions for winter months, evictions may occur in winter time as well.

### 1.3.6. Informal settlements, legality and legalisation of settlements

The issue is not significant in Hungarian context.

### 1.3.7. Movement, encampment facilities and use of private land

The issue is not relevant in Hungarian context.

### 1.3.8. Access to public utilities, particularly public transport, and issues of infrastructure and sanitation

Romani households in segregated settings, especially in colonies, tend to have poorer access to public utilities, as presented in sections 1.2.2, 1.2.6 and 1.3.1.2. Access to public transport strongly depends on the location of the segregated area and the size of the settlement: in smaller settlements the access of segregated urban areas to public transport is usually not inferior compared to

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<sup>173</sup> Hungary/Fővárosi Bíróság/26.P.24.502/2006/10 (04.07.2007). Source: NEKI (2008) *Fehér Füzet 2007*, available at: [http://www.neki.hu/index.php?option=com\\_docman&task=cat\\_view&gid=32&Itemid=45](http://www.neki.hu/index.php?option=com_docman&task=cat_view&gid=32&Itemid=45) (27.03.2009)

other parts of the settlement. However, in case of small villages the settlement itself is often poorly served by public utilities, similarly to small, ‘ghettoised’ villages. The largest gap can be found in segregated areas separated from other parts of the settlement (e.g. in former manorial crofts, socialist co-operatives’ facilities or workers’ colonies), especially in settlements with large peripheries, which is typical of the Great Plain.<sup>174</sup>

### 1.3.9. Issues concerning access to housing and quality of housing for third country Romani/Traveller immigrants, Romani asylum seekers and, especially, Romani/Traveller EU nationals moving to another Member State

The issue is not significant in Hungarian context.

Since autumn 2008 Roma from Kosovo (approx. 350 persons, most of whom identified themselves as Kosovar Roma) arrived to Hungary, as asylum seekers. At present, for the time of their asylum procedures they are accommodated in the Debrecen reception centre.<sup>175</sup>

A recent research refers to the appearance of low-status foreigners from Serbia and Romania on homesteads in the countryside, with poor access to infrastructure and employment.<sup>176</sup> Although the research report does not refer explicitly to the fact that Roma are present among the affected, it can be assumed, however, that the scale and the significance of the phenomenon cannot be estimated.

As regards Romani/Traveller EU nationals moving to Hungary, no specific legal provisions apply. There is no significant inflow of Romani/Traveller EU nationals to Hungary.

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<sup>174</sup> Database on the most deprived micro-regions is available at: [http://www.nfu.hu/tervezesi\\_dokumentumok](http://www.nfu.hu/tervezesi_dokumentumok) (21.05.2009); <http://www.mav-start.hu/> (21.05.2009); <http://www.volcan.hu/> (21.05.2009)

<sup>175</sup> Their admission as refugees is not probable. (Source: information provided for the NFP by the *Menedék Migránsokat Segítő Egyesület* [Menedék – Association for Migrants].) In case of rejection of their asylum application they will be obliged to leave the centre, and return to their country of origin. (In case of admitted refugees, the *Igazságügyi és Rendészeti Minisztérium Bevándorlási és Állampolgársági Hivatala* [Office for Immigration and Nationality of the Ministry of Justice and Law Enforcement] may provide housing support for a maximum of 18 months – in the latter group the termination of the housing support tends to cause housing problems.)

<sup>176</sup> A. Takács (ed.) (2005) *Tanyakutatók 3. kötet: A homokhátsági tanyák társadalma és szociális problémái (tanulmányok)*, Kecskemét: MTA RKK ATI, available at <http://www.alfoldinfo.hu/tanyakutatas/3fuzet.html> (27.03.2009)

### 1.3.10. Campaigns undertaken by authorities in order to inform Romani/Traveller communities on their right to adequate housing

No such campaigns are known.

### Impacts of housing deprivation on the overall situation of Roma, and specific groups of Roma (women, children, elderly and persons with disabilities)

The overall situation of Roma is without doubt influenced by their poorer housing situation and especially their specific spatial distribution and segregation. The disadvantages are most striking in the case of residents of segregated villages and micro-regions and colonies.

The fact that Roma are overrepresented in economically distressed regions further deteriorates their employment opportunities. In many settlements, no employment opportunities exist beyond positions in the local government and its institutions which, in case of small settlements, might not exceed a few; the unemployed may be employed in public work, but such employment is only temporary, and has proved to be ineffective in reintegration into the primary labour market.

This applies even more to ghettoised villages and micro-regions. Moreover, according to experts, such areas mark a new phenomenon in the socio-spatial structure of the country. In these areas, disadvantages deriving from the poor education of residents, settlement type and regional position all of which lead to the lack of employment and services, such as education, health care, transport and other infrastructure, cumulate and intensify each others' effects, leading to the concentration of extreme poverty, social, educational problems, specific demographic composition (overrepresentation of young, underrepresentation of old cohorts), erosion of local societies, mass unemployment leading to households' dependence on social transfers and the 'detachment' from the norms of majority society including the emergence of new client-patron relations.<sup>177</sup> According to experts, these areas – and their population – are totally excluded from the mainstream society by having fallen out from the social distribution of labour and are superfluous in the post-industrial economic and social structure. The residents of such areas can be perceived as an 'underclass' of society. Spatial immobility, the lack of employment and access to quality education

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<sup>177</sup> G. Havas (1999) 'A kistelepülések és a romák', in: F. Glatz (ed.) *A cigányok Magyarországon. Stratégiai Kutatások, Magyarország az ezredfordulón*, Budapest: MTA; T. Virág (2008) 'Szegénység és gettósodás', in: *Ezredforduló*, Vol. 1, No. 3, pp. 17-18

results in the intergenerational transmission of exclusion.<sup>178</sup> A self-accelerating circle of exclusion on the basis of poor education, lack of employment opportunities, poorer access to services etc. also appears in colonies outside segregated micro-regions.

As regards the specific groups of Roma, no systematic information is available. However, as one of the interviewees emphasised, Romani children are particularly affected by housing-related problems, as, due to the specific demographic composition of Roma, the proportion of children is higher in the Romani than in the total population. Also, some housing-related problems are more likely to affect families with many children (e.g. eviction, since children count as a 'risk factor' in terms of poverty, not only for the Roma but for the whole population, and, as presented above, evictions often lead to the violation of children's rights including removal from their family on a purely material basis). The lack of access to quality education – in part, related to spatial disparities – means the closure of the most important mobility channel, and territorial disparities in the accessibility and quality of child-care centres and other related social services<sup>179</sup> (poorer accessibility and quality of those services in areas where the Romani population is overrepresented) can be considered as a factor of child endangerment. The interviewee also referred to the disadvantaged situation of Romani women in terms of eviction in case they raise their children on their own.<sup>180</sup> Regarding the situation of the elderly and the disabled, no information became available.

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<sup>178</sup> J. Ladányi (2007) 'Az antiszegregációs programok szükségességéről és lehetőségeiről', in: *Kritika*, Vol. 7, 2007 October, available at: [http://www.kritikaonline.hu/kritika\\_07oktober\\_ladanyi.html](http://www.kritikaonline.hu/kritika_07oktober_ladanyi.html) (27.03.2009); J. Ladányi, I. Szelényi (1997) 'Szuburbanizáció és gettósodás', in: *Kritika*, 1997 No. 7, pp. 4-12

<sup>179</sup> [www.cssk.hu/downloads/modszertan/onkorm.doc](http://www.cssk.hu/downloads/modszertan/onkorm.doc) (26.05.2009)

<sup>180</sup> Interview No. 3



## 1.4. Case law and complaints

In Hungary, there are several public bodies which record and process complaints or allegations of human rights violations, racism and discrimination, including housing issues. Below, we list the most relevant bodies providing direct legal remedies.

### Civil courts

Articles 76 and 84 of the Civil Code<sup>181</sup> can be applied in any kind of discriminative behaviour, with no regard to the area of discrimination or the basis of discrimination. On the basis of the above articles of the Act, court proceedings can be initiated with regard to the violation of personality rights in case the principle of equal treatment is violated. In case of other housing rights violations, proceedings can also be initiated at civil courts on the basis of the Civil Code, as it protects the right to private housing,<sup>182</sup> provides regulations for condominiums,<sup>183</sup> tenements<sup>184</sup> and building societies.<sup>185</sup>

### Equal Treatment Authority

The ETA is the Equality Body of Hungary defined in the Act on Equal Treatment and the Promotion of Equal Opportunities,<sup>186</sup> the piece of legislation which transposed Directives 2000/43/EC and 2000/78/EC into the Hungarian legislation. The ETA is an administrative organ with an authorisation to act against any discriminatory act irrespective of the ground for discrimination (including ethnic origin) or the field concerned (including housing).<sup>187</sup> The ETA is vested with the right to impose severe sanctions on persons and entities that violate the ban on discrimination.<sup>188</sup> The Authority is entrusted with all the

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<sup>181</sup> Hungary/Act No. IV. of 1959

<sup>182</sup> Hungary/Act No. IV. of 1959, Art.82

<sup>183</sup> Hungary/Act No. IV. of 1959, Art. 149

<sup>184</sup> Hungary/Act No. IV. of 1959, Arts. 426-429. Article 426 sets that detailed regulation is to be elaborated in a separate Act (the latter being Hungary/Act No. LXXVIII (1993)

<sup>185</sup> Hungary/Act No. IV. of 1959, Art. 578/B

<sup>186</sup> Hungary/Act CXXV (2003)

<sup>187</sup> Provisions that result in a person (or a group) being treated less favourably than another person (or group) in a comparable situation because of his/her gender, racial origin, colour, national or ethnic origin, mother tongue, disability, state of health, religious or ideological conviction, political or other opinion, family status, motherhood (pregnancy) or fatherhood, sexual orientation, sexual identity, age, social origin, financial status, the part-time nature or definite term of the employment relationship or other relationship related to employment, the membership of an organisation representing employees' interests, other status, attribute or characteristic (hereinafter collectively: characteristics), are considered to be discriminative

<sup>188</sup> RAXEN Hungarian NFP (2008) *Organisations supporting victims of racial discrimination*, pp. 4-5

powers required by the Racial Equality Directive, thus it may intervene in the judicial review of a public administrative decision made by another public administrative body concerning the principle of equal treatment. It may also act as a representative authorised by the party who suffered a violation of law in procedures initiated because of a violation of the principle of equal treatment, and carry out *ex officio* investigations. According to the operative legal provisions, the reversal of the burden of proof shall be applied in discrimination cases, and among accepted methods of verification, the ETA can apply testing.

### Parliamentary Commissioner for the Rights of National and Ethnic Minorities; Parliamentary Commissioner for Civil Rights

Under Article 32/B of the Constitution, the Ombudspersons (Parliamentary Commissioners) investigate violations of constitutional rights and initiate general or individual measures to remedy such violations.

At present, there are four ombudspersons, as follows: the Minority Ombudsperson, the General Ombudsperson, the *Adatvédelmi Biztos* [Parliamentary Commissioner for Data Protection] and (since 01.12.2007) the *Jövő Nemzedékek Országgyűlési Biztosa* [Parliamentary Commissioner of Future Generations]. Housing issues can be submitted to the Minority Ombudsperson and the General Ombudsperson.

Under Act LIX of 1993, the Ombudspersons are nominated by the President of the Republic and are appointed for six years by a two-thirds parliamentary majority vote. They take an oath and are responsible solely to the Parliament. The ombudspersons submit annual reports to the Parliament, but, other than that, they are independent of all state and government organs, as well as the private sector. The Parliamentary Commissioners' Office has been operating since 01.07.1995.

Ombudspersons can investigate the affairs of any public authority, including the Hungarian Army, organs of justice (with the exception of courts), ministries, law enforcement agencies (police, fire-fighters, customs and finance control agencies), the prosecutor's investigation office, public utility organisations (gas, water, electricity companies; water, sewerage, heating service establishments; waste disposal companies; chimney sweep and fire-prevention service companies etc), other government administrative agencies, public service media (Hungarian Radio, Hungarian Television), as well as any public service organisation (e.g. the Postal Service) and local governments. They may request information, hearings, written explanation, declaration or opinion from the competent official, or demand that an inquiry be conducted by a superior. When finding a violation, the Ombudspersons issue recommendations to which

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perpetrators must respond within 30 days. Further, Ombudspersons may (i) petition the Constitutional Court; (ii) initiate that the prosecutor issues a protest; and (iii) propose that a legal provision be amended, repealed or issued. Ombudspersons may initiate disciplinary or criminal proceedings. Furthermore, they can request parliamentary investigations and debates. The Ombudspersons' main publicity tool is their annual report submitted to Parliament, published in the Hungarian Official Gazette. The General and the three Specialised Ombudspersons submit separate annual reports.

## Constitutional Court

In case discrimination is based on an unconstitutional legal provision, the above organisations have little opportunities to act against the discriminatory situation. Victims of discrimination, ombudspersons and courts do have the opportunity to turn to the Constitutional Court if such a suspicion arises. (No such mandate is delegated by the operative legislation to the ETA.)

Available data on complaints regarding the housing of Roma directed to bodies that provide direct legal remedies are provided in Annex 1.

Exemplary decisions are provided in Annex 2.

## 1.5. Good practices

### 1.5.1. Magdolna quarter programme

Title: Magdolna quarter programme.

Organisation/institution: The programme is run by the *Józsefvárosi Rehabilitációs és Városfejlesztési Zrt. (RÉV8)* [Józsefváros Rehabilitation and Urban Development Close Company (RÉV8)], the rehabilitation and development company of the 8th district, co-owned by the local government and the Municipality of Budapest.

Type of organisation/institution: The programme is run by government actors as owners of RÉV8 Close Company, the local government and the municipality of Budapest.

Type of initiative: The programme aims at complex urban rehabilitation (social rehabilitation) of a deprived, segregated area of Budapest with the overrepresentation of Roma, with components targeting physical renewal, education, employment and community building.

Total budget and sources of funding: The budget of the first phase (2005-2007) of the programme was 821 million HUF (approximately 2,736,000 EUR). Sources of funding were: the Budapest Municipality; the local government; EU sources and the *Országos Bűnmegelőzési Bizottság (OBmB)* [National Committee for the Prevention of Delinquency]. The budget of the second phase (2008-2010) is approximately 2.2 billion HUF (approximately 7.33 million EUR) funded by the Structural Funds in the framework of the Regional Operative Programme of the Central Hungarian Region.<sup>189</sup>

Rationale: The 8th district has been perceived as a concentration point of low-status social groups and related social problems for decades. Within the district, Magdolna Quarter is the most disadvantaged area, with the concentration of poorly educated, unemployed population. Roma are strongly overrepresented in the area.<sup>190</sup>

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<sup>189</sup> S. Fayman, K. Keresztély et al. (2009) *Urban regeneration policies in Central and Eastern Europe. Summary of the Final Report on Budapest, Hungary*, available at: [http://www.anah.fr/nos-publications/etudes-europeennes/pdf/budapest\\_S\\_EN.pdf](http://www.anah.fr/nos-publications/etudes-europeennes/pdf/budapest_S_EN.pdf) (27.03.2009)

<sup>190</sup> <http://www.rev8.hu/project.php?id=33> (27.03.2009). Romani residents, as presented above, concentrate in the inner city districts (7th-9th districts), especially in the 8th district. Even within the districts the distribution of Roma is uneven, most of them concentrate in Middle Józsefváros, especially in the so-called Magdolna quarter

**Objectives:** The programme aims to stop the self-accelerating circle of social exclusion of residents of the area and, linked to that, the social downgrading of the area. Unlike other, 'gentrification-type' renewals, it aims at keeping most of the present inhabitants in the area. In order to achieve that, a complex programme was designed, with physical development of houses and public spaces together with the development of conditions enabling people to quit the cycle of exclusion, such as education, employment and community building.

**Target group:** The primary target group of the programme is the present residents of the area.

**Time frame:** The first phase was conducted in 2005-2007; the second is under implementation and is planned for 2008-2010. A long-term strategy exists until the end of 2020.

**Location:** The programme takes place in a designated area of the 8th district of Budapest, the so-called Magdolna Quarter.

**Brief description of main activities:** Main activities of the first phase of the programme were as follows: the renovation of four buildings with the involvement of tenants,<sup>191</sup> public space rehabilitation (renewal of a small park and playground in the centre of the area), establishment of a new community centre, provision of facilities for NGOs and community programmes and programme components for education, employment and crime prevention. Specific attention is paid to the involvement of the local communities throughout the programme. The second phase concentrates on the following activities: renovation of buildings with the involvement of residents (16 public property buildings and seven condominiums); public space rehabilitation; programme for quality education (targeted at local, mostly segregated schools); community development (including programmes in the newly established community centre, establishment of a neighbourhood council, programmes outside the community centre; social and crime prevention programme and a programme for the development of local economy, including the establishment of new services and labour market reintegration of poorly educated, unemployed residents.<sup>192</sup>

**Involvement of Roma and Travellers in the design, implementation and assessment:** Roma are involved in the design, implementation and the assessment of the project.

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<sup>191</sup> The situation of the district is specific in that it has a relatively large stock of public tenements. S. Fayman, K. Keresztély et. al. (2009) *Les politiques de renouvellement urbain des villes d'Europe centrale illustrées par la réhabilitation des quartiers existants La ville de Budapest en Hongrie*, available at: <http://www.anah.fr/nos-publications/etudes-europeennes/page-actu-etud-eu.htm> (27.03.2009)

<sup>192</sup> RÉV8 (2008) *Budapest-Józsefváros: Magdolna Negyed Program. Integrált szociális városrehabilitációs program a 2008-2010 közötti időszakban*, available at: [http://www.rev8.hu/csatolmanyok/proj\\_dokok/proj\\_dokok\\_17.pdf](http://www.rev8.hu/csatolmanyok/proj_dokok/proj_dokok_17.pdf) (27.03.2009)

Any specific focus on Romani women, children, the elderly or persons with disabilities: The programme puts emphasis on the situation of children: education is one of the core programme elements. The labour market reintegration programme highlights women as a specific target group.

Difficulties and limitations encountered: The project has no antecedents in Hungary. Motivating the deprived, excluded population of the area for participation can be perceived as a significant difficulty encountered in the programme so far, especially at the beginning.

Any impact assessment or other evaluation: Evaluation of the first phase of the programme was made by RÉV8 in 2007.<sup>193</sup> According to the evaluation, the programme achieved a breakthrough compared to the previous approaches to urban renewal (aiming mostly at gentrification). So far, the direct effects of the programme can only be perceived on the micro level. The programme has established an effective management body, achieved developments in the involvement of local residents in the programme; increasing trust of local residents in the programme can be perceived, a network of NGOs participating in the programme has been set up which forms a stable basis for continuation. Experiences of the first phase were inbuilt in the design of the second phase.

Sustainability: Community building, involvement of local residents, establishment of an NGO network participating in the programme are being carried out to ensure sustainability.

Possibilities for transferability and mainstreaming: Experiences of the programme played a major role in the formation of the new design of national urban renewal policies, including 'social rehabilitation' as one of the forms of renewal (for details see Part 1.6.). The second phase runs as one of the pilot programmes of social rehabilitation.

## 1.5.2. Individual Development Account

Title: Befektetés a jövőbe [Individual Development Account]

Organisation/institution: The programme was run by the *Autonómia Alapítvány* [Autonomia Foundation].

Type of organisation/institution: The Autonómia Foundation is a non-governmental organisation.

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<sup>193</sup> RÉV8 (2007) *Budapest-Józsefváros Magdolna Negyed Program I. Jelenlegi állásáról és monitoring vizsgálatáról*, available at: [http://www.rev8.hu/csatolmanyok/proj\\_dokok/proj\\_dokok\\_21.pdf](http://www.rev8.hu/csatolmanyok/proj_dokok/proj_dokok_21.pdf) (27.03.2009)

Type of initiative: Specific financial support scheme to assist deprived households, especially Roma in the development of their housing situation.

Total budget and sources of funding: The total budget of the programme was 250,000 USD. Funding was provided by the Soros Foundation.

Rationale: The programme was based on the recognition that for deprived households, the lack of savings poses a major problem which hinders the obtaining and maintenance of assets, including housing. (In Hungary, as a result of the mass privatisation in the 1990s, most people live in private property; and housing subsidies are mostly property-based.)

Objectives: The aim of the programme was to motivate deprived households in setting realistic goals for the development of their assets (thus, not consumption-oriented goals), and motivate them for regular savings in order to achieve these goals, with matching fund provided by the programme, and, linked to that, development of their economy skills through trainings. As a result, families' legal and economy-related skills improved, the scope and/or quality of their assets increased, their household budget stabilised, their labour market situation improved and their mobility chances grew.<sup>194</sup>

Target group: The target group of the programme was deprived, mostly Romani families.

Time frame: The project ran in 2006-2007.

Location: The project was carried out in Bonyhád (a city in South-West Hungary) and six neighbouring villages.

Brief description of main activities: The programme provided a financial training for participants (participation was mandatory) tailored to the target group's needs. Households were provided assistance in defining realistic goals for the development of their assets. Goals supported by the programme included flat purchase, flat renewal, purchase of PC, enterprise development and acquisition of driving license.<sup>195</sup> By far the most popular goal was flat renewal: half of the participants chose this as a goal, and an additional 10 per cent aimed at flat purchase. Households had to perform regular savings for a certain period (the longest period was 22 months in case of flat renewals and purchases, in case of Romani clients in 2006) and upon fulfilment of conditions related to savings, a matching fund was provided for them, depending on the type of their goal (the largest matching fund, triple to their own savings, was provided for housing renewal and purchase). During the realisation of their goals, participants had to account for both their own savings and the matching fund,

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<sup>194</sup> <http://www.autonomia.hu/index.jsp?id=22&main=41&akt=22&lang> (27.03.2009); Interview No. 4

<sup>195</sup> <http://www.autonomia.hu/index.jsp?id=22&main=229&akt=22&lang> (27.03.2009)

and quality protocols had to be respected (i.e. in terms of building material used and the quality of construction works).

Involvement of Roma and Travellers in the design, implementation and assessment: The design and implementation was carried out by Autonomia Foundation; the Foundation has been working with Roma since the beginning of its operation. Evaluation was carried out by Ferenc Babusik, director of Delphoi Consulting.<sup>196</sup> Eighty-four persons participated in the programme out of whom 52 (62 per cent) were Roma (in one case the ethnicity was not known). Sixty persons finished the programme successfully; no data are available for their ethnic composition.

Any specific focus on Romani women, children, the elderly or persons with disabilities: The programme did not put specific focus on Romani women, children, the elderly or persons with disabilities.

Difficulties and limitations encountered: The most important risk factor was the unstable financial situation of participating households. Households which chose flat purchase or renewal as an aim for savings (thus not investments to increase future income such as the other potential aims listed above) were usually those who had a more unstable financial situation than others. At the same time, they made higher amounts of own savings. During the implementation of the programme, the general economic situation in the country worsened, which had an effect on participating households as well (decrease of employment wages and supplementary – black – work opportunities). Although the evaluation highlights that, despite their poor financial situation, the households showed a disciplined attitude in terms of payment, the above factors led to payment problems.

Any impact assessment or other evaluation: The evaluation of the programme is available.<sup>197</sup> According to the evaluation, out of the 84 persons who entered the programme, 60 persons finished it successfully. Despite the fact that the unstable financial situation of participating households was a risk factor, the evaluation highlights that, with no regard to the deteriorating macro-economic situation, most of the households paid their savings orderly. The financial situation of those who quit the programme was significantly poorer (stronger dependence on transfer revenues). Especially in case of housing-related savings, the evaluation suggests that only households with per capita revenues above subsistence level should be involved in order to ensure successful participation. No information is available on the programme's specific impact on Romani women, children, the elderly or persons with disabilities.

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<sup>196</sup> <http://www.autonomia.hu/index.jsp?id=22&main=229&akt=22&lang> (27.03.2009)

<sup>197</sup> <http://www.autonomia.hu/index.jsp?id=22&main=229&akt=22&lang> (27.03.2009)



Sustainability: According to the evaluation, the programme had an advantageous effect on households' strategic thinking which increases the chance that results will be sustainable. However, in the new housing programme of the Foundation (see below), the project design is planned to include components for the increase of sustainability.

Possibilities for transferability and mainstreaming: The project was considered to be a pilot project examining possibilities for the establishment of a flexible institutional structure aiming to help disadvantaged families in acquiring/renewal of assets, especially in terms of housing. Experiences of the programme are used for the design of a new housing programme of the Autonomia Foundation. The programme is currently under development, it is targeted primarily at the renewal of housing (on a lesser scale, to new constructions), on the basis of own savings, matching fund from sources of Soros Foundation and Levis Grant and credits provided by *Mikrohitel Zrt.* [Mikrohitel Close Company] from Habitat sources, supplemented by state housing construction allowance subsidies. Similarly to the pilot programme presented above, participating households would be obliged to attend a financial training. At present, they plan to launch the programme in five settlements, with 5-10 households in each.<sup>198</sup>

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<sup>198</sup> Interview No. 4

## 1.6. Major national projects

### Housing and social integration programme of residents of colonies

#### Project goals

The programme, launched in February 2005 as a pilot programme by the *Ifjúsági, Családügyi, Szociális és Egészségügyi Minisztérium* (ICSSZEM) [Ministry of Youth, Family, Social Affairs and Health], was the first one targeting the improvement of the housing situation of Roma. It aims at the improvement of life circumstances and mobility chances of residents of Romani colonies or other segregated neighbourhoods. The programme is based on a complex approach, targeting housing, social integration and (re)integration into the labour market side by side. Depending on the social and physical conditions of the respective colony, housing developments may cover mobilisation to socially mixed neighbourhoods and renewal of existing housing stock or other activities, adapted to the case. Social integration is to be achieved through social help, improvement of the quality of health care and education and employment programmes. The call of the pilot programme (the first call was launched in 2005) explicitly referred to Roma in its title, now it refers to 'residents of colonies', however, a major proportion of targeted population is in fact Roma. The target group of the programme is residents of Romani colonies; it contains no specific measures for women, children, the elderly and persons with disabilities.

#### Activities and scope<sup>199</sup>

So far, several calls have been issued in the framework of the programme.

In the first call, projects had to be elaborated and led by local governments, communicating with affected residents, with involvement of 'colony representatives' elected by residents, so the programme aims to ensure the participation of Roma during design and implementation. All projects had a mentor (independent expert), and social workers to facilitate the implementation process. The Ministry invited 40 settlements to apply for participation (thus it was not an open call). Subsequently, the programme began in ten settlements.

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<sup>199</sup> Unless indicated otherwise, data and information are derived from Szociális és Munkaügyi Minisztérium (2008) *Kormányzati intézkedések a lakhatási szegregáció visszaszorítására*, available at: <http://www.romaweb.hu/romaweb/index.html> (27.03.2009)

The budget of the first call was 680 million HUF (approximately 2,267,000 EUR).<sup>200</sup>

A first evaluation of the programme took place in 2006. The evaluation, among others, pointed out that the sustainability of the project should be increased by a stronger emphasis on the employment components; participation of the target group should be ensured in the whole duration of the programme, empowerment of target group is necessary, combating segregation should be an ultimate aim (thus no actions which might lead to the increase of segregation should be supported), the strict time span should be made more flexible and follow-up activities are needed.<sup>201</sup> On the basis of the evaluation and other programme-related experiences, some changes in the programme were applied.

In September 2006, a new call was launched, this time in co-operation of the Ministry of Social Affairs and Labour (successor of the Ministry of Youth, Family, Social Affairs and Health) and the *Országos Foglalkoztatási Közalapítvány* (OFA) [National Employment Foundation (NEF)]. Eleven settlements were invited to participate; eligible lead partners were local governments in ten settlements and for the 11th settlement, an NGO. The total budget was 505 million HUF (approximately 400 million HUF from the Ministry of Social Affairs and Labour, and 105 million HUF from the NEF). All 11 settlements became eligible for the support.

In September 2007, a new call for applications was launched by the two agencies. In this round, applications could be submitted either for complex programmes or for solely employment programmes. Although for the complex programs a list of invited settlements was defined, unlike in the previous rounds, all settlements under fifteen thousand residents and Romani colonies with 4-15 flats were eligible. Lead partners became local governments or NGOs. The total budget of the programme was 660 million HUF (360 million from the Ministry and 300 million from the OFA, altogether approximately 2.2 million EUR). A following, 2008 February call was targeted at two small settlements and the total budget was 60 million HUF. On the basis of these two calls, the programme began in 11 settlements (out of which one was already included in the 2006 programme). The latest call, issued in June 2008, invited settlements under 15,000 inhabitants with a segregated area of at least four flats, but not exceeding 25 flats; or in case of larger segregated area, the applying consortium had to provide retention. The total budget of the programme was 875 million HUF (480 million HUF from the Ministry of Social Affairs and Labour and 395 million HUF from the NEF, altogether approximately 3.2

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<sup>200</sup> [http://www.romaweb.hu/doc/kormanyzat/telep/Telep\\_hatter.doc](http://www.romaweb.hu/doc/kormanyzat/telep/Telep_hatter.doc) (27.03.2009);  
<http://www.icsszem.hu/main.php?folderID=1055&articleID=5013&ctag=articlelist&iid=1&accessible=0> (27.03.2009)

<sup>201</sup> [http://www.romaweb.hu/doc/kormanyzat/telep/telprotelepek/Jelentes\\_romatelpro\\_eredmenyek\\_2006jul.pdf](http://www.romaweb.hu/doc/kormanyzat/telep/telprotelepek/Jelentes_romatelpro_eredmenyek_2006jul.pdf) (27.03.2009)

million EUR). Eight settlements gained support for the programme (two of them were already included in the programme).

#### Impact, major outcomes, lessons learnt

Altogether, programmes for the housing and social integration of residents of colonies were carried out in 30 settlements. So far, the total budget allocated for the programme was 2.87 billion HUF. By 2008, for the 30 settlements where the project had been closed, 211 families moved to new flats, 563 flats were renovated and/or improved, 501 persons participated in education programmes and 338 in employment programmes.

No information is available on the programme's specific impact on Romani women, children, the elderly or persons with disabilities.

Since the beginning of its operation, in part in reaction to the 2006 evaluation, in part reacting to other feedback, the programme underwent some changes. Among eligible applicants, NGOs were involved, and now the majority of programmes are run by NGOs. The focus of the programme has always been on the elimination of segregated environment, but in the previous years this focus became even more prevalent. More emphasis has been put on the complexity of programmes (inclusion of 'soft' components, that is, components aiming at education, employment, community building, etc., in addition to infrastructural developments). The set of eligible settlements was opened up, however, strong limits have been set in terms of the size of eligible settlements.<sup>202</sup> The reason for that was partly due to the limited resources of the programme, partly due to the fact that larger settlements and larger segregated areas may need a different approach to the elimination of segregation compared to small ones.<sup>203</sup>

One of the criticisms experienced with regard to the programme during the interviews was that it was inadequately prepared, in organisational terms, and that neither affected colony residents nor residents of the other parts of the affected settlements were prepared for its implementation, which led to tensions, or even the harm of the target group.<sup>204</sup> A specific example of such tensions appeared in ETA as well: the so-called 'Vaja case'. In this case, the local government of Egercsehi, where the programme is under implementation, purchased a house for one of the Romani families who moved out from the colony in Vaja, as the family, having employment there, expressed its wish to move to Egercsehi. The local government of Vaja condemned the 'export of Roma' to the settlement, the local notary was reluctant to admit the household as registered residents (they were registered only after the personal intervention of the mayor and the former mentor of the programme), and issued a ban on any change to the area, thus making larger renewals and constructions impossible.

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<sup>202</sup> Interview No. 1

<sup>203</sup> Interviews No. 1 and 3

<sup>204</sup> Interview No. 5

Upon initiation by the affected resident, the ETA investigated the case.<sup>205</sup> However, according to one of the interviewees, such conflicts can be avoided if the programme is more thoroughly prepared.

The programme has also been criticised for being based on inadequate financial resources. Such a view was shared, for instance, by one of the NGO respondents. The interviewed representative of the Ministry also acknowledged that, compared to the scale of the problem, the targeted resources are small, adding that the available resources in fact depend on national level political decisions. In his view, though, the programme will indeed not be able to become decisive in terms of the elimination of all colonies, but it can serve as a basis for the development of good practices, and fits in the current government's anti-segregation policies.

Since 2006, no systematic evaluation of the programme has taken place. However, such an evaluation is planned.<sup>206</sup>

## Mainstreaming of anti-segregation in urban development policies

### Project goals

Mainstreaming of anti-segregation in general development policies is one of the key priorities of the Department of Roma Integration of the Ministry of Social Affairs and Labour, the ministry in charge of equal opportunities issues.<sup>207</sup> In the recent years, the approach of anti-segregation is being mainstreamed in the general urban development policies.

### Activities and scope

In the NHDP,<sup>208</sup> equal opportunities appear as a key priority. For that reason, the National Development Agency, in co-operation with the sectoral Ministries, elaborates guides to help applicants for NHDP sources in the compilation of equal opportunities analyses and programmes. So far, in addition to education,

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<sup>205</sup> Hungary/EBH/479/2008. Source: information provided for the NFP by the ETA (as consortium partner) for the purposes of the present report. The case was also referred to in interview No. 5

<sup>206</sup> Information derived from the interview with the representative of the Ministry of Social Affairs and Labour. The Ministry plans to launch an evaluation, however, its details are not elaborated yet

<sup>207</sup> Interview No. 1

<sup>208</sup> In Hungary, due to the scarcity of national development sources, EU sources strongly determine development policies. most significant projects from the viewpoint of the present study are issued on the basis of EU sources, therefore we include such projects in the present section

such measures have been established in the field of housing. Initiated by the Ministry of Social Affairs and Labour, as the precondition for application for urban development funds, a predefined set of settlements (in practice, most cities) has to elaborate an integrated urban development strategy, including an anti-segregation plan. In the latter, all segregated areas above 50 inhabitants should be presented, and for segregated areas above 100 inhabitants, actions to combat segregation should be developed and presented. Additionally, any potential effects of all urban development actions included in the Strategy that may lead to segregation have to be analysed, and the revealed potential segregational effects handled.<sup>209</sup>

The Ministry of Social Affairs and Labour established a 27-member network of experts (including Roma) to help and monitor the elaboration of Anti-Segregation Programmes. Without the written consent of the experts, the Programme cannot be legitimated by local general assemblies. Without it, the settlement cannot apply for the urban development sources of the Structural Funds.

Additionally, initiated by the Ministry of Social Affairs and Labour, the National Development Agency accepted the development of low-status areas of settlements as a priority. In line with that, in addition to a function-extension renewal of urban centres, the other form of urban renewal actions that cities may realise in the framework of the NHDP is 'social urban rehabilitation', complex programmes with components of housing, education, employment and community building, aiming at keeping most of the present residents in the respective areas.

First calls for urban development were announced in the beginning of 2008. By now, 20 out of 23 Budapest districts and nearly 150 cities in the country (approximately half of all cities, the more significant ones including the 23 county-level cities, and 79 cities with population of above 20,000 inhabitants) elaborated their Integrated Development Strategies and Anti-Segregation Plans.<sup>210</sup>

#### Impact, major outcomes, lessons learnt

As the Integrated Development Strategies including Anti-Segregation Plans were elaborated only in 2008, no formal evaluation has taken place by now. Hence, concrete impacts, outcomes or lessons learnt cannot be presented yet. However, many experts, including the interviewed representative of the

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[http://www.bm.hu/web/portal.nsf/index/D2FA4367DE53F211C125738D002EDFB2/\\$file/utmutato.pdf?OpenElement](http://www.bm.hu/web/portal.nsf/index/D2FA4367DE53F211C125738D002EDFB2/$file/utmutato.pdf?OpenElement) (27.03.2009)

<sup>210</sup> Szociális és Munkaügyi Minisztérium (2008) *Kormányzati intézkedések a lakhatási szegregáció visszaszorítására*, available at: <http://www.romaweb.hu/romaweb/index.html> (27.03.2009)

Ministry, evaluate the mainstreaming of the issue to general urban development policies as a success.

At present, the elaboration of an Integrated Development Strategy is not mandatory for local governments, and is motivated 'only' by being a precondition for applying for EU sources, which is a strong motivation, as shown by the above data. At present, negotiations take place between the Ministry of Social Affairs and Labour and the Ministry for National Development and Economy, which is mandated with spatial planning, on the potential inclusion of the Strategy, and, as part of it, the Anti-Segregation Plan, among the mandatory planning documents.

## Development programme for the most disadvantaged micro-regions

### Project goals

One of the flagship programmes of the NHDP<sup>211</sup> is the complex development programme of the most disadvantaged micro-regions. The approach of the programme is new within the EU: it aims at balancing spatial inequalities within the boundaries of a country, on a low territorial level (micro-regions, or even smaller territorial units within micro-regions).

### Activities and scope

In 2007, the Government specified the set of the most disadvantaged micro-regions to be assisted with a complex development programme<sup>212</sup> on the basis of the recognition that, although significant disparities existed between the resource absorption capacities of these micro-regions in the previous years, many of them were unable to develop development programmes to access spatial development resources.

Based on a complex index, 33 micro-regions were defined as the most deprived ones, hosting 10 per cent of the total population, one third of Roma.<sup>213</sup>

A separate budget of approximately 96.9 billion HUF (approximately 323 million EUR) for years 2009-2013 has been reserved for these areas within the Social Renewal Operative Programme, Social Infrastructure Operative Programme and regional Operative Programmes (the complex programme

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<sup>211</sup> Flagship projects channel and co-ordinate a variety of resources such as internal resources, Structural Funds, other EU resources, Transition Facility, Norwegian Fund, Swiss Contribution etc., for strategic development issues

<sup>212</sup> Hungary/Government decree No. 311 (17.11.2007)

<sup>213</sup> [www.nfu.hu/download/11637/LHH\\_m%dszertan\\_0905.doc](http://www.nfu.hu/download/11637/LHH_m%dszertan_0905.doc) (27.03.2009)

affects four regions: the South Great Plain, South Transdanubia, North Hungary and the North Great Plain). In the National Development Agency a separate unit was set up for the coordination of the programme.

In autumn 2008, all affected micro-regions had to develop their project package. The micro-regions received expert assistance for planning by consortiums chosen in a public procurement procedure. Initiated by the Ministry of Social Affairs and Labour in addition to the above expert assistance, equal opportunities' experts (including Romani experts) also assisted in the development of project packages. They elaborated situation analysis regarding equal opportunities in spatial development (and education, co-ordinated by the Ministry of Education), identified main problems and suggested related developments, assisted project development (in which promoting the involvement of local Romani communities was one of the key priorities) and evaluated the projects included in the project package; their work was supervised by experts contracted by the Ministry.<sup>214</sup>

#### Impact, major outcomes, lessons learnt

At present, the evaluation of the project packages is ongoing, therefore, no systematic information is available on the impact of the programme, outcomes and lessons learnt. However, several interviewees emphasised that the aim of the programme is based on an innovative approach to address the problem of the most deprived micro-regions. At the same time, critical remarks also appeared in the interviews. Some of such remarks referred to the time span of planning; according to interviewees the deadlines set in the programme did not make possible the carrying out of the otherwise agreeable actions. Although the interviewees agreed that a solid institutional structure had been built in order to ensure the promotion of equal opportunities,<sup>215</sup> it appeared as a critical remark that, in practice, local government representatives, and, in some cases, also planning experts delegated by the above-mentioned consortiums were reluctant to help the work of equal opportunities' experts.<sup>216</sup>

The evaluation process of the programme is expected to end by the end of April 2009. At the same time, on the basis of the available sources in the framework of the programme, new, innovative methods for the development of the most deprived micro-regions are planned to be examined, such as the possibilities of the introduction of 'fair trade' schemes or 'the bank of poor' constructions.<sup>217</sup>

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<sup>214</sup> [http://www.nfu.hu/tervezesi\\_dokumentumok](http://www.nfu.hu/tervezesi_dokumentumok) (27.03.2009)

<sup>215</sup> Interviews No. 1 and 4

<sup>216</sup> Interview No. 3

<sup>217</sup> Á. Kullmann (2008) 'A leghátrányosabb helyzetű kistérségek programjainak dilemmái', in: *Falu Város Régió*, Vol. 15, No. 3, pp. 69-73



## 2. Field research - interviews

### 2.1. Methodology

In the framework of the field research, five interviews were carried out.

Interviewees were as follows:

- (1) Department of Roma Integration, Ministry of Social Affairs and Labour
- (2) Department of Housing, Ministry of Local Government
- (3) Roma Civil Rights Foundation
- (4) Autonómia Foundation
- (5) Legal Defence Bureau for the Rights of Ethnic and National Minorities

All interviews were carried out in Budapest, as the seat of the relevant organisations is in Budapest.

### 2.2. Summary of main points

#### The most important features of the housing of Roma in Hungary

The representative of the Housing Department of the Ministry of Local Government – referring to the housing of the low-status social groups, since Roma are not addressed by them as such (see below) – pointed out that the current housing policies are property oriented, and are, therefore, an important problem, as, due to such property oriented housing policies there are serious difficulties in accessing the poorest households. Additionally, the representative also referred to potential problematic outcomes of policies aimed to support the acquisition of property on a social basis, namely offences related to state housing support in the 'Fészekrakó' scheme and abuses of the housing construction allowance subsidies (i.e. cases when entrepreneurs, lawyers, bank staff, speculating on their clients' state subsidies, convinced them to purchase

housing of unacceptable quality and in many cases unmanageable maintenance costs).<sup>218</sup>

The disadvantaged housing conditions of the Roma arising from their significant overrepresentation among the poorest social groups were mentioned in all interviews.

The key problem agreed by almost all interviewees<sup>219</sup> is the segregation of Roma, especially in the form of ghettoised villages and colonies.

Additionally, the following problems were mentioned with respect to Romani housing: (1) increase of segregation after 1989-1990; (2) affordability problems related to housing arising from unemployment and increasing maintenance costs which led, among others, to re-migration of poor Romani households to small settlements; (3) overrepresentation of Roma in deprived areas of the country; (4) overrepresentation of Roma in small settlements, including settlements below 500 residents where 'no chance for social mobility exists';<sup>220</sup> (5) reluctance of many local governments and authorities to respect the current laws, namely, in case of evictions; (6) blurred definition of 'behavioural problems' as a basis for the termination of rental contracts; (7) violation of the rights of children in eviction cases (while, according to the law, children cannot be separated from their families on a purely material basis, children of evicted families are, in some cases, taken to child care facilities; (8) the current design of debt management services is not accessible for the poorest including poor Roma due to limits (maximalisation) regarding the scale of available support and the fact that the service is not available in smaller settlements; (9) households living in small, congested flats cannot access normative rent subsidies; (10) blurring of the concepts of squatters and flat users without entitlement, applying the stricter rules for squatters in eviction cases for flat users without entitlement; (11) still existing discriminatory components in local governments' public housing regulations (discriminating against squatters); (12) state housing construction subsidies led to the increase of segregation in many cases; (13) ethnic conflicts between Roma and non-Roma; (14) the representative of NEKI referred to cases when local governments provide poor Romani families with emergency flats, with temporary contracts, to ensure their accommodation while the households solve their housing problems, and when the contracts expire they are not willing to extend them even when the affected families are unable to solve their housing problems by then (according to the interviewee, it is, nevertheless, very difficult to establish whether discrimination

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<sup>218</sup> Interview No. 2. Some of the interviewees (Interviewees No. 2. and 4) mentioned that in some cases where such misuse of sources occurred, the affected families' housing conditions still improved compared to their original – inhuman – conditions (which on the other hand does not make such actions acceptable).

<sup>219</sup> Interviews No.1, 3, 4, and 5

<sup>220</sup> Interview No. 3

took place);<sup>221</sup> (15) another typical housing-related case experienced by NEKI is when local governments fail to provide support for the renovation of houses that are in a life-threatening condition. The demolition of life-threatening constructions can be ordered by the construction administration (at owner's cost). As a result, the affected families, in many cases Romani families, may become homeless. However, the interviewee emphasised that in the background of such cases is often the lack of financial resources of local governments.<sup>222</sup>

As regards the situation of specific groups of Roma such as women, children, elderly and disabled, the interviewees could not highlight specific issues, apart from the view which was documented in one of the interviews<sup>223</sup> that Romani children disproportionately suffer from evictions, since evictions are more frequent among families with many children; and, according to their experience, the rights of children tend to be violated during evictions.

## The institutions' work related to Romani housing issues

The Housing Department of the Ministry of Local Government has three main areas of operation: the management of housing subsidies (including the housing construction allowance), housing-related tenders<sup>224</sup> and housing-related legislation.<sup>225</sup> They do not have a comprehensive mandate with regard to housing policy, in fact, no such public body exists. Both governmental respondents referred to the fact that the administration of housing related issues is carried out by several entities of the Hungarian government.<sup>226</sup>

The Department of Roma Integration in the Ministry of Equal Opportunities is mandated with issues of the housing of Roma, dealing with general policies of housing and spatial development from the perspective of Romani housing, mainstreaming of the housing problems of Roma in general, and housing policies; the development of specific programmes, such as the Housing, Social and Labour Market Integration Programme of Residents of Colonies. However, such programmes do not explicitly target Roma, but the low-status population in general (or in case of the programme for colonies, residents of colonies, a large proportion of whom are Roma). 'We think that housing problems of Roma are fully covered if we talk about housing problems of low-status households. No [Roma] people who would otherwise need support are omitted from

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<sup>221</sup> Interview No. 5

<sup>222</sup> Interview No. 5

<sup>223</sup> Interview No. 3

<sup>224</sup> In fact, the 'panel programme' providing state support for the energy-saving renewal of buildings constructed with industrial technologies

<sup>225</sup> As discussed in section 1.1.1, detailed regulation of housing tenements is in the mandate of local governments

<sup>226</sup> Housing-related mandates are placed in the Ministry of Local Government, the Ministry of National Development and Economy as well as in the Ministry of Social Affairs and Labour

developments if we follow this logic. We tend to say that it is not all Roma who have to be dealt with in terms of housing, while all low-status persons need support.’

As regards financial and human resources, according to the representative of the Department, it is clear that the scale of the colony programme is small compared to the scale of the phenomenon, however, its scale is dependent on decisions outside their scope. Taking into account the full scope of the problem of segregation, not only colonies, the above-mentioned mainstreaming of Roma-related issues in general policies is perceived to be a more effective instrument to cope with problems of Romani housing. With regard to the current tasks, the financial and human resources of the Department are adequate. (Other interviewees did not express any opinion on the adequacy of financial and human resources targeted at the improvement of the housing conditions of the Roma.)

The Roma Civil Rights Foundation is the most significant NGO specialised, among others, in the issue of Romani housing. They act in specific situations, for instance, they fight against unlawful evictions, evictions carried out in an unlawful manner and against citizens’ and local government representatives’ actions aiming to exclude Roma. Additionally, they strive to improve the legal provisions with the aim to combat the exclusion of Roma in the area of housing.

The Autonomia Foundation is one of the most significant NGOs dealing with Roma-related developments. It has been involved in housing issues since 2005, when the preparation of the Individual Account Programme began.

NEKI deals with legal representation of victims of discrimination on the grounds of ethnic origin, including victims of housing discrimination.

## Policies related to Romani housing, their impact on the situation

In the general housing policy of Hungary, the issue of Roma is not addressed, in line with the mainstream policy view that problems of Roma, who are over-represented among low status-social groups, should not be addressed in an ethnicity-based way; instead, policies should target low-status social groups, hence covering also disadvantaged Roma.

Moreover, the existence of ‘housing policy’ as such was questioned by some interviewees.<sup>227</sup> Although no interviewees questioned that housing-related policies exist, they pointed to the lack of a comprehensive housing policy. According to the representative of the relevant ministry, indeed, no legitimated housing policy exists, but in 2003-2004 a housing strategy was elaborated,

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<sup>227</sup> Interviews No. 1, 3, 4, and 5

which, although it has not been discussed and approved by the government, serves as a basis for housing-related activities.<sup>228</sup>

Respondents emphasised the necessity of a comprehensive housing policy with a long-term strategy on property structure and housing schemes tailored to the housing needs of different social groups.

The property-oriented approach of state housing support was criticised,<sup>229</sup> as it limits low-status household's access to such support. In case of access to housing credits subsidised by the state, a double 'filter' exists, as, in addition to the income situation of the household, geographical location also counts, as banks are reluctant to provide mortgage loans for properties in small settlements in deprived neighbourhoods.

However, in the respondents' view, a paradigm shift is necessary, and, in addition to property-based support, a comprehensive housing support system should be developed with property-based support and rent subsidies. In 2005, the government took steps but, because of the low amount of subsidies and specific municipal conditions,<sup>230</sup> the programme does not work (except for a very few cases in very few local governments).<sup>231</sup>

According to the representative of the Roma Integration Department, no Roma-related housing policies had existed until 2005 when the programme for colonies was launched (although on a smaller scale than originally planned). Now, after four years of operation and development, anti-segregation as a policy can be mainstreamed into the general development policies.

The key priority of the Department of Roma Integration is dealing with segregation. Their experience shows that this approach is not widespread in other countries, however, now its significance is more and more acknowledged. For that reason, the Roma Integration Department of the Ministry of Social Affairs and Labour plans to introduce indices of segregation in addition to the housing-related indices of the monitoring of the Decade of Roma Inclusion Programme. This is one of the reasons why the Department uses 'soft' data to define segregated areas (i.e. the proportion of poorly educated people, persons with no regular income, etc.).

The other key priority of the Department of Roma Integration is the increase of rental housing stock.

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<sup>228</sup> Interview No. 2

<sup>229</sup> Interviews No. 2 and 4

<sup>230</sup> Data of the landlord had to be sent to the Hungarian Tax and Financial Control Administration, while a large proportion of rents is undocumented

<sup>231</sup> However, on the basis of cases of maladministration and direct discrimination where local governments were involved, as presented e.g. in section 1.1.1, such an institutional arrangement may also pose problems.

According to the representative of the RCRF, the inclusion of desegregation measures in legal provisions (e.g. in the Act on Construction which also regulates urban planning; the Act on Territorial Planning)<sup>232</sup> is necessary.

The representative of the Autonomia Foundation emphasised that, as long as extreme segregation is not dealt with, the effectiveness of (other) programmes is questionable. The representative has urged the adoption of policies which can handle spatial mobility, quality education and can also provide good solutions for employment.

No policies regarding specific groups of Roma such as women, children, elderly and disabled were mentioned.

## Examples of 'good practice'

Good practice examples mentioned in interviews were as follows:

### Housing and social integration programme for residents of colonies

The representative of the Department of Roma Integration mentioned the programme as a 'good practice.' He emphasised the improvements in the preparation of the programmes and the comprehensive nature of the programmes (for instance, if a programme lacks an employment component, it cannot be funded as the education of poorly educated colony residents is mandatory). Currently, the Department is planning to launch a new round of evaluation of the programme.

The representative of the Department of Roma Integration pointed out that the Department is aware of the fact that the sources committed to the programme are modest compared to the scale of the problem (it appeared as criticism in the interview with the representative of the RCRF), however, the decisions on the scope of available resources fall outside the competence of the Department. The representative also emphasised that, as a longer-term solution, mainstreaming of desegregation in general development policy is a more effective instrument.

According to the representative of the RCRF, both better and less good practices can also be found among the 30 settlements where the programme has already been carried out. He expressed his concern that efforts to improve the situation of colony residents might be set back by the local governments' lack of interest. (Their experience shows that local governments prefer to support the rehabilitation – thus, maintenance – of segregated areas rather than their desegregation.) The representative of Autonomia Foundation was sceptic regarding the outcomes of the programme.

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<sup>232</sup> Hungary/Act No. LXXVIII (1997); Hungary/Act No. XX (1996)

According to the representative of NEKI, the aim of the programme is supportable but its implementation raises concerns. He referred to the Vaja case in which a flat purchased in Vaja by the local government of Egercsehi for a Romani family moving out from the colony led to conflicts. In that case, the local government of Vaja blamed the local government of Egercsehi for the 'export of Roma', and made steps to keep the family away (by reluctance to register them, issuing a ban on any changes made to the area, thus making larger renewals and constructions impossible). In his view, such conflicts can be avoided by a more thorough preparation of the programme.

#### Integrated Urban Development Strategies including Anti-Segregation Programmes

The representative of the Department of Roma Integration evaluated the inclusion of Integrated Urban Development Strategies in development policies as a major success in mainstreaming housing problems of low-status people in general development policies, as it establishes a long-term basis for Roma-related developments. Half of the cities (including the most significant ones) already have an Integrated Urban Development Strategy. As for specific good examples, he mentioned the Integrated Urban Development Strategies of Székesfehérvár, Nyíregyháza and Hódmezővásárhely.<sup>233</sup>

According to the experience of the representative of RCFC, in some settlements the local government did not define areas where Romani residents are overrepresented as segregated,<sup>234</sup> and were not particularly enthusiastic to develop programmes for low-status segregated areas either.

#### Social urban rehabilitation

In terms of social urban rehabilitation programmes, the Magdolna project was mentioned among 'good practices', however, it received some critical remarks as well. According to the representative of the Roma Integration Department, although he admits that, for instance, establishment of community spaces is a very good initiative, in his view the programme should not be 'ethnified' as it is happening, in his view, with some of the programme components. Additionally, he mentioned programmes planned in Dombóvár and Nagykálló as good examples of social rehabilitation. The representatives of the RCRF and the Autonomia Foundation emphasised that the social effects of social urban rehabilitation cannot be measured yet.

<sup>233</sup> Three city municipalities in the countryside, the first two of which are county seats as well.

<sup>234</sup> The revised version of the planning guide, published in early 2009 by the Ministry of National Development and Economy, includes some changes in terms of the identification of segregated areas, and primary data collection will be used to refine results derived from secondary data sources. Nemzeti Fejlesztési és Gazdasági Minisztérium Területfejlesztésért és építésügyért felelős Szakállamtitkárság (2009) *Városfejlesztési Kézikönyv, második, javított kiadás*, available at: [http://nfgm.gov.hu/data/cms1940677/varosfejlesztesi\\_kk09.pdf](http://nfgm.gov.hu/data/cms1940677/varosfejlesztesi_kk09.pdf) (27.03.2009)

As regards feedback which comes from Romani organisations, the representative of the Department of Roma Integration reported contradicting experiences. Romani NGOs look at the involvement of local Gypsy Minority Self-Governments in the colony programme, and in the elaboration of Integrated Urban Development Strategies as a priority, even though sometimes they have disputes with such organisations, for instance, when it turns out that the latter prefer the development of segregated areas while the Ministry prefers desegregation. According to the Ministry's experience, development of such organisations is important to prepare them for taking part in development programmes.

#### Development programme for the most disadvantaged micro-regions

The programme was listed by several interviewees among major national-level efforts for the improvement of the situation of the most deprived population groups.<sup>235</sup> In relation to the Programme, the representative of the Roma Integration Department stated that, taking housing in a strict sense, formally the programme's scope cannot reach beyond the scope of social rehabilitation programmes (as the programme is based on the same resource schemes, it cannot provide resources, for instance, for the elimination of colonies). Taking housing in a broader sense as a factor strongly determining opportunities, while he emphasised that so far the aims of the programme have not been reached, he raised concerns regarding the short time span of planning, the strong pressure on the programme to 'produce results', which resulted in project packages that were not duly prepared and the weaker appearance of equal opportunity issues than originally planned. However, as the programme is still ongoing, no final evaluation could be made. According to the representative of the RCFC, in many cases the local non-Romani elite dominated the planning process; the involvement of Roma strongly depended on the local personal settings. He also mentioned that 235 disadvantaged settlements outside the 33 micro-regions would also need complex development.

The representative of the Autonomia Foundation emphasised the new and innovative nature of the programme, but evaluated its time span as a too short one.

#### Individual Development Account

The programme was mentioned by the representative of the Autonomia Foundation. In the framework of the programme, deprived households participated in a financial training, performed regular savings and, on the basis of that, received matching fund for the fulfilment of a previously defined goal. Housing-related goals were the most popular ones. According to the evaluation,

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<sup>235</sup> Interviews No. 1, 3, and 4



in addition to the improvement of clients' housing conditions, the strategic thinking of affected households seemed to improve.

#### Complex social development programme in Nagybörzsöny

NEKI, as a consortium partner, is involved in a complex social development programme in Nagybörzsöny, a village in Northern Hungary where social tensions between Roma and non-Roma, old and new residents, protestant and catholic residents is addressed at the same time, with the involvement, among others, of the local Gypsy Minority Self-Government. So far, no information on the implementation programme is available as it is in the preparatory phase.

#### Involvement of organisations in cases of housing discrimination or other violations of the housing rights of Roma

The Department of Roma Integration has not been not involved in such cases directly; however, they facilitated the issuing of housing-related complaints to the ETA, the Minority Ombudsman and the Public Administration Office. These cases are run by locals and NGOs.

The RCRF is active in discrimination cases. According to the representative of the organisation, although they usually achieve smaller successes, they cannot address the structural factors leading to discrimination, including anti-Romani attitudes.

NEKI's main activity is legal representation of victims of ethnic discrimination. NEKI only represents cases where the suspicion of discrimination arises; the organisation pursues lawsuits in domestic and international courts, as required by the circumstances. According to their experience, in many cases discrimination is difficult to establish. It has happened on several occasions in their experience that local governments or other actors involved in the proceedings (as respondents) tried to bribe their clients to quit the procedure.

## Annex 1: Statistical data and tables

Of the public bodies that provide legal remedies, the relevant ombudspersons and the Constitutional Court do not provide statistics on the number of their housing discrimination-related cases and their outcomes; no court statistics are available either, so below we present statistics of the ETA.

### Statistics of the Equal Treatment Authority

Note: The Authority so far has not established a uniform statistical system. Available data are provided on the basis of the Authority's reports. Cell labels were interpreted as referring only to housing discrimination cases (not all ethnic discrimination cases). According to oral information provided for the NFP by the ETA,<sup>236</sup> in many cases complainants withdraw their complaints, so notwithstanding the fact that the complaint was filed with the Authority, legal proceedings cannot be carried through.

	2005 <sup>237</sup>	2006 <sup>238</sup>	2007 <sup>239</sup>	2008 <sup>240</sup>
<b>Number of ethnic discrimination complaints received by complaints authorities (such as ombudsperson's offices and national equality</b>	1	3	6	1

<sup>236</sup> The ETA is one of the consortium members of the NFP

<sup>237</sup> The ETA began its operation on 01.02.2005. Egyenlő Bánásmód Hatóság (2006) *Jelentés az Egyenlő Bánásmód Hatóság tevékenységéről, valamint az egyenlő bánásmódról és az esélyegyenlőség előmozdításáról szóló 2003. évi CXXV. törvény alkalmazásának tapasztalatairól* (2006. július), available at: <http://www.egyenlobanasmod.hu/index.php?g=EBH-jelentes06.htm> (27.03.2009)

<sup>238</sup> Egyenlő Bánásmód Hatóság (2007) *Az Egyenlő Bánásmód Hatóság 2006. évi tevékenységéről a számok tükrében*, available at: <http://www.egyenlobanasmod.hu/index.php?g=kozadat.htm#ie2> (27.03.2009)

<sup>239</sup> Egyenlő Bánásmód Hatóság (2008) *Tájékoztató az Egyenlő Bánásmód Hatóság 2007. évi tevékenységéről*, available at: <http://www.egyenlobanasmod.hu/data/2007beszamolo.pdf> (27.03.2009)

<sup>240</sup> Oral information provided to the NFP by the ETA. For 2009 no data are available

bodies)				
Number of instances in which discrimination was established by complaints authorities (such as ombudsperson's offices and national equality bodies)	0	1 <sup>241</sup>	0	0
Follow up activities of complaints authorities (such as ombudsperson's offices and national equality bodies) once discrimination was established (please disaggregate according to type of follow up activity: settlement, warning issued, opinion issued, sanction issued, etc.)	-	Discrimination found, sanction imposed <sup>242</sup>	-	-
Number of sanctions and/or compensation payment in ethnic discrimination cases (please disaggregate between court, equality body, other authorities or tribunals etc.) regarding access to housing (if possible, disaggregated by gender and age)	-	1	-	-
Range of sanctions and/or compensation in your country (please disaggregate according to type of sanction/compensation)	-	Prohibition of unlawful conduct, publication of order		-

#### Distribution of Roma and the total population in terms of settlement types

Area unit	Roma, %	Total population, %
Budapest	10.4	17.0
Other cities	49.7	48.0
Villages	39.9	35.0

<sup>241</sup> The proceedings were initiated on the basis of ethnic discrimination, but eventually the ETA was able to prove only discrimination on the basis of financial situation

<sup>242</sup> Further events concerning the case are discussed in Annex 2

Total	100.0	100.0
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Source: I. Kemény, B. Janky, G. Lengyel (2004) *A magyarországi cigányság 1971-2003, Budapest: Gondolat Kiadó, MTA Etnikai-nemzeti Kisebbségkutató Intézet*

Area unit	No sewerage, %	No flush toilet, %	Good, %	Bad, %	Crowded according to EU standards, %	Over-crowded, %
Settlements with a population of 5,000-10,000 inhabitants – non Roma	7.5	13.6	11.2	18.4	16.3	5.4
Settlements with a population of 5,000-10,000 inhabitants – Roma	12.8	19.1	8.5	22.6	21.4	9.3
Settlements with a population under 5,000 inhabitants – non-Roma	13.6	22.9	10.4	28.2	17.2	5.9
Settlements with a population under 5,000 inhabitants – Roma	24.6	35.0	7.2	39.2	23.1	10.4
Total housing stock (including larger cities)	7.5	13.3	10.2	17.3	15.7	5.4

**Housing situation of the Roma compared to non-Roma, broken down by settlement size, for settlements below 10,000 inhabitants**

*‘Good’ means the flat/house was built after 1989 or includes double conveniences*

*‘Bad’ means the flat/house lacks flush-toilet/sewerage/bathroom/foundation/is constructed from adobe*

*‘Crowded’ means the flat/house accommodates more persons than rooms (incl. kitchen)*

*'Overcrowded' means the flat/house has more than two persons/room (excl. kitchen)*

*Source: B. Edgar (2004) Policy measures to ensure access to decent housing for migrants and ethnic minorities, Dundee: Joint Centre for Scottish Housing Research, available at: [http://ec.europa.eu/employment\\_social/social\\_inclusion/docs/decenthousing\\_en.pdf](http://ec.europa.eu/employment_social/social_inclusion/docs/decenthousing_en.pdf) (27.03.2009) (When using census data, the methodological concerns described in the study (section 1.2.1.) should be taken into account.)*

	Romani flats 1993*	Romani flats 2003**	Whole stock 2003***
One room flats, %	43	28	12
Flats with three or more rooms (per cent)	24.4	30	47
Persons per room	2.27	2.4	0.98
Water supply, %	65	72	90
WC supply, %	49	51	91
Bathroom supply, %	48	57,6	90

#### **Housing conditions of the Roma in 1993 and 2003, compared to the whole housing stock in 2003**

*Sources of data: \*G. Havas, I. Kemény (1995) A magyarországi romákról, available at: <http://www.mtapti.hu/mszt/19953/havas.htm> (27.03.2009); \*\*I. Kemény, B. Janky (2003) 'Települési és lakásvizonyok', in: Beszélő, Vol. IX. No. 4, pp. 96-110; \*\*\*Hungarian Central Statistical Office*

	Bathroom, %	WC, %	Tap water, %
Romani households, total*	60.9	54.1	72.6
Romani households in non-segregated environment*	76.0	69,0	86.3
Romani households in segregated environment*	48.1	40.7	63.4
Exclusively Romani households, 'ghetto' environment*	37.0	30.6	50.3
Total housing stock of Hungary**	90	91	90

Third Roma survey***	57.6	51	72
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**Some data on the housing conditions of Romani households compared to the whole housing stock**

Source: \*F. Babusik (2005) *A szegénység csapdájában*, Budapest: Delphoi Consulting; \*\* Hungarian Central Statistical Office; \*\*\* I. Kemény, B. Janky (2003) *Települési és lakásvizonyok*, in: *Beszélő*, Vol. IX. No. 4. Due to methodological differences between data collections the scope of comparison is limited.

	Roma	Neighbouring non-Roma
Lack of proper condition housing, %	36	19
Lack of proper hygienic conditions, %	46	24
Lack of proper water supply, %	34	9

**Access to proper housing conditions of Roma and neighbouring non-Roma**

Source: A. Bernát (2005) *'A magyarországi cigányság helyzete közép-kelet-európai összehasonlításban'*, in: T. Kolosi, I.Gy. Tóth, Gy. Vukovich (eds.) *Társadalmi Riport 2005*, Budapest: TÁRKI pp. 118-137; also available at: [http://www.tarsadalomkutatas.hu/kkk.php?TPUBL-A-691/publikaciok/tpubl\\_a\\_691.pdf](http://www.tarsadalomkutatas.hu/kkk.php?TPUBL-A-691/publikaciok/tpubl_a_691.pdf) (27.03.2009)

County	Total population	Number of Roma	Proportion of Roma within the total population, %
Borsod-Abaúj-Zemplén	744,404	45,525	6.12
Szabolcs-Szatmár-Bereg	582,256	25,612	4.40
Nógrád	220,261	9,209	4.18
Heves	325,727	12,095	3.71
Somogy	335,237	9440	2.82
Jász-Nagykun-Szolnok	415,917	11,679	2.81
Baranya	407,448	8,552	2.10
Hajdú-Bihar	552,998	10,836	1.96
Tolna	249,683	4,783	1.92
Zala	297,404	4,039	1.36
Békés	397,791	4,989	1.25
Bács-Kiskun	546,517	6,026	1.10
Pest	1,083,877	11,252	1.04
Fejér	434,317	3,755	0.86
Budapest	1,777,921	14,019	0.79
Komárom-Esztergom	316,590	2,337	0.74
Csongrád	433,344	2,844	0.66
Veszprém	373,794	2,054	0.55
Vas	268,123	1,378	0.51
Győr-Sopron	434,706	1,368	0.31

**Census data on the number and proportion of Roma, broken down by counties, 2001**

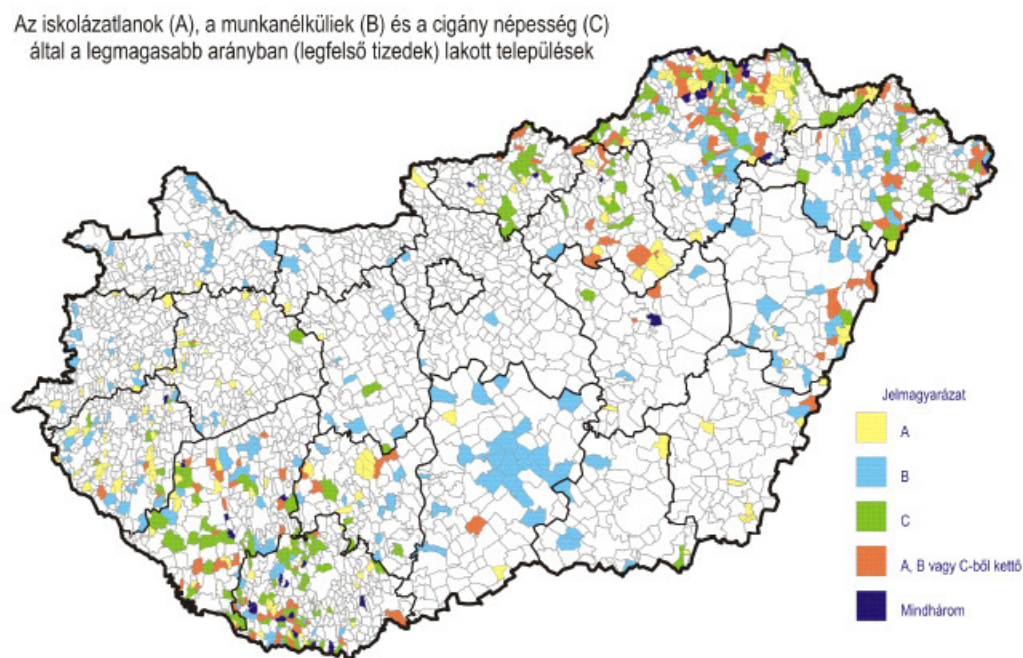
Source: Hungarian Central Statistical Office

**Data of the Third Roma Survey on the number and proportion of Roma, broken down by counties, 2003**

County	Number of Roma	Proportion of Roma in the total population, %
Heves	52,000	16.0
Nógrád	31,300	14.2
Borsod-Abaúj-Zemplén	99,300	13.3
Békés	43,300	10.9
Somogy	29,600	8.8
Baranya	28,900	7.1
Szabolcs-Szatmár-Bereg	38,500	6.6
Jász-Nagykun-Szolnok	25,700	6.1
Hajdú-Bihar	31,300	5.7
Tolna	11,900	4.8
Zala	13,300	4.5
Veszprém	15,800	4.2
Csongrád	15,800	3.7
Fejér	17,800	3.7
Budapest	60,000	3.5
Győr-Moson-Sopron	11,900	2.7
Bács-Kiskun	11,500	2.0
Pest	20,400	1.9
Vas	7,500	1.8
Komárom-Esztergom	3,500	1.1

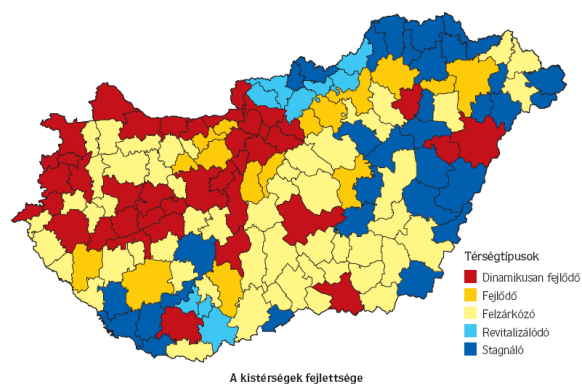
*I. Kemény, B. Janky, G. Lengyel (2004) A magyarországi cigányság 1971-2003, Budapest: Gondolat Kiadó, MTA Etnikai-nemzeti Kisebbségkutató Intézet*





Settlements with the highest proportion of poorly educated (A), unemployed (B) and Roma (C).

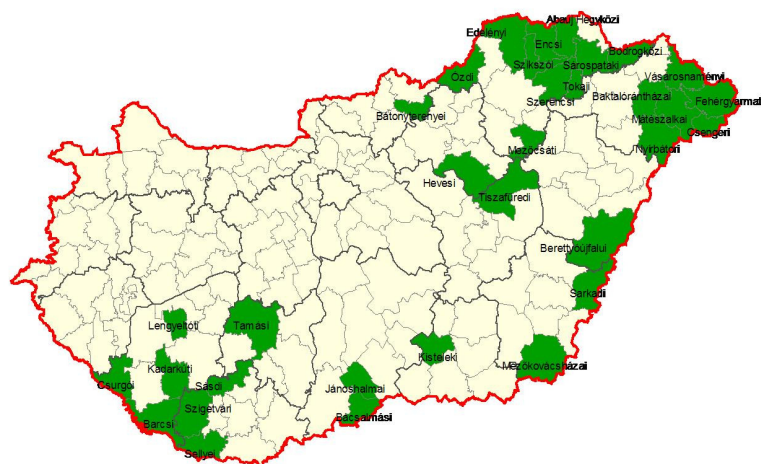
Source: J. Ladányi (2008) 'Beszámoló a „33 leghátrányosabb helyzetű kistérség” szegregátumainak meghatározásával kapcsolatos vizsgálódásokról', manuscript provided by the author for the purposes of the present report, data are derived from the 2001 population census. Areas marked with orange are characterised by two of the three factors, in areas marked with dark blue all three factors are present



### The situation of micro-regions in Hungary

Source: A. Faluvégi (2004) 'Kistérségeink helyzete az EU küszöbén', in: Területi Statisztika Vol. 7. (44.) No. 5

Areas marked with blue show the most disadvantaged micro-regions



**The 33 most deprived micro-regions designated by Government Decree No. 311/2007 (XI. 17)**

Source: <http://www.nfu.hu/lhh> (27.03.2009)

Area unit	Proportion of Roma in the area unit within the total Romani population, %	
	1993	2003
North	24.3	32.1
East	19.8	19.7
Great Plain	12.0	9.4

Budapest and its surroundings	18.2	17.8
Southern Transdanubia	22.8	17.5
West	2.9	3.5
Total	100.0	100.0

**Changes in the regional distribution of Roma between 1993 and 2003**

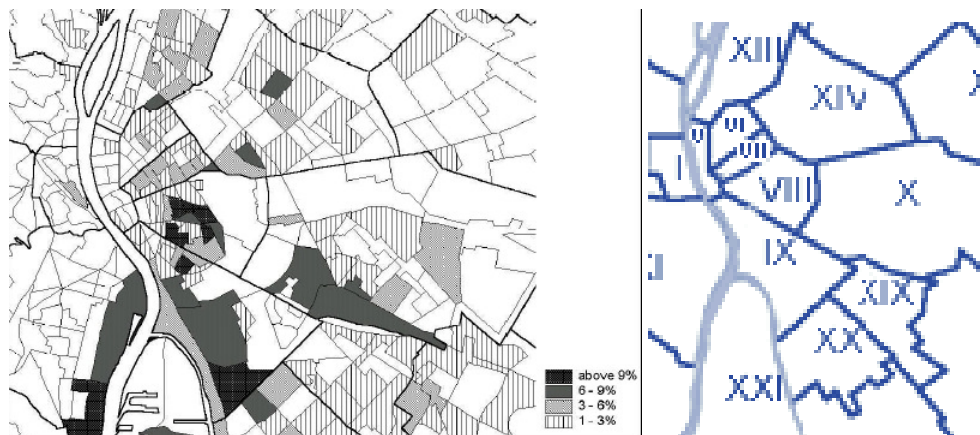
*Source: I. Kemény, B. Janky, G. Lengyel (2004) A magyarországi cigányság 1971-2003, Budapest: Gondolat Kiadó, MTA Etnikai-nemzeti Kisebbségkutató Intézet*

District	Total population	Number of Roma	Proportion of Roma, %
I.	25,914	53	0.20
II.	92,520	151	0.16
III.	131,605	343	0.26
IV.	103,492	782	0.76
V.	28,948	361	1.25
VI.	44,137	380	0.86
VII.	64,137	1,157	1.80
VIII.	81,787	2,771	3.39
IX.	62,995	1,070	1.70
X.	80,852	812	1.00
XI.	144,441	233	0.16
XII.	61,753	81	0.13
XIII.	114,353	864	0.76
XIV.	123,510	964	0.78
XV.	85,232	755	0.89
XVI.	71,028	193	0.27

XVII.	79,989	255	0.32
XVIII.	96,353	491	0.51
XIX.	63,810	408	0.64
XX.	65,295	877	1.34
XXI.	80,982	578	0.71
XXII.	52,548	185	0.35
XXIII.	20,697	155	0.75
without indication of district	1,533	100	6.52
total	1,777,921	14,019	0.79

**The number and proportion of Roma in the total population of Budapest districts**

*Source: Hungarian Central Statistical Office*



**The proportion of Romani population in the inner parts of Budapest (2001 census data); districts of the inner parts of Budapest**

Source: Z. Kovács (2005) *Population and housing dynamics in Budapest metropolitan region after 1990 – draft paper for the ENHR conference, Iceland 2005*; available at <http://www.borg.hi.is/enhr2005iceland/ppr/Kovacs.pdf> (27.03.2009)  
<http://www.homeinvest.hu/images/bpterkep.gif> (27.03.2009)

**Scale of segregation according to settlement type, data of the Third Roma Survey, %**

Neighbourhood	Villages	Cities	Budapest	total
Exclusively Roma	24.0	25.5	6.7	23.4
Mostly Roma	31.9	33.6	23.3	31.8
Mixed	24.5	19.0	29.2	22.3
Mostly non-Roma	13.2	15.8	39.3	17.2
No Romani neighbours	5.4	5.2	1.7	4.9
Cannot be identified	–	0.5	–	0.3
Total	100	100	100	100

I. Kemény, B. Janky (2003) 'Települési és lakásviszonyok', in: *Beszélő*, Vol. IX. No. 4

	Budapest and its neighbourhood	East	Great Plain	North	Transdanubia	West	Total
Exclusively Roma	14.3	37.7	36.0	14.4	27.6	20.9	23.4
Mostly Roma	19.2	26.9	24.0	47.9	29.3	14.0	31.8
Mixed	32.0	22.2	8.0	24.1	18.7	14.0	22.3
Mostly non-	31.5	11.8	20.0	10.5	15.1	37.2	17.2

Roma							
No Romani neighbours	2.0	1.4	12.0	3.0	4.3	11.6	4.9
Cannot be identified	1.0	–	–	–	–	2.3	0.3
Total	100	100	100	100	100	100	100

**Scale of segregation according to region, data of the Third Roma Survey, %**

*I. Kemény, B. Janky (2003) 'Települési és lakásvizonyok', in: Beszélő, Vol. IX. No. 4*

	Total	Budapest	Metropolitan municipalities	Other cities	Villages
Area with exclusively Romani residents but not colony	16.9	18.9	10.4	11.2	19.1
Colony or 'ghetto'	27.8	4.0	32.1	28.4	29.4
Mixed neighbourhood	47.3	50.1	40.5	51.0	46.7
Non-Romani environment	4.1	6.6	6.1	7.7	2.8
Non identifiable	3.8	20.4	10.9	1.8	2.0

**Scale of segregation according to settlement type, data of Delphoi Consulting, %**

*Source: F. Babusik (2005) Az esélyegyenlőség korlátai Magyarországon. Státusz, etnicitás, kirekesztődés az egészségügyben és a szociális szférában, Budapest: L'Harmattan*

Region	Proportion of settlements indicating spatial segregation or Roma, %
Central Hungary	31
Central Transdanubia	12

Western Transdanubia	13
Southern Transdanubia	31
Northern Hungary	43
Northern Great Plain	50
Southern Great Plain	27
<i>Total</i>	29
<b>Settlement size</b>	
Below 1,000	19
1,000-1,999	35
2,000-10,000	40
Above 10,000	64
<i>Total</i>	29
<b>Proportion of Roma</b>	
Below 1%	2
1-4.99%	18
5-9.99%	37
10-25%	57
Above 25%	82
<i>Total</i>	36

**Spatial segregation in Hungarian settlements according to region, settlement size and the proportion of Roma**

*Source: M. Kopasz (2004) 'Lakóhelyi szegregáció és társadalmi feszültségek a magyarországi településeken' in: T. Kolosi, I. Gy. Tóth, Gy. Vukovich: Társadalmi Riport, Budapest: TÁRKI, pp. 414-424.*

	Male	Female	Total
Roma	38	20	29
Total population	63.1	50.9	60.8

**Employment rate of Roma and the total population, 2003, %**

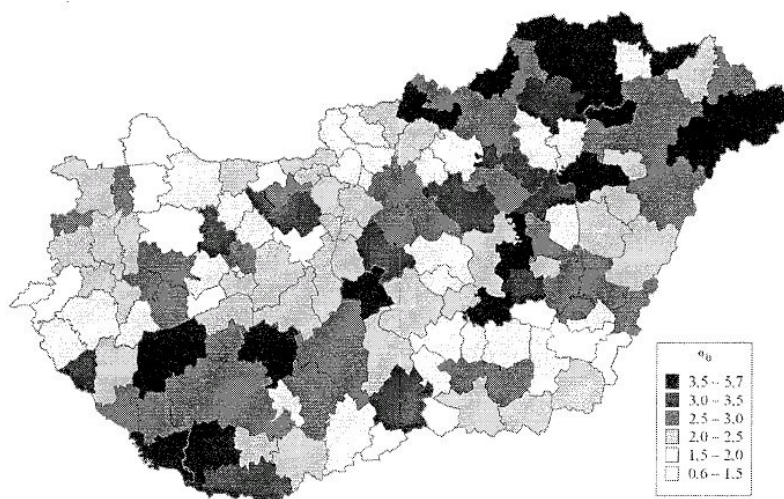


Source: I. Kemény, B. Janky, G. Lengyel (2004) *A magyarországi cigányság 1971-2003*, Budapest: Gondolat Kiadó, MTA Etnikai-nemzeti Kisebbségkutató Intézet (data for Roma), Hungarian Central Statistical Office (data for the total population)

	2003
North	19.7
East	14.2
Great Plain	23.8
Budapest and its surroundings	57.7
Transdanubia	31.6
Total	28.0

**Employment rate of Romani men, 2003, %**

Source: I. Kemény, B. Janky, G. Lengyel (2004) *A magyarországi cigányság 1971-2003*, Budapest: Gondolat Kiadó, MTA Etnikai-nemzeti Kisebbségkutató Intézet



**Proportion of school failures in elementary schools, 2004**

Source: T. Híves (2006) 'A hátrányos helyzet az oktatás területi kutatásában', in: *Educatio*, Vol. 15, No. 1, pp. 169-174, also available at: [www.hier.iif.hu/hu/letoltes.php?fid=tartalom sor/838](http://www.hier.iif.hu/hu/letoltes.php?fid=tartalom sor/838) (27.03.2009)

## Annex 2: Court, specialised body or tribunal decisions

<b>Case title</b>	Cases do not have titles in the Hungarian judicial administration and case publication system. Parties' names are also omitted.
<b>Decision date</b>	04.07.2007
<b>Reference details (type and title of court/body; in original language and English [official translation, if available])</b>	<i>Fővárosi Bíróság</i> [Budapest Metropolitan Court] 26.P.24.118/2005/7
<b>Key facts of the case (max. 500 chars)</b>	The Budapest Metropolitan Court, in its decision of 04.07.2007, following a repeated proceeding obliged the local government of the 2nd district of Budapest to pay a compensation of 100,000 HUF (approximately 330 EUR) per person for Romani persons in an eviction case. The event dates back to August 2002 when nearly 40 Romani persons, including two pregnant women and twenty children, were evicted without proper legal proceedings from flats they had been living in as squatters. Previously, the Budapest Metropolitan Court, while it upheld the first instance judgement in terms of the violation of the right to human dignity, ordered the review of the proceeding with regard to the scale of compensation (which, however, was left unchanged). The local government appealed against the decision.
<b>Main reasoning/argumentation (max. 500 chars)</b>	The Court found that the local government violated the right of the claimants to human dignity: it violated the principle of equal treatment as its legal procedure was not equal to that offered to other citizens, and it humiliated the claimants as they had to see the demolition of their housing, so it ordered the local government to pay compensation.
<b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b>	The court established that (apart from the lawfulness of the action) the way the eviction was executed violated the right of the claimants to human dignity. In the second instance judgement, argumentation regarding the scale of compensation was provided: the Budapest Metropolitan Court pointed out that the amount of compensation should be proportionate to the seriousness of the offence, that court practice justifies the established amount, and that the non-pecuniary

	compensation provided to the affected children (in addition to adults) is reasonable since the offence had an effect on them even if their perception of the situation differed from that of the adults.
<b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b>	The Court ordered the local government to pay a compensation of 100,000 HUF (approximately 330 EUR) per person (including children) for Romani persons in the eviction case. The local government appealed against the decision.

In Hungary, although Act No. XC of 2005 sets the obligation for the *Országos Igazságszolgáltatási Tanács* [National Council of Justice] to publish such material by making it available on its website (<http://www.birosag.hu/engine.aspx?page=anonim>), the respective decision is unavailable.

<b>Case title</b>	The Equal Treatment Authority cases do not have official titles
<b>Decision date</b>	30.05.2008
<b>Reference details (type and title of court/body; in original language and English [official translation, if available])</b>	ETA 43/2008
<b>Key facts of the case (max. 500 chars)</b>	In the first housing discrimination case filed with ETA, after repeated investigation upon the request of the Budapest Municipal Court, the Authority established that the method of eviction amounted to harassment, violated the right to human dignity, discriminated against a Romani woman on the basis of her financial situation and prohibited the continuation of the illegal conduct.
<b>Main reasoning/argumentation (max. 500 chars)</b>	At the end of 2007, the Budapest Metropolitan Court delivered a decision regarding the first housing discrimination case established by the ETA in 2006. According to the ETA's resolution (the proceedings were initiated by the RCRF), the local government of Ferencváros violated the right to equal treatment and the right to dignity of a Romani woman while evicting her without prior notice, in her absence, causing also partial damage to her belongings. The ETA prohibited

	the continuation of the unlawful practice, and ordered the publication of the resolution. The local government appealed against the resolution, and the Municipal Court ordered the ETA to initiate new investigation in the case. The ETA, in a repeated procedure, following the argumentation set in the court decision, carried out a detailed examination, obtained statements from the involved parties, held witness hearings and obtained official documents. On the basis of the above, it concluded that the local government exercised harassment against the claimant on the basis of her financial status, violated the claimant's right to human dignity and prohibited the continuation of the unlawful conduct.
<b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b>	The ETA, upon repeated procedure, established that the method of eviction amounted to harassment, violated human dignity and prohibited the continuation of the unlawful conduct.
<b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b>	The ETA prohibited the continuation of the unlawful conduct of the local government.  According to the staff of the Equal Treatment Authority, ethnic discrimination – either in housing cases or cases regarding other areas of social life – is difficult to establish. In several cases where the ETA suspected ethnic discrimination, it was possible to establish only discrimination on the basis of financial status. <sup>243</sup>

Full texts of ETA decisions are not publicly available, unless the ETA orders the publication of its resolution, which is not the case regarding the referred proceedings. Only extracts are published on its website <http://www.egyenlobanasmod.hu/>.<sup>244</sup>

<b>Case title</b>	The cases of NEKI and the Minority Ombudsman do not have official titles. The case is usually referred to as 'The case of Bertalanné N.'
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<sup>243</sup> Egyenlő Bánásmód Hatóság (2008) *Tájékoztató az Egyenlő Bánásmód Hatóság 2007. évi tevékenységéről*, available at: <http://www.egyenlobanasmod.hu/data/2007beszamolo.pdf> (27.02.2009)

<sup>244</sup> The extract of the case can be found at <http://www.egyenlobanasmod.hu/zanza/43-2008.pdf> (27.03.2009)

<b>Decision date</b>	01.02.2002
<b>Reference details</b> (type and title of court/body; in original language and English [official translation, if available])	Resolution No. 5116/2001 (01.02.2002) of the Parliamentary Commissioner for the Rights of National and Ethnic Minorities Hungary/Szabolcs-Szatmár Bereg megyei bíróság/1.P.21.351/2002/26 (10.02.2003) Hungary/Fővárosi Ítéltábla/2.f.20.522/2003/4 (09.09.2003) Resolution of 2502.2003 of the Police Office of Vásárosnamény Hungary/Vásárosnaményi Városi Bíróság/B.108/2002/18,19. (28.03.2003)
<b>Key facts of the case</b> (max. 500 chars)	In 2001, the property of Bertalanné N. was severely damaged by floods. The woman, who raised six children on her own became entitled to government funds for the purchase of a flat either in her previous place of residence or another settlement. She decided to purchase a house in the neighbouring village. When the residents of the settlement heard about her plans, they, supported by the mayor and notary of the village, threatened both her and the sellers. Given this hostile behaviour, the involvement of the mayor and the notary and lack of response from the county Public Administration Office, the Romani woman was unable to move into the house. As an alternative, she moved to a deteriorated house in the 5th district of Budapest. The sellers turned to the Minority Ombudsman complaining about the unacceptable behaviour of the local government. In its resolution of 01.02.2002, the office of the Minority Ombudsman stated that the mayor and notary violated the constitutional rights of the potential sellers and customers, such as the right to free movement and the free choice of residence, and breached the prohibition of discrimination set in the Constitution. The Ombudsman issued a recommendation to the local general assembly to refrain from such practices in the future and to offer a formal apology to the offended parties. The general assembly accepted the recommendation. NEKI initiated criminal and civil proceedings in the case, but these were rejected. The County Court of Szabolcs-Szatmár Bereg, in its resolution No. 1.P.21.351/2002/26 (10.02.2003), found that a local resident violated the claimant's human dignity, and ordered the respective respondent to offer an apology. NEKI appealed against the resolution referring to the erroneous and incomplete statement of facts (as a result of which the discriminatory behaviour of local residents and resulting violations of the claimant were not found by the court). In its resolution 2.f.20.522(2003/4 (09.09.2003) the Budapest Metropolitan Court rejected the appeal. In its resolution of 2502.2003, the Police Office of Vásárosnamény rejected NEKI's appeal to establish the abuse of official power by the

	local mayor and notary. NEKI filed a complaint against the decision with the Municipal Court of Vásárosnamény. In its resolution No. B.108/2002/18,19 (28.03.2002), the Municipal Court of Vásárosnamény rejected the claim of abuse of official power in the case. NEKI, in a detailed analysis of the case <sup>245</sup> found that the courts violated the rules of deliberation, as a result of which they established the facts of the case erroneously, and did not the violation as discrimination.
<b>Main reasoning/argumentation (max. 500 chars)</b>	The Ombudsman found that, by intervening in a situation that was beyond their mandate, in a private property business, fuelling anti-Romani sentiments in the settlement, the mayor and the notary caused significant harms (legal harms and harms of interest) by violating constitutional rights.
<b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b>	The behaviour of the local mayor and the notary, according to the Minority Ombudsman, amounted to the violation of constitutional rights of the potential seller and customer, such as the right to free movement and the free choice of residence, and breached the prohibition of discrimination set in the Constitution.
<b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b>	The Ombudsman prohibited the continuation of the unlawful conduct and ordered the local government to offer apologies to those harmed. Neither the criminal nor the civil proceedings of NEKI initiated against the local government were successful.

In Hungary, although Act No. XC. of 2005 sets the obligation for the *Országos Igazságszolgáltatási Tanács* [National Council of Justice] to publish such material by making it available on its website <http://www.birosag.hu/engine.aspx?page=anonim>, the respective decisions are not available. However the texts of the court decisions are available at [http://www.neki.hu/index.php?option=com\\_content&task=view&id=247&Itemid=36](http://www.neki.hu/index.php?option=com_content&task=view&id=247&Itemid=36) (26.05.2009)

<sup>245</sup> NEKI (2003) *Hivatali visszaélés (N. Bertalané és Sz. Jenő ügye – Gy. község)*, available at: [http://www.neki.hu/ff\\_tartalom/2003/ff\\_2003\\_nbortalanne.htm#\\_ftn1](http://www.neki.hu/ff_tartalom/2003/ff_2003_nbortalanne.htm#_ftn1) (27.03.2009)

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