EVALUATION OF EQUALITY APPROACHES IN THE HUNGARIAN PUBLIC EDUCATION SYSTEM

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Abstract

The thesis provides an analysis on how the idea of equality is reflected in the Hungarian public education system from the collapse of socialist regime till today. Despite several years of reform on improving the educational opportunities of Roma children in Hungary, their chances to access quality of education have not improved. Moreover, the segregation of Roma and poor children is still remained crucial problem in the Hungarian system. However, 2011 could be considered as a turning point in the educational policies with regard to disadvantaged Roma children both at European and national levels. After accepting the *EU Framework for National Roma Integration Strategies up to 2020*, the Hungarian government submitted a very promising national strategy, which shows commitment to Roma children's education in the same year. In theory, both of the documents should be imbued with the principle of equality. My thesis will closely examine the *National Roma Inclusion Strategy* and the *New Public Education Act* in the light of the existing inequality challenges in public education regarding the inclusion of Roma children.

The study sheds light upon how the national government in contrast with its rhetoric attempts to manage Roma integration in its actual policy practices. Further, I uncover the diverging and converging potentials of the two documents. While the National Roma Strategy is a progressive policy statement and strategy with some overlooked aspects of segregation, the new Education Act leaves no doubt about that the segregational practices will be reinforced.

Key words: Equality, equal treatment, equal opportunities, equality in access, equality in result, public education, Roma, Hungary, National Roma Strategy

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Chapter 1. Introduction

The provision of equality in the field of education has been a generally accepted principle in Europe which, however, has not delivered substantive equality to certain groups in society. The importance of equality in education spelled out in Bourdieu's theory of social reproduction. Along with his argument schools can determine the social mobility of people and play a relevant role in reproducing the existing structural inequalities in society (Bourdieu, 1977). Similarly, Peter Radó points out that the structural thinking on educational inequalities connects social inequalities and failures in educational attainment. The discussion on educational inequalities is also linked to the dilemma of the quality or the equity in education. The quality of education focuses on the question to what extent the school is able to promote success in children's educational attainment, while the equity of education is concerned with how the education is able to compensate for the socially disadvantaged children's educational failure. At one end, Valverde (1988) claims that it is almost impossible to simultaneously ensure quality education to the majority of students and at the same time to promote equality of opportunity to minority children. The goals can focus on these requirements but these goals cannot be achieved at once. At the other end, scholars argue that equality and quality are not only compatible but mutually supportive and enhancing" (Smiths, Lusthause 1995, 2).

A more refined understanding of equality is based on the differentiation among formal and substantive equality, when the latter aims to deliver equality in access and equality in outcomes (Rees, 1998). The notion of substantive equality will compose the theoretical framework of the thesis to address the elimination of educational barriers for disadvantaged and Roma children. Equality in the Hungarian public education system faces many problems as it was highlighted in the PISA (the Programme for International Student Assessment) reports conducted in 2000, and in the following years. Regarding this assessment, Hungarian education can be seen as the most selective system based on the parental background and socio-economic status of the children (Vari, 2000). In other words, the higher effect of family background and socio-economic status involves the greater degree of inequality. After the first negative evaluation, the government between 2002 and 2010 introduced many programs that aimed at challenging the educational situation of Roma and disadvantaged children. However, despite the commitment to improve the educational situation of Roma, the existing policies failed to address the deeply rooted problems that determine their educational success.

2011 could be considered as a turning point in the educational policies with regard to disadvantaged Roma children both at European and national levels. After accepting the *EU Framework for National Roma Integration Strategies up to 2020*, the Hungarian government submitted a very promising national strategy, which shows commitment to Roma children's educational inclusion. This can imply the appearance of a completely new approach in the education policies in the country. At the same time, the government introduced major reforms in public education in the same year. In theory, both of the documents should be imbued with the principle of equality. My thesis will closely examine the *National Roma Inclusion Strategy* and the *New Public Education Act* in the light of the existing inequality challenges in public education regarding the inclusion of Roma children. More closely, my the main research question is:

How does the Hungarian education system reflect upon the problem of segregation of Roma children with special attention to two new national strategies on social inclusion and education?

Methodology

The thesis uses the method of "document analysis", where the relevant and published policy documents are assessed. It covers the *European Framework Strategy of Roma Integration*, the *National Roma Inclusion Strategy* of Hungary, and the newly introduced *Public Education Act*. Besides the analysis of these main documents, the paper involves secondary sources, such as recommendations and evaluations of the strategies written by NGOs, contemporary reports in educational policy research, video conferences produced for spreading information about the purpose of the strategy, enhancing proper policy design methods and policy changes.

Contribution and Findings

The study sheds light upon how the national government in contrast with its rhetoric attempts to manage Roma integration in its actual policy practices. My arguments are supported by equality policy approaches. The results of my analysis show that the two key domestic policy documents will have major influence on the educational success of Roma and poor children in the near future. Further, I uncover the diverging and converging potentials of the two documents. While the National Roma Strategy is a progressive policy statement and strategy with some overlooked aspects of segregation, the new Education Act leaves no doubt about that the segregational practices will be reinforced.

Roadmap

The first chapter of the thesis presents the main equality approaches, namely the equal treatment, the equal opportunity (which is most often discussed it the education) and mainstreaming. In the following chapter, I summarize briefly the educational situation in Hungary focusing on chances of the Roma children for accessing equal education from the collapse of communism until 2010. These main changes are analyzed briefly through the manifestation of the equality approaches. The next chapter is the core of the thesis: it provides broader assessment about recent policy changes. First, the Roma inclusion issue appeared in the EU agenda and all the member states accepted a joint action to improve the social inclusion and integration of Roma. As result, every country developed its own Roma Strategy in which public education is one of the highlighted areas. The other relevant event that has characterized the national Roma policy is the election of a conservative government and its reform in the education system. The aim of this assessment is to see how the equality elements of these two policies meet and reflect upon the educational inequalities. In the last chapter, the main findings and the related recommendations are presented.

Chapter 2. Concepts of Equality

In order to keep the focus of the analysis, this chapter is designed to present the basic concept of equality, incorporating equal treatment, equal opportunities and mainstreaming. Also it provides an overview of the existing literature and discusses the theoretical foundations of equality. Even though the concept of equality, as a theoretical framework of this thesis, is a widely and frequently used principle among policy makers and scholars, yet it seems to be more of an ideal than reality. The term has been surrounded by several different understandings and misinterpretations which challenge the application of the principle. On the one hand, it has positive connotations which can refer to sameness, justice, fairness, prohibition of discrimination. On the other hand, especially nowadays, it can be perceived as a controversial idea because it requires the acknowledgment of differences that might come along with the provision of special rights for disadvantaged people, the promotion of positive discrimination or affirmative action in order to reduce inequalities. Thus, the pursuit of equality can result in trade -offs and confrontations with some fundamental principles such as justice and fairness or equity. These theoretical challenges are revealed when we get to the questions of what kind of equality should be pursued, for whom should it be offered, and how should it be designed to be effective.

Until nowadays, the concept of equal opportunity has been the preferred concept to decrease educational inequalities of Roma and disadvantaged children in Hungary. Due to the fact that equal opportunity fails to promote inclusion, I argue that the concept, this concept needs to be extended. Having in mind the 'positive effects' of the inequalities, which link to maintain the prevailing hierarchical status quo, justify the unequal redistribution of power, enhance the function of the nation state etc., I believe that there should be a stronger demand for reducing the

deeply rooted educational inequalities. The importance of this need can be argued from the perspective of economy, morality, human rights, democracy and it should get priority in policy design.

2. 1 Equal Treatment

The principle of equal treatment is one of the leading fundamental ideas of democracy that nobody can refuse in the modern society. The term can be traced back to Aristotle who defined the scope of principle, as "things that are alike should be treated alike" (Aristotle's Nicomachean Ethics, 2000). Rees provides a more precise interpretation when stating that equal treatment "implies that no individual should have fewer human rights or opportunities than any other" (Rees, 1998, 29).

Based on these two definitions, it can be concluded that the concept suggests that all people have the right to receive the same treatment and to correspond with the prohibition of discrimination on the basis of criteria such as age, disability, nationality, race and religion. The principle uses one of the most effective tools; rules and legislation, in order to fight against direct discrimination. In addition, as Fiss (1976) points out, one of its main advantages is being an integral part of the law, thus it can shape the morality of citizens. However, many scholars highlight the fact that the neutrality that formal equality requires is just illusory. This liberal idea of equality, even though contains moral truth, is often subjected to harsh critiques, emphasizing its limitations and negative consequences.

The first drawback of the concept can be recognized in its group- centric approach that fails to recognize the personal characteristics of individuals. This problem can be outlined by the following questions: On what ground two groups need to be compared? How does the related criteria need to be set in order to be effective and just? As Westen (1985) states, this comparison requires some kind of external criteria that specify the sameness or the difference of the objects. However, setting out these standards from the purpose of equality is problematic. By the same token, treating people alike entails that unequal people can be held in unequal positions since they are in 'relevant and specified respects' the same. Fredman (2002) underlines the hidden danger of this concept, which basically justifies the unequal situation by "treating likes alike" and "treating unlikes unalike". In practice, this element can be identified in the implementation of policies like the "separate but equal doctrine" in the USA in the end of the 18th century. The notorious case of Plessy vs. Ferguson (1896) illustrates perfectly the major problem, when the US court ruled that racially separate facilities, if provide equal services, do not breach laws. Based on this rule, the segregation of Afro-American children became a constitutional basis of policy until 1954 when the ruling principle was effectively challenged by the *Brown* case.

Another limitation of the concept that extends the previous drawback is the fact that equal treatment can lead to the reproduction of structural inequalities (Rees, 1998). According to Rees, since the principle neither recognizes the reasons behind the differences of the social groups, nor challenges the existing power relationship among them, it is ineffective in itself in establishing real equality. She argues that the basis of this concept is rooted in distributing the given positions within the hierarchical society thus, equal treatment is not able to tackle the inequalities.

It can be seen that even though the principle of equal treatment is a widespread concept and morally difficult to question, it suffers from many paradoxes. Moreover, formal equality faces several limitations and seems to be inadequate in addressing the deeply rooted social problems of inequalities or discrimination. As a response to these shortcomings, the next part introduces another model: substantive equality.

2.2. Substantive Equality

The concept of equal opportunity goes beyond the limitations of formal equality. This principle is also known as substantive or full equality since it concentrates on equalizing the starting position of the disadvantaged groups and improving their situation by ensuring the outcomes. Even though the principle seems fundamental and enjoys huge popularity in many countries, it is more controversial than the formal equality. As Westen (1985) points out, now the dilemma lies not in the meaning of "equality" but in the "opportunity". Thus, someone should define what an opportunity that promotes equality means. Cambell describes it as "a type of liberty or freedom for it involves the absence of prohibitions or obstacles limiting what agent may or can do or acquire" (T. D. Cambell, 1975, 51). Westen invokes this classification and identifies three key and convert elements which need to be taken into consideration in policy design. According to his approach, the first element is the person, or groups to whom the opportunity belongs. The second one refers to the goals that the offered opportunities are directed to. The last element indicates the relationship between the previous two components.

Fredman (2002) analyzes the paradox of the substantive equality. She perceives this principle as an approach based on positive duties aiming to achieve changes in the structure of inequalities. Thus, in order to apply the proper equality tools and measures, the idea of equal opportunity can be subverted and transformed into the concept of equal opportunity and equality of results. The question that determines these two terms is whether the aim of this principle is to

equalize the starting position of the disadvantaged groups by removing the procedural obstacles and improving their access to services and institutions, or the main goal is to guarantee the progress and the outcomes by maintaining the quality. The distinction allows us to seek advanced responses to the complexity of inequalities. To better understand the scope of the two categories, I will discuss them one by one.

2.2.1 Equality of Opportunity

Equality of opportunity recognizes the differences among the groups and to some extent among the individuals. It attempts to remove those barriers that hinder the access of basic services or institutions. Westen (1985) identifies equal opportunity when every person possesses the same chances to reach the goals without facing any obstacles. Since not everybody is confronted by barriers, the concept is built on the expansion of participation and the redistribution of the positions. According to this, the recent unequal situation of the disadvantaged group is due to the consequence of the past discrimination. Therefore, if we open up the possibilities and make the access to all the services available, their excluded position will be changed. However, at this point the importance of the group membership, and merit emerge which can lead to heated debates among scholars. Opponents claim that the equal opportunities or positive duties are irrespective of the person's background, situation, and skills. It creates extra burdens on a group already disadvantaged and redistributes those burdens to a previously privileged group. As a reaction to these, Fredman (2002) perceives the concept of equal opportunity as the approach that equalizes the starting point of the disadvantaged people through offering special measures if it is needed. This should be designed as no one will be excluded from the basic services, institutions such as health, education, housing, employment. The main criticism of this principle refers to the fact that only the provision of equal access cannot assure the changes in the structure. As Westen and Fredman outline, the equal opportunity does not guarantee the progress, the quality and therefore the changes in inequalities cannot be surely achieved. Moreover, similarly to the formal equality, the equal opportunity does not have any effects on the characteristics of structural discrimination which are embedded in the society. The preferential treatment, which is favored under this concept, will reinforce the existing prejudices, stigmatize the beneficiaries and preserve the tension between different social groups.

2.2.2 Equality of Result

As many scholars have properly pointed out the limitations of the term equal opportunity, the focus point has shifted from equality of access to equality of outcome through creating conditions and quality in the process. Equality of outcomes attempts to invest certain moral principles into the application of equality. In the same time, the principle, not only increases the participation of the members of disadvantaged groups but also allows them to gain competitive skills which can be used in their future. Therefore it is perceived as "super strong equal opportunity" (Pojman and Westmoreland, 1997). As an additional advantage, the principle encompasses the belief of a "fairer" redistribution of opportunities. The stress here is more on the merit or ability that is requested to finish the provided quality of services. However, according to Fredman (2002), this principle also fails to provide fair distribution, since the initial target groups (individuals) are seldom the beneficiaries of this principle, which refers back to the arguments concerning the subject of equality of opportunities. Sowell emphasizes that this may create artificial failures among the beneficiaries that will lead to further polarization of the society (Sowell, 2004). Similarly to the pervious concept, the main limitation of equality of result lies in the fact that it maintains existing structural inequalities. Rees (1998) introduces another concept of equality which aims to solve the inequalities through restructuring the society. This is known as mainstreaming which is explained in the next part.

2.3. Mainstreaming

As Verloo (2005) summarizes several scholars' understanding on the concept of mainstreaming, as a potentially transformative strategy this is able to react on the increasing demand of diversity. It contains complex principles aiming to address the changes of inequalities. The most important contribution of mainstreaming can be underlined though the fact that it is facilitating the systematic incorporation of equality concerns into all stages of the policy process. In contrast to other equality approaches, mainstreaming promotes shared responsibility among the members of the society, which enhances social learning. Through this holistic approach, it is more likely to attain changes in the system. Despite the fact that the concept contains many novel advantages, several limitations can be identified. One can be found in the measurement of its results or the conditions on which the concept are based. Since it is a long term- process, it requires strong political support, stable economic and social situation, and mutual understanding not only of the definitions but also of the related principles, the roles of the institutions and the existing power relations in the society.

In the realm of education, I identify the mainstreaming to inclusive education. Even though this type of education is widely used in western countries, especially among those groups facing discrimination on grounds of sex, race, disability, sexual orientation, etc., I think one version of it can be implemented into the Hungarian system, especially in the kindergarten and primary schools, to endorse the educational success of Roma and disadvantaged children. As Rogers points out, the proponents of full inclusion believe that "instructional practices and technological supports are presently available to accommodate all students in the schools and classrooms they would otherwise attend if not disabled" (Rogers, 1993, 2). The main characteristics of the inclusive education are the followings:

- a) Involving many positive components of the earlier presented approaches
- b) Focusing on the development of individuals and provide diversity,
- c) Including Roma issue into the education and trainings of teachers thus the national curricula would also changed,
- d) Encouraging other relevant participants and stakeholders to play an active role in the education of children.

2.4 Policy tools of the equality approaches

Within the policy tools which come under the introduced equality concepts, corresponding with their characteristics, three different approaches can be distinguished. Rees (1998) names them as tinkering, tailoring, and transforming.

Tinkering or 'tiding up' is the tool of the equal treatment approach embedded mainly in legislations. It includes legal measures, law enforcement, procedures to obtain changes in the recent policies, and in society, and ensures formal equality. In practice, it is displayed in the prohibition of discrimination. Rees (ibid.) stresses out that the technique of tinkering treats the systems but it is not able to challenge the existing diseases that affect society. Moreover, every legal measure needs to be followed by strong monitoring system, enforcement which is particularly difficult in the case of ethnic minorities like Roma. Thus, even though it is an important tool, it is inefficient to treat complex problems.

Tailoring or 'add on', is the method for achieving equal opportunity. Its measures are ranging from positive action to positive discrimination by taking into account the special characteristics, differences of the disadvantaged groups. The purpose of this method is to eliminate the barriers which hinder the access or the development of the selected underrepresented groups. However, it maintains the "structural status quo" (ibid, 45) in the society. This tool is operating through affirmative actions, like trainings, financial support, or subvention, preparatory courses, etc. offered only to the selected members of the target group. Even though all these measures are relevant in the provision of equal opportunities (equalizing the starting position and/or the result), the technique lags behind to challenge the root of the inequalities. In addition, the used tools prove to be counter-productive in many cases and that just increases the tension between the social groups.

Transforming is perceived as the tool that is supposed to counter all these limitations by involving the main segments of inequalities into all dimensions of the policy making process. Policies designed by mainstreaming aim to break the structure of inequalities and rebuild the system and the society. Thus, its result will benefit everyone in the society. Mainstreaming is a complex approach containing a wide range of tools such as preliminary research, analysis, policy-making, awareness-raising, monitoring, etc.

2.5 Conclusion

The chapter provided an overview of the concept of three equality approaches. It showed the important strengths and weaknesses of the formal and substantive equality, and mainstreaming. Based on my argument, equal treatment and equal opportunities are essential, however they seem to fail in tackling the structural inequalities affecting Roma people. Apparently, mainstreaming can be a suitable approach providing complex responses to the problem and achieving equality by promoting social inclusion.

The following parts identify and evaluate those equality approaches, tools that have been implemented in the Hungarian public education system aiming to advance equality for Roma children. In order to understand better the prevailing problems and the controversial measures of the recent government, in the next chapter I briefly present the educational situation of Roma children between the collapse of socialism and 2010.

Since 2010 both at the national and the European levels the official policies have been focusing on enhancing the social inclusion of Roma in four areas of the life, which assumes that the equality approach used is substantive equality which might lead to mainstreaming. Thus, in the fourth chapter I assess the two related policy documents, the newly accepted *Public Education Act* and the *Hungarian National Social Inclusion Strategy- Extreme poverty, child poverty, the Roma (2011-2020)* which was evaluated by the European Commission and international civil organizations as a well-written and promising national strategy. The focus of the analysis is on the equality concepts.

Chapter 3. The Educational Situation of Roma Children in Hungary between the Transition and 2010

This chapter outlines and assesses the situation of Roma children in Hungary between 1989/90 and 2010 by using the equality approaches presented in the previous chapter. In order to understand the educational inequalities of Roma, this part focuses on the main measures and principles which influenced the equality concepts in the Hungarian public education system. Since the system of education is the main driving force of inequities, education policy could be seen as the most straightforward tool for eliminating the inequalities and breaking the "vicious circle of poverty and exclusion" of disadvantaged and Roma students (Brüggemann, 2012).

Roma form the largest heterogeneous minority group in Hungary. According to the 2011 census, 315,000 people declared themselves as Roma, although unofficial estimates put their number between the range of 550,000 – 1,000,000 which makes up around 5 -10 percent of the Hungarian population (KSH, 2013). The reason behind the discrepancy between the data can be explained by the fact that Roma hide their origin. Despite the democratic transition after 1989, the situation of Roma children has not changed significantly. Education policy never brought significant changes in their lives. As Kézdi,(2011) points out, racial segregation, which is the main problem in the Hungarian public education, has been gradually increasing since the collapse of the education of Roma and addressed the issue in its political agenda, the problem is still persistent in Hungary. As Kézdi (1995) points out, Roma children in Hungary have fifty times less chance to finish their studies in secondary schools than non Roma children. Many authors drew the attention to the existence of approximately 700 completely segregated Roma classes and emphasized that today every 5th or 6th pupil of Roma origin (18,1%) is learning in an institution

dominated by Roma (Havas–Kemény–Liskó, 2002). In addition, although their representation in the elementary education has increased, their educational achievement and presence at secondary schools remained low. The biggest education gap between Roma and non-Roma students occurs at this stage because the dropout rate of Roma remains relatively high. Thus, Roma students are still underrepresented in Hungarian universities.

The main reason for the educational failure of Roma children can be traced in the past twenty years of many mistargeted reforms. In addition, the existing privileges have been preserved, discrimination against Roma has increased and the socioeconomic situation of Roma families has become worse after the transition period. Nevertheless, the prevailing national and European legislations could not successfully tackle the segregation of Roma children and could not provide them equal opportunities. Today, school segregation occurs in several forms. It can manifest in the form of separated classes within the mainstream schools and among the schools. The existence of "private student status" is another preferred method used for keeping the problematic Roma children away from schools. Many researchers have revealed that Roma children are also overrepresented in remedial schools, which can be due to the barriers of preschool education services. Taking into consideration the origin of the segregation, it can be concluded that Hungary maintains a deeply rooted, historical segregation practice which traces back to state socialism.

Under the soviet era, the educational governance was performed and controlled by the main executive branch, the state. The purpose of the state socialist regime was to extend the education to all citizens, thus Roma children appeared *en masse* into the education system. In parallel with the socialist idea, in theory, everybody was given the same rights and should have

been treated as the same in schools. Even though the government emphasized and considered itself as equalizer that provided access to education, in practice, the state and the schools just simulated to comply with the regulations. In case of Roma children, this form of equality could be assessed as the idea of 'Treating likes alike and unalikes unalike'. Even if the unequal treatment was controversial with the central idea of socialism, based on Kemény's research it is documented that Roma children were often suspended or released from the education system (Kemény, 1976). Their separation has become a ruling technique. It was documented in the research of Ladányi and Csanádi that in the late 70's, Roma children were already overrepresented in special schools and remedial classes (Neumann, Berényi, Bajomi, 2010, 12). In addition to the segregation practice, the malfunction of the socialist public education system, the prevailing functional analphabetism and functional illiteracy which were also widespread among Roma, demonstrates that equality under the state socialist regime in Hungary never existed. A turning point regarding the socialist public education system was the codification of the 1985 Education Act. Under this legislation, the democratization of the Hungarian education has already addressed the provision of authority for schools and the legalization of the principle of school-choice.

These measures were enforced after the transition by the introduction of the Act on Public Education in 1993, which brought several important changes affecting Roma children's educational opportunities. The concept of equal opportunity was identified by the declaration of minority rights. The education of Roma children has been discussed as a relevant issue in terms of minority rights, which enabled the minority to preserve their cultural identity. Based on the Minority Rights Act (1993), the state is responsible for providing extra financial support for those minority self-governments who can maintain minority schools. Even though this could be

considered as a positive action, which includes special rights for minorities, the Roma community was not able to take an advantaged of this option. Since then only one school (Gandhi Gymnasium) has been established. Taking into consideration the effects of decentralization and the introduced free school choice, Roma children's educational opportunities have remained relatively limited. As it was mentioned, segregation has increased and formed in different ways, which can be seen as an aggregate action of institutional discrimination and the actions of prejudiced street level bureaucrats. To sum up the related equality aspirations of the government, we can see that even though the Education Act (1993) is based on the equal opportunities where the rights to education of Roma children came into the front, the introduced measures have neither targeted the main goals of equal opportunities, nor ensured the principle of equal treatment. This was supplemented by the liberalization of education, namely impacts of decentralization and the implementation of the free school principle.

From 2002 until 2010 the paradigm of integrated education and the desegregation principles characterized public actions. During that period, the concept of full equality was addressed which served as a necessary response to three factors that simultaneously challenging the education system. First, in 2000 the PISA report evaluated the Hungarian education as the most selective system based on the parental background and socio-economic status of the children (Radó, 2001). This negative international evaluation highlighted the existence of massive discrimination of Roma and disadvantaged children, which could have hindered the EU accession of Hungary. Second, in 2002 a new government was formulated, under which the education policy was highly influenced by liberal parties. The minister of Education, Bálint Magyar, was committed to redress the failure of Roma education in the political agenda. As a result of his attempts, the integrative program was implemented. Third, according to the

obligation of the EU accession, Hungary was expected to fulfill the Copenhagen criteria concerning the reinforcement of the legal framework of the democratic governance and human rights. Moreover, each candidate country is obliged to adopt and harmonize their national legislation in accordance with the EU rules and regulations. With regard to discrimination, Hungary was requested to enact the Race Directive, the 2000/43/ EC the principle of equal treatment between persons irrespective of racial or ethnic origin into its national legislation system. Thus, the adoption of the Act on Equal Treatment and the Promotion of Equal Opportunities and the establishment of the related body were also among the requirements. Lilla Farkas in her study evaluated the mentioned EU law, as the most relevant provision on fighting against structural discrimination. (Farkas, 2007). Under the so-called Racial Equality Directive, EU Member States are required to prohibit discrimination on the grounds of racial or ethnic origin and to endorse adopting specific measures aiming at the prevention or compensation for disadvantages which are linked to these grounds. In other words, it allows the states to implement measures of 'positive action', however the actions should be based on "the individual merits of candidates of the over-represented group" (ibid, 39). Regarding the established anti discrimination law in 2003, Hungary created an extended concept of the equality that were simultaneously based on the principles of formal equality and equal opportunity. As for example, article 4 sets out the scope of the equal treatment, article 11 clarifies the requirements of positive discrimination. However, neither the national, nor the European legislations seem to be sufficient in reducing the segregation of Roma children due to the lack of proper concept of equal opportunity at national level. It can be seen that the existing anti-discrimination legislation prohibits the segregation but does not establish specific measures that would control the local governments' actions or the effects of the residential segregation. Recognizing this limitation, the Hungarian government has introduced the integral education program, the so-called "OOIH Program" (Hungarian acronym OOIH for Országos Oktatási Integrációs Hálózat) in 2005 the aim of which was to change the social composition of 'disadvantaged' schools, to provide better access for children from low socio-economic backgrounds and to promote quality of education. To do so, the program has involved complex equality tools, such as the recognition of the differences of children, the application of special teaching methods, the introduction of fixed quota of multiplied disadvantaged students, and the provision of additional grants and technical assistance. Even though Kézdi and Surányi (2009) evaluated the program as a successful integration measure, stating that all the involved "students performed better in all dimensions" (ibid, 13), from many segments the program seems to be imperfect since it failed to address the main driver of the educational inequalities in the entire system. Except for intra-school segregation, the program did not tackle and offer solution to the other forms of segregation. Moreover, even though its aim was to reduce the high level of dropout rate of Roma students from secondary schools, this rate did not change. The exclusion of Roma and disadvantaged children remained unchanged.

2010 marks another significant moment in the public education process, with special attention to the education of Roma. The problem concerning Roma captured the attention of the European policy makers. The adoption of the EU Framework for national Roma integration strategies in 2011 could have offered greater opportunity to advance the educational situation of Roma and disadvantaged people in every member state. The next chapter assesses whether the result of this EU pressure can achieve any improvements regarding Hungarian Roma children's educational success.

Chapter 4. Equality in Public Education from 2010 until Today

In order to understand the relevance of the recent Hungarian educational reform, this chapter attempts to explore the policy coherence and the relationship between the National Social Inclusion Strategy – Extreme poverty, child poverty, the Roma- (2011-2020) (hereinafter: NIRS or Roma Strategy) and the adopted new Public Education Act. Since the two policy documents are driven by the principle of equality, namely the integration or inclusion of Roma children, the main question is whether the NIRS, created by the pressure of the European Union, is coextensive with the new public education law. In other words, how the Hungarian National Roma Integration Strategy and the new education policy will reflect on the desegregation of Roma or disadvantaged children?

Looking at the issue in a broader context, in 2010 a new government was formed in Hungary, the coalition of FIDESZ-KDNP, who addressed major structural reforms in the public sector and expressed strong commitment to Roma integration. In accordance with the government's promises, in 2011 when Hungary took on the presidency of the Council of the European Union the government, sharing the opinion of European Commission, included Roma integration among its priorities. In the middle of 2011 all the 27 member states agreed on the adoption of an EU Framework for National Roma Integration Strategies (hereafter: Roma Framework), which has been a result of the failure of several Roma-related EU and national documents and policies. Regarding the agreement, the member states were obliged to create their own national strategies effecting the social inclusion of Roma. After the assessment of NRIS, which was considered by the European Commission as the most promising strategy, the implementation process started in 2012. In the meantime, the government has introduced its reform to the public education system. The focus of this analysis is to identify the existence of the different equality approaches in the mentioned policy papers. By gaining this information the effectiveness or the failure of the Roma inclusion policies can be predicted.

The chapter introduces briefly the European Framework Strategy and highlights its limitations. Then it presents the part of the Hungarian NRIS concerning education and the components of the new Public Education Law. The two measures are assessed from the perspective of equality approaches.

4.1 An EU Framework for National Roma Integration Strategies up to 2020

The formation of the European Framework Strategy can be perceived as a significant turning point regarding the past unsuccessful European Roma policies. Even though it is noteworthy that the top-down policy approach can face many failures, especially in the implementation process, the European Roma Framework Strategy includes new perspective regarding the integration of Roma. First, this document exclusively argues that the social and economic integration of Roma is not only a humanitarian obligation but also an economic potential that could boost the prosperity of the countries and the European Union. Referring to the recent World Bank survey, the "full Roma integration in the labour market could bring economic benefits estimated to be around $\in 0.5$ billion annually for some countries" (COM, 2011, 3) which can gain importance during the current financial and economic crisis. Second, since the Roma problem is defined based on the recognition of their structural discrimination and exclusion in four main areas, this policy document tends to provide a holistic policy measure that includes the characteristics of mainstreaming. In accordance with this, member states need to create their action plans by taking into consideration the EU Race Directive and the situation of

Roma people in the field of education, employment, housing and health. Moreover, it puts emphasis on the active involvement of Roma experts, NGOs, professionals as active participants in the different stages of the policy process. Third, the strategy is obliged to take action not only in those countries where the majority of Roma live but in every member state. The joint policy can improve the cooperation among the member states to tackle the discrimination, reduce poverty and induce economic prosperity. Thus, the provided polices can build on stronger actions that increase the efficiency of the actions.

By the endorsement of this EU framework, every member state was requested to develop its own national strategy, which was evaluated by the European Commission. This institution was also responsible for providing recommendations if the NRIS did not follow the set goals. After the evaluation process which was completed in the beginning of 2012, the member states have started to implement their strategies in accordance with their existing sectoral policies. "To support the efforts of the member states, the EU has offered up to \in 26.5 billion of EU funding" (COM, 2011, 10).

The European Roma Framework Strategy serves as a basic guideline, determines the minimum standards, which need to be considered in designing of the national strategies. In terms of education, the European Roma Framework establishes minimum requirements which target not only the access to primary education but also the provision of quality education. It puts special emphasis on the reduction of segregation and the fight against discrimination by the implementation and the reinforcement of the Race Directive. The EU strategy focuses on the three levels of education system, namely the kindergarten, the primary school, and the secondary school to increase the level of school attendance of Roma children. As a quick note, due to the

results of the liberal education policy, Roma children's participation is not the key problem in Hungary. Moreover, as the Hungarian example shows, only increasing the participation of Roma children in the elementary schools will not reduce their educational inequalities. Regarding the pre-school service, the European Commission underlines the development of early childhood education of Roma by providing quality of education. Again, the main problem of segregation, which is the result of misused educational practice, is not articulated in the framework.

To sum up the content of the European Framework Strategy in the light of equality approaches, it is obvious that the characteristics of mainstreaming can hardly be recognized. It concentrates more on the equal treatment and to some extent on the equal opportunities. Since in the Commission's document the different equality concepts were built on weak requirements, the desired goals still depend on the member states' decisions on how they will be translated into the national strategies. Thus, the next part sheds light on the National Social Inclusion Strategy-Extreme poverty, child poverty, the Roma (2011-2020, hereafter: National Roma Strategy) assessed through the theoretical framework.

4.2. National Roma Strategy

The role of this sub-chapter is twofold. First, it presents the content of the Hungarian National Roma Strategy, concentrating on the education sector. Second, it looks at whether this strategy fulfills the expectations. To do it, the chapter identifies and analyzes the used equality approaches that aim at reducing the educational inequalities of the children and building the social cohesion of the society.

The NRIS includes a wide range of principles characterizing the actions in the public education. Among these principles, the inclusion is considered as an overarching principle which suggests that the government plans to implement an inclusive education policy. Among the used principles integration, the complexity, sustainability, principle of community participation play important role. Regarding the education, the aim can be summarized as the following:

- a. Raising the educational level of students, with special attention to those who lives in the most disadvantaged areas. (equal access to education)
- b. Reducing the segregation at local and regional levels. (This can be considered as a component of formal equality.)
- c. Reducing the drop-out rates. (equality of result)

(Ministry of Public Administration and Justice, 2011. 63-64)

Regarding the levels of public education, the NRIS contains different goals but its action plan is not well-developed. In the kindergarten education, the strategy intends to extend the services by reducing the compulsory education age from 5 to 3 year old. This will assume that the all the areas that are linked to the service need to be improved as well. The focus of the new teaching method lies on the application of integrated teaching method, which includes changes in the teachers' training and/or the national curriculum. In addition, the NRIS recognizes the special needs for children living in deep poverty, provides extra support that covers their basic needs, such as clothing and eating.

In the field of primary education, the strategy intends to continue the integrated education and puts special emphasis on the elimination of segregation. The document tends to increase the access to education and to ensure the quality of the education. In addition, in order to improve the relationship between the schools and (Roma) patents, the NRIS intends to increase the employment of Roma teachers and mediators. This goal is favorable, however in a public education system where the opportunities are limited for Roma and poor children, their access to university becomes more questionable.

In terms of secondary education, the strategy refers only to the vocational education of the children which is seen as a relevant area for Roma children due to the fact that it offers them marketable employment. Thus, the preparation course for vocational training and the offered scholarship programs are among the highlighted tools. Even though the vocational education can be relevant for Roma children, it faces many limitations. First, the measure does not imply the quality of education. Second, after the education, due to the high degree of discrimination which is not targeted, Roma children' chances to get marketable jobs are still limited. Third, the access to other types of secondary schools, which are designed to assist the preparation to high education, is totally neglected by the NRIS.

The action plan encompasses the cooperation and the involvement of Roma participant into the policy design and implementation, which is reinforced by separate agreement between the government and the National Roma Self-Government. This will bring up additional questions which are discussed in a detailed manner in the next part.

4.2.1 Analysis of the Strategy in the Light of Equality Approaches

The European Commission assessed the submitted Hungarian Roma Strategy as the most promising and well-designed strategy that complies with the European Roma Framework Strategy. Besides, the title of the NRIS differs from the European Framework, implying stronger actions targeting not the integration but the social inclusion to the society from which two things can be concluded. First, the Hungarian government has realized the imperfections of the "integration" of Roma and recognized the need for complex policies and approach, such as mainstreaming. Second, through the complex policies it attempts to reduce the stigmatization of Roma and poor children, which is usually seen as the main drawback of equal opportunities. Overall, at the first glance, it seems that the Hungarian Strategy provides a holistic approach, using some elements of mainstreaming to tackle the educational inequalities and promote the inclusion of Roma and disadvantaged children. Even though it is a well-written policy document (compared to the other countries' plans), several contradictions can be discovered. The first one is the way in which the state conceptualizes the inclusion and uses it interchangeable with integration. In the strategy, inclusion is defined as the following

"The concept of inclusion is used herein to include the **reinforcement of the educational** *level*, skills and work culture of the persons and **groups concerned**, support provided for the development of the ability of self-sufficiency and self-representation, the elimination of socialization deficits, the development and aid policy designed to achieve these goals and the means and methods used for the implementation of the policy" (NRIS, 2011,57).

Based on this conceptualization, the term inclusion does not support the idea of inclusive education, where all the children are full members and participate together with other students. It rather focuses only on the development of the problematic group of children who need to be (re-) educated. It is also perceptible that the Hungarian government refers more to catching up Roma children than to integrate them. This becomes more evident if we look at the Hungarian version of the Roma Strategy, where instead of using the inclusion or integration of children, the strategy reads catching up (*'felzárkóztatás'*) of Roma students.

The elimination of segregation and discrimination are also among the highlighted aims, which need to be consistent with the local equal opportunity plans and the existing regulations. Based on the widespread segregation practices and the ineffectiveness of local equality plans, neither the existing legislation nor the local action plans can touch upon the roots of the segregation. Nevertheless, the centralization of the public education system, as it was underlined in the government's plan, makes the role of the local municipalities questionable.

The strategy puts additional emphasis on the importance of raising awareness, shaping the public attitude towards Roma community; however it is not clear how these actions will be achieved. As Bernard Rorke, who has been working as international research and advocacy director for the Roma Initiatives Office at Open Society Foundations and has been highly committed to Roma rights, points out in his criticism, the human rights approach is almost completely missing from the Hungarian NRIS (Rorke, 2012). In order to achieve changes in citizens' attitude there is a need to change the related legislation as well, namely the laws on Equal Treatment and the Promotion of Equal Opportunities. The existing legalization remained ineffective in challenging the complex patterns of segregation which is the main barrier in ensuring equal treatment. Nevertheless, as the European Roma Rights Center highlights, the mentioned law provides remedy for individuals, however school segregation is a result of individual choice and complex, systematic problems which determine the education system (ERRC, 2007, 22). The antidiscrimination law fails to recognize it. In the NRIS there is no such will declared or reference to achieve this goal. Using the theoretical concepts, it can be seen that the basic form of equality, the equal treatment, is not reinforced, thus it remains facing many obstacles in its application.

The collaboration with Roma participants, as a characteristic of mainstreaming, can be interpreted as it is accomplished through the bilateral agreement between the National Roma Self-Government and the Government. However, knowing the function of this institution, additional concerns emerge. First, since the role of the minority self-government is relatively vague, they will have less voice in the important stages of the policy process. With regard to the Act LXXVII of 1993 on National and Ethnic Minorities, the main role of the self-governments is to protect their cultural heritage, language but there are no other special responsibilities or rights that make them eligible in taking active part in the decision making process. The Strategy does not imply whether there will be any changes into this legislation. Second, the Roma Self-Government is heavily dependent on the support of local municipalities and the central government. Having all these in mind, the provision of participation of Roma minorities into the Roma integration is strictly limited, artificial and remains an illusion.

Looking at the three levels of the education, the extension of the kindergarten education and the increase of Roma children's participation in the institution is the sign of the equal opportunity but as the Eurochild formulates its critique, it does not mean that the Roma children will regularly attend it (Eurochild, 2012). In addition, the procedure of school entrance exam has not changed, which is seen as one characteristic of the result of equality and at the same time the first obstacle in the education of Roma children. The misdiagnosis of the children and their segregation, have remained in practice, the NRIS is not concerned with this. Thus, not only the principle of substantive equality but also that of equal treatment have been violated. The provision of quality of education and the application of integrative pedagogical teaching methods as highly expected substantive equality elements, are not clearly presented.

Regarding primary education, the aim of the strategy remains the same, namely to provide equal access to quality education and create inclusive environment which can suggest a strong commitment to the provision of equal opportunities and a little bit more. However, through the analysis, it reveals the same, neither the formal equality nor the equality of opportunity are articulated in text. The provision of quality of education and the application of integrative pedagogical teaching methods as highly expected substantive equality elements are not clearly presented either. Nevertheless, NRIS does not respond to the earlier mentioned limitations of the school integration program. Moreover, since the inclusive education under the government's interpretation means catching up, this implies some degree of hidden segregation of Roma children that also hints increasing educational inequalities. Therefore, the development of a monitoring system would be highly required under this strategy. Today it is not clear how the monitoring system is operating.

Emphasizing the gender equality also can be considered as the element of mainstreaming, however, its target and application are imperfect. As the European Roma Policy Center describes, it is welcomed but it offers inadequate measures (ERPC, 2012). Moreover, Roma girls in the NRIS are portrayed in a highly prejudicial way that can be disapproved in terms of credibility as well. The document states that the "factors responsible for high early school leaving rates amongst Roma women (...) early abandonment of studies partly due to early motherhood and partly due to traditional family roles" (Ministry of Public Administration and Justice, 2011, 26). It is known that early marriages still exist in one subgroup of the Roma community (Balog, Kóczé, 2011). It is also true that their numbers in the secondary education are relatively low compared to the non Roma girls (Kemény, Kertesi, 2005). However, their educational failure and dropout rates are not significantly related to the 'harmful Roma culture'. Ewa Cukrowska and Angela Kóczé in their coming study point out that there is "less gender difference between Romani female and male (7% and 8% years respectively)" (Cukrowska and Kóczé, 2013, 8). In their analysis, it is revealed that there are gender disparities however, race and the socioeconomic background of the family are more important factors regarding Roma girls' educational outcomes. Interestingly, the two main factors that intersect with the educational success are not even mentioned in the related parts of NRIS. Even though Roma-related research often face several problems, we can seek the question about what the government's intentions were by addressing the child marriages instead of tackling the structural inequalities that Roma girls, women face.

Concerning secondary education, where the biggest educational gap occurs between Roma and non-Roma children, the Strategy focuses only on vocational training. As it was emphasized by Rorke's review, even though Roma children can benefit from the vocational education, the practice shows that the quality of education is often weak in these institutions which can affect the drop-out rates of children and their future employment (Rorke, 2012).

On the other hand it is worth to state that the action plan contains several other components of full equality, such as involvement of Roma teachers, the financial support of the children in need, reforms in the teachers' training; however, it would be interesting to see how these elements are going to be implemented in the education system.

4.3 The Hungarian Education Reform

As the NRIS has declared, the education reform and therefore the newly accepted education act should be coherent with the elements and the principles of the Roma Strategy. The question that this part attempts to answer is to what extent the NRIS meets this criterion and how the government inserts the overarching principle of equality under the public education reform. The State Secretary for Education expressed the driven purpose of its education policy as the following: "The Hungarian Government starts with the assumption that closing the achievement gap for the disadvantaged, including the Roma, requires assessing and addressing the problems facing an individual. We therefore support every institution which enables students with disadvantaged backgrounds to close the achievement gap, even if the institution only educates Roma children." (HCLU, 2011)

In December 2011, the Hungarian Parliament passed a new Public Education Act, which contains structural changes in the system. The main changes that will have an impact on Roma and disadvantaged students' educational attainment can be summarized as the following:

- a. Extension of the compulsory education age in the kindergarten from the 5 to 3 years old
- b. Reduction of the upper compulsory schooling age from 18 to 16 years old.
- c. The system became centralized, however the principle of free school choice still remained
- d. Establishing the framework of Public Education Bridge Programs (the so-called Bride I and Bridge II. programs) organized in vocational schools, where the 14 years old students who are ineligible for studies at the high school level can be sent.

In addition, according to the recent amendment to the Constitution, the government aims to modify the law on equal opportunity. Under the Article 21, it intends to change the term ' equal opportunity' to 'equal opportunity and social inclusion' which in accordance with the Hungarian translation refers to the legalization of catching up ('*felzárkóztatás*') the children.

4.3.1 Analysis of the Education reform in the light of equality approaches

Despite the fact that the new education reform *per se* has several new approaches and notable purposes, it will not make relevant progress in terms of minorities' and disadvantaged children's educational inequalities. Moreover, I argue that under the new education policy the concepts of equality, especially the equal opportunities and equal treatment, will be undermined.

One of the main drawbacks of the new policy can be found in the characteristics of the proposed centralized education system, where the state – as we experienced during the socialism – gains an

exclusive ownership of all resources, total control of the curriculum and domination over the actors (teachers, children and parents). Even though there are many advantages of the centralized system, in Hungary it will have a negative impact on the education of minorities. First, with strict central regulations the state ignores the differences among the children and the problems of other relevant actors. Second, the exclusion of local actors particularly from the implementation process can increase reluctance (especially among the teachers), and reduce their motivation which will affect the quality of the education provided. Third, like under the socialist era the hidden segregation was the most widespread technique that can operate well in a centralized system. In addition, all the administrative tools and practices for segregating children are historically presented in the system. This can limit the implementation of substantive and formal equality.

In terms of Roma children's education, the new education act hints the occurrence of segregation, which can be detected at the secondary schools. After finishing the elementary school, or reaching the age of 14 or 15, the new system provides a new program for those children who are not accepted in any secondary schools. This program, called Bridge (Hid), will offer to them some education, however they will finish the program without gaining any competitive knowledge and certification. Even though this program has been labeled as a preparatory course that enables the children for studying further or entering into the labor market, it is obvious that these goals will be hardly achieved. Thus, it can be seen that under this new system, by using the elements of equality, the government can violate this principle.

Reducing the compulsory school age from 18 to 16 years and ignoring the demands of the labor market, the state limits the future possibilities of many Roma and poor children. Since at

the age of 16 these children will not gain any competitive knowledge and professions, they will not able to enter into the labor market. If we are taking into consideration the changes in other sectors, such as in the welfare system, we can predict that these children will not be automatically excluded from the society.

Nevertheless, regarding the mentioned amendment to the equal opportunity law, the Hungarian government in the name of "inclusion" intends to create the constitutional basis for the segregation of the children. This reminds us of the old US practice, when segregation of Afro-American children was the accepted policy. The implementation of segregation in Hungary will not face failure since it has been prevailing practice for decades. However, what is new and bizarre is to do it in the light of European Roma integration and by using EU Funds.

4.4. Conclusion

From this analysis it reveals that the Hungarian government has launched a promising and seemingly generous National Roma Inclusion Strategy, however regarding the use of the concept of equality, several dilemmas can be identified. The Hungarian NRIS is considered as a well-written policy document; however it can also be noticed that the underlined measures are not tackling the main causes of educational inequalities. In other words, not only the integration and the provision of equal opportunity cannot appear into the system, but the basic form of equality, equal treatment, is challenged as well. It can be concluded that the Roma Strategy already contains the hidden elements of separation of children which will be addressed under the public educational reform meet in the criteria of segregation. Moreover, under the analysis of the new public education law, it becomes obvious that the inclusion of Roma and disadvantaged children

remains an illusion. Segregation, and hidden discrimination are not even targeted aims, and schools do not guarantee that everybody has the same rights. Moreover, as it was highlighted, there is a well-founded fear that segregation will become a prevailing practice, which refers back to the old dilemma regarding the thin line between direct and indirect discrimination.

Chapter 5. Conclusion and Recommendations

The thesis provided an analysis on how the idea of equality is reflected in the Hungarian public education system from the collapse of socialist regime till today. It puts special emphasis on the recent educational changes that is considered as a turning point in terms of reducing educational inequalities. Until 2010, many educational initiatives and programs were introduced in the Hungarian public education system which developed and extended the elements of equal treatment and equal opportunities. Even though the different types of segregation were not well-targeted and the introduced integration programs faced several limitations, the prospect of the development in equality concepts was at the corner. From 2010 the government has promised systematical changes regarding the social inclusion of Roma. By analyzing the sources of these changes, namely the Hungarian National Social Inclusion Strategy and the related new Public Education Act, the thesis concludes the followings:

- Although the Hungarian government expressed its high commitment to Roma inclusion, neither the NIRS nor the prevailing educational policy embraces the principle of mainstreaming. To identify the mainstreaming approach in the field of education I refer to the inclusive education, which can include adequate tools for fighting against social exclusion.
- The experiences of the last twenty years show that the deeply rooted segregation practices and the high degree of prejudices, vis-a-vis the principle of free school choice, have never been genuinely targeted. What is more, in the current governmental cycle, the principles of equal treatment and equal opportunities are violated.

- As many civil organizations have warned, the amendment to the Constitution and the introduction of Bridge Programs tell about the purpose of the government to constitutionally legalize segregation. This will bring back the Hungarian education system to the US practice in the 1890's, when the segregation was the official policy.
- Several other elements of the two highlighted policy documents tend to reinforce segregation or maintain the gaps between Roma and non-Roma children. Since the monitoring of the European Roma policies is not developed, and the implementation of the related policies started to be realized, it can be seen that the European institutions, consciously or not, by financially supporting the Hungarian plan, take part in maintaining the educational inequalities of Roma children.
- If educational segregation does not diminish, "Although Hungary has a history of successful integration of minorities, the Roma community as a whole still await successful and realistic integration within the system" (UNESCO, Council of Europe.2007, 10).

Recommendations

- It is urgent to establish a transparent monitoring system not only at European but also at national and local levels.
- In addition, it is important to recognize, as many educational experts highlighted, that the segregation of children not only harms their basic human rights, but the early selection will cause higher social costs in long run. Therefore, the state needs to introduce resolute measure to end the segregation of Roma and disadvantaged children. To achieve it, the

legislation system should acknowledge the forms of segregation practices and prohibit those.

- It is essential to make decisive efforts to introduce inclusive education to promote educational equality and social inclusion.
- It is important to collect data on Roma and conduct research on their educational situation, with special focus on the Roma girls.

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