

TOWARDS INCLUSIVE EDUCATION: ADDRESSING EDUCATIONAL SEGREGATION OF ROMA CHILDREN IN HUNGARY

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EXECUTIVE SUMMARY

The Roma, historically referred to as “Gypsies”, are the largest ethnic minority in Europe with an estimated 11 million individuals. In Hungary, the Roma minority make up approximately 8% of the population. They face continuous pervasive and systemic discrimination that profoundly affect their daily lives. This research addresses the urgent issue of educational segregation among Roma children in Hungary, emphasizing the indispensable role of equal access to quality education in combating inequality and discrimination. Comprehensive policy interventions and social transformations are essential in achieving desegregation in educational institutions, underscoring the significance of comprehending the diverse factors that contribute to the widespread segregation. The study highlights the importance of going beyond mere legal declarations and instead promoting social transformations through the active engagement and participation of the Roma community in their children's education, along with increasing the representation of Roma individuals in politics and educational policies. By examining the underlying causes of segregation and proposing effective reform strategies, this research strives to contribute to achieving a more inclusive and equitable educational landscape in Hungary.

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INTRODUCTION

In Hungary, a nation renowned for its diverse historical and cultural heritage, the Roma population has long been a significant and integral part of society. Yet, despite their deep roots and valuable contributions, the Roma communities face pervasive and systemic discrimination that significantly impacts various aspects of their daily lives. This discrimination manifests in disadvantages such as high unemployment rates, inadequate housing, limited access to healthcare, under-representation in politics, and subpar, segregated education. These challenges are interrelated, and education, in particular, plays a pivotal role in breaking the cycle of inequality and discrimination.¹

The educational segregation of Roma children in Hungary remains a pressing issue that demands immediate attention and effective solutions. This research focuses specifically on educational segregation in Hungary because it recognizes that providing equal access to quality education is not only a fundamental right but also a transformative tool for combating inequality and discrimination.

Achieving desegregation in educational institutions is a complex task due to various factors, including residential segregation, poverty, and the treatment of the Roma population. While complete desegregation may be challenging and theoretical at best, there are measures that can be implemented to reduce segregation and foster effective social inclusion. It is crucial to move beyond mere declarations of segregation as illegal in international and domestic legal frameworks. Instead, efforts should focus on driving social changes that educate both the majority and minority populations about the detrimental consequences of segregation.

¹ Rekosh, Edwin, and Maxine Sleeper, eds. *Separate and unequal: Combating discrimination against Roma in education: A source book*. (Public Interest Law Initiative: Columbia University Budapest Law Center, 2004), xi

The thesis presented is divided into four chapters, each addressing different aspects of the situation of the Roma communities, educational segregation and social inclusion measures.

Chapter 1 aims to offer a thorough overview of the Roma population, including their historical background and present circumstances in both the European Union and Hungary. By examining the broader context in which the Roma community exists, this chapter seeks to provide a comprehensive understanding of their marginalized and disadvantaged status, highlighting the significance of educational segregation as a detrimental factor.

In Chapter 2, the research delves into the legal and structural aspects of educational segregation in Hungary. It analyzes the educational system's framework and policies, shedding light on how they contribute to the segregation of Roma children. By examining the legal and structural factors at play, this chapter aims to lay the foundation for understanding the systemic challenges faced by the Roma community in accessing quality education.

Chapter 3 explores the societal elements that contribute to educational segregation, including the geographical distribution of Roma communities, poverty levels, and the educational attainment of the Roma population. By examining these factors, this chapter aims to provide a holistic understanding of the multifaceted challenges that perpetuate segregation in education.

In Chapter 4, the focus shifts towards proposing attainable measures to reduce segregation and promote social inclusion. This chapter advocates for the active involvement of Roma parents in their children's education and highlights the significance of enhancing the political representation of the Roma population through strengthening Roma organizations and advocacy efforts. By emphasizing these practical strategies, the research aims to contribute to the development of comprehensive measures that can bring about lasting positive change and foster a more inclusive educational landscape in Hungary.

Overall, this research emphasizes the importance of recognizing and comprehending the underlying causes of segregation to foster positive changes in the education system, which will have a ripple effect on various other areas of society. By undertaking a thorough examination of educational segregation and proposing effective and attainable strategies for reform, this research aims to contribute to a more inclusive and equitable educational landscape in Hungary, benefiting not only the Roma community but also society as a whole.

1. THE ROMA

1.1 Who are the Roma?

The term “Roma” is used as a collective and umbrella term for the minority divided into numerous sub-groups, such as Ashkali, Sinti, Rumongro, Kale, Travelers, as well as others who identify themselves as Gypsies.² Therefore, the name “Roma” is not used to describe one particular group, but rather it refers to heterogeneous groups whose members reside in numerous countries around the globe. The term Roma can also be understood as a multifaceted phrase that reflects the varied and fluid nature of Roma identity.³ Members of this minority group are bound together by shared historical roots, linguistic commonalities, and experiences of discrimination by dominant groups.⁴ Even though the Roma are not one cohesive ethnic group, many of them have a comparable socio-economic standing in many European countries, which leads to a growing perception of them as a non-territorial European nation.⁵

They were formerly called “Gypsies”, which is perceived as a pejorative and derogatory term that represents the ideologies and oppressive practices of the dominant population.⁶ Therefore, in 1971 at the first World Romani Congress, the delegates replaced the term “Gypsy” with the proper term “Roma”, to capture the diversity of the different sub-groups across different nations.⁷ It was designed to convey the rich cultural heritage and shared history,⁸ and to express a stirring sense of unity. Roma has now become the preferred term by most international and

² John Bennett, “Roma Early Childhood Inclusion,” *The RECI Overview Report* (2012), 19

³ Rita Izsák, “Report of the Special Rapporteur on Minority Issues” (A/HRC/29/24, 2015), 3

⁴ Ibid.

⁵ Peter Vermeersch, and Melanie H. Ram, “The Roma.” In *Minority Rights in Central and Eastern Europe* (Routledge: 2008), 61

⁶ Paloma Gay y Blasco, “Gypsy/Roma diasporas. A comparative perspective.” *Social Anthropology* 10, no. 2 (2002), 174

⁷ Márton Rövid, “One-size-fits-all Roma?: On the normative dilemmas of the emerging European Roma policy.” *Romani studies* 21, no. 1 (2011), 5

⁸ Blasco, “Gypsy/Roma diasporas”, 174

national organizations addressing various facets of the “Roma problem”.⁹ Therefore, this thesis will use the term Roma to refer to the different sub-groups in different contexts.

The origins of Roma are still widely debated; it has only been established in recent decades that they originate from India, but there is no definite documentation of when they migrated out of their home country.¹⁰ Some authors suggest the 11th century, others emphasize that it was a lengthy and complex historical process of multiple migrations between the 7th and 13th century.¹¹ Several documents suggest that the Roma arrived in the Byzantine Empire around 900-1100 years ago, thus became one of the peoples of Europe.¹² The current formations of Roma populations in European countries are the result of three migration waves: the first after the abolition of Gypsy slavery in Romania around the 19th century, the second out of Yugoslavia in the 60’s and 70’s, and the third following the economic and political turmoil in Eastern Europe during the 1990’s.¹³

1.2 The Roma today in the European Union

The Roma are considered to be the largest ethnic minority with members residing in practically every country in Europe. According to estimates, there are currently 11 million European Roma, of whom 6 million live in the 27 European Union member States.¹⁴ A large majority of these numbers are found in Central and Eastern Europe (CEE) and the Balkans. There may be as many as 800,000 Roma in Bulgaria, according to estimates from census studies and

⁹ Dimitrina Petrova, "The Roma: Between a myth and the future." *Social Research: An International Quarterly* 70, no. 1 (2003), 114

¹⁰ Ibid, 115

¹¹ Ibid, 115

¹² Angus Fraser, "The present and future of the Gypsy past." *Cambridge Review of International Affairs* 13, no. 2 (2000), 18

¹³ David Gresham, David Bharti Morar, Peter A. Underhill, Giuseppe Passarino, Alice A. Lin, Cheryl Wise, Dora Angelicheva et al. "Origins and divergence of the Roma (gypsies)." *The American Journal of Human Genetics* 69, no. 6 (2001), 1314-1331.

¹⁴ Izsák, "Report of the Special Rapporteur on Minority Issues", 3

international organizations, 300,000 in the Czech Republic, 2,500,000 in Romania, and 550,000 in Slovakia.¹⁵ The precise size of the population is a matter of debate. It is important to note that many people who identify themselves as Roma – whether they are considered or seen as Roma by others or identify as Roma themselves – reject the classifications provided to them in censuses and do not necessarily declare themselves as Roma at the time of census.¹⁶ Thus, the official census data undercounts the number of people who would be ready to identify as Roma in non-official settings.¹⁷

Roma groups in various European nations are diverse and frequently have very few or no direct links with one another since they are not a single, cohesive community.¹⁸ Even within a particular country, the Roma communities only identify common ground in their understanding that they are not *gadje* (non-Roma), or that they are the target of the same political and governmental policies.¹⁹ Their shared experience of similar setbacks and challenges since the fall of communism is what brought the Roma communities together in Central and Eastern Europe in recent decades. This includes the fact that they often have less economic stability than the majority populations and have frequently been subject to social exclusion and prejudice.²⁰ Although forced integration dominated the communist era in CEE, measures that made employment and education mandatory significantly boosted the Roma's social and economic situation. As the communist regimes fell apart taking with it many industries that were the primary labor market for the minority, numerous Roma lost their employment. The

¹⁵ Julius Rostas and Joanna Kostka. "Structural dimensions of Roma school desegregation policies in Central and Eastern Europe." *European Educational Research Journal* 13, no. 3 (2014), 268

¹⁶ István Kemény, Béla Janky and Gabriella Lengyel, *The Hungarian Roma, 1971-2003*. [A magyarországi cigányság, 1971-2003.] (Gondolat – MTA Kisebbségkutató Intézet: 2004), 42

¹⁷ Vermeersch and Ram. "The Roma", 61

¹⁸ Ibid, 62

¹⁹ Ibid

²⁰ Ibid

Roma were the group most negatively impacted by the shift to market economies because they lacked the knowledge and training needed to participate in the challenging new labor markets.²¹

Historically, the Roma population has been discriminated against, prejudiced and excluded and they continue to face the same treatment today. In Europe today, the Roma confront two distinct issues: first, as it has been shown in multiple publications by both NGOs and EU agencies,²² they are subjected to extreme discrimination by the majority and public authorities, which significantly affects their access to opportunities for education, housing, health care and employment.²³ Second, due to the aforementioned prejudice and the shift to a market economy, most Roma experience economic hardship and frequently live-in abject poverty.²⁴

The plight of the Roma has continuously been emphasized as an area in which the governments of new Member States must focus policy attention during the time of the European Union's enlargement.²⁵ In light of this, a study was commissioned by the European Commission to gain a better understanding of the challenges and hardships faced by the Roma population, and how existing and future EU policies could better address their needs.²⁶ The report was a crucial piece of evidence that demonstrated how little had changed over the past few decades despite greater political awareness and expertise. One significant finding of the report was the alarming state of primary education for the Roma community; “the situation of Roma in the key area of primary education is very worrying”.²⁷ It exposed the pervasive school segregation in the CEE

²¹ Vermeersch and Ram. "The Roma", 63

²² See for example: European Union Agency for Fundamental Human Rights. Fundamental Rights Report – 2021.

²³ Vermeersch and Ram. "The Roma", 63

²⁴ European Commission, Directorate-General for Employment, Social Affairs and Inclusion, “The situation of Roma in an enlarged European Union”, (Luxembourg: Office for Official Publications of the European Communities, 2005), 1

²⁵ European Commission, “*The Situation of Roma in an Enlarged European Union*”, 6

²⁶ Ibid, 1

²⁷ Ibid, 17

region, and made clear that Roma students are frequently excluded from inclusive education due to their ethnicity alone.²⁸

1.3 The Roma in Hungary

The migration of the various groups of Roma into Hungary has begun in the beginning of the 18th century and continued into the later periods of the 20th century.²⁹ Today, they make up around 9% of the population, which is about 876,000 individuals – according to the most recent research carried out in 2017.³⁰ A representative survey conducted in 2004 revealed that the Roma population has been consistently increasing over the years; it rose from 3% in 1971 to 5% in 1993, and further 6% in 2003.³¹ By 2011, the number of individuals identifying as Roma had doubled compared to a decade earlier.³² However, it's important to note that the actual number of community members has always been greater than the reported figures obtained through self-identification surveys.³³ As a long-recognized practice, Roma individuals have consistently refrained from identifying themselves as ethnic minorities during censuses or official data collection processes.³⁴ The primary reason behind this occurrence can be attributed to the stigma associated with the Romani identity, leading to the reluctance of many Roma individuals to officially identify themselves as such.³⁵ Additionally, some governments have been reluctant to recognize Roma as a valid category for census purposes.³⁶ Consequently, this

²⁸ Rostas and Kostka. "Structural dimensions of Roma school desegregation policies in Central and Eastern Europe", 269

²⁹ Pál Nagy. "Vázlat a magyarországi cigányság történetének értelmezéséhez." (Budapest: *Magyar Cserkészszövetség*, 2018), 7

³⁰ Kinga Júlia Király, Gábor Bernáth and Jenő Setét. "Roma in Hungary: The Challenges of Discrimination" (Minority Rights Group Europe, 2021), 5

³¹ Kemény, Janky and Lengyel. "The Hungarian Roma", 17

³² Király, Bernáth and Setét. "Roma in Hungary: The Challenges of Discrimination", 5

³³ Ibid

³⁴ Karolina Kósa and Roza Adany. "Studying vulnerable populations: lessons from the Roma minority." *Epidemiology* 18, no. 3 (2007), 291

³⁵ European Commission, "The Situation of Roma in an Enlarged European Union", 9

³⁶ European Commission, "The Situation of Roma in an Enlarged European Union", 9

has led to a long-standing problem of underrepresentation when it comes to accurately counting the Roma population.³⁷

The geographical distribution of the Roma population has remained relatively stable in recent decades, with the largest Roma communities still concentrated in North-Eastern Hungary and the South Transdanubian Region.³⁸ The highest proportion of Roma individuals is found in small villages, particularly in underprivileged and remote areas. In these marginalized regions, which include several villages inhabited exclusively by Roma and segregated neighborhoods in urban areas, the Roma community faces a constant struggle for survival, striving to make ends meet on a daily basis.³⁹

The Roma are the primary ethnic, cultural, and - to some extent - linguistically diverse community in the country.⁴⁰ The Hungarian Roma can be categorized into three large linguistic groups. These are the Hungarian-speaking “Romungros” (who call themselves “Hungarian Gypsies”), the bilingual “Oláh cigányok” (Vlach) who speak Hungarian and Romani, and lastly the “Beás Cigányok” (Boyash) who are also mostly bilingual and speak Romanian and Hungarian.⁴¹ Roma subgroups used to differ significantly from one another in the past, however, by today these differences have largely disappeared. The accelerated and almost complete linguistic assimilation, the disappearance of traditional crafts, and the shared sense of exclusion from society have largely eliminated these distinctions.⁴²

Throughout the period of state socialism, their general level of education and employment increased dramatically, which suggested that the majority of Roma had completed their primary

³⁷ Kósa and Adány. "Studying vulnerable populations: lessons from the Roma minority.", 291

³⁸ Király, Bernáth and Setét. “Roma in Hungary: The Challenges of Discrimination”, 5

³⁹ Ibid

⁴⁰ Vera Messing, "Good practices addressing school integration of Roma/Gypsy children in Hungary." *Intercultural Education* 19, no. 5 (2008), 462

⁴¹ Kemény, Janky and Lengyel. “The Hungarian Roma”, 37

⁴² Kállai, Ernő. "Cigány csoportok Európában és Magyarországon." (2015), 10

education and were working in low-skilled or unskilled jobs.⁴³ However, Hungary was no exception to the previously mentioned negative changes after the collapse of the Soviet Union, which affected the Roma communities significantly. A large number of them lost their heavy industry or agricultural jobs; the employment rate of Roma decreased from 77% before the transition, to 29% by 2003.⁴⁴ On top of the exclusion from the labor market, residential segregation has also started to be more prevalent in various parts of the country. As a result of their unemployment and low financial capacity, the Roma moved to slum districts or settlements, where their employment and educational opportunities are scarce.⁴⁵ Concurrently, due to their low academic, employment and residential status, overt prejudice and racism against the Roma community has increased dramatically in the country. It is safe to say that the political and social changes brought on by the fall of the communist regime played a significant role in the deterioration of the overall position of the Roma people.

1.4 The overall situation of the Roma people in Hungary

“A significant part of the Roma community is not fit for coexistence. They are not fit to live among people.... They should not be like animals. Not at all. This needs to be solved - immediately and in any way possible!” –

Zsolt Bayer, founding member of Fidesz, Hungarian Civic Alliance⁴⁶

This statement was made by a prominent Hungarian journalist, highlighting how public figures, including journalists, politicians, and law enforcement officials, often make offensive and false

⁴³ Messing, "Good practices addressing school integration of Roma/Gypsy children in Hungary", 462

⁴⁴ Ibid

⁴⁵ Ibid

⁴⁶ Ellie Keen. "Tükrök: Emberi jogi neveléssel a cigányellenesség leküzdéséért" Kézikönyv. ["Manual: Overcoming Anti-Roma Prejudice through Human Rights Education."] Council of Europe (2015), 11

assumptions about the Roma community without facing consequences. These remarks contribute to a racist atmosphere in countries with significant Roma populations, such as Hungary.⁴⁷ As a result, it is crucial to analyze the broader situation of the Roma people in Hungary, including their social status and the pervasive prejudice and discrimination they encounter.

Recent studies have demonstrated⁴⁸ that Roma people in Hungary continue to experience significant disadvantages in every aspect of daily life.⁴⁹ In a community interview with focus groups, participants stressed that the media bears a heavy burden of responsibility for the majority's discriminatory beliefs.⁵⁰ According to the 2009 "The EU Minorities and Discrimination Survey", over 62% of Roma people stated that they have experienced extreme discrimination in Hungary in the past 12 months while looking for employment, healthcare, education or during leisure activities.⁵¹ This number was the second highest compared to other CEE countries. Extremist politicians and parties have emerged in the midst of the economic crisis and are openly hostile toward the Roma community. Through racist rhetoric and agenda, they continue to foster an environment where human rights abuses are more likely to happen without a consequence.⁵² One of the most devastating examples of the hatred against Roma was the serial killing of six Roma people, including a five-year-old, in 2008 and 2009.⁵³

The Roma community's experience of everyday prejudices is widespread, regardless of their residence, education or social status. They experience racist and discriminatory behaviors in

⁴⁷ Keen, "Tükrök", 11

⁴⁸ See also European Union Agency for Fundamental Rights. "The situation of Roma in 11 EU Member States." 2012 and European Union Agency for Fundamental Rights "Second European Union Minorities and Discrimination Survey", 2017

⁴⁹ Király, Bernáth and Setét. "Roma in Hungary: The Challenges of Discrimination", 2

⁵⁰ Ibid

⁵¹ Bennett, "Roma Early Childhood Inclusion", 28

⁵² Ibid, 29

⁵³ Izsák, "Report of the Special Rapporteur on Minority Issues", 7

every sector of life. Roma are highly overrepresented in public employment programs, since that is the only opportunity for jobs in the country's disadvantaged regions – where a large portion of the Roma live.⁵⁴ The local governments oversee these public employment programs, victims of discrimination in this sector frequently choose not to report incidents for fear of losing their benefits.⁵⁵

Furthermore, the challenges are particularly serious for Roma women and children, given that they are the most vulnerable.⁵⁶ Several members of the Roma community have emphasized the prejudice they face regarding labor and health care, particularly young Roma women.⁵⁷ The Working Group on discrimination against women and girls has highlighted that Roma women encounter significant disparities in accessing healthcare services, including limited availability of family planning resources, modern contraceptive methods, and regular gynecological consultations.⁵⁸

The same thing is true regarding the law enforcement authorities; they are reluctant to take seriously and investigate complaints submitted by Roma or to effectively protect the minority. There have been numerous instances where alleged abuse of Roma individuals by the police in Hungary has been brought before the European Court of Human Rights (ECtHR).⁵⁹ Among these cases, the case of *Balázs v. Hungary* stands out as a striking example of the discrimination faced by Roma individuals at the hands of the authorities. In this case, the applicant, a Roma

⁵⁴ United Nations. “Committee on the Elimination of Discrimination Against Women (CEDAW)”, *Ninth periodic report submitted by Hungary under article 18 of the Convention, due in 2017*, CEDAW/C/HUN/9. (Hungary: 2020) para 177

⁵⁵ Király, Bernáth and Setét. “Roma in Hungary: The Challenges of Discrimination”, 2

⁵⁶ Council of Europe. “*ECRI Report on Hungary (Sixth Monitoring Cycle)*” European Commission Against Racism and Intolerance. (March, 2023), 6

⁵⁷ Király, Bernáth and Setét. “Roma in Hungary: The Challenges of Discrimination”, 2

⁵⁸ United Nations General Assembly. Human Rights Council Thirty-fifth session. “*Report of the Working Group on the issue of discrimination against women in law and in practice on its mission to Hungary*” A/HRC/35/29/Add.1 (Hungary: April 2017), paragraph 77

⁵⁹ See also Case of *Csonka v. Hungary*, (Application no. 48455/14) and *R.S. v. Hungary* (Application no. 65290/14)

man, claimed that he was subjected to ill-treatment, including the use of excessive force and racial abuse by police officers during his arrest in 2008.⁶⁰ His complaint was dismissed by the Hungarian authorities, leading him to bring his case before the ECtHR. The Court found a violation of Article 3 of the European Convention on Human Rights (ECHR),⁶¹ noting that the ill-treatment was racially motivated and amounted to inhuman and degrading treatment.⁶² This case further highlights the vulnerability of Roma individuals to discrimination, and the importance of conducting effective investigations into allegations of ill-treatments. Furthermore, the Court's ruling emphasizes the importance of addressing racism and discrimination within law enforcement procedures. In accordance with this, The Committee on the Elimination of Racial Discrimination advised Hungary to promptly implement measures that would prevent racist hate crimes and racist violence, as well as guarantee the efficient recording, investigation, and prosecution of all reported incidents of hate crimes.⁶³

In addition to the aforementioned widespread discrimination and poverty, the other area where Roma children suffer the most is school segregation.⁶⁴ Several research have shown that the number of primary school-aged Roma children educated in segregated, remedial schools have been steadily growing over the past decades.⁶⁵ These children are denied inclusive education and the opportunities that come with it. Instead, they are often placed in segregated schools that lack proper funding and offer low-quality education. This denial of inclusive education results in the deprivation of opportunities for quality education, social integration, personal development, multicultural understanding, and protection from discrimination. Moreover, it

⁶⁰ Case of *Balázs v. Hungary*, (Application no. 43156/11), 2016, paragraph 42

⁶¹ “No one shall be subjected to torture or to inhuman or degrading treatment or punishment.” European Convention on Human Rights (ECHR), art. 3.

⁶² “*Balázs v. Hungary*”, paragraph 49.

⁶³ United Nations International Convention on the Elimination of All Forms of Racial Discrimination “*Combined eighteenth to twenty-fifth reports submitted by Hungary under article 9 of the Convention, due in 2004*”. CERD/C/HUN/18-25. (Committee on the Elimination of Racial Discrimination, 2018), 6

⁶⁴ Király, Bernáth and Setét. “Roma in Hungary: The Challenges of Discrimination”, 2

⁶⁵ Eva J. Zemandl. “The Roma experience of political (in) justice: The case of school (de) segregation in Hungary.” (2018), 4

perpetuates a vicious cycle of discrimination, exclusion, and poverty that afflicts many Roma communities. Furthermore, Roma children might also have to undergo unnecessary or prejudiced psychological testing that results in the placement of non-disabled children in special schools for students with psychosocial and mental disabilities.⁶⁶ This unjust placement can severely limit the possibilities for these children to continue their education, which has detrimental effects on their future lives.

In conclusion, numerous researches has highlighted the pervasive and systemic discrimination faced by the Roma community in Hungary in various aspects of daily life. They suffer from a host of disadvantages: high unemployment rate, poor housing, inadequate healthcare, under-representation in politics but over-representation in the criminal justice system and subpar, segregated education. All of these are linked to one another.⁶⁷ Without proper education they cannot get better employment opportunities and without jobs it is unlikely that the Roma can get better housing prospects. Undoubtedly, the effort to ensure equal opportunities for the Roma community must be approached through various avenues. However, if there is one particular cause that requires unwavering dedication, it is the fight for equal education, which necessitates the elimination of segregation in schools.⁶⁸ Therefore, this research focuses on educational segregation, mainly primary school segregation, because it recognizes that providing quality equal access to education is not only a fundamental right but also a transformative tool for breaking the cycle of inequality and discrimination.

⁶⁶ Rostas and Kostka. "Structural dimensions of Roma school desegregation policies in Central and Eastern Europe.", 269

⁶⁷ Rekosh and Sleeper. "Separate and unequal", xi

⁶⁸ Ibid

2. UNDERSTANDING EDUCATIONAL SEGREGATION: THE STRUCTURAL AND LEGAL ASPECTS OF HUNGARY'S EDUCATIONAL SYSTEM

In the context of this study, school segregation is defined as the act of separating or clustering students from diverse socio-economic and family backgrounds into separate schools or classes, primarily focusing on the separation based on ethnicity.⁶⁹

School segregation represents a severe form of discrimination, human rights violations, and a significant infringement upon the rights of the affected children. This form of injustice directly targets minority and other vulnerable groups, further perpetuating the marginalization of entire populations.⁷⁰ According to a large body of academic and policy research, placing children from ethnic minority groups in separate or distinct classes or schools is a discriminatory practice that has a profoundly negative impact on their mental and psychological development, academic performance, and future career opportunities.⁷¹ In the famous landmark American case of *Brown v. Board of Education* from 1954, it was unanimously decided that "separate educational facilities are inherently unequal" and that separating children in schools on the basis of race was unconstitutional.⁷² Similarly in Europe, multiple research has shown that⁷³ segregating children on the basis of ethnicity or race severely hinders their opportunities to earn equal education and enjoy the benefits that come with it. Regardless of these findings, the distribution of Romani and non-Romani students in schools has become significantly more imbalanced in Hungary since the 1980s.⁷⁴ Between 1980 and 2010, a "standard index of

⁶⁹ Gábor Kertesi and Gábor Kézdi. "School segregation, school choice, and educational policies in 100 Hungarian towns." (Roma Education Fund: 2013), 9

⁷⁰ European Union Agency for Fundamental Right. "Roma in 10 European Countries – Main Results". (2021), 38

⁷¹ See for example: Helen O'Nions. "*Different and unequal: The educational segregation of Roma pupils in Europe.*" And Rostas and Kostka. "*Structural dimensions of Roma school desegregation policies in Central and Eastern Europe.*"

⁷² *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954)

⁷³ European Union Agency for Fundamental Right. "Roma in 10 European Countries – Main Results" and European Union Agency for Fundamental Rights. "FUNDAMENTAL RIGHTS REPORT — 2021"

⁷⁴ Kertesi and Kézdi. "School segregation, school choice, and educational policies in 100 Hungarian towns.", 9

segregation” showed that ethnic segregation has more than doubled in areas with multiple schools which indicated a substantial increase in segregation.⁷⁵ As a result of school segregation, it is precisely those who are in greatest need of quality schooling who receive inferior, subpar education.

The educational segregation of ethnic students in Hungary can arise from various factors, including the concentration of these groups in specific areas, demographic changes, deliberate separation measures by authorities or schools, selective enrollment policies, unnecessary or prejudiced psychological testing and parental school choices.⁷⁶ Often, conversations regarding the segregation of students based on demographic factors, educational attainment, poverty and intentional ethnic separation are treated as distinct issues.⁷⁷ This suggests that the segregation of Roma students is solely influenced by biased, prejudiced attitudes of the majority, and does not consider other underlying reasons behind this phenomenon. This narrow understanding of segregation is the main reason behind ineffective policy interventions that aim to achieve the social inclusion of Roma people.⁷⁸ Therefore, it can be argued that the repeated failure of policies aimed at desegregating educational institutions stems mainly from a limited understanding of the root causes.

When analyzing the problem of school segregation in Hungary, it becomes evident that multiple factors contribute to this phenomenon. This study divides these factors into two categories. The first category involves the structural and legal aspects of Hungary's educational system, including the legal frameworks that enable segregation. The second category encompasses societal elements such as demographics, economic circumstances, psychological

⁷⁵ Ibid

⁷⁶ Péter Radó. "Social selection in education: the wider context of the segregation of Roma pupils in Hungary." *CEU Center for Policy Studies*. (CPS Working Papers 4: 2020), 4

⁷⁷ Ibid

⁷⁸ Ibid

factors, and the educational achievement of the Roma population, which includes parental engagement in education. These categories are intricate and interconnected, with factors from one category often influencing those in the other. The following chapter will outline the international and domestic legal framework surrounding educational segregation, as well as the context of Hungary's educational system and its contribution to segregation.

2.1 The legal framework of equal treatment in education and the illegality of educational segregation

In order to better understand the nature and extent of segregation in Hungary, it is important to provide a comprehensive overview of both the international legal framework, particularly the European Union's framework, and the Hungarian domestic laws and policy measures. This provides a holistic overview, shedding light on the legal and policy context surrounding segregation in the country.

2.1.1 The international legal framework

As a member of the European Union, Hungary is bound by various international legal frameworks and treaties that are designed to shape domestic policies and legislation concerning fundamental human rights, including the principle of equal treatment in education.⁷⁹ The right to education is outlined in many articles, conventions and documents. These include universal provisions for the “right to equality before the law and protection against discrimination for all persons” as recognized by the Universal Declaration of Human Rights⁸⁰, UN Convention on

⁷⁹ Zemandl. "The Roma experience of political (in) justice", 15

⁸⁰ United Nations General Assembly. The Universal Declaration of Human Rights (UDHR), Article 26. New York: United Nations General Assembly, 1948.

the Rights of the Child⁸¹, the International Convention on the Elimination of all forms of Racial Discrimination⁸², and the United Nations Covenants on Civil and Political Rights⁸³ and on Economic, Social and Cultural Rights.⁸⁴

The protection of the right to education in the European Union context is fairly comprehensive. Article 2 of the Treaty of the European Union (TEU) established that “the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities...”.⁸⁵ Upholding these values and principles is a prerequisite for all candidate Member States, and there are established mechanisms in place to impose sanctions on Member States that consistently and gravely breach human rights.⁸⁶ Furthermore, the treaties also dictate that all Member States become a party to the European Convention on Human Rights (ECHR).⁸⁷ The primary and most effective provision, accompanied by judicial oversight, is Article 2 of Protocol No 1⁸⁸ of the ECHR, and it needs to be guaranteed without discrimination in compliance with Article 14 of the ECHR, which prohibits discrimination.⁸⁹ This provision guarantees the right to education for all individuals and safeguards parents' entitlement to education that is in accordance with their religious and philosophical convictions.⁹⁰ Furthermore, the Charter of Fundamental Rights of the European Union, which has been legally

⁸¹ United Nations Treaty Series, “*Convention on the rights of the child*” Treaty no. 27531, 1989, Article 28

⁸² United Nations Treaty Series, “*International Convention on the Elimination of All Forms of Racial Discrimination*”, UN General Assembly resolution 2106 (XX), 1965, Article 5(V)

⁸³ United Nations General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, Article 24

⁸⁴ United Nations (General Assembly), “*International Covenant on Economic, Social, and Cultural Rights*”, Treaty Series, General Assembly resolution 2200A (XXI), Article 13

⁸⁵ European Union, “*Treaty on European Union (Consolidated Version)*”, Article 2

⁸⁶ Paul Craig, and Gráinne De Búrca. *European Union Law: Compiled from ‘EU Law: Text, Cases and Materials’*. (Oxford University Press, 2018), 416

⁸⁷ Ibid

⁸⁸ Protocol to the Convention for the protection of Human Rights and Fundamental Freedoms, Art. 2, CETS No. 155.

⁸⁹ European Union Agency for Fundamental Rights. „*Education: The Situation of Roma in 11 EU Member States.*” (Luxemburg: Publications Office of the European Union, 2014), 8

⁹⁰ Orsolya Salát. “A comparative report on the right to education: An assessment of the legal framework of six countries from the perspective of recognitive and redistributive justice”. (*ETHOS report*: 2019), 4

binding since 2009, holds an equivalent legal status to the Treaties, which form the fundamental basis for EU legislation.⁹¹ European institutions are obligated to uphold the Charter in all their undertakings, and Member States, including Hungary, must adhere to its provisions when implementing EU law.⁹² Article 14⁹³ of the Charter safeguards the right to education by three interconnected and equally important aspects: the right to access education and receive quality inclusive education, and the right to be treated with dignity and respect within the learning environment.⁹⁴ Equally significantly, the Charter also reinforces the prohibition of racial discrimination.⁹⁵ More specifically, in the context of EU Member States, Council Directive 2000/43/EC, issued in 2000, mandates the adoption of measures to uphold the principle of equal treatment regardless of racial or ethnic origin.⁹⁶

Landmark judgments as a result of strategic litigations in the European Court of Human Rights have established the illegality of educational segregation. *D.H. and Others v. The Czech Republic* (2007),⁹⁷ the “European Brown” case, was a highly significant Roma rights case, in which the Strasbourg Court – under the supervision of the Council of Europe – officially recognized indirect ethnic/racial discrimination in the field of education for the first time.⁹⁸ In Hungary, the case of *Horvath and Kiss v. Hungary* (2013) was a significant milestone. In this case, two Roma individuals were denied access to mainstream education and were educated in a segregated school.⁹⁹ The court concluded that the government had violated their right to education and the prohibition of discrimination.¹⁰⁰ Another recent judgment, in the case of

⁹¹ European Commission. “A thriving civic space for upholding fundamental rights in the EU”. *2022 Annual Report on the Application of the EU Charter of Fundamental Rights*. (Brussels, 2022), 1

⁹² Ibid

⁹³ European Union, *Charter of Fundamental Rights of the European Union*. (2012), article. 14

⁹⁴ “Education: The Situation of Roma in 11 EU Member States”, 8

⁹⁵ European Union, “*Charter of Fundamental Rights of the European Union*”, OJ 2012 C 326, article 21

⁹⁶ The Council of the European Union, Council Directive 2000/43/EC, 29 June 2000. Article 14

⁹⁷ European Court of Human Rights. Case of “*D.H. and Others v. Czech Republic*”, 57325/00, February 2006

⁹⁸ Lilla Farkas. “Mobilising for racial equality in Europe: Roma rights and transnational justice.” PhD diss., (European University Institute: 2020), 34

⁹⁹ European Court of Human Rights. Case of “*Horváth and Kiss v. Hungary*”, 11146/11, 29 January 2013

¹⁰⁰ “*Horváth and Kiss v. Hungary*”, para 128

Szolcsán v. Hungary (2023), further emphasized the unlawfulness of segregation. The court found that the authorities had failed to comply with their obligations and violated the applicant's right to a racially inclusive education.¹⁰¹ They ordered Hungary to desegregate the school and provide compensation to the applicant.¹⁰² The court also emphasized the vulnerable position of the Roma community and the need for special consideration of their needs.¹⁰³ These judgments highlight the importance of combating segregation and ensuring equal access to education for all individuals.

2.1.2 The Hungarian legal framework

Hungary has a number of comprehensive national laws that are significant for shaping policies related to education and segregation. The Fundamental Law of Hungary has a general equal treatment and non-discrimination clause. Article XV (2) states: “Hungary shall guarantee fundamental rights to everyone without discrimination and in particular without discrimination on the grounds of race, color, sex, disability, language, religion, political or other opinion, national or social origin, property, birth or any other status.”¹⁰⁴ Subsection 4 states: “By means of separate measures, Hungary shall help to achieve equality of opportunity and social inclusion”.¹⁰⁵ This is the official translation provided by the government. However, it is worth to mention, that in the original language version, subsection 4 actually states “felzárkózás” which does not translate to “inclusion”, more like “catching up”.¹⁰⁶ This emphasizes the responsibility of those who are in need of assistance, rather than the responsibility of the majority population to help the social inclusion process. This language was introduced through

¹⁰¹ European Court of Human Rights. Case of “*Szolcsán v. Hungary*”. Application no. 24408/16, March 30, 2023, para 36

¹⁰² “*Szolcsán v. Hungary*”, para 61

¹⁰³ “*Szolcsán v. Hungary*”, para 47

¹⁰⁴ *Fundamental Law of Hungary* [Hungary], 25 April 2011, Article XV (2)

¹⁰⁵ *Fundamental Law of Hungary* [Hungary], 25 April 2011, Article XV (4)

¹⁰⁶ Orsolya Salát. “Right to education – national report for Hungary”. (ETHOS report: 2020), 9

the controversial 4th Amendment to the Fundamental Law of Hungary, with many professionals arguing that this served to legitimize the segregation of Roma students and indicated the government's intention to revive segregation practices.¹⁰⁷

The 2003 Act on Equal Treatment and the Promotion of Equal Opportunities establishes the provisions for non-discrimination, including with respect to institutions of elementary and higher education.¹⁰⁸ Section 27 (3) provides that: "The principle of equal treatment is especially violated if a person or group is unlawfully segregated in an educational institution".¹⁰⁹ Based on this Act, Roma students with the aid of non-governmental organizations achieved favorable outcomes and made progress in legal proceedings, including at the highest level of the Hungarian judicial system, the Hungarian Supreme Court, or "Kúria". A specific instance of this is seen in the Nyíregyháza settlement, where a segregated school was terminated in 2007 after a prominent NGO (Chance for Children Foundation, CFCF) brought the case to court.¹¹⁰ However, in 2014, the Minister of Human Resources introduced a proposal to amend the 2011 Act on National Public Education.¹¹¹ This proposal aimed to grant the minister the power to exempt specific institutions from the prohibition of school segregation, citing reasons such as religious and philosophical freedom, as well as the rights of recognized nationalities to operate schools in their own language.¹¹² Based on this proposal, the Nyíregyháza school was reopened in 2011 by the Greek Catholic Church in collaboration with the municipality, and has been operating as a segregated school since then. Despite the successful challenge by CFCF against the actions of the Church and municipality in lower courts, arguing that the school's establishment violated the prohibition of ethnic segregation and regulations promoting equal

¹⁰⁷ Zemandl. "The Roma experience of political (in) justice", 17

¹⁰⁸ Ibid, 16

¹⁰⁹ Act CXXV. of 22 December 2003 on equal treatment and promotion of equal opportunities.

¹¹⁰ Zemandl. "The Roma experience of political (in) justice", 17

¹¹¹ T/2085. számú törvényjavaslat, 2014

¹¹² Zemandl. "The Roma experience of political (in) justice", 17

treatment, the Kúria overturned the previous judgment based on religious freedom, in April of 2015.¹¹³ This decision came after the implementation of the minister's proposed modifications, which were approved and took effect on January 1, 2015.¹¹⁴

According to legal experts and professionals, the amendment has caused confusion between the rights of religious institutions/churches to establish separate schools and the rights of ethnic/national minorities to operate their own schools.¹¹⁵ Essentially, this provision grants the governments the authority to determine the specific requirements for equal treatment in religious schools. As a result, churches have effectively gained the right to establish segregated schools based on claims of minority rights and they are exempt from the prohibition on segregation.¹¹⁶

2.1.3 Infringement procedures

Due to the nature of these amendments and several NGO reports on the severity of segregation, the European Commission initiated an infringement procedure against Hungary in May 2016. The Commission urged Hungary to ensure that Roma children have equal access to quality education, just like all other children.¹¹⁷ It called on the government to align its national laws on equal treatment and education, as well as the practical implementation of educational policies, with the Racial Equality Directive (Council Directive 2000/43/EC).¹¹⁸ This directive prohibits discrimination in education based on racial or ethnic origin. The Commission had several concerns regarding Hungarian legislation and administrative practices.¹¹⁹ These

¹¹³ Zemandl. "The Roma experience of political (in) justice", 18

¹¹⁴ Ibid

¹¹⁵ Ibid

¹¹⁶ Salát. "Right to education – national report for Hungary", 16

¹¹⁷ Zemandl. "The Roma experience of political (in) justice", 18

¹¹⁸ European Commission, May infringements' package: key decisions, 2016
https://ec.europa.eu/commission/presscorner/detail/en/MEMO_16_1823

¹¹⁹ Ibid

concerns resulted in the disproportionate overrepresentation of Roma children in special schools for children with mental disabilities and the existence of a significant degree of segregated education in mainstream schools. The objective of the Commission's action is to secure equal educational opportunities for Roma children, as it is a crucial factor in their access to employment and an essential element in the pursuit of full inclusion of the Roma community.¹²⁰

A more recent infringement procedure in Hungary started in June 2021, when the European Commission issued a formal notice to Hungary regarding a legislative amendment implemented in 2020.¹²¹ This amendment¹²² prohibits the provision of financial compensation for instances of discrimination in the domains of education and vocational training.¹²³ Additionally, it mandates that courts can only award moral compensation in the form of training or educational services, rather than a one-time monetary payment. This rule was adopted in response to a financial compensation awarded in a Roma desegregation lawsuit in Gyöngyöspata which happened in 2019.¹²⁴ In this case, the Debrecen Court of Appeal affirmed the initial ruling made by the Eger Regional Court and the court determined that the Hungarian government was obligated to provide a compensation of USD 330.000 to Romani children who had experienced a decade-long period of segregation from their fellow students in school.¹²⁵ The Prime Minister, Viktor Orbán, stated that this decision violated ‘the people’s sense of justice’, and used racist propaganda and victim-blaming methods to justify the amendment to

¹²⁰ European Commission, May infringements' package: key decisions.

¹²¹ Zsolt Körtvélyesi, Orsolya Salát, Júlia Mink, Tamás Fézer, Balázs Majtényi. “Franet National contribution to the Fundamental Rights Report 2022” (Hungary: 2022), 24

¹²² ¹²² Law No. 87 of 2020 amending Law No. 190 of 2011 on national public education (2020. évi LXXXVII. törvény a nemzeti köznevelésről szóló 2011. évi CXCV. törvény módosításáról), Art. 18

¹²³ Körtvélyesi, Salát, Mink, Fézer and Majtényi. “Franet National contribution to the Fundamental Rights Report 2022”, 24

¹²⁴ Ibid

¹²⁵ Bernard Rorke. "Antigypsyism in Hungary: the Gyöngyöspata case versus ‘the people’s sense of justice’." *Romani Communities and Transformative Change* (2021), 94

the National Public Education Act.¹²⁶ Consequently, the European Commission issued a formal notice to Hungary due to its national legislation's insufficient adherence to EU regulations that prohibit discrimination based on racial or ethnic origin. The Commission contends that the Hungarian legislation does not meet the requirements set forth in the Racial Equality Directive (Directive 2000/43/EC) and the Directive on Equal Treatment in employment and occupation (Directive 2000/78/EC).¹²⁷

From the above analysis, it becomes clear that Hungary's legal framework greatly contributes to the extent of educational segregation. As a member state of the European Union, Hungary bears the responsibility to adhere to international legal frameworks and treaties that safeguard fundamental human rights, including equal treatment in education. However, Hungary's legislative procedures, such as controversial amendments and provisions allowing religious institutions to operate segregated schools, as well as the withholding of financial compensation for segregation, demonstrate a persistent failure to effectively implement these legal frameworks and uphold non-discrimination in the educational sphere. This highlights the insufficiency of merely deeming educational segregation illegal through court judgments and laws in effecting meaningful societal change.

Moreover, while strategic litigation cases have proven to be powerful in raising awareness to the issue of segregation, scholars recognize that their outcomes are complex, uncertain and dependent on various factors.¹²⁸ They also acknowledge that individuals possess significantly unequal abilities to mobilize the law, which can perpetuate existing power imbalances.¹²⁹ Additionally, by leveraging the Gyöngyöspata strategic litigation case, the Orbán government

¹²⁶ Rorke. "Antigypsyism in Hungary", 94

¹²⁷ European Commission, June infringements package: key decisions, 2021 https://ec.europa.eu/commission/presscorner/detail/EN/INF_21_2743

¹²⁸ Farkas. "Mobilising for racial equality in Europe", 289

¹²⁹ Ibid

has not only deepened existing prejudice against the minority but also enacted a contentious amendment in 2020 that prohibits financial restitution for discrimination cases in the educational domain, using extensive propaganda to justify the presence of school police and the perpetuation of segregation.¹³⁰ Admittedly, while strategic litigation cannot be solely held responsible for this practice, it certainly did not help to mitigate the preexisting racism and prejudice that are widespread in the country.

Therefore, it is essential to understand the other significant factors that contribute to segregation. When examining the extensive research on segregation in Hungary, it becomes evident that the Hungarian educational system harbors substantial obstacles and deficiencies that perpetuate educational inequality.

2.2 Context of the Hungarian educational system

In order to comprehend the other factors contributing to school segregation in Hungary, it is essential to have a thorough understanding of the Hungarian school system. Like many other countries in the region, Hungary's school system is characterized by the predominance of state-owned primary schools and the availability of free school choice.¹³¹ Prior to 2012, schools were owned by local municipalities and received normative funding based on the number of students, with additional funding coming from municipal budgets. Municipalities created educational districts, and while schools might choose to accept pupils from outside the district, they were compelled to enroll all kids from within the district.¹³² As a result, the total number of students enrolled in schools was decided by capacity, local and regional demand, and the

¹³⁰ Lilla Farkas. "The EU, Segregation and Rule of Law Resilience in Hungary." *Verfassungsblog: On Matters Constitutional* (2020).

¹³¹ Kertesi and Kézdi. "School segregation, school choice, and educational policies in 100 Hungarian towns.", 9

¹³² Ibid

municipality's decisions regarding allocation.¹³³ The school system became centralized starting in 2013 on the basis of a new legislation enacted by the Orbán government, impacting every aspect of the subsystem of educational governance.¹³⁴ This meant that all public educational institutions in Hungary, except for kindergartens, were transferred from municipalities to the newly established Klebelsberg School Maintaining Authority (KLIK).¹³⁵ State-owned schools were amalgamated into KLIK's organization as a result of this action, which is frequently referred to as the "nationalization of schools".¹³⁶ The minister in charge of education (at the moment, the minister for interior) appoints school directors, and school district directors who now have the authority to make decisions regarding hiring that previously belonged to school directors.¹³⁷ The organizational and professional autonomy of schools has been considerably reduced as a result of teachers now working for KLIK rather than their particular schools. A nationalized textbook system and centrally distributed single curricula have also been implemented by the government, leaving little room for textbooks from independent publishers.¹³⁸

2.3 Weaknesses in the Hungarian educational system and their contribution to widespread segregation

2.3.1 Selectivity of the school system

The rapid implementation of a centralized governance system in Hungary had detrimental consequences on the quality of primary education, leading to a situation where parents from

¹³³ Kertesi and Kézdi. "School segregation, school choice, and educational policies in 100 Hungarian towns.", 9

¹³⁴ Radó. "Social selection in education: the wider context of the segregation of Roma pupils in Hungary.", 13

¹³⁵ Ibid

¹³⁶ Ibid

¹³⁷ Ibid

¹³⁸ Ibid

privileged backgrounds chose to enroll their children in private schools.¹³⁹ Consequently, this led to a greater concentration of students from lower-status backgrounds in state-owned schools, further exacerbating the existing selectivity of the school system. Children from lower socio-economic statuses face significant obstacles in enrolling to better situated schools, due to the selectivity of the education system that favors students from a higher economic background.¹⁴⁰ Elite schools have the authority to choose the students they want to admit, and despite the illegality of admission tests at a young age, many schools find a way to filter applicants before granting admission.¹⁴¹ Due to the competition for financial resources, schools strive to maintain their reputation by admitting higher status pupils, which leads to discriminatory practices against Roma children.¹⁴²

2.3.2 Parental school choices

Additionally, the concept of “free school choice” has been identified as the main factor leading to segregation, whereby schools with a significant concentration of disadvantaged children – predominantly Roma – are formed.¹⁴³ Although the Fundamental Law of Hungary does not explicitly grant the right to free choice of school, the Act on National Public Education does recognize this right.¹⁴⁴ According to Section 72 (2)¹⁴⁵, parents have the freedom to select a kindergarten, primary school, and secondary school based on the capacities, interests, and needs of the child. However, the Act on National Public Education, demands that schools admit all pupils from their respective school districts and even mandates that school districts be

¹³⁹ Radó. "Social selection in education: the wider context of the segregation of Roma pupils in Hungary.", 13.

¹⁴⁰ Orsolya Szendrey. “Roma School Desegregation Policies in Hungary” in Iulius Rostas (ed), *Ten Years After: A History of Roma School Desegregation in Central and Eastern Europe* (The Roma Education Fund and Central European University Press, 2012), 217

¹⁴¹ Anna Kende and Maria Neményi. "Selection in education: The case of Roma children in Hungary." *Equal Opportunities International* 25, no. 7 (2006).

¹⁴² Ibid

¹⁴³ Council of Europe. “ECRI Report on Hungary (Sixth Monitoring Cycle)”, 25

¹⁴⁴ Salát. “Right to education – national report for Hungary”, 10

¹⁴⁵ Act CXC of 2011 on National Public Education

established in a way that guarantees a “balanced proportion of disadvantaged pupils”.¹⁴⁶ In practice, segregation is prevalent and disadvantaged pupils are not in balanced proportion in educational institutions, stemming from both public schools violating the law and other forms of outsourcing segregation, particularly to churches.¹⁴⁷ Parents are also not required to enroll their kids in a particular school within the school district. This right creates an imbalance within the education system, enabling parents with better financial and social standing to place their children in well-regarded schools. Consequently, this leaves behind the more vulnerable children in schools that inevitably suffer a decline in quality. Additionally, non-Roma parents were often found to hold prejudices against Roma students which can greatly influence their choice of schools.¹⁴⁸

2.3.3 Unnecessary and prejudiced psychological testing

The Hungarian system relies on psychological tests to assess school readiness and to identify special educational needs of school-aged children.¹⁴⁹ The practice of categorizing Roma children as intellectually deficient and segregating them in special schools is highly prevalent in Hungary.¹⁵⁰ This practice raises multiple concerns as it tends to disadvantage children from lower socio-economic backgrounds who have not had the same educational and early childhood development opportunities as their peers. The process of determining children's educational needs at a specific point in time and making long-term predictions based on these tests is inherently biased against such students.¹⁵¹ Moreover, these psychological tests have

¹⁴⁶ Salát. “Right to education – national report for Hungary”, 11

¹⁴⁷ Salát. “A comparative report on the right to education”, 16

¹⁴⁸ Council of Europe. “ECRI Report on Hungary (Sixth Monitoring Cycle)”, 25

¹⁴⁹ Kende and Neményi. “Selection in education: The case of Roma children in Hungary.”

¹⁵⁰ Messing, Vera. “Apart or together: motivations behind ethnic segregation in education across Europe.” *Migrant, Roma and Post-Colonial Youth in Education across Europe: Being ‘Visibly Different’* (2014), 15

¹⁵¹ Kende and Neményi. “Selection in education: The case of Roma children in Hungary.”

been criticized and regarded as ineffective by several professionals, yet the Hungarian system accepts it as the most effective tool and authoritative method for choosing the most appropriate type of school for a child.¹⁵²

In towns where schools have the capacity to organize parallel classes, both overt and covert forms of segregation are practiced.¹⁵³ This includes the creation of "zero grades" for school beginners and the establishment of parallel catch-up or remedial classes within regular schools, which offer a less challenging curricula for underperforming students in subsequent grades.¹⁵⁴ However, the most concerning form of segregation is the institutional separation of children with socialization deficits and minor learning difficulties, who are placed in specialized or remedial schools.¹⁵⁵ These institutions form a parallel but unequal system of schools, ranging from special preschools to special vocational schools at the secondary level.¹⁵⁶ Research shows that the proportion of students with psychological developmental disorders has consistently increased in recent years. Between 2012 and 2019, it rose from 2.1 percent to 3.1 percent among all students, and from 44 percent to 52 percent among students with special educational needs.¹⁵⁷ It is evident that in primary school, from grades 1 to 8, the proportion of diagnosed students steadily increases over the years.¹⁵⁸ According to estimates, Roma children are over-represented in these institutions, with an alarming rate of 80-90%.¹⁵⁹

¹⁵² Kende and Neményi. "Selection in education: The case of Roma children in Hungary."

¹⁵³ Katalin Kovács. "Advancing marginalisation of Roma and forms of segregation in East Central Europe." *Local Economy* 30, no. 7 (2015), 785

¹⁵⁴ Ibid

¹⁵⁵ Ibid

¹⁵⁶ Ibid

¹⁵⁷ Eötvös Lóránd Kutatási Hálózat - Közgazdaság- és Regionális Tudományi Kutatóközpont. "A közoktatás indikátorrendszere 2021". Budapest, 2022. [Indicators of public education 2021], 37

¹⁵⁸ Ibid

¹⁵⁹ Marius Taba and Andrew Ryder. "Institutional responses to segregation: The role of governments and non-governmental organizations." *Ten years after: A history of Roma school desegregation in Central and Eastern Europe* (2012), 13

2.3.4 Challenges in multicultural classrooms

Finally, inadequate teacher education further exacerbates the problem. Majority of the teachers at the primary school level are ill-prepared to teach in multicultural classrooms. According to most pedagogical experts in Hungary, the predominant teaching methods employed in schools across the country are traditional and characterized by a "frontal teaching" style.¹⁶⁰ This approach is content-oriented, primarily relying on one-way communication and focusing on whole-class instruction rather than individualized learning. In essence, the teaching methods used by the majority of teachers lack differentiation and fail to accommodate the diverse developmental needs and learning styles of individual students.¹⁶¹ The teachers' lack of training in inclusive methodology, differentiation, and developmental pedagogy leaves them unprepared to effectively teach diverse and heterogeneous classes.¹⁶² This also contributes to the schools' reluctance to admit Roma children.¹⁶³

Based on the aforementioned characteristics of the Hungarian educational system, some scholars have argued that the country's public education system does not provide equal opportunities regardless of race.¹⁶⁴ Furthermore, the peculiarities of the Hungarian educational system along with the pervasive racism and discriminatory attitudes toward the Roma minority, Roma children in Hungary confront a serious issue of being disproportionately segregated in their education.¹⁶⁵ Historically, segregation has exacerbated the isolation and marginalization of the Roma population, both in the past and in the present.¹⁶⁶

¹⁶⁰ Radó. "Social selection in education: the wider context of the segregation of Roma pupils in Hungary.", 8

¹⁶¹ Ibid

¹⁶² Szendrey. "Roma School Desegregation Policies in Hungary", 223

¹⁶³ Judit Szira and Szilvia Nemeth. "Advancing education of Roma in Hungary: country assessment and the Roma Education Fund's strategic directions." *Budapest: Roma Education Fund (REF)* (2007), 10

¹⁶⁴ Szendrey. "Roma School Desegregation Policies in Hungary", 217

¹⁶⁵ Kende and Neményi. "Selection in education: The case of Roma children in Hungary."

¹⁶⁶ Szendrey. "Roma School Desegregation Policies in Hungary", 221

However, the extensive educational segregation in Hungary cannot be solely attributed to the weaknesses within the educational system. Numerous additional factors play a role in this phenomenon, and it is crucial to address them in order to reduce segregation in early education. The following chapter addresses the societal factors, such as demography and economic hardship, hostility and treatment by the majority, as well as the educational gap between Roma and non-Roma students, which highly correlates with the lack of parental involvement in education.

3. UNDERSTANDING EDUCATIONAL SEGREGATION: SOCIETAL ELEMENTS

3.1 Geographical distribution and poverty

While examining the issue of segregation in Hungary, it becomes clear that the most prevalent form of separation is segregation between schools.¹⁶⁷ These are the so-called “ghetto schools”, where more than 50% of the student population consists of Roma students.¹⁶⁸ Based on the analysis of the institutional background survey conducted as part of the National Assessment of Competences, the proportion of primary schools categorized as ghettos has consistently risen since 2006.¹⁶⁹ In Hungary, the geographical distribution of the Roma population is uneven, with certain regions having a higher concentration of Roma residents. As a result, approximately half of all ghetto schools are located in North-East Hungary, primarily in villages rather than cities.¹⁷⁰ Residential segregation does not directly correlate with educational segregation due to parental free school choice. However, due to financial and mobility difficulties, Roma parents are often unable to enroll their children in different school districts which plays a significant role in the increasing number of “ghetto” schools. This increase leads to a significant acceleration in the streaming of non-Roma pupils to other schools, perpetuating a cycle of irreversible segregation.¹⁷¹

Moreover, other factors that hinder Roma children’s enrollment to mainstream schools include inadequate public transport systems, unwelcoming school management and poverty – which is a major hindrance, as Roma families in poor rural communities or settlements often reside far

¹⁶⁷ Kovács. "Advancing marginalisation of Roma and forms of segregation in East Central Europe.", 786

¹⁶⁸ Radó. "Social selection in education: the wider context of the segregation of Roma pupils in Hungary.", 18

¹⁶⁹ Ibid

¹⁷⁰ Ibid

¹⁷¹ Ibid

away from well-equipped schools.¹⁷² Schools situated in impoverished regions and small villages experience educational and material conditions that fall significantly below the average standards.¹⁷³

3.2 Differential treatment and hostility from non-Roma parents

Arguably, the way young children are treated within educational institutions affects their likelihood of enrolling in higher-quality schools and influences their motivation to remain in those schools.¹⁷⁴ School attendance and academic achievement are significantly impacted by the disparities in treatment between Roma and non-Roma kids.¹⁷⁵ These disparities can range from instances of racist bullying or hostility from non-Roma parents and school staff to practices that result in *de facto* segregation in schools or classes.¹⁷⁶

Separating ethnic minority students into separate classes within a school is often justified as a necessary measure to prevent non-Roma parents to disenroll their children from the school and the subsequent transformation of the institution into a segregated Roma school.¹⁷⁷ In Central European countries, including Hungary, the tolerance of ethnic majority parents towards Roma students is remarkably low.¹⁷⁸ Many parents opt to change schools as soon as they learn that the number of Roma children in a class exceeds a certain threshold.¹⁷⁹ In a comparative European analysis, the Hungarian society exhibited the lowest level of tolerance towards ethnic diversity.¹⁸⁰

¹⁷² Szira and Nemeth. "Advancing education of Roma in Hungary", 10

¹⁷³ Szendrey. "Roma School Desegregation Policies in Hungary", 220

¹⁷⁴ "Education: The Situation of Roma in 11 EU Member States", 43

¹⁷⁵ Ibid

¹⁷⁶ Messing. "Apart or together: motivations behind ethnic segregation in education across Europe", 14

¹⁷⁷ Ibid

¹⁷⁸ Ibid

¹⁷⁹ Ibid

¹⁸⁰ Messing. "Apart or together: motivations behind ethnic segregation in education across Europe", 14

3.3 Classification of disadvantaged status

In Hungary, researchers use three definitions of minority status to present the segregation process. Disadvantaged students (Hátrányos helyzetű or HH), cumulatively disadvantaged students (Halmozottan Hátrányos Helyzetű or HHH) and Special Educational needs students (Sajátos Nevelésű or SNI).¹⁸¹ The Act of XXXI of 1997 has developed a criteria system in order to categorize students into these definitions of minority status in education.¹⁸² These criteria include: both parents or the guardian responsible for raising the child have at most only a primary school education; the child lives in a declared segregated residential area or in substandard, non-comfortable, or emergency housing conditions where the necessary conditions for healthy development are limited; a child eligible for regular child protection benefits, and a child is in foster care.¹⁸³ The majority of children classified as HH or HHH come from Roma families and educators often label Roma children under these categories just based on their ethnicity.¹⁸⁴ During the period between 2010 and 2020, there was an increase in the calculated segregation index values, ranging from 27.2 to 40.7 for HH and from 29.2 to 37.5 for HHH, depending on the definition of minority status.¹⁸⁵ Another significant issue is that these students categorized under these labels have very few opportunities to interact with their “non-disadvantaged” peers on a daily basis, which severely hinders their socialization skills.¹⁸⁶

The segregation of disadvantaged students within a school or classroom leads to a deterioration in the quality of educational services provided to these segregated children for several reasons.

¹⁸¹ “A közoktatás indikátorrendszere 2021”, 196

¹⁸² 1997. évi XXXI. törvény a gyermekek védelméről és a gyámügyi igazgatásról

¹⁸³ “A közoktatás indikátorrendszere 2021”, 28 8

¹⁸⁴ Ágnes, Kende. "A roma gyerekek méltányos oktatását segítő programok lehetőségei az oktatási egyenlőtlenségek rendszerében." [Opportunities of educational programs aiming at equality for Roma students within a system of educational inequalities] *Socio. hu Társadalomtudományi Szemle* 8, no. 1 (2018), 148

¹⁸⁵ “A közoktatás indikátorrendszere 2021”, 196

¹⁸⁶ European Commission: “Hungarian National Social Inclusion Strategy 2030”, 60

One reason is that it is more difficult and costly to address the learning difficulties of these students, and there is often a lack of necessary pedagogical resources.¹⁸⁷ As many reports and research states, segregation is consistently accompanied by low-quality education.¹⁸⁸ Another factor is the influence of peer groups; the motivation of children is significantly affected by the real or perceived expectations of their peers, and the majority of low-performing Roma students have very few close peer relationships with high-achieving students within the school.¹⁸⁹ The lack of exposure to diverse peers and educational resources hinders their personal and intellectual growth, making it more challenging for them to transition to secondary education. As a result, the prospects for their future academic and professional success are significantly compromised by the barriers created through segregation. This factor intertwines with their overall academic achievement, which is also a contributor to segregation. Overall, the consequences of school segregation are detrimental to both the immediate well-being and long-term prospects of the affected students, impeding their academic development, limiting their opportunities, and perpetuating inequality in society.

3.4 The educational attainment of the Roma population

Researchers argue, that the low academic achievement of Roma students and the performance gap between Roma and non-Roma children highly contribute to the segregation issue.¹⁹⁰ Understanding the educational achievement of the Roma community and identifying the factors that contribute to their segregation and disadvantaged situation, as well as tackling the high dropout rates in secondary education, are key aspects to be considered.

¹⁸⁷ Ibid, 59

¹⁸⁸ Ibid

¹⁸⁹ Ibid

¹⁹⁰ Márta Kiss. "A szelektív iskolaválasztás tényezői, motivációi és az oktatás minőségével való összefüggései a leghátrányosabb helyzetű térségekben." [Selective school choices in disadvantaged areas: factors, motivations and relations with quality of education] *Socio. hu Társadalomtudományi Szemle* 6, no. 4 (2016), 47

Various social disadvantages exert a significant influence on academic performance.¹⁹¹ Roma students affected by social disadvantages, exhibit lower levels of academic achievement, both directly and indirectly, as a consequence of their social background.¹⁹²

In Hungary, the lack of officially collected data on ethnicity poses a significant challenge in researching and developing policies on Roma education.¹⁹³ Since the 1992/1993 academic year, the Hungarian educational administration stopped gathering statistical data on Roma ethnic origin due to the implementation of the data protection law.¹⁹⁴ However, in subsequent years, the statistical departments of the Ministry of Education and Public Education established an ethnic database based on teacher evaluations and school surveys to monitor the progress of Roma students. According to this database, the number of Roma pupils increased from around 60,000 in the late 1960s to nearly 75,000 in the early 1990s.¹⁹⁵ Starting from the early 2000s, the Hungarian National Assessment of Basic Competences (NABC) survey began including a question about pupils' ethnic origin, providing an estimate accessible to all schools, although it is not mandatory for all schools to provide this information.¹⁹⁶

3.4.1 Primary education

In Hungary, primary education covers grades one to eight, typically spanning the ages of six to fourteen and fifteen. Before 2011, education was compulsory until the age of eighteen, however National Public Education Act (2011) reduced the compulsory school age by two years,

¹⁹¹ Kiss. "A szelektív iskolaválasztás tényezői, motivációi és az oktatás minőségével való összefüggései a leghátrányosabb helyzetű térségekben.", 48

¹⁹² Ibid

¹⁹³ Attila Z. Papp and Eszter Neumann. "Education of Roma and Educational Resilience in Hungary." *MM Mendes, O. Magano & S. Toma, S.(Eds.), Social and Economic Vulnerability of Roma People: Key Factors for the Success and Continuity of Schooling Levels* (2021), 81

¹⁹⁴ Szendrey, "Roma School Desegregation Policies in Hungary", 217

¹⁹⁵ Papp and Neumann. "Education of Roma and Educational Resilience in Hungary.", 81

¹⁹⁶ Ibid

therefore today the education is compulsory until the age of sixteen.¹⁹⁷ Following the completion of grade eight, students have the option to select one of three secondary school tracks; the academic track is geared towards preparing students for higher education, the vocational training aims to prepare students to work in skilled-jobs after school, and the mixed track combines general education and vocational training, offering the possibility of progressing to tertiary education.¹⁹⁸ Admission to a secondary school is determined by an entrance test in reading and mathematics, as well as the teacher-assigned school grades from the final two years of primary education.¹⁹⁹ Although Roma students demonstrate a similar likelihood as non-Roma students to pursue further education after completing primary school, they face higher dropout rates during secondary school.²⁰⁰

Over the past decade, the proportion of Roma students in Hungarian elementary schools has remained relatively constant.²⁰¹ In 2021, Roma students made up approximately 14-15% of the student body in Hungarian elementary schools.²⁰² Interestingly, while the percentage of Roma students in state schools has remained constant at around 15% over the past decade.²⁰³ However, between 2010 and 2013, there was a notable growth of 10% in the proportion of Roma students attending church-affiliated schools due to the amended Act on National Public Education.²⁰⁴

¹⁹⁷ Anna Adamecz-Völgyi. “Increased compulsory school leaving age affects secondary school track choice and increases dropout rates in vocational training schools.” No. BWP-2018/1. Budapest Working Papers on the Labour Market, 2018.

¹⁹⁸ Dorottya Kisfalusi. "Roma students' academic self-assessment and educational aspirations in Hungarian primary schools." *British Journal of Sociology of Education* (2023), 4

¹⁹⁹ Ibid

²⁰⁰ Tamás Hajdu, Gábor Kertesi, and Gábor Kézdi. “Roma Fiatalok a Középiskolában. Beszámoló a TÁRKI Életpálya-Felmérésének 2006 és 2012 Közötti Hullámaiból [Roma Youth in Secondary School].” In *Társadalmi Ríport 2014*, edited by T. Kolosi, 265–302. Budapest: TÁRKI

²⁰¹ “A közoktatás indikátorrendszere 2021”, 48

²⁰² Papp and Neumann. "Education of Roma and Educational Resilience in Hungary.", 82

²⁰³ “A közoktatás indikátorrendszere 2021”, 49

²⁰⁴ Ibid

The NABC test results and the estimated percentage of Roma students show a negative correlation: schools with a higher percentage of Roma students typically have lower average test scores.²⁰⁵ However, this correlation must be cautiously evaluated. The statistical examination of the school's family-background index demonstrates that low performance is more closely related to pupils' social backgrounds than it is to their ethnicity.²⁰⁶

The analysis of the Roma/Non-Roma test score gap in Hungary by Gábor Kertesi and Gábor Kézdi provides valuable insights into the educational disparities experienced by Roma students in Hungary.²⁰⁷ The authors evaluate the test score differences between Roma and non-Roma eighth grade children in an effort to pinpoint the underlying causes of these differences. The report emphasizes the considerable and ongoing test score disparity in Hungary between kids of Roma and non-Roma descent.²⁰⁸ The authors find that Roma students consistently perform worse on standardized tests compared to their non-Roma peers in variety of topics, including mathematics, reading, and science.²⁰⁹

The study highlights how socio-economic status is a significant factor in the test score disparity. Roma students are more likely to come from low socio-economic status families with few resources, poor educational prospects, and poverty.²¹⁰ These socio-economic factors contribute to a significant disadvantage for Roma students in terms of academic achievement. Furthermore, the study also looks at how family and the home environment affect test results. It emphasizes how frequently Roma pupils do not have access to the same degree of educational

²⁰⁵ Papp and Neumann. "Education of Roma and Educational Resilience in Hungary.", 82

²⁰⁶ Ibid

²⁰⁷ Gábor Kertesi and Gábor Kézdi. "The Roma/non-Roma test score gap in Hungary." *American Economic Review* 101, no. 3 (2011), 520

²⁰⁸ Ibid, 521

²⁰⁹ Ibid

²¹⁰ Ibid, 523

help and resources as their non-Roma peers. Roma students' academic achievement may be hampered by a lack of parental involvement and educational resources at home.²¹¹

Another researcher further emphasized these findings by demonstrating that the proportion of Roma students alone has only a minor influence on the outcome of the competence results at the school level.²¹² The research showed, that the parental background is the main reason for differences between schools; in fact, it has such a significant impact that it can be said to outweigh all other variables.²¹³

As it was demonstrated, the majority of Roma students already face challenges in primary education due to inadequate early childhood socialization, lack of parental involvement, and a lack of essential skills acquired during the early school phase.²¹⁴ These factors contribute to a significant number of Roma students leaving secondary school without completing their education or obtaining a diploma. As a result, only a small fraction of Roma individuals are able to pursue higher education. Furthermore, their access to universities and colleges is hindered by their comparatively lower academic performance stemming from knowledge gaps.²¹⁵

3.4.2 Secondary education

A study conducted in 2000 by the Educational Research Institute revealed that the educational disparity between Roma and non-Roma students in secondary education has increased over the

²¹¹ Gábor Kertesi and Gábor Kézdi. "The Roma/non-Roma test score gap in Hungary." *American Economic Review* 101, no. 3 (2011), 521

²¹² Papp Attila. "A roma tanulók aránya Magyarországon és a tanulói teljesítmények az általános iskolai oktatásban." *Bárdi Nándor és Tóth Ágnes (szerk.): Asszimiláció, integráció, szegregáció: párhuzamos értelmezések és modellek a kisebbségkutatásban. Argumentum, Budapest* (2011)

²¹³ Ibid

²¹⁴ Edit Maczó, Csikósnné, and Mónika Rajcsányi-Molnár. "The Situation and Chances of Roma students in Secondary and Tertiary Education in Hungary." *Central European Journal of Educational Research* 2, no. 1 (2020)

²¹⁵ Ibid

past decade.²¹⁶ The study found that among young men aged 25 to 34, the proportion of Roma who completed secondary education was slightly above 40%, while over 90% of non-Roma individuals achieved the same level of education.²¹⁷ Additionally, Roma students are less likely to obtain the final exam necessary for admission to tertiary education.²¹⁸ During the period of economic transition following the political regime change, vocational training lost its significance but continued to be the most accessible type of education for Roma students.²¹⁹ The percentage of Roma students in vocational training programs, which do not lead to a high school diploma, increased by approximately 25 percent between 2010 and 2016, from 23 percent to 29 percent.²²⁰ However, a fundamental issue arises for disadvantaged, particularly Roma, children as they often receive vocational training that does not lead to viable job opportunities in the labor market. Additionally, the dropout rate among Roma students is alarmingly high, with the majority leaving school before completing their certificate.²²¹ In 2016, Hungary faced an alarming situation with a dropout rate of 51% among Roma students who leave school prematurely, even before completing compulsory education.²²² According to the study by the Economic Institute of the Eötvös Lóránd Research Network, the decision to decrease the compulsory school age from 18 to 16 in 2011 had an impact on the increased dropout rates among Roma students.²²³ Based on their findings, there was a rise in the average rate of early dropouts from 10.8 percent in 2010 to 12.1 percent in 2020.²²⁴ Researchers argue that decreasing the compulsory schooling age by two years has had a detrimental effect on

²¹⁶ Szendrey. "Roma School Desegregation Policies in Hungary", 218

²¹⁷ Jaromir Cekota, and Claudia Trentini. "The educational achievement and employment of young Roma in Bulgaria, Hungary and Romania: Increasing gaps and policy challenges." *Europe-Asia Studies* 67, no. 4 (2015), 540

²¹⁸ Kisfalusi. "Roma students' academic self-assessment and educational aspirations in Hungarian primary schools.", 4

²¹⁹ Szendrey. "Roma School Desegregation Policies in Hungary", 218

²²⁰ "A közoktatás indikátorrendszere 2021", 48

²²¹ Szendrey. "Roma School Desegregation Policies in Hungary", 218

²²² "Education: The Situation of Roma in 11 EU Member States." 6

²²³ "A közoktatás indikátorrendszere 2021", 312

²²⁴ Ibid

dropout rates, as increasing the mandatory education period has been shown to promote educational opportunities for children from lower socioeconomic backgrounds.²²⁵

Apart from the educational system itself, there are other non-educational factors that can also impact dropout rates. For instance, early marriages and fluctuations in the demand for unskilled labor in specific sectors, can play a role in influencing Roma students' decisions to discontinue their education.²²⁶ Furthermore, there was a significant disparity in educational attainment between young Roma women and men in Hungary. Among the countries in Central Eastern Europe, Hungary exhibited the widest gender gap, with women discontinuing their education before the age of 16 at a rate 20% higher than men.²²⁷ This discrepancy could be influenced by both the relatively higher educational achievements of young Roma men and the adverse effects of traditional gender roles on the school attendance of young Roma women.²²⁸

In conclusion, the education system, the social factors and cultural expectations within the Roma community present significant challenges for Roma students, resulting in higher dropout rates and an expanding achievement gap. The disadvantages faced by Roma students stems from delayed school entry, inconsistent attendance, and various non-educational factors. These circumstances contribute to their limited resources and socioeconomic challenges, ultimately leading to poorer performance on tests. To address these educational inequities, comprehensive policies and interventions are necessary, encompassing not only the educational system but also the social and economic barriers encountered by Roma students. The efforts should primarily revolve around fostering parental involvement, and establishing inclusive and

²²⁵ Veronika Bocsi, Aranka Varga, and Anikó Fehérvári. "Chances of Early School Leaving—With Special Regard to the Impact of Roma Identity." *Education Sciences* 13, no. 5 (2023), 483.

²²⁶ "Education: The Situation of Roma in 11 EU Member States."

²²⁷ Ibid

²²⁸ Cekota and Trentini. "The educational achievement and employment of young Roma in Bulgaria, Hungary and Romania: Increasing gaps and policy challenges."

supportive learning environments that cater to all students, irrespective of their ethnicity or background.

4. WHAT CAN BE DONE?

When examining the issue of educational segregation and reviewing the vast literature and research on the subject, it is often tempting to concentrate solely on the legal measures that could be implemented to desegregate schools. Numerous initiatives have been undertaken by both EU agencies and the Hungarian government to promote the social inclusion of the Roma community and bridge the gap between them and the majority population, with the expectation that this would lead to a reduction or elimination of segregated institutions. Among many others²²⁹, The Decade of Roma Inclusion, which took place from 2005 to 2015, was an initiative led by the Open Society Institute (OSI), the World Bank (WB), and the EU.²³⁰ Its objective was to combat discrimination against the Roma community by addressing key areas of concern, including education, employment, health, and housing.²³¹ On the national level, the National Social Inclusion Strategy between 2011 and 2020²³² came into force which aimed at improving the living conditions and extreme poverty of Roma people.²³³ This strategy also embraced various scholarships, extracurricular tutoring centers and mentor programs for Roma students in higher education.²³⁴ To facilitate the catch-up process of Roma students, different programs were also introduced through this strategy. Among many others,²³⁵ the “from the last desk” program, which encompassed a methodology along with additional financial and professional

²²⁹ See for example, European Commission: EU Roma strategic framework for equality, inclusion and participation and European Commission URBACT Roma-Net project

²³⁰ Maria Manuela Mendes, Olga Magano, and Stefânia Toma. *Social and Economic Vulnerability of Roma People: Key Factors for the Success and Continuity of Schooling Levels*. Springer Nature, 2021.

²³¹ Ibid

²³² Act CXCV of 2011 on National Public Education.

²³³ Papp and Neumann. "Education of Roma and Educational Resilience in Hungary", 83

²³⁴ Ibid

²³⁵ See also 'tanoda' (Learnery) for children with special needs, 'Path to secondary school', 'Path to graduation', 'Path to profession', 'Path to higher education'

assistance for schools that aimed to integrate children who were transitioning from remedial schools.²³⁶ Books and meals also became free for children from disadvantaged background.²³⁷

The evaluation of the successes and shortcomings of these initiatives is beyond the scope of this research, however as it can be seen specifically in Hungary today, they did not achieve the expected outcomes in “closing the unacceptable gaps between Roma and the rest of society”.²³⁸

Hence, the pressing question arises: what additional steps can be taken to mitigate the segregation and disadvantages experienced by Roma students? Various perspectives from political, legal, and theoretical discourses can be explored to address this question. However, given the extensive impact of segregation and the urgency of the matter, it is crucial to prioritize practical and attainable measures that can be implemented within a relatively short timeframe. In this regard, this research argues that placing emphasis on increasing the participation of Roma parents in their children's education and in shaping educational policies at large can have a significant impact in reducing segregation and narrowing the gap between the Roma community and the majority population.

4.1 Roma parents’ involvement in their children’s education

As it was analyzed above, the family involvement and home environments largely affect students’ academic performance.²³⁹ The limited engagement of Roma parents in their children's education significantly impedes the academic success of Roma students, thereby perpetuating the existence of segregated institutions. Numerous studies conducted over the past few decades have consistently emphasized the importance of parent involvement in the educational process

²³⁶ Messing. "Good practices addressing school integration of Roma/Gypsy children in Hungary.", 472

²³⁷ Ibid

²³⁸ Christina Brüggemann and Eben Friedman. "The decade of Roma inclusion: Origins, actors, and legacies." *European Education* 49, no. 1 (2017), 1

²³⁹ Kertesi and Kézdi. "The Roma/non-Roma test score gap in Hungary."

and highlighted the value of a strong partnership between parents and schools.²⁴⁰ These studies highlight that schools can achieve greater effectiveness when parents actively participate in their children's education.²⁴¹ Roma parental participation in their children's education is essential for creating an inclusive, equitable, and supportive educational environment. The Roma Education Fund (2010) emphasizes the importance of involving Roma parents in their children's education as a means to enhance educational opportunities, improve academic performance, and ensure access to compulsory education.²⁴² However, research has identified a significant obstacle in the form of a lack of trust among Roma families towards educational institutions responsible for their children's education.²⁴³ This distrust poses a substantial barrier to the educational advancement of Roma children. Parents past experiences in education and their beliefs about schools play a role in straining the relationship between home and school, as well as contributing to disengagement among Roma students in secondary school.²⁴⁴ Thus bridging this gap and by recognizing the value of Roma parents as partners in education, the dismantling of educational disparities and the promotion of social inclusion for Roma students can be significantly enhanced.

Extensive research conducted over the past decades have highlighted the numerous benefits of family and community engagement in children's education, particularly during the preschool and primary school years.²⁴⁵ These benefits encompass various aspects, including improved academic performance, increased school attendance, enhanced emotional well-being, and a

²⁴⁰ Tea Pahic, Vlasta Vizek Vidovic, and Renata Miljevic-Ridicki. "Involvement of Roma parents in children's education in Croatia: A comparative study." *Journal of research in international education* 10, no. 3 (2011): 275

²⁴¹ Ibid

²⁴² Ramón Flecha and Marta Soler. "Turning difficulties into possibilities: Engaging Roma families and students in school through dialogic learning." *Cambridge Journal of Education* 43, no. 4 (2013), 451

²⁴³ Ibid, 452

²⁴⁴ Ibid

²⁴⁵ Marielle Bohan-Baker and Priscilla MD Little. "The transition to kindergarten: A review of current research and promising practices to involve families." (2002)

greater sense of pride in one's family and community.²⁴⁶ Families also gain a deeper understanding of their child's development, interests, strengths, and needs, receiving valuable ideas on how to support their children's learning at home.²⁴⁷ This increased knowledge and confidence in their ability to assist their children's learning leads to a more positive attitude towards educators and a stronger commitment to supporting the preschool and subsequent schools their children will attend.²⁴⁸ For educators, the advantages of family and community involvement are manifold. They gain a deeper understanding of the children they work with, receive greater support for their work, and are able to provide more comprehensive support for the children in their classrooms.²⁴⁹ This collaborative approach strengthens the educational experience and promotes the overall well-being of the children involved. Furthermore, by involving Roma parents in education helps to challenge stereotypes and misconceptions about the community.

4.1.1 The Learning Communities

Specifically in Hungary, there are several ways in which the participation of Roma parents in education could be motivated and increased. The European Union has highlighted the benefits of transforming schools into Learning Communities as a means to promote educational success and social inclusion.²⁵⁰ Learning Communities are working to establish favorable conditions that aid students who are at risk of dropping out by fostering greater commitment among students, teachers, parents, and other stakeholders to support school quality and

²⁴⁶ Open Society Foundation. „*Child-Centered, Democratic Preschool Classrooms. The Step by Step Approach*”, (London: 2019), 64.

²⁴⁷ Ibid

²⁴⁸ Bohan-Baker and Little. "The transition to kindergarten"

²⁴⁹ „*Child-Centered, Democratic Preschool Classrooms. The Step by Step Approach*”, 64.

²⁵⁰ Andrea Khalfaoui, Rocío García-Carrión, and Lourdes Villardón-Gallego. "Bridging the gap: engaging Roma and migrant families in early childhood education through trust-based relationships." *European Early Childhood Education Research Journal* 28, no. 5 (2020), 701

development.²⁵¹ These schools are taking into account diverse knowledge, skills, and learning levels to address the disadvantaged circumstances faced by Roma students and enhance the overall quality of their education.²⁵²

Establishing Learning Communities in Hungary would bring numerous benefits to the education system, particularly for Roma students and their families. The positive outcomes of implementing Learning Communities have been observed in over 600 schools across Europe and South America, with a notable reduction in dropout rates and improvements in educational quality and achievement.²⁵³ The specific structures and criteria developed by these schools have successfully engaged vulnerable groups, such as Roma students, in the daily life of the school.²⁵⁴ By actively encouraging families and community members to participate in educational activities through flexible scheduling and recognizing them as partners in their children's education,²⁵⁵ Learning Communities could create a more inclusive and supportive educational environment in Hungary. Establishing these Learning Communities would require to train school staff on how to make the educational environment more welcoming and accessible for Roma parents, taking into account their own cultural and social aspects. Similarly, educating and informing Roma parents on the benefits of the Learning Communities would also need to be ensured. In this regard, Roma mediators could strengthen the communication between educational institutions and the Roma community.

²⁵¹ Flecha and Soler. "Turning difficulties into possibilities", 453

²⁵² Ibid

²⁵³ Khalfaoui, García-Carrión, and Villardón-Gallego. "Bridging the gap: engaging Roma and migrant families in early childhood education through trust-based relationships.", 703

²⁵⁴ Ibid

²⁵⁵ Ibid

4.1.2 Roma mediators

After the completion of the 'Romani language education' initiative from 2005 to 2009, the Council of Europe has introduced a new approach centered around the training of Roma mediators, called the ROMED program.²⁵⁶ This initiative aims to empower individuals with a Roma background, who possess a strong understanding of Roma-related matters, by providing them with comprehensive training.²⁵⁷ These trained individuals are then employed to serve as intermediaries between the Roma community and public institutions. Mediation has emerged as a widely employed strategy throughout Europe to address the disparities faced by Roma individuals in various areas, including employment opportunities, healthcare access, and the quality of education they receive.²⁵⁸ There are specific foundations in Hungary that employ the Roma mediation program. For instance, the Partners Hungary Foundation joined the ROMED program in 2010, and they combine their own experiences with the program's toolkit. They carry out an integration work through a unified methodology called intercultural mediation, primarily in the fields of education and healthcare, based on local and community needs.²⁵⁹ Intercultural mediators, who themselves come from the Roma community, act as facilitators between community members and local institutions, establishing connections and promoting dialogue. They collaborate with "Local Action Teams" composed of community members who possess firsthand knowledge of the specific challenges faced by the Roma community. By engaging in timely discussions with decision-makers and municipal representatives, they foster a dynamic collaborative approach.

²⁵⁶ Hristo Kyuchukov. "Roma mediators in Europe: a new Council of Europe programme." *Intercultural Education* 23, no. 4 (2012), 375

²⁵⁷ Ibid

²⁵⁸ Ibid, 376

²⁵⁹ Partners Hungary Foundation, „What is intercultural mediation?” https://partnershungary.hu/hu_hu/roma-integracio/

It is crucial to prioritize the provision of both financial and professional support to strengthen these foundations. Working closely with the Roma community in the field, they possess a deep understanding of the issues at hand and are able to develop effective methodologies to address them. In this regard, they are able to effectively communicate with Roma parents, and encourage them to participate in programs that aim to enhance their children's educational attainment. Roma communities often exhibit greater receptiveness towards Roma organizations and Roma personnel.²⁶⁰ These individuals serve as exemplary figures who can demonstrate to a close-knit community that integration does not necessarily entail forfeiting one's identity or subjecting oneself to discrimination.²⁶¹

Encouraging greater involvement of Roma families and community members in education yields numerous additional advantages. Through active participation, Roma parents can play a pivotal role in shaping educational policies that directly address the unique challenges and aspirations of their community. This increased engagement not only benefits education but also enhances the participation of minority groups in political processes and policy-making, promoting a more inclusive and representative society.

4.2 Roma representation and participation in politics and political decisions

Government officials and activists at local, national, and international levels have acknowledged the inadequate educational system's failure to address the needs of Roma youth in Europe.²⁶² Consequently, in recent years, particularly since the 2004 accession of Central and Eastern European countries with significant Roma populations, a widespread social

²⁶⁰ Bernard Rorke and A. Wilkens. "Beyond rhetoric: Roma integration roadmap for 2020." Priorities for an EU framework for National Roma Integration Strategies (2011), 16

²⁶¹ Ibid

²⁶² Andria Timmer. *"Educating the Hungarian Roma: Nongovernmental organizations and minority rights."* Lexington Books, 2016

movement has emerged, aiming to bring about reform.²⁶³ While social movements are typically associated with grassroots initiatives originating from the people, this description does not fully align with the Roma situation in Hungary.²⁶⁴ In this case, the driving force for reform is primarily lead by a civil sector movement, wherein the main actors are humanitarian aid workers operating within a network of civil sector organizations and non-governmental organizations.²⁶⁵

The concept of inclusion should be recognized as a reciprocal process, and achieving Roma inclusion will remain difficult unless international institutions, national governments, and local municipalities actively embrace the principle and essence of Roma participation.²⁶⁶ It is crucial to engage in consultation and dialogue to understand the needs and aspirations of Roma communities and adopt a participatory approach that involves them in the development of integration policies from the grassroots level.²⁶⁷ Merely relying on “top-down” approaches will lead to ineffectiveness, just like previous efforts. A comprehensive strategy for Roma inclusion should promote the active citizenship of Roma individuals rather than treating them as passive beneficiaries.²⁶⁸

Participation encompasses the active engagement of both individuals and communities in the realm of politics.²⁶⁹ While social, economic, and cultural participation are crucial for marginalized groups like the Roma, political participation holds particular significance in addressing exclusion and representing collective interests that encompass socio-economic and

²⁶³ Timmer. “*Educating the Hungarian Roma*.”

²⁶⁴ Ibid

²⁶⁵ Ibid

²⁶⁶ Rorke and Wilkens. “Beyond rhetoric: Roma integration roadmap for 2020”, 55

²⁶⁷ Ibid

²⁶⁸ Ibid

²⁶⁹ Aidan McGarry. “Ambiguous nationalism?: Explaining the parliamentary under-representation of Roma in Hungary and Romania.” *Romani Studies* 19, no. 2 (2009), 104

cultural needs.²⁷⁰ Several international standards²⁷¹ guarantee the right of individuals to take part in public affairs. In addition, not only individuals but also ethnic minority groups have the right to effective participation²⁷², which is also acknowledged in various documents.²⁷³ These documents emphasize that political participation has a wide-ranging definition. Although the Roma have equal voting rights in theory, their uncertain residence status can hinder their participation in public life.²⁷⁴ For the Roma, in this sense, political participation holds a deeper significance than just periodically casting a vote; it also serves as a symbolic affirmation, acknowledging the legitimacy of minority groups and their rightful place in public life.²⁷⁵

The Lund Recommendations were developed by the OSCE in 1999 in response to the difficulties faced by minority groups in engaging in political participation.²⁷⁶ The key principle highlighted in these recommendations is that minority groups should have a secure presence, a voice, and the ability to influence decision-making processes, particularly when those decisions directly impact them.²⁷⁷ This necessitates the establishment of inclusive institutions and policies that recognize and address the unique challenges faced by minority groups.²⁷⁸ In some cases, preferential measures may be required to ensure their meaningful involvement in the political process.²⁷⁹

²⁷⁰ McGarry. "Ambiguous nationalism?", 104

²⁷¹ Article 21 of the Universal Declaration of Human Rights²⁷¹ and Article 25 of the International Covenant on Civil and Political Rights

²⁷² Aidan McGarry and Timofey Agarin. "Unpacking the Roma participation puzzle: Presence, voice and influence." *Journal of Ethnic and Migration Studies* 40, no. 12 (2014), 1973

²⁷³ Paragraph 35 of the Copenhagen Document (1990) of the Conference on Security and Cooperation in Europe, Articles 2.2 and 2.3 of the United Nations Declaration on Minorities (1992), and Article 15 of the Framework Convention for the Protection of National Minorities (1995)

²⁷⁴ Farkas. "Mobilising for racial equality in Europe: Roma rights and transnational justice."

²⁷⁵ McGarry and Agarin. "Unpacking the Roma participation puzzle", 1973

²⁷⁶ Organization for Security and Co-operation in Europe (OSCE), *The Lund Recommendations on the Effective Participation of National Minorities in Public Life*, High Commissioner on National Minorities, 1 September 1999

²⁷⁷ McGarry and Agarin. "Unpacking the Roma participation puzzle", 1974

²⁷⁸ Ibid

²⁷⁹ Ibid

Numerous scholars argue that Roma individuals have encountered significant barriers in accessing opportunities for political participation, and that “Roma are largely underrepresented on local, national and European levels”.²⁸⁰ These obstacles originate from elements such as marginalized social and economic conditions, alongside a sense of distrust towards institutions that are seen as prioritizing the majority's interests.²⁸¹ Consequently, an important question arises: How can effective political participation be ensured for the Roma community? This would enable them to advocate for policies and initiatives that effectively address the fundamental issues and barriers they face, thereby promoting greater inclusion and equality.

4.2.1 Minority Self-Governments

Hungary has a distinctive political participation system for the Roma community. In 1993, Hungary introduced the system of Minority Self-Governments (MSGs) at the local and national levels, designed to serve as a representative body for addressing minority concerns.²⁸² These MSGs enable 13 national and ethnic minority groups, including the Roma community, to participate in public affairs and influence cultural decisions.²⁸³ Nevertheless, critics contend that the political representation of the Roma through the MSG system is predominantly symbolic, lacking the substantive power to shape decisions that directly impact their interests.²⁸⁴

The MSGs system provides selected representatives from the Roma community with increased public visibility, aiming to improve social inclusion by raising awareness of systemic injustices faced by the Roma and fostering collaboration with the majority population to address these

²⁸⁰ Márton Rövid. "Options of roma political participation and representation." *Roma Rights* (2012), 11

²⁸¹ McGarry and Agarín. "Unpacking the Roma participation puzzle", 1975

²⁸² Dobos, Balázs. "The minority self-governments in Hungary." (2022).

²⁸³ Ibid

²⁸⁴ Ibid

issues through proactive advocacy for social and political reform.²⁸⁵ Nevertheless, it is crucial to approach political participation critically, recognizing that it should not be automatically assumed as wholly beneficial.²⁸⁶ Some actions taken by influential members of the Roma community to maintain their visibility may unintentionally contribute to perpetuating underlying issues within their community that they initially aimed to resolve.²⁸⁷

Based on interviews with Roma self-government leaders in Hungary, a study revealed that although some leaders have exerted political influence and initiated local changes, their scope of achievement remains limited.²⁸⁸ One leader highlighted the lack of infrastructure and educational attainment among the leaders of Roma self-governments, stating that this hampers their ability to accomplish substantial improvements for the Roma community.²⁸⁹ Another leader expressed feeling like "pawns in the game," with governments not taking the self-governments seriously at the national level.²⁹⁰ These findings indicate that the political autonomy of Roma self-governments is severely constrained, as the mainstream political landscape holds the power to shape policymaking, allocate resources, and dominate public discourse.²⁹¹

Despite its grassroots appearance at the local level, the MSG system lacks the required formal and practical capacity, including human resources, to effectively influence education policies related to the Roma community.²⁹² These observations underscore the fact that merely providing a platform for political participation to the Roma community is insufficient to bring

²⁸⁵ Zemandl. "The Roma experience of political (in) justice: The case of school (de) segregation in Hungary"

²⁸⁶ Ibid

²⁸⁷ Ibid

²⁸⁸ Kai Schafft and Roland Ferkovics. "Roma political agency and spaces of social inclusion and exclusion: the contradictions of Roma self-governance amidst the rise of Hungary's radical right." *Ethnic and Racial Studies* 41, no. 11 (2018), 2009

²⁸⁹ Ibid

²⁹⁰ Ibid

²⁹¹ Zemandl. "The Roma experience of political (in) justice: The case of school (de) segregation in Hungary"

²⁹² Ibid

about meaningful social changes without addressing the systemic factors contributing to their political under-representation.

Based on the example given, it is crucial to improve the representation and amplify the voices of the Roma people, moving beyond mere participation. According to multiple scholars, marginalized groups such as the Roma necessitate additional political platforms that enable their active participation in shaping policy agendas and granting them the authority to reject decisions that affect their lives.²⁹³ One approach that has proven effective in achieving enhanced political representation for Roma minorities is the mobilization and empowerment of grassroots Roma organizations, that possess substantial community representation.²⁹⁴ These organizations facilitate opportunities for Roma individuals to engage in political decision-making processes.

4.2.2 Strengthening and empowering Roma organizations and advocacy networks

In the political sphere, elections alone do not dictate outcomes, and safeguarding the interests of a particular population extends beyond elected officials.²⁹⁵ Non-elected entities play a substantial role in shaping and overseeing public policies.²⁹⁶ In the case of the Roma community, these actors mainly consist of domestic and international NGOs focusing on human rights, as well as Romani self-help organizations and expert networks.²⁹⁷ Collectively, these actors constitute an advocacy network committed to advancing causes, principled

²⁹³ McGarry and Agarín. "Unpacking the Roma participation puzzle", 1975

²⁹⁴ Ibid

²⁹⁵ Peter Vermeersch. "Advocacy networks and Romani politics in central and eastern Europe." *JEMIE* (2001), 1.

²⁹⁶ Ibid

²⁹⁷ Ibid

concepts, and norms that may deviate from conventional politics driven solely by self-interest.²⁹⁸

Advocacy actors, on one side, refer to autonomous entities or individuals who do not align themselves with any particular political faction.²⁹⁹ On the other side, they possess a political aspect as they advocate for principles that surpass national boundaries, frequently scrutinizing governments that fail to adhere to these principles.³⁰⁰ Studies indicate that international human rights non-governmental organizations (NGOs) have played a pivotal role in reshaping state sovereignty by contributing to the establishment of human rights standards in international law and supporting domestic civil society in protesting violations of these standards.³⁰¹ Through their endeavors, these organizations have highlighted the limitations of political leaders' authority and have instigated policy changes, and in some cases, even transformations of political regimes.³⁰² Over the past decade, the NGO sector, within the broader context of civil society, has played a crucial role in facilitating Roma participation in public life.³⁰³ Roma civic activism has been instrumental in generating public awareness and recognition of Roma issues.³⁰⁴ Moreover, NGOs with strong connections to local communities are essential for the success of any initiatives or interventions aimed at addressing Roma concerns.³⁰⁵ However in Hungary, for the majority of Roma, the concept of civil society remains distant, as they have not had any contact with the limited number of Roma activists and organizations.³⁰⁶ In relation

²⁹⁸ Vermeersch. "Advocacy networks and Romani politics in central and eastern Europe"

²⁹⁹ Ibid

³⁰⁰ Ibid

³⁰¹ Thomas Risse, Thomas Risse-Kappen, Stephen C. Ropp, and Kathryn Sikkink, eds. *The power of human rights: International norms and domestic change*. Vol. 66. Cambridge University Press, 1999

³⁰² Vermeersch. "Advocacy networks and Romani politics in central and eastern Europe"

³⁰³ Rorke and Wilkens. "Beyond rhetoric: Roma integration roadmap for 2020", 56

³⁰⁴ Ibid

³⁰⁵ Ibid

³⁰⁶ Ibid

to the Roma population's size, the civil sector is disproportionately small, underdeveloped, and stretched beyond its capacity.³⁰⁷

Therefore, it is essential to prioritize the empowerment of Roma organizations to improve the political engagement of the minority. This, in turn, will result in more favorable policy outcomes that contribute to reducing segregation. To achieve this, all stakeholders must coordinate their efforts and adopt a strategic and structured approach to provide targeted and specific skills to Roma activists, leveraging existing potential.³⁰⁸ Specifically in Hungary, there are several Roma NGOs and civil societies with considerable number of Roma activists,³⁰⁹ who work on mobilizing existing resources to create a more inclusive political representation. In the past, by partnering with advocacy actors, Roma activists managed to amplify their voices and advance their causes effectively.³¹⁰ Unfortunately, as it can be seen, local non-governmental advocacy organizations are facing increasingly limited opportunities due to the centralization efforts of the central power.³¹¹ Decision-making processes on various issues, such as education, are no longer conducted at the local level.³¹² As a result, local Roma and non-Roma civil organizations are excluded from participating in the mechanisms that shape or make local decisions.³¹³

The 2020 European Commission's New EU Roma strategic framework presents a unique opportunity to comprehensively revise and improve policies that aim to promote equality,

³⁰⁷ Rorke and Wilkens. "Beyond rhetoric: Roma integration roadmap for 2020", 107

³⁰⁸ Ibid

³⁰⁹ See for example: Autonomia Foundation, Romaversitas Foundation, UCCU Roma Informal Educational Foundation, Phiren Amenca

³¹⁰ Vermeersch. "Advocacy networks and Romani politics in central and eastern Europe"

³¹¹ European Commission, "Civil society monitoring report on implementation of the national Roma integration strategy in Hungary: Identifying blind spots in Roma inclusion policy" 2020

³¹² Ibid

³¹³ Ibid

inclusion, and participation of Roma citizens.³¹⁴ To achieve the targets, it is highly important for Roma organizations and Roma individuals to actively participate in designing, implementing, and monitoring these policies. To achieve this, “The Roma Civil Monitor” project can play a crucial role. The European Parliament initiated this pilot project and it is managed by the European Commission's Directorate-General for Justice and Consumers (DG Justice) and coordinated by the Central European University (CEU).³¹⁵ It also involves various other partners, including the European Roma Grassroots Organisations Network (ERGO) and the European Roma Rights Centre (ERRC).³¹⁶ The project is being implemented in collaboration with approximately 90 diverse non-governmental organizations (NGOs) from all 27 EU member states.³¹⁷ The main objective of the pilot project is to contribute to the enhancement of monitoring mechanisms for the implementation of national Roma integration strategies through systematic civil society monitoring.³¹⁸ Specifically in Hungary, this project can help enhance the revision of policies that aim at strengthening Roma organizations by providing additional expertise and monitoring capabilities by involving members of the community. This could prove to be vital in order to see visible changes within the Roma community and to promote their active participation in decision-making processes. The ultimate goal is to drive visible changes within the Roma community, fostering social inclusion, and contributing to the effective implementation of national Roma integration strategies. Through systematic civil society monitoring, this project seeks to strengthen the monitoring

³¹⁴ European Commission: „COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL” *A Union of Equality: EU Roma strategic framework for equality, inclusion and participation*, 2020

³¹⁵ Central European University. “Description of the EU pilot project for civil society capacity building and monitoring of the implementation of national Roma integration strategies.” 2017. <https://cps.ceu.edu/sites/cps.ceu.edu/files/attachment/project/2842/roma-civil-monitor-project-description.pdf>

³¹⁶ Ibid

³¹⁷ Ibid

³¹⁸ Ibid

mechanisms necessary for assessing the progress and impact of these strategies, ultimately leading to a more inclusive society that values and empowers the Roma community.

In summary, to witness tangible improvements in social inclusion, which may result in a decrease in the number of Roma children placed in segregated institutions, it is vital to enhance the involvement and representation of the Roma population in education and political spheres. It is essential to note that active engagement, rather than passive involvement, is imperative for meaningful participation within the Roma community.³¹⁹ Additionally, instead of relying solely on top-down approaches for social inclusion, leveraging the involvement of pre-existing Roma organizations in Hungary proves to be more valuable. These organizations possess valuable insights into the specific needs and challenges faced by the Roma community, such as the educational segregation. By recognizing and supporting the efforts of these organizations, we can tap into their expertise and ensure that the strategies implemented are culturally sensitive, effective, and sustainable. This collaborative approach fosters a sense of ownership and empowerment within the Roma community, facilitating genuine progress towards a more inclusive society that respects and uplifts the Roma population.

³¹⁹ European Union Agency for Fundamental Rights. „Working with Roma: Participation and empowerment of local communities”. (2018), 14

CONCLUSION

Despite the wealth of literature and extensive research carried out by numerous international and domestic organizations on the situation of the Roma community worldwide, with a particular focus on Hungary, it is disheartening to witness the lack of substantial and discernible changes in improving their marginalized circumstances. The dire state of educational segregation has been the subject of comprehensive studies spanning several decades. Policymakers, legal experts, human rights advocates, and activists at various levels have long recognized the systemic shortcomings of Hungary's legal and educational systems in meeting the needs of Roma children. Regrettably, despite the invaluable knowledge acquired through these efforts, the issue persists on a wider scale today than ever before, signaling an urgent call for action to address this deeply entrenched problem.

The prevalence of educational segregation in Hungary can be attributed to multiple factors. First and foremost, Hungary's controversial amendments to the educational law have allowed for legal segregation under the guise of religious institutions, despite the existence of robust international and European Union legal frameworks that protect equal access to education and prohibit discrimination. Regrettably, this practice indicates that international organizations, legally binding agreements and charters, as well as EU institutions alone are insufficient when it comes to safeguarding the right to education and preventing discrimination in Hungary. Moreover, despite the valuable impact of strategic litigation cases in generating global recognition of the unlawfulness of educational segregation in Europe, it is crucial to recognize the considerable financial and professional resources demanded by such legal actions and their potential to sustain prevailing power disparities, as not all individuals within the Roma community possess the ability to engage with the legal system. Additionally, the Hungarian government's response to a Roma desegregation lawsuit, evidenced by a legislative amendment

that bars financial restitution for discrimination cases, exemplifies how strategic litigation has further exacerbated prejudice against the minority.

This highlights the inefficacy of solely relying on international legal declarations to bring about meaningful change within a country. Therefore, addressing the extensive issue of segregation in educational institutions and to effectively reduce its impact requires a deeper understanding of the other major factors that contribute to the phenomenon.

This research has shed light on the deficiencies within the Hungarian educational system and its various components that contribute to the prevalent issue of segregation. However, it is crucial to acknowledge that the weaknesses in the Hungarian legal framework and educational system are not the sole factors requiring examination and analysis. Social factors, including residential segregation resulting from economic challenges faced by the Roma community, as well as the prevailing hostility and prejudice exhibited by the non-Roma population towards the minority, along with the substantial academic achievement and performance gap between Roma and non-Roma children, significantly contribute to the perpetuation of segregation.

This research argued that in order to narrow the significant performance gap and improve the academic achievement of Roma children to decrease segregation, parental involvement in their education is of paramount importance. One way to achieve this in Hungary is through the establishment of Learning Communities, which aim to foster engagement and active participation in education. Roma mediators also play a pivotal role in this process, as they possess the necessary skills to effectively communicate and connect with the Roma community, helping them recognize the importance of education. It is crucial to provide adequate financial and professional support to organizations that utilize Roma mediators.

Furthermore, enhancing the political representation of the Roma community goes beyond the scope of Minority Self-Governments and is crucial for achieving meaningful social inclusion.

Inclusion should be perceived as a reciprocal process, and attaining Roma inclusion will remain challenging unless institutions and local municipalities actively embrace the essence of Roma participation. It is imperative to engage in consultations and dialogues to understand the needs and aspirations of the minority. By adopting a “bottom-up” participatory approach that involves them in the development of integration policies at the grassroots level, social inclusion policies would prove to be more effective. A comprehensive strategy for Roma inclusion should promote the active citizenship of Roma individuals rather than treating them as passive beneficiaries. To accomplish this, strengthening and empowering the existing network of Roma organizations is crucial, alongside implementing effective monitoring processes to ensure the successful implementation of the European Commission's Roma integration framework.

In conclusion, to effectively address the issue of educational segregation and reduce its impact, it is vital to focus on attainable measures. Understanding the various factors contributing to segregation, including social factors and academic disparities, is crucial for designing effective solutions. Parental involvement in education, facilitated through initiatives like Learning Communities and supported by Roma mediators, can play a pivotal role in narrowing the performance gap and improving the academic achievement of Roma children. Enhancing political representation of the Roma community and embracing their active participation is essential for meaningful social inclusion. A bottom-up participatory approach that involves Roma individuals in policy development at the grassroots level is more likely to yield successful integration efforts. It is equally important to strengthen and empower existing Roma organizations and implement robust monitoring processes to ensure the effective implementation of integration frameworks. By focusing on these tangible actions, we can work towards a future where educational segregation is significantly diminished and the rights and opportunities of the Roma community are fully realized.

In order to address the persistent issue of educational segregation, future research should focus on several key areas. First and foremost, further understanding the root causes and mechanisms that contribute to segregation is crucial. This includes investigating factors such as residential patterns, socioeconomic disparities, and systemic policies that perpetuate segregation. Additionally, exploring the long-term effects of segregation on student outcomes, such as academic achievement, social mobility, and overall well-being, is essential. Finally, examining the role of implicit biases, cultural competence, and equitable resource allocation within schools can contribute to creating inclusive and equitable learning environments. By focusing on these areas, future research can inform comprehensive approaches to dismantling educational segregation and fostering equal opportunities for all students.

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