ARTICLE

The EU Framework and its implementation in Hungary

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ABSTRACT

In spite of the positive role Hungary played in placing Roma on the agenda of EU institutions, the progress in improving the situation of Roma in Hungary is limited as data collected from the field indicate. The aim of the article is to review the implementation of the national strategy in Hungary, part of the EU Framework for Roma, by presenting primary and secondary data collected through literature review, policy analysis and interviews with policymakers and experts. The authors argue that the limited impact of the EU Framework has had on Roma in Hungary is due to three main factors: (1) a total neglect of lessons learned from past policies towards Roma, (2) the policy design of the EU Framework at EU and national levels, and (3) the increasing deterioration of the state of democracy in Hungary and the broader political environment in which the policies ought to be implemented reflected by the rise of far-right political parties and increasing authoritarianism on the side of ruling parties.

KEYWORDS

Roma; European Union; social inclusion; EU Framework; Hungary

Introduction

After the fall of communism, Hungary assumed a leading role in promoting minority rights and placing Roma on the agenda of the EU institutions. One of its strategic aims in foreign policy was the protection of Hungarian minorities living outside of Hungary, and it served as a model for the neighbouring countries to follow. In 1993 the Government passed through the Parliament the law on national minorities providing for an innovative system of minority self-government as a way to ensure minority participation in public life.

As part of its pro-minority policies, the Government adopted in two stages the Medium-term Programme for Roma integration as the first government programme on Roma in a democratic setting. First, in December 1995, the government Decree 1025/1995 adopted a plan covering a variety of areas, such as education, employment, housing, health and anti-discrimination, and required ministries and agencies to develop action plans as part of a government medium-term programme, published in July 1997 by adopting the Government Resolution 1093/1997. The purpose of the plan was ‘improving the living standards of the Roma population’.

Following the results of the May 1998 elections, the governance structures of Roma issues and the medium-term action plan changed. The 1998–2002 Orban government rephrased much of the earlier action plan, focusing on education and culture, and introduced a new version of it through the decree 1130/1998. In May 1999, the government issued a medium-term package, based on the already existing decree, with action in six areas: equalizing the opportunities in education and training, decreasing unemployment among Roma, preserving and promoting the cultural identity of the Roma, improving access to health and housing, improving the anti-discrimination framework and the public image of Roma (Open Society Foundation 2002, 252). In May 2001 the
government adopted a long-term policy towards Roma – ‘Guiding Principles of the long-term Roma social and minority policy strategy’ – that proposed implementing measures within two periods of 10 years each for the next two decades. The programme has not been approved by parliament, and the issue of a long-term strategy that would have given consistency for the government actions in favour of Roma remained to be resolved by the next cabinet (Open Society Foundation 2002, 254).

In May 2004, the new government enacted the Decree 1021 adopting the Government Programme for Social Inclusion of Roma. As Hungary became an EU member on 1 May 2004, the programme guided the government actions during the EU budgetary period until 2006. As a consequence, the programme stipulated specific policies and measures for Roma inclusion for the period 2004–2006. Moreover, this action plan partly overlapped with the drafting of action plans for the Decade of Roma Inclusion 2005–2015 (Tashev et al., 2007).

In 2007 the Parliament adopted the Strategic Plan of the Decade of Roma Inclusion Programme, a measure that ensures more sustainability for governmental actions towards Roma, at least in theory. This was taken forward with the adoption of a detailed action plan for the next two years by a Government decree and which was going to be financed through the New National Development Plan based on structural funds (Tashev et al., 2008). An absolute novelty for Roma social inclusion policies was the conditionality – through the New National Development Plan – for accessing structural funds by municipalities and other local authorities by the incorporation of an equal opportunity action plan within the local development strategies.

By Decree 1136 of April 2011, the new FIDESZ government approved a package of measures until 2020 to promote the social inclusion of disadvantaged groups including Roma. The package had two main priority areas – regional disadvantages and social conditions – defined in four main areas: education, employment, housing and health. Discrimination and gender equality were horizontal issues present in all areas.

The sections below analyse the adoption of the EU Framework for Roma and its content, the Hungarian national strategy as part of the EU Framework and its impact based on available data and discusses the main causes for the limited impact the strategy has had so far. We argue that the limited impact of the EU Framework for Roma inclusion in Hungary is due to three main factors: (1) a total neglect of lessons learned from past policies towards Roma, (2) the policy design of the EU Framework at EU and national level, and (3) the increasing deterioration of the state of democracy in Hungary and the broader political environment in which the policies ought to be implemented reflected by the rise of far-right political parties and increasing authoritarianism on the side of ruling parties.

The article applies a three-tiered approach to explore the implementation of the national Roma strategy in Hungary. The presented primary and secondary qualitative and quantitative data within the report, therefore, are collected through (1) literature review (2) policy analysis (3) interviews with policymakers and experts. The source of information analysed and utilized in the literature review and policy analysis were both collected in Hungarian and English. Furthermore, the interviews conducted with official representative from the Ministry of Foreign Affairs, Ministry of Justice, Equal Treatment Authority and the two interviews conducted by Roma leading and pro-Roma organizations, gave an equal insight on the implementation of Roma Strategy, both from the side of State authorities and civil society.2

**The EU Framework for Roma**

The EU Framework for Roma is a ‘soft form of governance’ in which decisions are made through deliberation and aims to achieve minimum standards for Roma in education, employment, housing and health while targeting poverty and segregation. A multi-level governance of Roma issues at EU, national and local levels – the EU Framework for Roma was meant to bring social change at different levels, as problems faced by Roma were ‘Europeanized’ by politicians.
The document was adopted during the Hungarian Presidency of the European Council. In its desire to have the document adopted during its 6-month leadership, the Hungarian Government has sped up the adoption process. Livia Jaroka, a FIDESZ MEP of Roma background, became the leading figure of this process. The study commissioned by the European Parliament, through LIBE Committee, was published on January 2011 (Bartlett, Benini, and Gordon 2011). Based on the study by Bartlett and others, a motion for a European Parliament resolution on the EU strategy for Roma inclusion was presented on 21 February 2011, in the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament, with Livia Jaroka serving as its rapporteur. The European Parliament adopted the text, with a few amendments, as a resolution on 9 March 2011. In less than a month from the adoption of the resolution by the EP, on the 5th of April 2011, during the Roma Platform meeting in Budapest, the European Commission announced the adoption of the EU Framework for Roma.

Roma inclusion has been defined by the European Commission as ‘one of the most serious challenges in Europe’ and the EU Framework for Roma as being ‘complementary to EU legislation and existing policies in the areas of non-discrimination, fundamental rights, freedom of movement and children’s rights’ (European Commission 2011). The EU Framework is the most complex policy arrangement for Roma in Europe, which was never subjected to similar democratic policy-making processes.

When compared to the previous policy initiatives on Roma the EU framework did not bring anything significantly new in spite of being promoted as an ‘unprecedented commitment’ (European Commission 2011, 2) or regarded as a unique governance model of the problems faced by Roma in Europe. The problematization or minoritization of Roma (Van Baar 2011) went on along the same lines: Roma are a socially excluded group facing poverty, discrimination, low level of education, limited employability, poor housing, poor health, nomadism and criminality. When these narratives have been translated into specific policy issues and priorities to be tackled, one might see that the focus is narrow in scope and vague in content.

The EU framework on Roma participation is mere rhetoric as it does not provide for new mechanisms to ensure Roma participation at local, national and European levels in the design, implementation and monitoring. At local and national levels, Roma participation takes place through minority protection mechanisms set up during 1990 s, which are very limited. At the EU level, there is no representation of Roma and participation is mainly on an ad-hoc basis at the meetings of the European Platform for Roma inclusion (hereinafter the Roma Platform). The Roma Platform, launched in April 2009, is a forum bringing together representatives from EU institutions, international organizations, member states governments and civil society to exchange good practice and experience, and to stimulate cooperation among its participants. It is so far the only coordination mechanism at the EU level although the EU framework does not mention it as a governance structure.

The mid-term EU framework evaluation published by the Directorate-General for Justice and Consumers points out that while the strategy has paved the way for a positive trend in structure, processes and outcomes, it still does not give enough substance to evaluate the exact outcome (European Union 2019, 199). Member state-wide, the gap between Roma and non-Roma population persists at a high level. The mid-term evaluation states that while there are substantive achievements in the education sector, the other three: health, housing and employment lags behind even more, while discrimination poses a constant threat against Roma. The EU consultations on the later resulted in stagnation or even rise in the scale of antigypsyism within the member states. Furthermore, while Roma exclusion tackling mechanisms are established both on the national and EU level, their function is limited and does not show a uniformed approach to the issue at hand. The strategies do not integrate well into the mainstream policies, because important state departments and stakeholders are left out or are not involved consistently (European Union 2019, 199).

The mid-term EU framework evaluation points out several areas where the situation of Roma has improved, based on data reported by the member states: in education (early childhood education and Care Compulsory, education attendance and early school-leaving), in employment no
improvement, in health the self-perception of health has improved within the Roma population, while in housing no progress has been reported. When it comes to negative development, the mid-term evaluation points out the rising segregation of Roma pupils (Roma pupils who attend schools with only Roma classmates has increased from 10% to 15% and at least a two-thirds of Roma students go to schools where their classmates are mostly or all Roma), the discrimination in employment as the most common area of discrimination against Roma, the decreasing health care coverage of Roma across EU (from 78% to 74%), and the lack of progress in desegregating Roma inhabited areas noticing that evictions unsafe environments and lack of services persist across all member states of the EU (European Union 2019, 200–2).

The mid-term evaluation highlights the success of the EU framework in the way it raised awareness of the Roma issue in the European agenda and spurred action towards policies which can help tackle the issue among its member states. While raising awareness and putting the Roma issues to the EU agenda is important, the report itself emphasises that identifying the achievement remains a struggle, especially in the field of housing, discrimination and securing fundamental rights for Roma. It states that at the national level the strategies have problems focusing on the objectives, furthermore the planning, implementation, monitoring and evaluation are weak. The framework itself is fragmented due to the absence of consistent objectives, limited national sources and underdeveloped implementation mechanism. The lack of achievement is also a result of the states failing to establish consistent policies and programs which could be part of the mainstream public policy (European Union 2019, 204).

While failure in state-level implementation is an important aspect to understand, the mid-term reports also highlight the EU-level shortcoming of the strategy. The EU framework has failed to sensitise its policies towards particular Roma sub-groups and did not pay enough attention to children, EU-mobile Roma and Roma migrants. Furthermore, failed to introduce a gender-sensitive approach and do not address both the separate needs of Roma women and men.

National level

In this section, we will present data on the implementation of the EU Framework in Hungary and will provide an analysis of the factors that have led to such a limited impact of these policies. On the one hand, the policy design influenced the multi-level governance structure as Hungary was at the forefront of adopting the EU Framework. On the other hand, the internal context had a direct influence on the design and implementation of these policies at the national and local levels. The increasing deterioration of the state of democracy in Hungary, reflected in the rise of far-right political parties and in increasing authoritarianism on the side of ruling parties, had a direct impact on policy implementation. These factors in turn influenced the social inclusion of Roma but also wider citizenship rights in Hungary.

In Hungary’s minority group landscape, Roma are considered the biggest ethnic minority group out of the 13 legally recognized ones. (Tatrai 2014). The Roma population greatly varies depending on whether the data were collected based on the auto-identification or hetero-identification. According to the latest data, Roma make up 8.8% of the Hungarian population, which in numbers translates into 876,000 people in total. The Roma’s geographical concentration is in the North-East and South-West of Hungary, especially next to the border and peripheral regions (Tátrai, Pásztor, and Péntzes 2018, 22).

Data produced by the Hungarian Central Statistics indicate the rate of severe material deprivation within the Roma population is 63.9%, compared to 14.7% among the non-Roma population. Furthermore, a similar tendency can be observed when looking at ‘at risk of poverty or social exclusion’ data. Among the Roma minority, 82.8% of Roma are considered part of these categories while among non-Roma it is 24.5% (Hungarian Central Statistical Office 2017, 77).

The absence of proper education and enormous rate of unemployment are also explanatory factors of why the majority of Roma are considered to be at high risk of poverty. In 2015, 16% of
Roma aged between 15 and 64 did not graduate from primary school, and 63%, did not attend high school, technical or tertiary education. The lack of education serves as a causality and strengthens the already unfavourable conditions of the labour circumstances of Roma. In 2015, only 39% of the Roma were employed, while 16% of them were unemployed and approximately 45% considered as inactive (Középonti Statisztikai Hivatal 2016). The Hungarian public employment scheme could serve as a further explanation, on the rate of active Roma workers, and could bring in some additional surprises and possibly add to the rate of unemployment if the programme came to an end.

Further circumstances adding to the policy issues around Roma, are the quality of housing, the geographical aspects and segregation. Unfortunately, recent data has not been published regarding housing conditions (Habitat for Humanity 2016).

Regarding the healthcare gap, it cannot be proven by data that there is in fact, a big disparity between Roma and non-Roma. However, huge differences in infant mortality rates, and life expectancy did appear in some of the healthcare related studies (Decade of Roma Inclusion Secretariat Foundation 2015). The disadvantageous geographical location of Roma: largely concentrated in small villages in rural areas characterizes one of the biggest concerns: the lack of services in heavily Roma populated areas. A major problem is the absence of doctors and professionals, since there are not enough incentives for them to move or work in those areas. Furthermore, there are recorded cases of so-called ‘Gypsy Rooms’ in hospital maternity wards, and below standard treatment of patients (Izsák n.d.).

According to the latest 2015 measurements, in 823 Hungarian townships and in 10 districts of the capital Budapest there are 1,633 poor Roma settlements, where around 300,000 people live. (Emberi Erőforrások Minisztériuma 2015). The poor housing conditions are compounded by the lack of access to housing, the costs of maintenance, and remaining in a cycle of debt due to the lack of work opportunities and sufficiently paying jobs (Lukács 2017, 19). The Complex Settlement Programme shifted its main goal from renovation of the segregated houses to an intertwining community building, training, health services and prevention programmes. In 2016 the Hungarian government allocated 96 billion forints for the programme Implementation (cca EUR 300 million) (MTI 2016). The successful implementation of the programme depends on the involvement of the NGO sector and the political will of the local authorities. Despite the efforts and budget allocation of the government, many negative examples exist such as the numbered streets of Miskolc (Rorke and Szendrey n.d.) where dozens of Roma people were evicted and forced to live on the streets without any civil or social support (Amnesty International 2014).

According to the Roma Inclusion Index, the attendance of Roma in Pre-schools has increased with 28% attending between 2005 and 2014. However, the report also mentions, that ‘Gaps are increasing and percentages of Roma not completing different levels of education are very high. At the same time school segregation is increasing and the only available data for special education indicates over-representation of Roma.’ Regarding primary education 19% fewer Roma than others finish primary school. This gap is 23% for Romani females. 50% fewer Roma than others finish secondary school. This gap is 53% for Romani females. Regarding segregation, there is an increased number of Roma students in segregated education. Based on the Report there was a 7% increase between 2005 and 2014 (Decade of Roma Inclusion Secretariat Foundation 2015, 44).

In 2015 the Government introduced compulsory kindergarten education and made child support contingent on enrolment of children in kindergarten. By 2014 the difference between Roma and non-Roma children attending kindergarten has been negligible (Roma Civil Monitor 2018, 51). The ‘Sure Start Children Houses’ provided early childhood support. The programme’s main targets are those areas where the rates of poverty, unemployment, etc., are especially high and it is financed from governmental and EU funds (Hungarian Chance for the Children Foundation, and European Roma Rights Center 2014). The percentage of children under 3 years old who could not use day-care services was 23% in 2015. If one looks at the territories with the biggest Roma density, the percentage of unavailable day-care services climbs up to 40-45% for children between age 0–2.
Parents with socio-economic disadvantage are less likely to obtain access to Day-care services (Roma Civil Monitor 2018, 51).

Two other government programmes that have had a positive impact are the Tanoda Programmes (Study Hall) and the Roma Christian Dormitories. The Tanoda Programmes target disadvantaged and mostly Roma children and includes tutoring, extracurricular activities, or any other meaningful interventions which helps their educational development. Although Tanoda programmes bring about positive impact, many do not win funding from the state. In 2016, out of 1,200 Tanodas whom applied, only 171 have been successful securing state funding for their activities (Fülöp Zsófi 2016). Some of the civil society members suggested that only those Tanoda proposals have been successful in securing government funding which have the support of the churches (Hungarian Chance for the Children Foundation, and European Roma Rights Center 2014, 44). The Christian Roma Dormitories is another programme which according to the Ministry of Human Capacity has around 250 Roma students. Its success rate has resulted in the government more than doubling the funding for the Network (Magyar Idők n.d.). The programme supports Roma access to higher education by providing accommodation and stipends, as well as extracurricular activities on identity and language.

Unfortunately, these were not enough to prevent the increase of segregated schools, and the high number of Roma children placed into special schools in the last 10 years. The Hungarian Supreme Court has legalized racially segregated schools run by religious institutions under the cover of ‘religious freedom’. This move has resulted in an infringement procedures issued by the European Commission which states that ethnic segregation cannot be legitimized under any circumstances. According to the official statement of the Hungarian Government, they did not accumulate data on who is Roma, therefore they could not discriminate on the basis of ethnicity (Hungary Today 2016).

The disadvantaged children in those schools are mostly from Roma families, and the separation between majority and minority is strengthened year by year within the school environment. In the ghetto schools, 50% of children are Roma. Data collected by the Civil Public Education Platform concludes that in 2007 there were at least 270 ghetto schools growing to 350 in 2015, an increase of over 25% (Juhász 2018). In 2017 a report by the Fundamental Rights Agency, revealed that 61% of Roma children aged between 6 and 15 were attending segregated schools (FRA 2017, 104).

In employment, Roma face a disadvantageous situation in accessing and competing in the labour market. In 2015, the ratio of Roma working in the Governments Public Working Scheme (PWS) was 42%, meaning that every fifth Roma was employed by such programmes and, furthermore, that every eighth had been unemployed (“A romák a magyar munkaerőpiacon: átfogó kép a KSH-tól” 2016). While officials present the PWS as a success claiming that there is almost no unemployment in Hungary, the situation on the ground shows a more complex reality. The PWS strengthens the relation of subordination between the publicly employed person and the governing bodies, especially as the municipalities can keep a tight control over the poor, a significant proportion of them Roma, for electoral purposes as well. The PWS creates a secondary or parallel labour market and the transfer to the primary labour market is difficult for those registered on the PWS. Those included in the PWS are paid under the minimum wage established by law, creating discrimination between those in the PWS and the primary labour market. The Government justifies the situation saying that it is a motivation for the people participating in the programme to aim higher, and eventually move off of the Scheme (“Nem emelik a közmunkások bérét 2018-ban” 2018). In addition, further legislation obliges ‘employment seekers’ or Public Work Scheme workers to accept whatever jobs are offered to them (Judit 2018). As reported by the European Network Against Racism, Roma are targeted and distinguished by municipalities, job providers, and generally less preferred than the non-Roma citizens working in the programme (European Network Against Racism n.d., 3).

Quality of life, education housing and employment are all determinants of quality of health and exactly because of these, Roma suffer from bad health. Lack of infrastructure and isolated geographical locations contribute to the very limited healthcare Roma can access. Above those important
factors, we should also mention that discrimination persists on all fields, therefore healthcare as well, and it worsens the health conditions of Roma (Kovács 2013, 23). Roma in Hungary barely live until 65 years old, compared to the non-Roma citizens their life-expectancy is 10 years shorter. Child mortality rates are high, and conditions such as cancer is more common within this minority group. Furthermore, a research sample collected by a researcher at the University of Debrecen found that Roma women are less likely to go for gynaecological check-ups than before, and that Roma are disproportionately overweight. There is a lack of sufficient doctors, and even those few practitioners available to Roma do not know how to address problems faced by the Roma in accessing health services (Rostas and Adrienn 2019). The medical staff criticised the priorities of EU funded programmes concentrating on topics like healthy eating, and abortion while in fact, one of the biggest emerging problems among the Roma community is drug use.

Roma are subjected to discrimination in all four areas of the EU Framework both as individuals as well as a result of institutional norms and practices – institutional discrimination. The national strategy does not have a distinct chapter on antidiscrimination but has an underlying purpose in the section ‘Raising awareness to the Roma culture’. Although it emphasises the importance of Roma culture, the budget allocated to this compared to other areas of the Strategy is much smaller and would not result in a positive change of attitudes towards Roma on a large scale.

Discrimination and segregation against Roma show an intersectional tendency across the four policy areas of the national strategy. Roma face multiple discrimination in all areas of life. Research (Egyenlő Bánásmód Hatóság, and MTA TK Institute of Sociology 2017) shows that in 2013 Roma were 2.5 times more likely to encounter intersectional discrimination than the average Hungarian, while in 2017, that rate increased to 3. This means that 86.4% of Roma have been a victim of multiple discrimination. Within this research, additional questions revealed that only 29.9% of the surveyed Roma participants have not been discriminated against in the last 12 months, compared the 2013 survey, where 60.8% had not experienced discrimination in this time frame. Both surveys conducted in 2013 and 2017 revealed that most commonly Roma people get discriminated within the workplace or through institutional processes (Egyenlő Bánásmód Hatóság, and MTA TK Institute of Sociology 2017, 15). In 2017 out of all EU member states, Hungary was one of the leading countries in school segregation with a shocking 61% of Romani children attending segregated educational institutions or classes (FRA 2017, 104).

In addition, Roma who are victims of hate crime do not enjoy equal protection of the law due to the inactivity or the institutional prejudice of the police. Roma are often racially profiled, or they do not enjoy immediate protection from the law enforcement when they are threatened and victimized by far-right groups as in the incidents in Gyöngyöspata and Devecser (Barna and Hunyadi 2015, 15).

**Discussion**

Like other EU member states, progress in improving the situation of Roma in Hungary is limited. How to explain this policy paradox? We argue that the limited impact of the EU in Hungary is due to three main factors: (1) a total neglect of lessons learned from past policies towards Roma, (2) the policy design of the EU Framework at EU and national levels, and (3) the increasing deterioration of the state of democracy in Hungary and the broader political environment in which the policies implemented reflected the rise of far-right political parties and increasing authoritarianism on the side of ruling parties.

One of the lessons learned during the previous policy initiatives towards Roma was that Roma participation is a necessary ingredient if any progress on their situation is to be made. The EU framework did not lead to the establishment of new mechanisms for Roma participation except for already existing mechanisms at both European and national levels (Rostas 2013). Roma participation in Hungary in designing and implementing the EU Framework was limited mostly to minority representation mechanisms. These mechanisms were set up for other purposes than the aims of the EU Framework such as minority representation in cultural and some educational
matters. The ruling party’s preferred partner, the Lungo Drom organization, whose leadership was co-opted by FIDESZ, dominated the minority self-governments, a system seen by experts as lacking the capacity to effectively promote Roma inclusion: ‘The system of minority self-governments can do little to facilitate Roma integration: their relation to local governments (the division of functions and responsibilities) is not clear, they lack professional and financial capacities, and they are often used by national politics as the means of building their clientele.’ (Budapest Institute for Policy Analysis 2011, 3).

Regarding government structures, there is a Roma Coordination Council, consisting of 29 members, delegated from different ministries, church bodies, human rights committees and civil society organizations. Its main purpose is to include actors from all level into the creation, familiarization and execution of the National Social Inclusion Strategy (Kormány 2011). This serves as the highest external advisory board to the above-mentioned State Secretariat. While the ROK-t ‘transmits and aggregates interests towards the decision makers’ the TFCTB and Roma Consultative Council ‘settle those interests in practice, inserting them into drafts of different programs or laws.’ (Rixer 2015, 11).

As a response to EU criticism of its policies in education, in 2013 the Anti-Segregation Roundtable was founded bringing together civil society, church associations and government officials to discuss and dismantle segregation at all levels in society. Despite it’s potential to increase participation in decision-making, many of the well-established professionals have left the Roundtable, referring to the fact that there is no meaningful dialogue, or shift in policymaking. Furthermore, they would not assist a government who does not tolerate any voices that are critical of its policies, and whose political attitude projects anti-EU and other negative behaviours (Fülöp Zsófia 2016).

Following the EU-level institutional design, the Ministry of Human Capacities plans to create Roma Platforms as discussion forums in every county in Hungary. Their main task is to help the social inclusion strategy and to find answers at the local level for local problems (MTI 2017). So far there are three established Roma Platforms in Borsod, Szabolcs and Baranya counties funded by the European Commission (Roma Civil Monitor 2018, 16). According to civil society representatives, what is missing is a true voice of Roma and pro-Roma organisations, which are independent of the current government (Rostas and Adrienn 2019). The proposals put forward by the activists are disregarded by the authorities and it is clear that these platforms do not achieve their aims of expressing the needs and priorities of the Roma.

One of the main causes for the limited impact of the EU Framework at EU and national level resides in the policy design. Through policy design, we mean the policy goals and the mechanisms for achieving those goals. As Howlett put it, policy design ‘include the object of design – what is actually designed – who designs it, how they do so, and why they make the design decisions they do.’ (Howlett 2014, 284) We go a few steps further and consider the social construction of the target population, another aspect that some critical policy studies scholars see as important elements influencing policy design (Schneider and Ingram 1997; Ingram 2016; Howlett 2014).

In spite of the Roma’s well documented situation, combating antigypsyism as a special form of racism towards Roma is not among the objectives of the EU Framework at either the EU or national levels. Currently, the EU anti-discrimination legal framework is regarded as inefficient in tackling discrimination and providing remedies and compensations to the victims of discrimination, representing a challenge in many member states (Chopin and Do 2012). This situation is compounded by the failure of anti-discrimination laws in many EU countries to provide for a positive duty to promote equality (O’Cinneide 2006). Moreover, the antidiscrimination legal framework does not consider structural and institutional discrimination. In Hungary, in spite of the adoption and implementation of the Equal Treatment Act, the school segregation of Roma has increased over the years, forced evictions continue to be reported by human rights groups and racially motivated attacks remain unsanctioned.

The target group of the national strategy, unlike the EU Framework, does not focus on Roma specifically. It targets those living in extreme poverty, children living in poverty and the Roma. This represents a significant challenge in reporting the impact on these groups as there is a significant
overlap among them. The strategy, similar to the EU level document, lacks a data collection mechanism that would allow for the monitoring and evaluation of the progress and adjustments whenever necessary. Section 9 of the strategy talks about the need to establish such a mechanism: ‘we must create a standard and comprehensive system of indicators and follow-up’ but no progress has been reported on this issue. The strategy fails to define clear tasks to specific institutions and does not provide for a budget to implement the measures. Rather, the goals and measures included in the strategy represent statements or intentions rather than concrete policy measures. The involvement of the local authorities is declarative and, in spite of the FIDESZ’ control over the local administration, no significant progress has been achieved at the municipal level. When considering the causal relationships and the assumptions behind proposed measures, the analysis reveals that it is based on combating poverty and de-ethnicization of Roma issues by emphasizing the role of territorial development in explaining poverty and living conditions of Roma. This is at the expense of a consideration of other factors, such as discrimination, structural factors, the ability of authorities to promote innovation and to compete in a competitive market and so on. Considering the elements of the policy design, one should not be surprised by the limited impact the strategy has had so far on Roma communities.

Helen Ingram considered the social construction of target populations as a key element of the policymaking process:

*Social construction is a process through which values and meanings become attached to persons and groups that provide rationales for how they are treated. The combination of power and such social construction frequently shapes policies in ways that send damaging messages, because those with certain power characteristics and positive images always get benefits while others almost never do. That in turn encourages or discourages the fight for people’s own interests and beliefs.* (Ingram 2016)

In an earlier article, Ingram and Schneider (2005), two of the best known policy design theorists, using entitlement and deservedness as dimensions of policy impact analysis, argued that governments usually differentiate target populations along the lines of power and the social construction of these groups, and distinguish between those who deserve benefits and those who do not. Schneider and Ingram also explored the way governments, through policymaking, create and maintain ‘systems of privilege, domination and quiescence among those who are the most oppressed’ (Schneider and Ingram 1997, 53). Hence, scholars should understand policymaking as a broader process through which policymakers promote certain values and interests, a particular social construction of knowledge and groups, and power relations in society.

The strategy reveals the way Roma were socially constructed by the policymakers and the message sent through this policy. According to the strategy, Roma possess a culture of poverty that leads to criminality and successful policy should prevent criminality:

*Due to object poverty, hopelessness and the lack of contact with people in a higher social status, these individuals [Roma] more frequently reject the goals and means of the middle classes and are therefore unable to take part either in production or in the creation of social values. They follow the specific values and goals of the sub-culture of the poor which the public opinion associates with the sub-culture of criminals.* (Government of Hungary, Ministry of Public Administration and Justice, and State Secretariat for Social Inclusion 2011, 101)

The lack of certain elements of policy design and the negative social construction of Roma through the EU Framework at EU and, especially at national level it would need a miracle to improve the situation of Roma in Hungary in the given conditions.

Our last argument in explaining the limited impact of the EU Framework on Roma in Hungary relates to internal politics in Hungary. The increasing authoritarian tendencies of Viktor Orban and his FIDESZ party has been criticized by the EU as well as by scholars (Magyar 2016; Pap 2017). There have been changes of the judiciary independence, corruption and control of the mass media and limitations of the freedom to assembly. But maybe the area where the Hungarian Government became extremely visible was their handling of the migration crisis. Viktor Orban and his party were using an exclusionary rhetoric towards migrants and promoted a hate campaign against immigrants.
and their supporters during the 2018 elections in order to mobilize its electorate accompanied with media and explicit political attacks on migration, and on sympathetic human rights civil society members and NGOs6 (“Timelines of Governmental Attacks against NGOs” 2017) were all tools of the Hungarian government, in executing their growing negative attitude concerning refugees7 (A Magyar Helsinki Bizottság n.d.). The Roma population has become an excuse for Hungary’s limited capacity towards dealing with refugees and has been integrated into the political rhetoric and the opinions of top officials such as the Prime Minister, the Minister of the PM office and the Justice Minister himself (Barna and Hunyadi 2015, 22). The public work programme, the leading programme of the Government in regard to Roma, became a means to oppress and control Roma, as it ‘enhances local hierarchies and increases the powerlessness of the Roma involved, whose social allowances are now tied to public employment’. (Hungher and Kende 2019)

The limited impact of the EU Framework for Roma at EU and national levels calls for a change in paradigm when it comes to Roma social inclusion. As van Baar and Vermeersch suggest, there is a need to move beyond a recognition and redistribution paradigm and identify better ways to represent the Roma because “Operational Roma representations have made the Roma governable in Europe’s current complex policy machinery, but they have done so without conceptualizing them as full fellow citizens and co-partners in processes of decision-making; in several cases, they have even unregularized the Roma in ways that have contributed to worsening their societal position.” (Baar and Vermeersch 2017, 133).

Notes

1. The full title of the document is Government Resolution No. 1093/1997 (VII. 29.) on the Medium-Term Package of Measures to Improve the Living Standards of the Roma Population.

2. The qualitative interview data is part of a larger study titled: Scaling up Roma integration strategies: Truth, reconciliation and justice for addressing antigypsyism. The study can be found at the following link: https://www.ceps.eu/ceps-publications/scaling-roma-inclusion-strategies-truth-reconciliation-and-justice-addressing?fbclid=IwAR0Pgvy2Q1bSJV8Gp0RXIB9nOAV-WYVd0h2TNV8bpDLZnon8KMMn_8cOEIM.

3. Under the disguise of “Eliminating slums of the city’s outskirt “Miskolc authorities evicted and chased away Roma clearly wanting to create an environment where no Roma minority has a place to live. Some of the Roma residents were offered social housing in another part of the town, but with such none of them could secure housing in the area. A further offer from the municipal side included offering 6500 Euro support if they find homes outside of the city’s territory. For further information see: ‘Miskolc Mayor Remains Defiant on Roma Evictions Despite Latest Court Ruling,’ European Roma Rights Centre, accessed 22 November 2018, http://www.ernc.org/news/miskolc-mayor-remains-defiant-on-roma-evictions-despite-

4. A segregated primary school in Nyiregyhaza was closed down in 2007 following a lawsuit challenging school segregation. The school reopened in 2011 under the administration of the Greek Catholic Church with the support of the ruling party FIDESZ. The Chance for Children Foundation has started a litigation against the decision which allowed to reopen this school. The primarily injunction of the judges said that the ‘current functioning of the school violates both Hungarian laws on equal opportunity, and Council of Europe recommendations’(Thorpe 2014) However, on 22 April 2015 the Hungarian Supreme Court decided that the school operation is lawful, as it is operated as a religious school. Basically, the Supreme Court has legalized racial segregation under the disguise of religious freedom.

5. The Civic Public Education Platform consist of 45 civic organizations and trade unions, and its purpose to generate discussion on how to develop education and to provide support of its activities. Their organizations came about due to the dissatisfaction of teachers with the government’s public education reform. (“Teachers Set up Joint Platform” 2016).

6. High-ranking politicians have accused many NGOs receiving politically biased funds, especially targeting the Norway Grants NGO Fund and later the Open Society Foundation. The attack on the former included unlawful police raid into the NGOs offices, as well as temporary terminating their Tax numbers. The Bill T/14,967 on the Transparency of Organization Receiving Foreign Funds was passed on 13th of June 2017. This legislation obliges NGOs supported by a certain amount of foreign fund, to register themselves and reveal their funding partners.

7. A legislative package under the name of Stop Soros has been introduced in Hungary, laying out the sanctions towards those organizations who are supporting asylum seekers: A Magyar Helsinki Bizottság, ‘The Hungarian Government’s Proposal on The Stop Soros Legislative Package,’ accessed 14 October 2018,
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