

# European Union Agency for Fundamental Rights, selection of relevant and recent passages from published reports related to Hungary

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## **Data Explorers and tools**

### **Violence against women survey data explorer**

<http://fra.europa.eu/DVS/DVT/vaw.php>

### **Jewish people's experiences and perceptions of hate crime, discrimination and antisemitism**

<http://fra.europa.eu/DVS/DVT/as2013.php>

### **EU LGBT survey data explorer**

<http://fra.europa.eu/DVS/DVT/lgbt.php>

### **Indicators on the right to political participation of people with disabilities**

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/political-participation>

### **Mapping victims' rights and support in the EU**

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/victims-support-services>

### **Mapping child protection systems in the EU**

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/child-protection>

## Annual reports

### Fundamental rights: challenges and achievements in 2014 - Annual Report 2014, (June 2015)

[http://fra.europa.eu/sites/default/files/fra-annual-report-2014\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-annual-report-2014_en.pdf)

#### 1 Equality and non-discrimination

##### 1.1 Countering discrimination requires strong cooperation between all relevant actors

“Concerning the third conditionality, some Member States have consulted or plan to consult with bodies in charge of protection of rights of persons with disabilities or disabled persons organisations (DPOs). This was the case in Austria, Belgium, Bulgaria, Cyprus, Denmark, Estonia, France, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Spain and Sweden.” (p. 31)

“FRA, together with a group of national human rights bodies, therefore continued working in 2014 on a pilot online tool named ‘Clarity’ to help victims of discrimination and other fundamental rights violations gain better access to non-judicial remedies. The bodies involved represented Austria, Bulgaria, Cyprus, Finland, France, Greece, Hungary, Italy, Malta, Portugal, Romania, Slovakia, Spain and the United Kingdom (Northern Ireland).” (p. 29)

“Member States also took steps to begin training staff involved in the management and control of ESIF on EU anti-discrimination law and policy, in line with the second conditionality. This happened in Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Romania, Slovakia, Slovenia, Spain and Sweden.” (p. 31)

#### 2. Racism, xenophobia and related intolerance

##### 2.2.2. Racist violence, crime and fear

“According to Europol’s 2014 Annual report, threatening marches and violent demonstrations took place in areas where Roma live in the Czech Republic, Hungary and Slovakia in 2013. Far-right activists organise these public displays, but the general public often supports them, reinforcing their message of intimidation.” (p. 52)

##### 2.2.2. Racist violence, crime and fear

“The Council of Europe Commissioner for Human Rights emphasised that the situation in Hungary has deteriorated, with anti-Gypsyism being the “most widespread, and blatant form of intolerance in Hungary today”. Besides Roma, targets have included Jews and other vulnerable groups such as asylum seekers and refugees. The commissioner also noted that authorities “have often been criticised for failing to identify and respond effectively to hate crimes”. (p. 52)

#### 3. Roma integration

##### 3.1.2. Legal action to tackle discrimination against Roma

“The Regional Court of Nyíregyháza in Hungary took a decision regarding school segregation, which the Regional Court of Appeal of Debrecen upheld on 6 November 2014. The court ordered the city council and the school run by the Greek Catholic Church to stop segregating Roma children and refrain from future violations. Later in 2014, the Hungarian parliament amended the Public Education Law, in accordance with which government decrees may set special conditions to foster equal opportunities in education in case of ethnic minority schools. The government justified this

provision with the objective of providing equal access to quality education by defining the extra educational services that must be provided and the regulatory guarantees that are necessary in certain areas. According to critics, however, this means that the government can decide where to allow segregation to continue. The amendment includes a clause in accordance with which the government, when making such a decree, must especially keep in sight the prohibition on illegal segregation.” (p. 73)

### 3.1.3. “Nothing about us without us”: Roma participation

“In **Hungary**, Roma are also involved in two bodies, namely the Roma Coordination Council and the Evaluation Committee of the National Strategy ‘Making Things Better for Our Children’.” (p. 74)

### 3.2. “What gets measured gets done”: towards rights-based indicators on Roma integration

“A number of countries with significant Roma populations (Bulgaria, Croatia, the Czech Republic, **Hungary**, Romania and Slovakia) have included ethnic identifiers in their censuses and have data disaggregated by ethnic origin.” (p. 75)

## 4. Asylum, borders, immigration and integration

### 4.6. EU Member State measures promoting inclusive societies

“However, turning from policy to practice, fewer Member States adopted and implemented concrete measures, such as training for public officials and civil servants dealing with migrants. Austria, Croatia, the Czech Republic, Germany, Greece, **Hungary**, Ireland, Italy, Latvia, Malta, the Netherlands and Slovenia did so.” (p. 96)

### 4.7. Transforming education, reflecting diversity in society

“In most cases, such curricular programmes provide information, knowledge and skills enabling pupils to live in community in modern ethnically diverse societies. However, in eight Member States (Belgium, Cyprus, Estonia, France, Greece, **Hungary**, Portugal and Slovakia), there are no such elements in the national curriculum.” (p. 98)

### 4.8. Empowering migrants in their path to participation

“A majority of Member States (Belgium, Denmark, Estonia, Finland, **Hungary**, Ireland, Lithuania, Luxembourg, the Netherlands, Portugal, Slovakia, Slovenia, Sweden, Spain and the United Kingdom) have granted third-country nationals the right to vote in local elections, for all or some selected nationalities.” (p. 99)

## 6 Rights of the child

### 6.1. Children living in poverty in Europe

“Figure 6.1: Children at risk of poverty or social exclusion in 2012 and 2013, by EU Member State (%) [Figure shows a risk of 41% in 2012 and 43% in 2013 for **Hungary**]” (p. 128)

“Seven country-specific recommendations focus on child poverty: these were made to Bulgaria, **Hungary**, Ireland, Italy, Romania, Spain and the United Kingdom. These seven countries have high proportions of children living in poverty or social exclusion, all above 30 %.” (p. 129)

“Croatia, Greece, **Hungary**, Ireland, Latvia and Spain, which have high or very high poverty rates, made good use of EU funds.” (p. 132)

### 6.3. Access of children to judicial proceedings

“EU Member States have taken a number of initiatives since the European Commission’s and FRA’s legal and social research took place, often in the process of transposing the Victims’ Directive. In 2014, Croatia, Cyprus, Germany, Hungary, Latvia, Lithuania, Malta, the Netherlands, Spain and the United Kingdom reformed or began reforming their legislation. These reforms mainly relate to legal assistance and legal aid for children who are victims, training, hearing proceedings, guardianship and protection measures.” (p. 137)

## 7. Access to justice, including rights of crime victims

### 7.2. EU and Member States progress on the Roadmap on procedural rights in criminal proceedings

“The EU Member States that proposed or adopted new legislation or amended existing laws with a view to transposing the Directive on the right to information (Denmark is not taking part) in 2014 included Cyprus, the Czech Republic, Estonia, Finland, France, Hungary, Italy, Luxembourg, Malta, the Netherlands, Slovenia, Spain and Sweden.” (p. 148)

#### 7.4.1. Measures to combat violence against women at Member State level

“As of January 2015, seven Member States had legislation in force implementing the EPO [European Protection Order] (Austria, Estonia, Germany, Hungary, Malta, Spain and the United Kingdom) and 15 Member States had draft legislation at various stages of the legislative process.” (p. 154)

## 8. The Charter in national legislation and policies

### EU Charter of Fundamental Rights and its use by Member States

“In Hungary, the Deputy State Secretary for Pre-legislative Coordination and Public Law Legislation of the Ministry of Justice has to monitor the bills under parliamentary debate and ensure that the bills are constitutional and compatible with fundamental rights standards.” (p. 170)

## Fundamental rights: challenges and achievements in 2013 - Annual Report 2013 (June 2014)

[http://fra.europa.eu/sites/default/files/fra-2014-annual-report-2013-2\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2014-annual-report-2013-2_en.pdf)

### The EU Charter of Fundamental Rights before national courts and non-judicial human rights bodies

“Some Member States’ courts have yet to make a single reference to the Charter in their requests for preliminary rulings by the CJEU since the Charter entered into force. Besides Croatia, which joined the EU only in July 2013, this applies to Cyprus, Denmark, Hungary and Slovenia.” (p. 23)

“The Commissioner for Fundamental Rights in Hungary has sought the Charter’s support when bringing cases to the constitutional court concerning data protection, right to an effective remedy and to a fair trial, freedom of information, the right to property and the right to social security.” (p. 31)

#### 1. Asylum, immigration and integration

##### 1.3. Member States slow to implement EU law safeguards: the example of effective return-monitoring systems

“Only 11 of the 19 EU Member States which FRA considers to have effective return-monitoring systems had monitors on board either systematically or occasionally: Austria, the Czech Republic, Denmark, Estonia, Hungary, Lithuania, Luxembourg, the Netherlands, Poland, Spain and the United Kingdom.” (p. 47)

#### 1.4. Some Member States require excessive or disproportionate fees for residence permits – an example of practical obstacles for migrant integration

“In **Hungary**, for instance, the fee for the main permit holder is €60 for a single permit and for highly qualified third- country nationals, and €33 for a long- term residence permit.” (p. 50)

“The fees under the Free Movement Directive are lowest in **Hungary** (€3–€32), Romania (€3) and Slovakia (€5) and highest in Finland (€114) and Latvia (€114–€359).” (p. 50)

## 2. Border control and visa policy

### 2.2. Number of arrivals in southern Europe rises

“In addition, in 2013 the number of irregular migrants increased substantially, including in **Hungary** (25,000 persons).” (p. 64)

## 3. Information society, respect for private life and data protection

### 3.1.2. EU Member States respond to mass surveillance

“Some EU Member States assessed reform of intelligence service legislation in the light of the Snowden revelations. In France and **Hungary**, for example, amendments regulating intelligence services’ access to personal data prompted criticisms from civil society organisations, politicians and specialist bodies such as the French National Digital Council and the **Hungarian** DPA, respectively. In November 2013, the **Hungarian** Constitutional Court validated the related law’s constitutionality. The court ruled that a counter- terrorism organisation was not violating the right to privacy by collecting covert intelligence on citizens based on ministerial permission rather than on a court warrant.” (p. 84)

## 4. The rights of the child and the protection of children

### 4.2.1. Domestic violence and sexual abuse

“December 2013 was the deadline for EU Member States to transpose the Directive on sexual abuse and exploitation and child pornography into national law. Thus, 2013 continued to witness criminal law reforms in the area of sexual abuse, domestic violence, child pornography and sex tourism in Member States such as Austria, Germany, **Hungary**, Italy, Latvia and the Netherlands.” (p. 107)

### Child poverty and education

“Cuts of more than 5 % [in education expenditure] were observed in Croatia, Cyprus, Greece, **Hungary**, Italy, Latvia, Lithuania, Portugal, Romania and the United Kingdom (Wales)...”

## 5. Equality and non- discrimination

### 5.4 Member States adopt measures to counter discrimination

“Finally, the European Commission closed the infringement procedure on the forced retirement of judges in **Hungary**, which had lowered their mandatory retirement age from 70 to 62. **Hungary** amended the relevant legal act.” (p. 135)

### 5.4.2 Countering discrimination on the ground of disability

“EU Member States continued to bring their legislation and policy frameworks in line with their legal obligations under the CRPD. New legislation was either adopted or presented in draft in Austria, Belgium, Estonia, **Hungary**, Italy, Latvia, the Netherlands, Portugal and the United Kingdom... Croatia, the Czech Republic, **Hungary** and Latvia adopted reforms to remove or reduce restrictions for



persons with psychosocial or intellectual disabilities who have been deprived of legal capacity” (p. 135)

## 6. Racism, xenophobia and related intolerance

### 6.2.1 Racism, xenophobia and related intolerance in politics

“The year 2013 was marked by steady support for political parties with largely xenophobic anti- foreigner, anti- migrant and anti- Muslim agendas in a number of EU Member States including Austria, Bulgaria, the Czech Republic, France, Greece, Hungary and the Netherlands.” (p. 152)

### 6.2.3 Racism and xenophobia persist in the European Union

“Roma, persons of African descent, migrants and asylum seekers continue to face racism and xenophobia in the European Union, as evidence from Austria, Bulgaria, Finland, Germany, Greece, Hungary, Ireland, the Netherlands, Slovakia and Sweden shows.” (p. 153)

“The arrival of asylum seekers and refugees in Bulgaria and Hungary in larger numbers than usual fuelled the expression of xenophobic sentiments and attitudes in these countries.” (p. 153)

## 7. Roma integration

### 7.1. European institutions renew political commitment to Roma inclusion and integration

“The Council of Europe and the European Commission’s DG Employment launched a new project in Bulgaria, Hungary, Italy, Romania and Slovakia to strengthen political will and build local authorities’ ability to draft and implement Roma inclusion plans and projects” (p. 170)

### 7.2.2. Engaging with civil society

“Hungary set up several consultative bodies, which involve representatives of Roma minority self- governments and representatives of civil society organisations.” (p. 171)

### 7.2.4. EU Structural Funds and national- level funding for Roma integration

“In Hungary, municipalities are required to prepare equal opportunity programmes as of 1 July 2013 to participate in tenders financed by either the national budget or EU funds.” (p. 173)

“Croatia, Hungary, Italy and Poland supported scholarship programmes for Roma students in primary, secondary and tertiary education.” (p. 173)

### 7.3. Member States target integration in four priority areas

[Education] “Despite Member States’ commitments to non- discrimination, the segregation of Roma children in education remains a widespread problem in Member States including the Czech Republic, Hungary, Romania and Slovakia. Small steps forward were made, but challenges remain... In nearly a quarter of its schools, Hungary has established an integrated pedagogical system designed to bridge the gap between educationally disadvantaged and non- disadvantaged children.” (p. 174)

[Employment] “Hungary also offered adult vocational education and training courses, providing special support for training courses connected to public work. At least 15 % of individuals benefiting from labour market programmes must be of Roma origin.” (p. 175)

[Housing] “Despite efforts to improve the Roma housing situation, negative developments also took place. In **Hungary**, a programme to reduce segregated neighbourhoods faced funding- related delays.” (p. 177)

[Healthcare] “Bulgaria provided HIV prevention workshops and **Hungary** delivered healthcare communication campaigns. **Hungary** also launched a professional educational programme in 2013, under which low- skilled persons in the most disadvantaged regions received an education on basic health- related issues. Following the training, they can pass on basic preventative information and advocate healthier lifestyles in their local communities.” (p. 179)

## 8. Access to justice and judicial cooperation

### 8.1 EU and other international actors take steps to strengthen the rule of law and justice systems

“In June 2013, the Council of Europe expert body, the Venice Commission, issued an opinion on Hungary on the compatibility of constitutional amendments with the principle of the rule of law. The Venice Commission examined the Fourth Amendment to the Fundamental Law of **Hungary**, adopted in March 2013 – an adoption preceded by a critical statement issued jointly by the President of the European Commission and the Secretary General of the Council of Europe, raising concerns about just that compatibility. The Venice Commission opinion raises new concerns with respect to the rule of law and independence of the judiciary. It pointed in particular to the dominant position of the President of the National Judicial Office compared with the National Judicial Council, to the court case transfer system and to the limitations imposed on the role of the Constitutional Court. The European Parliament and the UN High Commissioner for Human Rights, among others, subsequently reiterated these concerns and urged the **Hungarian** government to address all of the issues the Venice Commission had raised over the last few years. The **Hungarian** Parliament responded by adopting the Fifth Amendment to the Fundamental Law of **Hungary** on 16 September 2013 to address some of the controversial elements of the previous amendment. It repealed, for example, the rules on court case transfers.” (p. 192)

“Croatia, **Hungary**, Latvia, Lithuania, the Netherlands, Portugal and Slovakia, for example, introduced new legislative regimes or amended existing laws to tackle undue delays.” (p. 198)

## 9. Rights of crime victims

### 9.3. Member States move to strengthen rights of victims of domestic violence and violence against women

“Similarly, the **Hungarian** parliament adopted a definition (Article 212a of the **Hungarian** Criminal Code) specifically covering violence in relationships; it entered into force on 1 July 2013.” (p. 216)

“On a similar note, NGOs in **Hungary** voiced frustration that, despite legislative reforms, little progress has been achieved. They pointed out that victims often complain that police officers’ attitudes fail to live up to the police service’s brief, and that this discourages victims from seeking their help.” (p. 218)

### 9.4. EU focuses on enhancing rights of hate crime victims

“**Hungary** also amended its criminal code to include an increased penalty, ranging from two to eight years’ imprisonment, in cases of violence against a member of a community, national, ethnic or racial group, or against “other social groups”, particularly based on disability, gender identity or sexual orientation.” (p. 219)

## Thematic areas

### Access to justice

Freedom to conduct a business: exploring the dimensions of a fundamental right (August 2015)

[http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2015-freedom-conduct-business\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2015-freedom-conduct-business_en.pdf)

“Figure 7: Timeline showing the introduction of the freedom to conduct a business in the constitutional law of EU Member States” [Figure shows that Hungary introduced such a law in 2011.] (p. 26)

“Free competition is emphasised as a guiding economic principle in the constitutions of Hungary, Portugal and Slovakia for instance. Freedom of contract is then usually dealt with within the framework of national commercial or civil law, not constitutional law, with the notable exception of Cyprus.” (p. 28)

“Furthermore, as pointed out earlier, some essential elements of the freedom to conduct a business, notably the freedom of contract, are also usually stipulated in civil and commercial law rather than directly in constitutional law. Examples include the civil codes of Hungary and Malta.” (p. 29)

Severe labour exploitation: workers moving within or into the European Union (June 2015)

[http://fra.europa.eu/sites/default/files/fra-2015-severe-labour-exploitation\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2015-severe-labour-exploitation_en.pdf)

“The range of individuals protected by criminal law provisions against severe exploitation in employment relationships varies considerably among Member States: [...] Hungarian law protects all third-country nationals without a work permit.” (p. 38)

“In 13 of the 21 EU Member States that were included in the fieldwork phase of the project – Austria, Croatia, Cyprus, France, Germany, Greece, Hungary, Italy, Lithuania, Malta, Poland, Portugal and Spain – it [the exploitation of workers from other countries in particularly exploitative employment relationships] was perceived by experts as the most frequently occurring form of severe labour exploitation.” (p. 39)

“When asked whether corruption is an important risk factor, respondents in most Member States said that corruption within the police or in other areas of administration does not play a significant role. For example, in Finland, France and Hungary, corruption is not perceived as a factor contributing to exploitation at all.” (p. 44)

“Familiarity with and knowledge of the legal standards applying to employment and recruitment agencies differed among the professional groups. In some countries, including Finland, Hungary, Lithuania and Slovakia, many were not aware of the regulatory system in place, or they did not know which authority was in charge of monitoring recruitment agencies.” (p. 50)

“Respondents in Hungary referred to women from Romania taking care of older people as a very frequently exploited group.” (p. 53)

“Many of the interviewed experts – including from Austria, Finland, France, Hungary, the Netherlands, Portugal, Slovakia and Spain – emphasised the significance of poverty as a strong factor contributing to the risk of exploitation.” (p. 75)

“Experts in Germany and Hungary stressed that specific efforts must be made to reach out to male victims of severe labour exploitation. For some men, accepting the status of a crime victim conflicts with their gender role, which dictates that men should be ‘strong’ and ‘in control’ of their situation, rather than in need of support. This can add to the tendency of victims of labour exploitation to view themselves as economically successful despite the violations of their rights which they encounter.” (p. 78)

“Desk and field research carried out by FRA indicates that less than half of EU Member States have implemented Article 13 (4) of the Employer Sanctions Directive at the level of legislation; those that have done so include Germany, Greece, Hungary, Italy, Luxembourg, Slovakia, Slovenia, Spain and Sweden.” (p. 79)

“In two thirds of the EU Member States in which fieldwork was carried out (Austria, Belgium, Croatia, Cyprus, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Malta, Poland, Slovakia and Spain), experts view victim support services as lacking or ineffective in practice, with very few services dedicated to victims of labour exploitation specifically, and many services outright excluding them unless trafficking or violence is involved (as mentioned by five Austrian interviewees, for example).” (p. 80)

“[...] experts from Hungary reported that support services might exclude third-country nationals.” (p. 81)

“In a significant number of EU Member States – including Austria, Belgium, Bulgaria, Finland, France, Germany, Greece, Hungary and Poland – evidence supports the view that, for victims of labour exploitation, the conditions for accessing rights and justice are, at best, precarious.” (p. 84)

“Desk research conducted in all 28 Member States revealed that in at least half of the Member States – Austria, Belgium, Cyprus, Finland, France, Germany, Hungary, Lithuania, Luxembourg, Poland, Portugal, Slovakia, Spain and Sweden – trade unions are entitled to lodge complaints on behalf of victims.” (p. 85)

“Respondents in Slovakia and Hungary stressed that limited efforts and a lack on the part of awareness of law enforcement leads to low numbers of identified victims and referrals to victim support services.” (p. 88)

[Victims of crime in the EU: the extent and nature of support for victims \(January 2015\)  
http://fra.europa.eu/sites/default/files/fra-2015-victims-crime-eu-support\\_en\\_0.pdf](http://fra.europa.eu/sites/default/files/fra-2015-victims-crime-eu-support_en_0.pdf)

“Figure 1: Year of origin of generic victim support services” [Figure indicates that Hungary adopted such services in 1989.] (p. 21)

“Figure 2: Year of first national legislation referring to the rights and/or support and protection of victims of crime in EU Member States” [Figure indicates that Hungary adopted such legislation in the 2000s.] (p. 23)

“In some EU Member States, such as Belgium, Hungary, Poland and Sweden, private prosecution is available. It is mostly for minor offences and might be subject to further conditions, such as the prior refusal of the prosecution to act.” (p. 29)

“To comply with its obligations under the Framework Decision after becoming an EU Member State, Hungary adopted a Victim Support Act in 2005. The act and implementing practice therefore generally fulfil the requirements of the Framework Decision. However, legislation covering criminal procedure which determines the position of the victim still uses a narrow concept of ‘aggrieved

party' which focuses only on the most direct victims of crime. Hungary will therefore need to make further changes to comply with the Victims' Directive's new requirements, such as ensuring that family members of the victim are also included in the definition." (p. 34)

"In 12 EU Member States legal aid is provided exclusively by public authorities. In the remaining cases, the responsibility is shared. Some, for example, distinguish between legal advice provided by victim support services and legal representation that can only be provided by state-sanctioned legal practitioners. Croatia, Hungary and Spain (see Table 4), for example, use a decentralised approach, where municipalities, NGOs or educational institutions provide legal aid." (p.45)

"Hungary and the Netherlands do not offer courses dedicated specifically to victim support but, if requested, victim support officers hold training sessions for police officers." (p. 52)

"In Hungary, the state is also essentially the sole general service provider. The metropolitan and county offices of the Victim Support Service provide information on a victim's rights and obligations in criminal proceedings, on available services and assistance, on the location of state and non-state service providers and on how to avoid re-victimisation." (p. 59)

"FRA research indicates that in 10 Member States, at least the largest organisation providing either generic or specialised victim support may be reimbursed by the state for the provision of support. In the remaining 18, organisations do not receive any specific reimbursement. However, the main service provider in 14 of these Member States is both state-run and state-funded, or an NGO which relies heavily on state funding. The largest organisations in these countries therefore receive more general operational funding from the state, which can include payment for support services offered to victims free of charge. This is the case for example in Hungary, Ireland, Romania and the United Kingdom." (p.61)

"Victim support services typically relate to the portfolio of more than one ministry in EU Member States. FRA research shows that only five Member States make one sole ministry responsible (the ministries of justice in Ireland, Luxembourg, the Netherlands and Sweden, and in Malta the ministry for home affairs). In an additional three Member States one ministry has a formal coordinating role (Croatia, Estonia and Hungary)." (p.63).

"Governments are required to respect the independence and diversity of NGOs working in victim support and to avoid discriminating against organisations on whatever ground. In this respect, FRA has noted with concern that the Hungarian government has publicly branded some of the well-known support services as "left leaning". Caution, sensitivity and tact should characterise relations between the government and NGOs to avoid the impression that government officials do not respect NGOs as equals or that these are not dealt with on a level playing field." (p.66).

"In Hungary, the Justice Service's Central Office exercises professional control over support services, while regional government offices handle the administration." (p.66).

"In Hungary, volunteerism in the field of victim support is a relatively new phenomenon. In the framework of the ACT programme (TEtt Program az Áldozatokért és a Tettesekért),<sup>137</sup> implemented within the national development plan with the support of the European Social Fund, one key initiative was the organisation of volunteer networks to assist victims of crime. The ACT programme has recruited 200 volunteers since February 2011, including two in each sub-region situated in the nine counties ACT covers. Based on the Hungarian National Social Inclusion Strategy for 2012 to 2014, additional Roma volunteers were recruited into the network.<sup>138</sup> Victim support officers participate as mentors to volunteers and provide training." (p.67).

“As Table 8 shows, victim support services rely on the work of volunteers in Member States such as Austria, Croatia, the Czech Republic, Denmark, Finland, Victim support services in EU Member States Germany, Hungary, the Netherlands, Portugal, Sweden and the United Kingdom, where volunteer workers far outnumber staff. In 11 of the 12 Member States for which data are available, the ratio of staff to volunteers ranges from between three or four to one (Czech Republic, Hungary, Netherlands, United Kingdom (England and Wales)) to 200 to one (Denmark and Sweden).” (pp. 68-69).

“Some of the support services offering information in other languages do so in many different languages. Even though most provide information in less than a handful of languages, some victim support organisations offer information in 10 (Cyprus, Hungary), 20 (Denmark, Finland and Sweden) and even 50 (Austria) languages, as well as (upon request) potentially up to 200 in the United Kingdom.” (p. 95).

## Asylum, migration and borders

Please also see references to ‘Severe labour exploitation: workers moving within or into the European Union’ (June 2015) above.

Fundamental rights at land borders: findings from selected European Union border crossing points (November 2014)

[http://fra.europa.eu/sites/default/files/fra-2014-third-country-nationals-land-border-checks\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2014-third-country-nationals-land-border-checks_en.pdf)

“Röszke is one of nine BCPs at the Hungarian–Serbian land and river border and handles approximately 65 % of all traffic at this border. Located on a major road connecting the two countries’ capitals, it operates as an international corridor. It also handles significant local traffic, as both border regions host minorities, including the Serbian minority in Hungary and the Hungarian minority in Serbia.” (p. 14)

“The border guard survey revealed that the majority of border guards did not receive any training on how to treat persons with disabilities. The Frontex Common core curriculum for border guards, which spells out EU-wide standards for the training of front-line border guards, does not cover this topic. Not a single officer interviewed at Ceuta or Röszke indicated having received such training...” (p. 24)

“Access to toilets may depend on the stage of the border check, with access more difficult at the firstline check. At Röszke, for example, persons awaiting or undergoing first-line checks do not have access to the sanitary facilities at the BCP administrative building. There is a pay toilet immediately after the BCP upon entering Hungary. Occasionally, a bus driver may ask permission for a passenger to leave the bus and use the BCP toilets.” (p. 25)

“When families undergo a second-line check, as observed at Röszke and Medyka, all information is communicated to the parents only. If the second-line check concerns the child’s documentation, it may not be necessary for the child to be present during the check.” (p. 36)

“Officers generally rely on checking available databases, such as Interpol, the SIS II and, where available, the Visa Information System (VIS), as well as national databases, to see if a child is missing or abducted. Shift leaders at Röszke also said that they may contact the police in the child’s country of origin to enquire if the child has been reported missing.” (p. 37-38)

“More frequently, undocumented unaccompanied children are apprehended after having crossed the stretch of border between BCPs, the green border. Depending on national procedures, such children may be brought for further processing to the BCP, as is the case, for example, at Röszke, or referred to other domestic facilities.” (p. 38)

“Providing basic information on asylum there could be a simple and effective way to reach those who are not immediately admitted and on whom further checks are being carried out. During the field research, such information was provided only at Rösztke, where the Hungarian Helsinki Committee has developed and disseminated a leaflet called ‘Asylum in Hungary’ in nine languages (Albanian, Arabic, English, French, Hungarian, Pashto, Persian, Russian and Somali), containing all relevant information on the national asylum procedure. The leaflets are available on the information board in the waiting room for second-line checks, together with the phone numbers of persons and organisations who can be contacted for support.” (p. 42)

“At Rösztke, there is only one cell and it can hold up to four or five detainees at a time. It has no beds, only chairs. The CPT criticised this as early as 2005. The Hungarian government responded that no beds are necessary, as detainees wait in the cell only until the staff who are to transfer them to a different facility arrive. The establishment is thus not used as a proper detention facility. This contrasts, however, with the fact that detention at the BCP can last for up to 24 hours.” (p. 56)

### Addressing forced marriage in the EU: legal provisions and promising practices (October 2014)

[http://fra.europa.eu/sites/default/files/fra-2014-forced-marriage-eu\\_en.pdf.pdf](http://fra.europa.eu/sites/default/files/fra-2014-forced-marriage-eu_en.pdf.pdf)

“On average, around 16 % of Roma men and women aged 16–17 are legally or traditionally married or cohabiting, according to the research, which was conducted in the 11 Member States where most Roma live: Bulgaria, the Czech Republic, France, Greece, Italy, Hungary, Poland, Portugal, Romania, Slovakia and Spain.” (p. 13)

### Criminalisation of migrants in an irregular situation and of persons engaging with them (March 2014)

[http://fra.europa.eu/sites/default/files/fra-2014-criminalisation-of-migrants-0\\_en\\_0.pdf](http://fra.europa.eu/sites/default/files/fra-2014-criminalisation-of-migrants-0_en_0.pdf)

“Eight Member States punish it [the facilitation of irregular entry] with a fine only, although in aggravated circumstances the punishment may still be imprisonment.” [This includes Hungary.] (p. 4)

“In 14 Member States, facilitation of stay is punishable only if done for profit.” [This includes Hungary.] (p. 11)

### Fundamental rights at Europe’s southern sea borders (March 2013)

[http://fra.europa.eu/sites/default/files/fundamental-rights-europes-southern-sea-borders-jul-13\\_en.pdf](http://fra.europa.eu/sites/default/files/fundamental-rights-europes-southern-sea-borders-jul-13_en.pdf)

“Given the policy efforts to create synergies among different maritime surveillance actors, all possible safeguards should be put in place to make it impossible or very difficult to accidentally store personal data. This is particularly important as at least nine Eurosur national coordination centres process personal data for border surveillance purposes.” (p. 62)

## Gender

See also ‘Addressing forced marriage in the EU: legal provisions and promising practices’ (October 2014) above.

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<sup>1</sup> European Commission (2011a), pp. 31–32. In addition, one country, Hungary, has future plans to process personal data for border surveillance purposes.



Violence against women: an EU-wide survey. Main results report (March 2014)

[http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results-apr14\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results-apr14_en.pdf)

Table 1: Women who have experienced physical and/or sexual violence by a current or previous partner, or by any other person since the age of 15, by EU Member State (%)<sup>a,b,c</sup>

EU Member State	Any partner (current and/or previous) <sup>b</sup>	Non-partner <sup>c</sup>	Any partner and/or non-partner <sup>c</sup>
AT	13	12	20
BE	24	25	36
BG	23	14	28
CY	15	12	22
CZ	21	21	32
DE	22	24	35
DK	32	40	52
EE	20	22	33
EL	19	10	25
ES	13	16	22
FI	30	33	47
FR	26	33	44
HR	13	13	21
HU	21	14	28
IE	15	19	26
IT	19	17	27
LT	24	16	31
LU	22	25	38
LV	32	17	39
MT	15	15	22
NL	25	35	45
PL	13	11	19
PT	19	10	24
RO	24	14	30
SE	28	34	46
SI	13	15	22
SK	23	22	34
UK	29	30	44
<b>EU-28</b>	<b>22</b>	<b>22</b>	<b>33</b>

Notes: a The results in the first two columns of the Table do not sum up to the results in the third column due to the different computational base of the results (results on partner violence are based on respondents who have or have had a partner, as opposed to all women) and the fact that some respondents have experienced violence by both their partners and non-partners.

b Out of all women who were either married, living together with someone without being married, or involved in a relationship (without living together) at the time of the interview, or at any time in the past (n = 40,192).

c Out of all respondents (N = 42,002).

Source: FRA gender-based violence against women survey data set, 2012

Violence against women: an EU-wide survey – Results at a Glance (2014), p. 19

“The rates range from 6 % of women who have a current or previous partner experiencing physical and/or sexual partner (current or previous) violence in the past 12 months in Belgium, Bulgaria, Greece, Hungary, Italy, Romania and Slovakia, to some 2 % of women with a current or previous partner experiencing such violence in Estonia, Poland, Slovenia and Spain.” (p. 34)

“Recognising that intimate partner violence is often repetitive in nature, legislation in several EU Member States – including Austria, the Czech Republic, France, Hungary, Italy, Poland, Portugal,

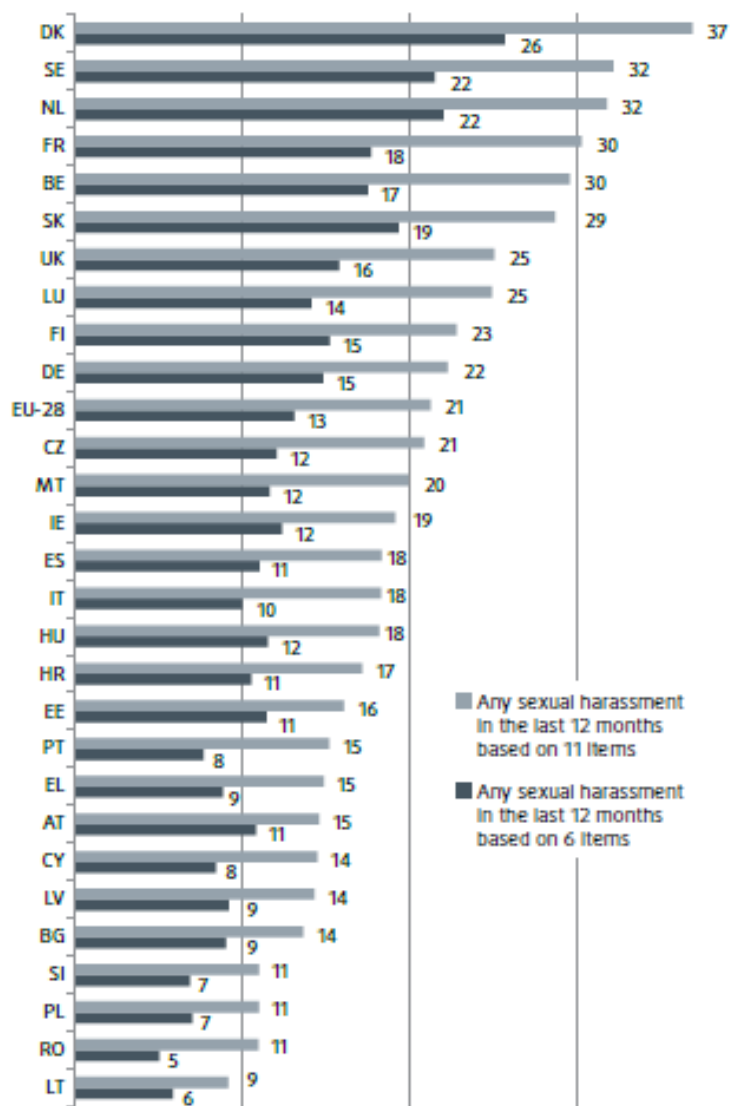


Slovakia, Slovenia and Sweden – reflects this by providing criminal law definitions that allow criminal proceedings to address the wider pattern of relational violence.” (p. 53)

“On the other hand, according to victims in Greece, the police either were notified or otherwise became aware of the most serious case of stalking in 8 % of cases, followed by 10 % in Estonia and 15 % in both Cyprus and Hungary.” (p. 91)

“In France, the Netherlands and the United Kingdom, 20 % of women indicate that they experienced some form of sexual violence at least once before the age of 15. This contrasts with the situation in Bulgaria, the Czech Republic, Hungary, Portugal and Romania, where less than 4 % of all women say that they faced sexual violence in childhood.” (p. 126)

Figure 4: Prevalence of sexual harassment in the 12 months before the survey, based on full and short sets of items measuring sexual harassment, by EU Member State (%)<sup>a,b,c</sup>



Notes: a Out of all respondents (N = 42,002).

b Full set includes all 11 items used in the questionnaire to measure sexual harassment (see Box 4).

c The short set includes the following six items: “Unwelcome touching, hugging or kissing”, “Sexually suggestive comments or jokes that made you feel offended”, “Somebody indecently exposing themselves to you”, “Sexually explicit emails or SMS messages that offended you”, “Sending or showing sexually explicit pictures, photos or gifts that made you feel offended”, “Someone making you watch or look at pornographic material against your wishes”.

Source: FRA gender-based violence against women survey data set, 2012

Violence against women: an EU-wide survey – Results at a Glance (2014), p. 29

## Hate crime

Discrimination and hate crime against Jews in EU Member States: experiences and perceptions of antisemitism (November 2013)

[http://fra.europa.eu/sites/default/files/fra-2013-discrimination-hate-crime-against-jews-eu-member-states-0\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2013-discrimination-hate-crime-against-jews-eu-member-states-0_en.pdf)

“Respondents were most likely to consider antisemitism to be either ‘a very big’ or ‘a fairly big problem’ in **Hungary**, France and Belgium (90 %, 85 % and 77 %, respectively). In **Hungary** and France, about half of the respondents feel that antisemitism amounts to ‘a very big problem’ in the country today (49 % and 52 %, respectively) (Figure 1).” (p. 15)

“More than 80 % of the respondents living in Belgium, France, **Hungary** and Italy are concerned by the level of antisemitism on the internet which they say has increased either a lot or a little.” (p. 20)

“The majority of respondents in five of the eight countries have not considered emigrating, but in **Hungary**, France and Belgium between 40 % and 48 % of the respondents indicated that they have considered emigrating in the past five years because they did not feel safe there as Jews.” (p. 37)

## Information society, privacy and data protection

Access to data protection remedies in EU Member States (January 2014)

[http://fra.europa.eu/sites/default/files/fra-2014-access-data-protection-remedies\\_en\\_0.pdf](http://fra.europa.eu/sites/default/files/fra-2014-access-data-protection-remedies_en_0.pdf)

“In Greece and Portugal, fines [imposed by courts for violations of data protection legislation] can be up to €30,000, in **Hungary** the amount can reach €40,000, and in Ireland individuals can be fined up to €50,000, rising to €250,000 for corporate bodies.” (p. 22)

“High procedural costs in civil legal proceedings, including court fees, were also a problem for respondents in many EU Member States researched (e.g. Austria, France, Germany, Greece, **Hungary**, Italy, the Netherlands, Poland, Portugal, Spain and the United Kingdom).” (p. 40)

“In **Hungary**, several data Access to data protection remedies in EU Member States protection training programmes are offered and organised by universities (mainly courses on data protection or related topics) or private firms (mainly one-day training). Since 2012, the **Hungarian** DPA has organised a series of conferences of internal data protection officers. Furthermore, in 2012, the Judge Academy and the **Hungarian** DPA signed an agreement to build data protection and freedom of information into the curriculum of the training.” (p. 43-44)

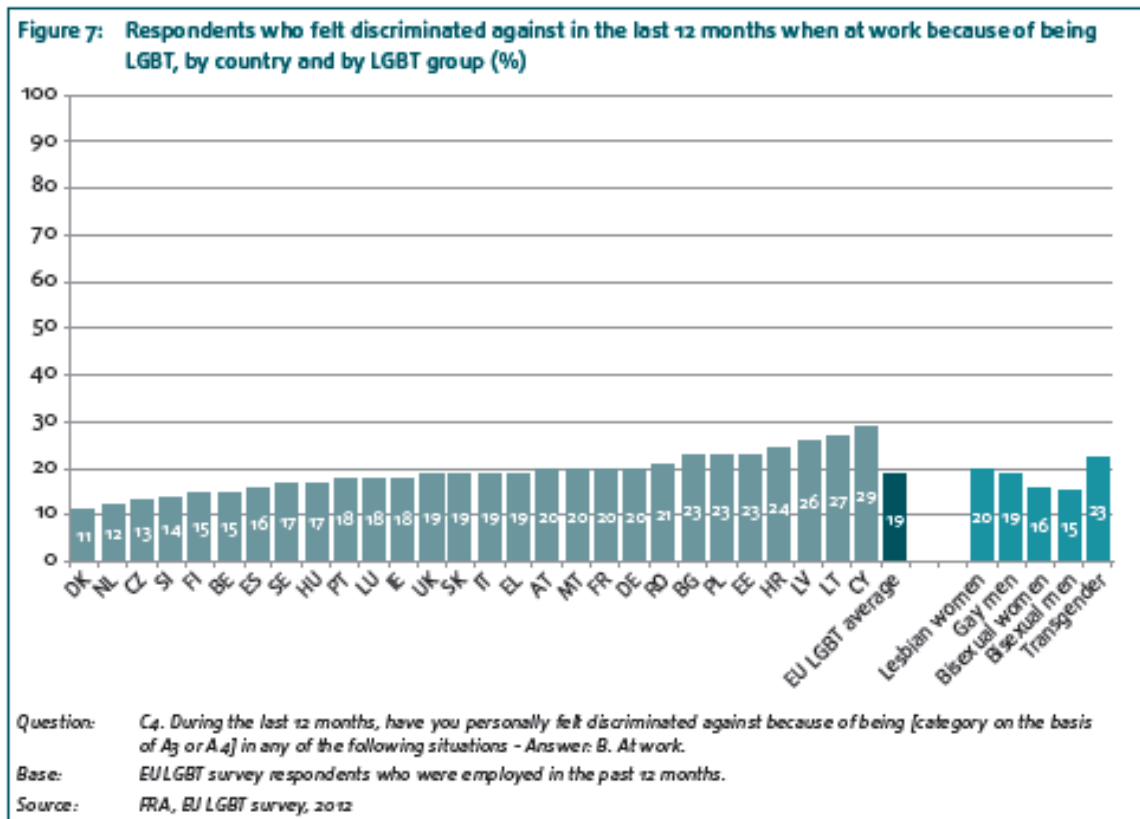
## LBGT

Being Trans in the EU - Comparative analysis of the EU LGBT survey data (December 2014)

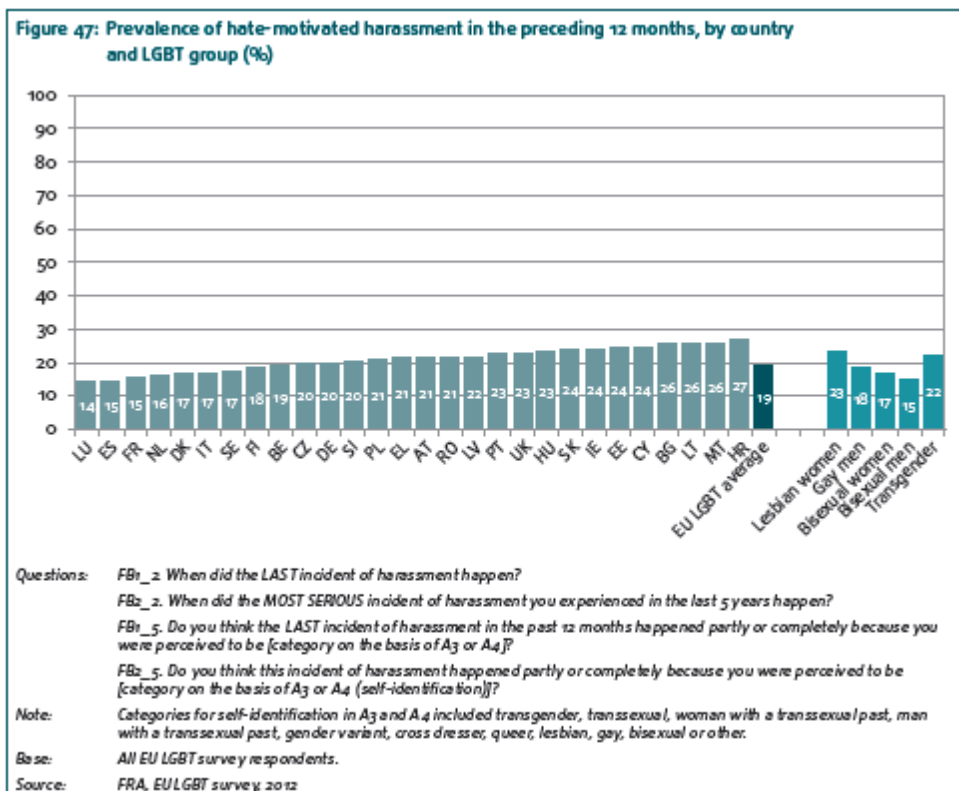
[http://fra.europa.eu/sites/default/files/fra-2014-being-trans-eu-comparative-0\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2014-being-trans-eu-comparative-0_en.pdf)

“The percentage of those respondents who were employed in the 12 months preceding the survey and who felt personally discriminated against at work during this period because of being trans ranges from 35 % in France to 20 % in Finland, Ireland, **Hungary** and Poland.” (p. 28)

“Some EU Member States have a higher than average percentage of trans respondents in the lowest income quartile, such as Austria, Belgium, Denmark, Finland, Germany, Greece, **Hungary**, the Netherlands, Spain and Sweden.” (p. 122)



EU LGBT survey – European Union lesbian, gay, bisexual and transgender survey – Main results, p. 30



EU LGBT survey – European Union lesbian, gay, bisexual and transgender survey – Main results, p. 71

## Persons with disabilities

Implementing the UN CRPD: An overview of legal reforms in EU Member States (May 2015)

[http://fra.europa.eu/sites/default/files/fra-2015-focus-05-2015-crpd\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2015-focus-05-2015-crpd_en.pdf)

“Croatia, Bulgaria, Hungary, Portugal and Romania are in the process of preparing follow up action plans following the expiration of previous strategies.” (p. 6)

Hungary adopted legislation according to which audiovisual media providers shall gradually make their programmes accessible to people with hearing impairments.” (p. 9)

“In 2012, Hungary changed its legislation from a system where all people under guardianship were prohibited from voting to one in which judges can deprive people of the right to vote “owing to their mental state”. However, in its subsequent concluding observations on Hungary, the CRPD Committee recommended that this legislation be reviewed to ensure that all people with disabilities, regardless of their legal capacity status, have the right to vote.” (p. 13)

Equal protection for all victims of hate crime - The case of people with disabilities (March 2015)

[http://fra.europa.eu/sites/default/files/fra-2015-focus-03-hate-crime-disability\\_en\\_0.pdf](http://fra.europa.eu/sites/default/files/fra-2015-focus-03-hate-crime-disability_en_0.pdf)

“As of October 2014, a number of EU Member States explicitly recognise a disability bias motivation in their criminal law, including Austria, Belgium, Croatia, Finland, France, Hungary, Lithuania, Netherlands, Romania, Slovenia, Spain, and the United Kingdom.” (p. 5)

The right to political participation for persons with disabilities: human rights indicators (May 2014)

[http://fra.europa.eu/sites/default/files/fra-2014-right-political-participation-persons-disabilities\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2014-right-political-participation-persons-disabilities_en.pdf)

“In Cyprus, the Czech Republic, Hungary and Ireland, political participation is not explicitly covered by the national action plan or strategy on disability, but it is indirectly addressed.” (p. 39)

“Hungary, Latvia, Lithuania, Slovakia and Slovenia also provide for polling stations at long-term institutions but require an individual application or notification to use such a polling station in advance, which could act as a barrier to exercising the right to vote.” (p. 44)

“In 15 EU Member States, Croatia, Cyprus, the Czech Republic, Denmark, Finland, Germany, Hungary, Ireland, Poland, Portugal, Slovakia, Slovenia, Sweden and the United Kingdom, assistance in voting is available to persons with physical, visual and intellectual disabilities, subject to the authorisation of the election authorities.” (p. 50)

“In Germany, Hungary, Italy, Poland and Slovakia the duty to consult with DPOs is provided through general provisions that require concerned parties and/or the public to be consulted in law and policy-making processes.” (p. 57)

Legal capacity of persons with intellectual disabilities and persons with mental health problems (July 2013)

<http://fra.europa.eu/sites/default/files/legal-capacity-intellectual-disabilities-mental-health-problems.pdf>

“In two Member States, Bulgaria and Hungary, only a court is entitled to limit or restore an adult’s legal capacity, while most other responsibilities, including appointing a guardian, rest with a guardianship authority.” (p. 33)

“The legislative frameworks of Greece, Hungary, Italy, Lithuania and the Netherlands explicitly mention the need to consult with the person concerned.” (p. 36)

“FRA research shows that the person under guardianship can appeal the decision affecting his or her legal capacity in many EU Member States, for example Austria, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Luxembourg, Poland, Spain, Sweden and the United Kingdom.” (p. 39)

## Racism and related intolerances

Racism, discrimination, intolerance and extremism: learning from experiences in Greece and Hungary (December 2013)

[http://fra.europa.eu/sites/default/files/fra-2013-thematic-situation-report-3\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra-2013-thematic-situation-report-3_en_1.pdf)

“During the meetings FRA held with government and public officials, statutory human rights bodies and civil society organisations in Hungary, it became apparent that while the legal apparatus offers a good level of formal protection in principle against racism, xenophobia and related intolerance,

there is evidence to suggest that this apparatus and the policies that derive from it are nevertheless not implemented effectively.” (p. 25)

“The prejudiced attitudes identified in Hungary are felt at the level of society at large and often translate into an uneasy cohabitation between the Hungarian population as a whole and Roma, the largest ethnic minority group in Hungary, in particular.” (p. 27)

“Hungary has also adopted legal measures that criminalise Holocaust denial, violence against a member of a community, incitement against a community, publicly denying the crimes of National Socialist and Communist regimes, and the use of symbols of totalitarian regimes. The year 2014 has also been designated Hungarian Holocaust Memorial Year, commemorating the events that took place in Hungary 70 years ago.” (p. 32)

See also ‘Discrimination and hate crime against Jews in EU Member States: experiences and perceptions of antisemitism’ (November 2013) above.

[Antisemitism: Summary overview of the situation in the European Union 2001–2012 \(November 2013\)](#)

[http://fra.europa.eu/sites/default/files/fra-2013\\_antisemitism-update-2002-2012\\_web\\_0.pdf](http://fra.europa.eu/sites/default/files/fra-2013_antisemitism-update-2002-2012_web_0.pdf)

“Table 20: Number of recorded antisemitic incidents, Hungary, 2009–2012” [Table shows that there were 12 incidents in Hungary in 2012.] (p. 35)

[Tackling racism and discrimination in sport - Guide of Promising Practices, Initiatives and Activities \(May 2013\)](#)

[http://fra.europa.eu/sites/default/files/guide-tackling-racism-in-sport\\_en.pdf](http://fra.europa.eu/sites/default/files/guide-tackling-racism-in-sport_en.pdf)

“The second and third highest rates for burglary, although considerably lower than the rate for Roma in Greece, are experienced by Roma in the Czech Republic (11 %) and Roma in Hungary (9 %).” (p. 9)

## **Roma**

[Discrimination against and living conditions of Roma women in 11 EU Member States \(October 2014\)](#)

[http://fra.europa.eu/sites/default/files/fra-2014-roma-survey-gender\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2014-roma-survey-gender_en.pdf)

“In the central European countries (the Czech Republic, Hungary and Slovakia), Roma women tend to have an equal or even higher labour market participation rate than Roma men, in terms of paid work.” (p. 18)

“Among the Member States surveyed, the Czech Republic, Hungary and Slovakia show the highest proportions of labour market participation of Roma women.” (p. 20)

“The largest gaps in housing conditions between Roma and non-Roma can be found in France (70 %), Slovakia (43 %), Italy (35 %), Bulgaria and Greece (both 34 %), Romania (32 %) and Hungary (27 %).” (p. 31)

“The highest rates of awareness are in Poland and Hungary, where about half of the Roma women surveyed are aware of the existence of anti-discrimination laws. In Hungary, the difference in the levels of awareness of Roma women and men is relatively small (6 percentage points).” (p. 38)

### Education: the situation of Roma in 11 EU Member States (October 2014)

[http://fra.europa.eu/sites/default/files/fra-2014\\_roma-survey\\_education\\_tk0113748enc.pdf](http://fra.europa.eu/sites/default/files/fra-2014_roma-survey_education_tk0113748enc.pdf)

“Only 0 %–4 % of Roma in the 16–24-year-old age group have not attended school in Hungary, Slovakia, the Czech Republic, Poland, Spain, Bulgaria, and Italy.” (p. 12)

“Hungary has the highest rates of Roma children with preschool experience (92 %). In Hungary, the last year of kindergarten is compulsory for all children and socially disadvantaged children are given priority in enrolment, while recently kindergarten attendance became compulsory for socially disadvantaged children from the age of three.” (p. 16)

“Portugal (83 %) and Hungary (51 %) recorded the highest share of Roma who dropped out while still in compulsory school.” (p. 24)

### Poverty and employment: the situation of Roma in 11 EU Member States (October 2014)

[http://fra.europa.eu/sites/default/files/fra-2014-roma-survey-employment\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2014-roma-survey-employment_en.pdf)

“Hungary, the Czech Republic and Slovakia have the lowest NEET rates for young Roma at 37 %, 40 % and 43 %, respectively. In these countries a reverse gender gap can be observed with women more likely than men to be in the labour market or education.” (p. 21)

“More than half of the job-seeking Roma respondents said that they had face discrimination due to their ethnic origin in: Greece (67 %), Italy (66 %), Poland (63 %), France (61 %), Portugal (56 %) and Hungary (50 %).” (p. 28)

“Hungary, the Czech Republic and Slovakia had the fewest people, both Roma and non-Roma, who expected not to receive a pension.” (p. 30)