The prospects of school desegregation in Hungary

Public policy report

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Executive summary

The report shows that the segregation of Roma children in schools is not an isolated phenomenon, but a systemic process built into the structure of Hungarian public education. From early separation in kindergarten to the distorted functioning of free school choice, from the selective effect of church schools to local residential and institutional mechanisms, there are factors that reinforce each other and reproduce ethnic-based segregation. The legal environment does not adequately address this issue either: current public education regulations do not define either segregation or desegregation, and measures to promote equal opportunities are based on distorted data, thus leaving many forms of segregation invisible and unaccountable.

Based on domestic examples, there are two main models of desegregation. **"Opening up"** is based on developing segregated institutions and making them more attractive, but in our experience, it can only be effective if the institution temporarily "resets" its previous status, for example by imposing an admission moratorium. **"Closure"**, i.e. the closing of segregated institutions and the transfer of pupils to heterogeneous communities, has proven to be more sustainable in Hódmezővásárhely and Kalocsa. In all cases, the key to success is the commitment of local decision-makers and the support of civil society and parents; it is not enough to eliminate segregation through administrative measures alone. Interventions enforced exclusively through the courts have typically failed to bring about sustainable change.

The main conclusion of the report is that segregation **cannot be eliminated without changing the current school enrolment and school maintenance system.** Free school choice, pluralism in school maintenance and differences in place of residence all contribute to maintaining selection. To address this, we recommend the development of **a new school centre model** that coordinates the capacity, student composition and quality of kindergartens and schools at the level of a new type of school maintenance. Larger school centres with multiple parallel classes are able to provide inclusive pedagogy, specialist care, developmental services and social heterogeneity. This requires a national school bus network, an in-service teacher training system and adequate funding guarantees.

Part of the reform involves **the transformation or closure of poorly performing, persistently segregated small schools**, while high-quality, inclusive small schools are protected. Local community functions that strengthen the retention power of settlements should be created in place of the institutions that are being closed.

We recommend introducing **controlled school choice** into the school enrolment system: parents can continue to rank institutions, but admissions must comply with predetermined ratios to prevent the emergence of new segregated schools. In the case of church schools, full secular access should be made mandatory as a condition of state funding, because religious obligations currently result in further selection.

A **reliable, nationally uniform data system** is a basic prerequisite for change. To monitor the presence of Roma students, we recommend a combination of Regular Child Protection Benefits (Rendszeres Gyermekvédelmi Kedvezmény - RGYVK) data, standardised headteacher estimates and external expert control, from which a new "Segregation Risk Indicator" can be developed. The data must be reflected in policy decisions before and after any measures are taken.

Based on the desegregation models presented in our report, desegregation is not a one-off intervention, but **a coherent, systemic education policy strategy** that combines quality improvement, ensuring the proportional distribution of pupils and the involvement of local communities. Only within such a framework can integrated education become a natural and sustainable form of organisation in Hungarian public education.

Introduction

The segregation of Roma children in schools is one of the most profound and serious problems in the Hungarian education system. Although segregation is formally prohibited by law, in practice, ethnic-based selection and the reproduction of social differences remain an integral part of the system. Inequalities based on places of residence, the unrestricted application of free school choice and the selection effects of church schools have together created a structure in which a disproportionately large number of Roma pupils end up in low-prestige, resource-poor institutions. This not only means fewer educational opportunities, but also a dramatic reduction in the possibilities for social mobility.

Segregation is not the result of a series of individual decisions, but rather the result of institutional and structural logics. The "colour-blind" pedagogical approach, the myth of neutrality, and a school culture aligned with middle-class norms all contribute to Roma pupils remaining at a disadvantage in terms of their performance and school experience. The system appears to operate on the principle of individual merit and effort, but in reality it reproduces social differences and legitimises the lower educational trajectories of Roma students.

One of the main obstacles to combating segregation is invisibility: the lack of accurate data, legal restrictions on the collection of ethnic data and a lack of political will all contribute to the problem not being properly addressed. **Current regulations attempt to address inequalities through social categories, while failing to name the fact of ethnic segregation.** This "workaround" is in fact an obstacle to effective action, as the phenomenon cannot be fully understood without the ethnic dimension of segregation.

Desegregation is therefore not merely a technical issue, but also a political and moral decision. The essence is not that Roma children should "blend in" to mainstream schools, but that all children should have equal access to quality education and be able to learn in a safe and accepting environment. This requires not only legal guarantees, but also a change in attitude: schools, teachers and local communities must recognise that **segregation deprives**

not only Roma children, but society as a whole, **of the values that arise from diversity and cooperation.**

Desegregation is therefore not merely an educational policy goal, but a fundamental prerequisite for achieving social justice. Successful examples, such as city-level integration models and inclusive nursery programmes, show that well-thought-out, locally coordinated interventions can reduce segregation and strengthen community cohesion in the longer term. The integrated education of Roma pupils is not a loss but a shared gain: an investment in the future of society, in strengthening trust and equal opportunities.

The systemic causes of segregation rooted in racism in Hungarian education

The most serious problem in Hungarian education is undoubtedly the persistent selectivity of the system, including the segregated education of a significant proportion of Roma pupils − who are estimated to account for 12-13% of school-age children today - and their limited access to quality education. This situation not only reduces individual mobility opportunities and worsens labour market positions but also contributes to the reproduction of poverty among Roma families. A historical overview shows that, although attempts to equalise opportunities have been made from time to time, the mechanisms of selection and segregation have remained constant. **The educational failures of Roma children cannot therefore be interpreted merely as an "individual deficit", but as the consequence of institutional racism**: **a set of rules, decisions and routines that appear formally neutral, but which systematically lead to disadvantageous outcomes for Roma students.**

Historical context: the myth of "neutrality" and the continuity of selection

In the second half of the 20th century, the mass enrolment of Roma children in schools did not lead to equal participation, but in many cases to the organisation of separate classes, special schools and small "catch-up" groups. From the 1960s onwards, segregation was no longer openly based on ethnic categories, but on "pedagogical" grounds: cultural backwardness, social disadvantage and problems with "educability" were used to legitimise segregation. After the regime change, decentralisation and free school choice further reinforced segregation: the school migration of non-Roma parents with higher status ("white flight") accelerated the "gypsification" of schools. Due to enrolment-based funding, schools also had a financial interest in retaining their students, so they often created separate classes or sections within the school to meet the needs of middle-class parents. This practice served the expectations of middle-class parents according to "market" logic, but it also led to the institutionalisation of ethnic and social segregation.

In the 1990s, taking advantage of the regulation of ethnic education, minority norms were used for de facto catch-up programmes. The centralisation after 2010 and the rise of church schools opened up new channels of selection: in many settlements, church institutions became the ethnically homogeneous "escape routes" for the non-Roma middle class, while

the proportion of Roma pupils increased in state schools, which were already lacking in resources. Meanwhile, special educational needs (SEN) diagnostics continue to segregate Roma children, they are still overrepresented, albeit to a decreasing extent.

In theory, the Hungarian school system does not structurally select early on, but in practice it does (by way of lower-secondary (six- or eight-year) grammar schools, specialised and advanced-level classes), while free school choice is mainly available to the middle class. Freedom of choice is not discriminatory in itself, but when combined with differences in place of residence, transport, information resources and admission filters, it results in ethnic and class-based segregation. In theory, school operators could moderate selection, but in practice, higher-status parents 'vote with their feet', resulting in a forced trajectory.

The result is that Roma children are much more likely to end up in low-prestige, resource-poor institutions; they often choose dead-end vocational training, where the probability of dropping out is high, the interchangeability between professions and school types is poor, and further education is almost impossible. The system therefore does not compensate for disadvantages but rather compounds them. Getting rid of 'problem' students is an open secret in the education system; the most extreme form of this is when children are declared to have special educational needs and are directed to special education. This practice continues to disproportionately affect Roma students.[1]

School culture – expectations, assessment practices, communication codes – considers middle-class norms to be natural. **The skills, language codes and habits of Roma children are often seen as "deficiencies" by the school, even though the hidden curriculum invisibly distributes opportunities based on the degree of successful identification with the school, from which Roma children are excluded.**

Everyday school practice is characterised by a "colour-blind" pedagogical language that emphasises the principle of "the same applies to everyone". However, this apparent neutrality masks social and cultural differences and interprets student performance solely as a function of individual effort. Thus, failures are considered natural and explained by "low motivation", "family background" or "abilities". Some teachers – often based on unconscious stereotypes – have lower expectations of Roma students, which leads to lower performance in a self-fulfilling manner. Meanwhile, heterogeneous student groups lack differentiated teaching methods and intercultural competence: teachers rarely use approaches that would bridge cultural differences or deal with conflicts in a community-building way. The result is often invisible segregation within the classroom, where the boundaries between 'Gypsy' and 'normal' groups are reinforced and stigmatisation further limits pupils' aspirations. **Roma parents and children often face a dilemma between safety and dignity: due to the ridicule, bullying and humiliation experienced in mainstream schools, they often choose the "lesser evil", i.e. they accept a segregated but seemingly safer environment.** This

[1] Kegye A, Kende Á. (2024): *Segregation in special education*, Rosa Parks Foundation, https://www.rosaparks.hu/wp-content/uploads/2024/11/tanoda_kutatasi-jelentes_1108_online3.pdf

decision may offer protection and acceptance in the short term, but in the long term it further limits opportunities for social mobility.

Segregation begins in nursery schools

Until the last decade, there was an unspoken consensus that the segregation of Roma children began in primary schools, with segregation in kindergartens being more sporadic. The main reason for this was probably that Roma children appeared late, in the middle group, in these institutions. However**, we assume that as a result of the introduction of compulsory kindergarten education from the age of 3 in 2015, separate education has also begun at the level of kindergarten groups or entire institutions.**

The Eurochild (2021) country report[2] pointed out that compulsory kindergarten education was not accompanied by adequate resource provision for kindergartens in disadvantaged areas, which exacerbates regional inequalities in the quality of services. There are municipalities where Roma parents are pressured by the authorities to request exemption from kindergarten attendance for their children, while in others, on the contrary, they are threatened with having their children taken away if they do not comply with the kindergarten attendance requirement. The Hungarian National Social Inclusion Strategy 2030 (MNTFS)[3] (Ministry of Human Resources, 2020) mentions the lack of resources and the insufficiency of institutional conditions, stating that although the number of kindergarten places increased and the institutional conditions improved in disadvantaged regions between 2010 and 2020, renovations, the purchase of equipment necessary for development, and increasing the availability of qualified professionals are still needed.

We do not have reliable data on the extent of segregation between kindergartens, but our field experience confirms that it is widespread: in our report, we present two examples where the segregation of Roma children begins in kindergartens and continues in schools.

Data

Limitations of measuring segregation in public education

Anyone in Hungary today looking for answers to the question of how many Roma children are enrolled in public education will quickly realise that there is no accurate and reliable data available. There are not only methodological reasons for this, but also legal and political ones. The most significant obstacle is the prohibition on collecting ethnic data: under the GDPR, information on ethnic or racial origin is considered special data and can only be processed under strict conditions. Exceptions to this may include, for example, the explicit consent of the data subject or processing carried out in the public interest on a legal basis,

[2] Eurochild. (29 July 2021). *Early childhood development in Hungary – Country profile*.
[3] Emberi Erőforrások Minisztériuma. (2020). *Magyar Nemzeti Társadalmi Felzárkózási Stratégia II. (MNTFS 2030)*. Budapest: Emberi Erőforrások Minisztériuma.

subject to appropriate safeguards. However, educational institutions are generally not allowed to collect ethnic data on students, so education policy and research can only rely on indirect estimates.

There are two basic approaches to collecting ethnic data: self-declaration and perception (external classification). In the case of self-declaration, respondents themselves declare their ethnic affiliation. This is the procedure used in censuses, for example: according to data from the Central Statistical Office (KSH), the 2011 census was the first to allow respondents to declare dual or multiple identities. As a result, the number of people identifying as Roma increased by 53% compared to the previous census, clearly demonstrating how **sensitive and identity-dependent self-reporting data collection is**. International research, such as the 2011 joint survey by the United Nations Development Programme (UNDP), the World Bank and the European Commission[4] and the studies by the European Union Agency for Fundamental Rights (FRA)[5] , were also partly based on this logic: they consider participation in the research to be an expression of ethnic self-identification. The FRA's 2022 Roma survey, for example, worked with more than 20,000 households, including 8,400 Roma respondents in Hungary, and was based entirely on self-declaration.

In contrast, **perception-based methods rely on external judgement:** Roma affiliation is determined based on the estimates of external factors, such as local government employees, social workers or researchers. This approach was also decisive in the classic national Roma surveys led by István Kemény[6], where local knowledge was used to determine who was considered Roma. The advantage of this method is that **external perception often better reflects social relations**, since discrimination is also based on "visible" ethnic affiliation, but its disadvantage is a high degree of subjectivity and uncertainty. For example, research by Iván Szelényi and János Ladányi[7] showed that different interviewers assessed the same person differently, which clearly illustrates the limitations of this method.

The most commonly used estimate in public education statistics is related to perceptual data collection. Until 2023, the background questionnaires of the National Competence Assessment (Országos Kompetenciamérés - OKM) included a question asking school principals to estimate the percentage of Roma students in their institutions. Although this data is obviously a subjective estimate, its change over time provides an important reference point

[4] United Nations Development Programme, World Bank, & European Commission. (2011). *Regional Roma survey*.
[5] European Union Agency for Fundamental Rights. (2022). *Fundamental rights report 2022*. Publications Office of the European Union. https://fra.europa.eu/en/publication/2022/fundamental-rights-report-2022
[6] Kemény, I., Janky, B., & Lengyel, G. (2004). *A magyarországi cigányság, 1971–2003*. Budapest: Gondolat – MTA Etnikai-nemzeti Kisebbségkutató Intézet.
[7] Ladányi, J., & Szelényi, I. (2001). A roma etnicitás „társadalmi konstrukciója" Bulgáriában, Magyarországon és Romániában a piaci átmenet korszakában. *Szociológiai Szemle, 11*(4), 85–95.

for tracking the extent of segregation. The Public Education Indicator System[8], for example, based its nationwide analysis of the proportion of Roma pupils on these estimates.

Perception-based data collection is recognised and accepted in Hungarian legal practice. According to the 2009 joint report of the Data Protection and Minority Commissioner[9], estimates based on external perceptions of ethnicity may be necessary to investigate discrimination, as legal violations are based on external judgements rather than self-identification. Following this logic, the report also proposed a weighted system of criteria for estimating the proportion of Roma pupils. The primary indicators of the method included the surname of the student and their mother, severely disadvantaged status, address, and certain first names, which were determined on the basis of statements by the local Roma government or community.

The Debrecen Court of Appeal ordered the application of the ombudsman's methodology for the expert committees in order to make it possible to measure the proportion of Roma children appearing before the committees who receive special educational needs status. The annual publication of the results of perception-based ethnic data collection at the expert committee level, based on the ombudsman's methodology and in accordance with the court's order, contributed to making it possible to measure and analyse which diagnostic groups Roma pupils continued to be overrepresented in Heves County.[10]

However, this methodology has only been used to a very limited extent and has not become widespread practice. Yet the ombudsman's recommendation emphasised that perception-based data collection does not violate human dignity if it is linked to ratios rather than individuals. All this shows that the political and legal uncertainty surrounding ethnic data collection in Hungary hinders not only research but also efforts to combat segregation. **The lack of accurate data ultimately perpetuates structural invisibility: if we cannot reliably measure the proportion of Roma students, then the true extent of discrimination cannot be assessed or addressed.**

Roma children in public education

Various data sources and studies provide differing but broadly similar estimates of the proportion of Roma children in Hungarian public education. According to data from the Hungarian Central Statistical Office's Demographic Research Institute (NKI) for 2011, the proportion of children with "Roma ties" in the 7–14 age group was 11.2%[11] , which corresponds to the estimates of the National Competence Assessment (OKM). Based on

[8] Varga, J. (szerk.), Hajdu, T., Hermann, Z., Horn, D., & Hőnich, H. (2024). *A közoktatás indikátorrendszere 2023*. Budapest: HUN-REN Közgazdaság- és Regionális Tudományi Kutatóközpont, Közgazdaságtudományi Intézet (KTI).

[9] Kállai, E., Jóri, A. (2009. november 9). *Jelentés az etnikai adatok kezeléséről szóló vizsgálat megállapításairól*. Az Országgyűlési Biztos Hivatala / Adatvédelmi Biztos Irodája.

[10] Kegye Adél, Kende Ágnes: Szegregáció speciális oktatásban, Rosa Parks Alapítvány, 2024, elérhető: https://www.rosaparks.hu/egyuttneveles-program/roma-gyerekek-a-szakertoi-bizottsagok-elott/

[11] Obádovics, Cs. (2021). A magyarországi „roma kötődésű" népesség előreszámítása 2050-ig. Demográfia, 64(1), 7–45.

OKM data, 13.5% of primary school pupils were Roma, and this proportion hardly changed between 2011 and 2018. Considering that some of the primary school age group attend six- or eight-year grammar schools, which typically do not admit disadvantaged or non-Roma pupils, the proportion of Roma children within the entire age group was more likely to be around 11.5–12% in the second half of the 2000s[12] . According to demographic forecasts, the proportion of Roma students in public education is expected to rise to 12.4% by 2050[13] . **School principals' estimates show a higher figure: based on the OKM's background questionnaires**, **the proportion of Roma pupils is estimated to be between 15% and 20% on a national average**, while in some municipalities and institutions this figure may reach or even exceed 80%.[14]

There are significant regional differences: Papp Z. Attila (2021) showed that in some counties in northern Hungary, the proportion of Roma pupils already exceeded 30% in 2018. According to data from the Public Education Indicator System 2023 (Varga, Hajdu, Hermann, Horn & Hőnich, 2024), the proportion of Roma pupils in primary schools has remained relatively stable over the past decade, at around 15%. The most significant changes were observed in vocational education programmes that do not lead to a secondary school leaving certificate: between 2010 and 2016, the proportion of Roma students increased from 23% to 29%, and after a slight decline, it exceeded 29% again by 2022. This suggests that the concentration of Roma students continues to be primarily in low-prestige vocational training programmes.

Data from school operators further nuance the picture. **In state-run primary schools, the proportion of Roma pupils remained relatively constant (around 15%) during the period under review, while in church-run and other schools, this proportion increased significantly.** Church schools saw a particularly sharp increase between 2010 and 2013, coinciding with the rapid expansion of the church school network. This trend is partly due to the fact that church institutions took in more disadvantaged, often Roma pupils from state schools, while in other cases they provided an "escape route" for the non-Roma middle class.[15]

In contrast, the proportion of Roma students in secondary schools remained consistently low: it fluctuated between 2 and 3% in state and church-run institutions, while in foundation and privately run secondary schools it was slightly higher, between 6 and 12%, although these estimates showed significant variation. In vocational education leading to a secondary school leaving certificate, the proportion of Roma students was slightly higher in church-run institutions than in state-run ones for a long time, but this difference had decreased by 2022.

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[12] Papp, Z. A. (2011). Idősoros roma tanulói arányok és kihatásuk a kompetenciaeredményekre. Pro Minoritate, 2011(ősz), 75–104.
[13] Papp Z., A. (2021). Roma népesség és oktatástervezés. Educatio, 30(2), 242-259. https://doi.org/10.1556/2063.30.2021.2.5
[14] Hajdu, T., Kertesi, G., & Kézdi, G. (2021). Ethnic segregation and inter-ethnic relationships in Hungarian schools. On Education: Journal for Research and Debate, 4(11), 1–6. https://doi.org/10.17899/on_ed.2021.11.5
[15] Neumann, E., & Berényi, E. (2019). Roma tanulók a református általános iskolák rendszerében. *Iskolakultúra*, *29*(7), 73–92. https://doi.org/10.14232/ISKKULT.2019.7.73

In vocational education programmes not leading to a secondary school leaving certificate, however, the proportion of Roma students in church-run and other schools has grown steadily over the past decade, while it has stagnated at a lower level in state-run schools.[16]

Overall, these data show that although the proportion of Roma students at primary school level has not increased dramatically, they are increasingly concentrated in low-prestige vocational training programmes as they progress through education, while they are hardly represented in secondary education. **The differences between the various types of school maintainers also highlight the fact that the expansion of church and private institutions has not reduced segregation but rather rearranged it spatially and organisationally: while the proportion of Roma pupils is relatively constant on a national average, the differences between schools are becoming more extreme.**

Proportion of Roma pupils in schools and its correlation with RGYVK and HH ratios

In our study**, we sought to identify which of the indicators in use is most suitable for showing the proportion of Roma students in educational institutions, and how the estimated proportion of Roma students in schools relates to the RGYVK (proportion of students eligible for regular child protection benefits) and the disadvantaged children (hátrányos helyzetű - HH) indicator.** The 2022/2023 school year is the last one in which school administrators could use estimates for the proportion of Roma students in their schools in the OKM questionnaire, so our studies were limited to this school year. Since the 2013 amendment to the definitions, it is not worth taking into account the severely disadvantaged children indicator (halmozottan hátrányos helyzetű - HHH), as it has become extremely difficult to "acquire" this status: children are granted this status if three different conditions are met at the same time[17], provided that their parents are aware of the significance of obtaining this status and are interested in going through the administrative procedures. On the other hand, educational legislation aimed at equal opportunities and integration primarily works with HH indicators, with a few exceptions that take into account HH, HHH and RGYVK indicators simultaneously.[18]

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[16] Varga, J. (szerk.), Hajdu, T., Hermann, Z., Horn, D., & Hőnich, H. (2024). *A közoktatás indikátorrendszere 2023*. Budapest: HUN-REN Közgazdaság- és Regionális Tudományi Kutatóközpont, Közgazdaságtudományi Intézet (KTI).

[17] Section 67/A(1) of the Gyvt. specifies in detail who is to be considered a disadvantaged or multiply disadvantaged child. A disadvantaged child is a child or young person who has reached the age of majority and is entitled to regular child protection benefits, and who meets at least one of the three conditions listed in the legislation. These are as follows: low level of education of the parent or foster parent, if they have no more than a basic level of education at the time of application; low employment rate of the parent or guardian, if they are eligible for benefits for people of working age and have been registered as jobseekers for at least 12 of the previous 16 months; and the child's inadequate living environment or housing conditions, such as living in an area classified as segregated or in housing that does not provide the conditions for healthy development. A child or young adult who meets at least two of the three criteria is considered to be cumulatively disadvantaged. In addition, all children in care, as well as young adults receiving aftercare and who are students or pupils, are considered to be multiply disadvantaged, regardless of whether the above conditions are otherwise met.

[18] Nkt. 172. § (3) a)-c)

The estimated Roma proportions can be found in the headteacher questionnaire related to the national competence assessment. The eligibility for RGYVK is determined by the district office, but the school aggregates it annually. HH/HHH status is determined by the district office in an official procedure based on the parents' educational attainment, employment status and housing conditions, and then, with the parents' consent, the school records the data in the KIR system, from where the Education Office aggregates and publishes it. As registration is voluntary and subject to legal conditions, HH/HHH data are not comprehensive and often underestimate the actual number of disadvantaged pupils.

One important finding of the study is that the RGYVK ratio correlates much more closely with estimated Roma proportions than the HH ratio. This suggests that RGYVK is a more accurate indicator, while HH data are less suitable for reliably estimating the actual proportion of Roma pupils due to administrative constraints.

At the same time, interpreting the data is complicated by the fact that there may be cases where the headteacher estimated that there were few Roma pupils in the school, while the RGYVK ratio is high, which may even indicate that the headteacher underestimated the proportion of Roma pupils.

Results

Of the 3,554 institutions, 2,530 provided estimated data on the proportion of Roma pupils, representing a response rate of 71%.

Table 1: Proportion of Roma in primary schools, grouped

Estimated proportion of Roma within the school	Number of institutions	Percentage of institutions
75–100	267	11
50–74	136	5
25–49	300	12
10–24	512	20
0–10	1315	52

In nearly half of the schools (52%), headteachers estimated the proportion of Roma pupils to be between 0 and 10 per cent, while in a further 20 per cent of schools, this proportion ranged between 10 and 24 per cent. Twelve per cent of institutions fell within the 25–49 per cent range, while 16 per cent of schools reported a proportion of over 50 per cent (of which 11 per cent were institutions with a predominantly Roma student body, i.e. between 75 and 100 per cent). **It is particularly noteworthy that there are 98 schools where the proportion of Roma pupils exceeds 95 per cent; these institutions can be considered virtually entirely Roma schools and make up 4 per cent of the schools included in the sample.**

1. Figure

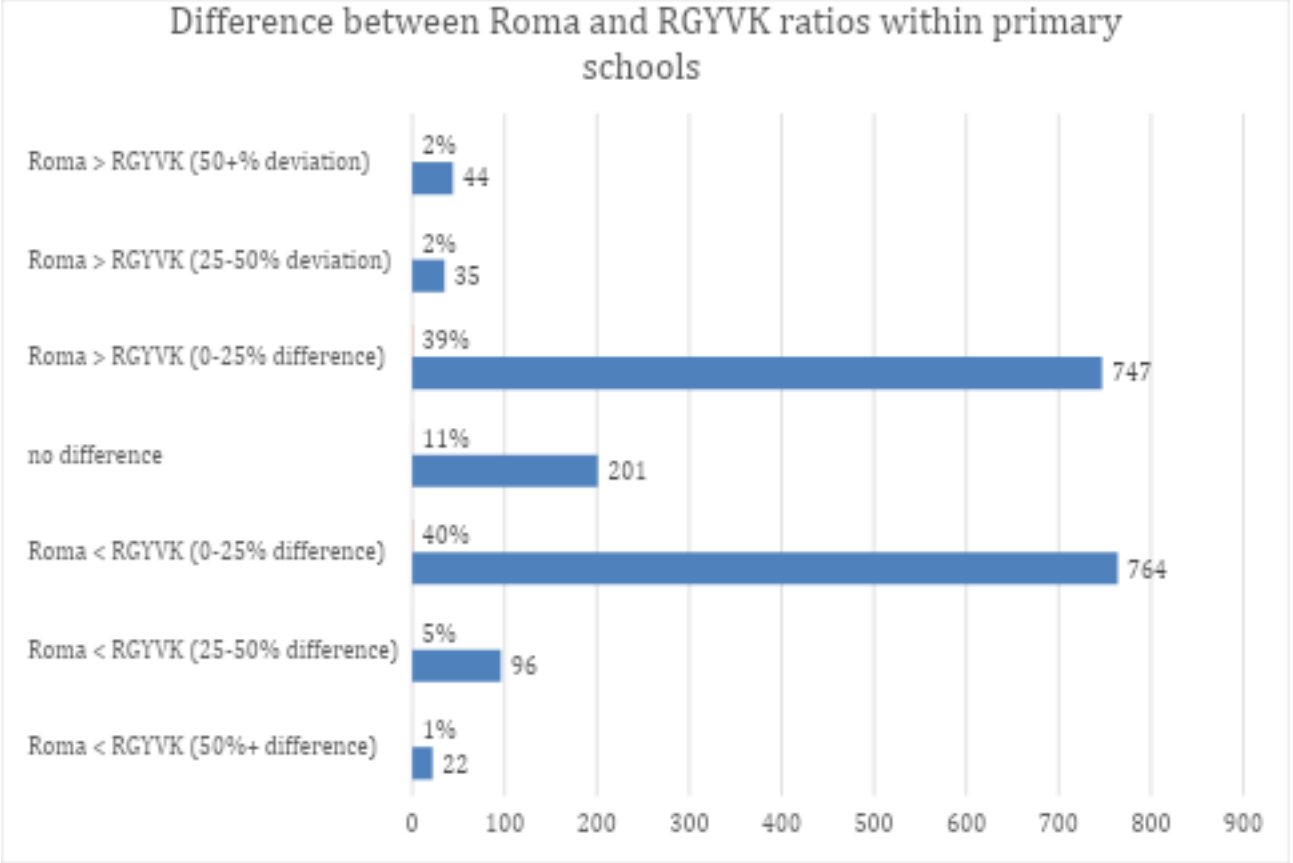


Figure 1 shows the extent to which the estimated proportion of Roma pupils differs from the RGYVK proportion in schools. The horizontal bars show the number and proportion of institutions in each deviation category.

The largest group consists of schools where the two ratios differ only slightly:

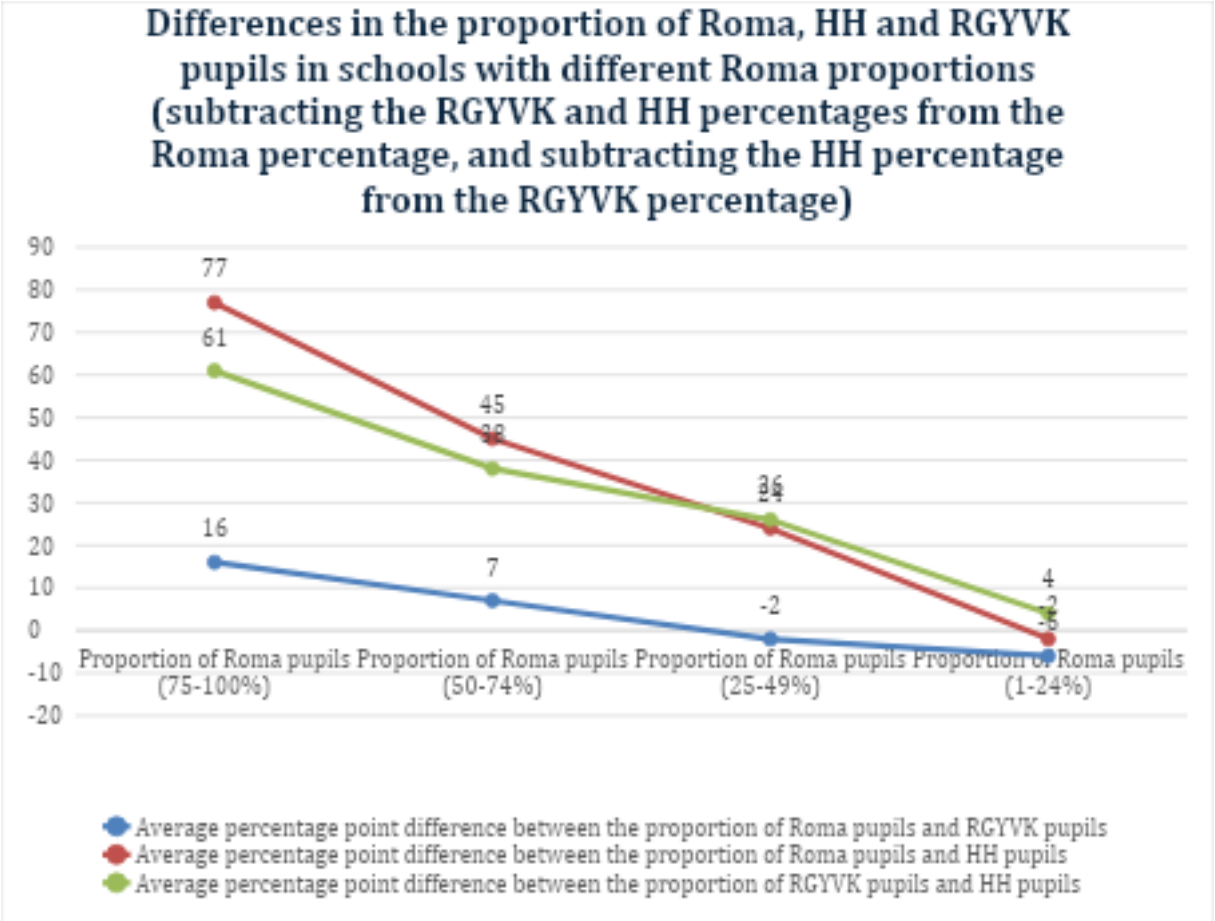
- in 39% of schools, the Roma ratio is slightly higher (0–25 percentage point difference) than the RGYVK ratio.
- while in 40% of cases the RGYVK ratio slightly exceeds the Roma ratio.
  This means that in nearly four-fifths (79%) of institutions, there is only a slight difference between the two indicators, indicating a strong correlation between the RGYVK and Roma ratios.

In a further 11% of cases, there is no detectable difference between the two ratios, meaning that the headteachers' estimates and the social data are exactly the same.
Only 5-6% of schools show a significant difference (greater than 25 percentage points), and even among these, differences of more than 50% are rare.

Overall, the figure shows that the RGYVK data accurately reflect the proportion of Roma pupils in schools, and in the vast majority of cases the difference between the two indicators

is minimal. This confirms that the RGYVK is a reliable indicator for determining the proportion of Roma children.

2. Figure:



The figures above examine the difference between the proportion of Roma pupils, disadvantaged (HH) pupils and RGYVK pupils in schools with different Roma proportions.

Based on the data, the proportion of Roma and RGYVK pupils is much closer to each other than the proportion of Roma and HH pupils. This suggests that RGYVK status tracks the distribution of Roma pupils much more accurately than the HH category, **and therefore HH is not suitable for reliably indicating the proportion of Roma pupils in a school.**

The differences also depend on the proportion of Roma in schools:

- In schools with the highest proportion of Roma (75–100%), the difference between the proportion of Roma and RGYVK is only 16 percentage points, while the difference between the proportion of Roma and HH is 77 percentage points. This shows that the RGYVK indicator more closely tracks the concentration of Roma pupils.

- In schools with a medium proportion of Roma pupils (50–74%) the difference between Roma and RGYVK (7 percentage points) is still much smaller than the difference between Roma and HH (45 percentage points).
- In schools with a low proportion of Roma (below 25%), the differences even out and all three indicators are at almost the same level.

Overall, the data indicate that the HH indicator is not suitable for estimating the proportion of Roma pupils, whereas RGYVK status better reflects the actual presence of Roma pupils, especially in schools with a high proportion of Roma pupils.

Legal provisions against the segregation of Roma children in schools

Hungarian education regulations are formally committed to eliminating segregation, but in reality, they are unable to effectively address the systemic causes of ethnic-based segregation.

Segregation is defined in legislation as unlawful separation. The prohibition of unlawful segregation under Act CXXV of 2003 on equal treatment and the promotion of equal opportunities (hereinafter referred to as Ebktv.) expressly covers discrimination based on nationality, ethnicity and social origin. Pursuant to Section 10(2) of the Ebktv., any provision that separates individuals or groups on the basis of a protected characteristic from persons in a comparable situation shall be considered unlawful segregation, unless expressly permitted by law. In order to establish unlawful segregation, it is therefore necessary to examine whether physical segregation has taken place – for example, the creation of separate classes, schools or school buildings – in such a way that the group concerned is segregated from other pupils in the same situation. For the purposes of this provision, **the unlawful nature of segregation** does not **require intent**, i.e. the purpose of the segregation or whether it caused actual harm is irrelevant. **Segregation can be achieved not only through active conduct, but also through omission**; those who do nothing to prevent spontaneous segregation or whose intervention is ineffective are also responsible for it. The only relevant question is whether the segregation was based on a protected characteristic, whether it resulted in actual separation from a group in a comparable situation, and whether it was authorised by law.[19] The requirement of equal treatment applies to all forms of public education that operate in accordance with state-prescribed or approved requirements or that receive direct or indirect state support.[20] The requirement must be enforced at all relevant points of access to education, in particular in admission procedures, the setting of academic requirements, performance assessment, the provision of education-related services, access to benefits, boarding school provision, the awarding of diplomas and the termination of educational status.

[19] "A provision that separates certain persons or groups of persons from persons or groups of persons in a comparable situation on the basis of the characteristics specified in Section 8, without this being expressly permitted by law, shall be considered unlawful discrimination." Section 10 (2) of the Ebkt.
[20] Ebktv. Section 27(1)(a-i))

However, despite the prohibition of ethnic segregation in the Ebktv., specific legislation relating to the education sector attempts to prevent or reduce educational segregation exclusively through social categories.

Apart from the provisions of the Ebktv. referred to above, segregation based on nationality or ethnicity does not appear explicitly in any provision of the education sector, so the legal framework does not directly promote the integration of Roma children but rather attempts to address inequality through social categories − disadvantaged children (HH), severely disadvantaged pupils (HHH), and children receiving regular child protection benefits (RGYVK). In contrast, in court cases on segregation and in the practice of the ombudsman, the separation of Roma pupils always appears as ethnic-based discrimination, even if the official language of education policy does not name this problem.

In Hungary, there is no legal definition of what desegregation means. The word itself does not appear in any legislation, only in government decisions. The lack of clarity surrounding the concept causes problems in the application of the law not only in education but also in housing. For example, a decision by the Supreme Court stated that if members of a Roma community move to another segregated settlement as part of a settlement clearance programme, but it is a settlement with better conditions, then this constitutes a "reduction in segregation", which excludes illegality.[21]

However, in court cases concerning school segregation, **the obligation to desegregate is clearly evident**, which can be directly derived from the prohibition of unlawful segregation and the personal scope of the Ebktv. We will also discuss this when presenting Hungarian legal practice. As will be seen below, there are a number of legal provisions in force that attempt to influence the composition of schools and classes, sometimes through prohibitions, sometimes through additional subsidies or even budget cuts.

The government's interventions regarding the segregation of Roma children in schools are also significantly influenced by EU pressure. On the one hand, Ebktv. itself implements several EU anti-discrimination directives, and the adoption of the law in 2003 was in fact a condition of accession to the EU. From the perspective of our topic, the practical implementation of the transposed provisions of the Racial Equality Directive - which the European Commission has been examining since 2016 as part of the still ongoing infringement proceedings initiated due to the segregation of Roma children in schools and their unjustified classification as disabled - is the most decisive.[22]

One of the government's responses to EU expectations is to strengthen the domestic policy toolkit for educational integration.

[21] BH 2024.9.215

[22] "Racial Equality Directive": Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

The comprehensive public education strategy for 2021–2030, which was declared to have been prepared for the European Union, originally set ten-year targets for improving the quality of the education system, strengthening inclusive education, increasing the attractiveness of the teaching profession and developing digital skills. However, the implementation of the strategy requires a cyclical review, in which the Government defines specific, measurable actions for four-year periods. The 2025-2028 action plan is the result of this mid-term planning process.[23]

The strategy explicitly states desegregation as an objective, the central element of which is to identify and reduce inequalities in multi-school settlements. An important element of the action plan in terms of desegregation is **strengthening the monitoring activities by school operators in relation to institutional reorganisations**, with the aim of enabling operators to identify structural problems resulting in a disproportionate concentration of disadvantaged pupils in a timely manner. The plan also stipulates that an external, independent evaluation of the desegregation measures for the period 2021-2024 must be carried out by 30 June 2027. The purpose of the evaluation is to assess the impact of previous measures on reducing segregation and improving equal opportunities.

Another key desegregation commitment of the strategy is the regular, data-based monitoring of primary school places that require special attention in terms of equal opportunities in public education. Monitoring is carried out according to a four-category classification system developed in the OH EFOP 3.1.5. project, which assesses schools in terms of student composition and equal treatment.

The four categories to examine are as follows:

1. **Schools in municipalities requiring desegregation intervention**, where the difference in the proportion of disadvantaged pupils between any two schools exceeds 25 percentage points.

2. **Schools in multi-school settlements** where there is no disproportionate distribution, but where the majority of pupils are disadvantaged, therefore require interventions to improve the quality of education.

3. **Schools in single-school settlements** where the proportion of disadvantaged children (HH), severely disadvantaged children (HHH), or children receiving regular child protection benefits (RGYVK) exceeds 50%.

4. **Schools operating parallel classes or sections** where the difference in the composition of pupils within the same grade exceeds 25 percentage points.

   The action plan stipulates that the Education Office (Oktatási Hivatal - OH) shall publish an annual list of locations falling into each category and shall compile a

[23] Annex 1 to Government Decision 1224/2025. (VI. 26.) contains the action plan for the implementation of the 2021-2030 public education strategy between 2025 and 2028.

national summary of the distribution by category. Based on the published data, **annual monitoring and tracking** will be carried out in order to identify segregation risks and necessary interventions in a timely manner.

Although at first glance the strategy appears to be a well-thought-out and continuously monitored mechanism, it is important to highlight two things: firstly, segregation is based on the disadvantaged children indicator, which, as mentioned above, is simply not suitable for reaching Roma children.

The first category - i.e. those requiring desegregation - consists of schools in settlements where the difference between two institutions exceeds 25%. Consequently, schools where the HH ratio is less than 25% are excluded from this category, even if according to the headteacher's (OKM) estimate, the proportion of Roma pupils is high. Based on the data we compared, there were 309 primary schools in the OKM database in the 2022/23 school year where the estimated proportion of Roma children exceeded 50%, while the HH ratio was below 25%. According to the strategy, these schools are not institutions that need to be desegregated.

Below, we review the education sector legislation that addresses some of the causes of segregation in schools (and kindergartens) or contains provisions for eliminating existing segregation.

Prohibition of segregation between schools and between parallel classes within schools

Act CXC of 2011 on National Public Education (Nkt.) and the related implementing regulations contain several provisions aimed at preventing segregation in schools. However, the regulations are not consistent in terms of the protected characteristics on the basis of which they seek to restrict segregation: some provisions focus on disadvantaged children (HH) while others focus on severely disadvantaged pupils (HHH), and some also take into account those receiving regular child protection benefits, while no provision directly addresses segregation based on nationality/ethnicity.

The Nkt. addresses segregation between parallel classes by requiring maintainers to examine, in connection with institutional reorganisations and modifications to basic documents, whether a balanced ratio of HH students can be ensured between parallel classes[24] . According to the law, the ratio is considered balanced if the difference in the proportion of HH students between two classes does not exceed 25%. It follows from this provision that a 25% difference in the HH ratio is still considered acceptable.

[24] Section 84(2a) of the Public Education Act: "Prior to any decision by the maintainer that would involve an amendment to any of the elements of the founding document or professional basic document specified in Section 21(3)(c) to (g), the maintainer shall examine whether the conditions for the performance of primary school tasks are met whether, in the event of the amendment being implemented, it would be possible to achieve a balanced ratio of disadvantaged pupils not exceeding 25 per cent between parallel classes of the same year in the educational institution affected by the reorganisation, and whether the continuity of provision for pupils with special educational needs could be ensured."

At the same time, due to the problems previously described in relation to data collection and the reliability of proxies, there is concern that the HH ratio does not accurately reflect the actual proportion of Roma students. Therefore, in order to identify and address segregation between parallel classes, we recommend primarily the collection of perception-based ethnic data by the ombudsman, which has been successfully applied by the deputy commissioner for minorities and nationalities in several cases involving school segregation.[25]

Segregation between parallel classes is also affected by the provision relating to ability development training, as the state has introduced a financial incentive for the payment of the additional allowance associated with this, which is directly aimed at reducing selection based on disadvantage between classes and schools. According to Decree 20/2012 of the Ministry of Human Resources, institutions providing such training are not eligible for additional support if any of the following segregation risks exist:

a) the proportion of disadvantaged pupils differs by more than 25 percentage points between the head office and member institutions operating in the same municipality;
b) in the case of multiple classes per grade, the difference in the proportion of disadvantaged pupils between classes exceeds 25 percentage points; or
c) the proportion of disadvantaged pupils in several schools in a municipality differs by more than 25 percentage points from the municipal average.[26]

When determining the municipal ratio, church, private and ethnic minority local government institutions must also be taken into account if they participate in the provision of public education.

The right to free choice of school

There is almost unanimous agreement among education researchers that **the right to** free and, in fact**, unrestricted choice of school is the factor that most influences the effectiveness of any meaningful desegregation intervention.** It is often said that there is no point in establishing or reviewing school catchment areas based on the expected composition of the student body as long as parents who are better able to assert their interests and are more conscious of their school choices enrol their children wherever they want or wherever they are accepted.

In order to understand why the right to free school choice is considered almost absolute and why it has become an untouchable fundamental right under almost every education administration, it is important to look back at its historical roots. The fundamental nature of the right to free school choice was established by Section 70/G of the former Constitution, promulgated by Act XX of 1949 and incorporated at the time of the change of regime, according to which the state supports and respects freedom of education. The legislation ensuring the exercise of freedom of education guaranteed parents and students the right to

[25] See, for example, the report of the Parliamentary Commissioner for National and Ethnic Minority Rights on the events in Gyöngyöspata in March 2011 and the dangers of similar phenomena, 19 April 2011.
[26] EMMI Decree 20/2012, Section 173 (1)-(3).

freely choose an educational institution and also allowed them to choose the form of learning and, within the legal framework, the subjects studied and the teachers who taught them.[27]

The free choice of school as a parental right was already guaranteed to parents before the change of regime, from 1985 onwards, and was then also enshrined in the previous Act LXXIX of 1993 on public education: "Parents have the right to freely choose the educational institution or educational establishment." (Section 13(1)).

Compared to the previous Constitution, the Fundamental Law no longer refers to freedom of education, but to the right of parents to choose the education their children receive. (Article XVI (2))

In its decision 3047/2013. (II. 28.) AB, emphasised that the right of parents to choose the education of their children under Article XVI (2) of the Fundamental Law means that parents can care for their children in accordance with their own worldview and conscience, meaning that parents have the primary right to decide on matters relating to their children's physical and mental development. The essential content of this parental right is that parents themselves decide and choose the institution, method, means of education and type of upbringing for their children in accordance with their traditions, family customs, social situation, religious and moral convictions and financial possibilities. No external authority or person outside the family may interfere in this. However, the right to education cannot be separated from compulsory schooling or from the role of the state in protecting and caring for children. On the one hand, compulsory education is an inherent limitation of the right to education under the Fundamental Law: parents can decide what kind of education their school-age children will receive, but they cannot choose not to educate them at all, as this would be contrary to the Fundamental Law. Furthermore, although it is primarily the right of parents to decide what educational model to follow and, as part of this, what educational principles and tools to use to ensure that their school-age children attend classes – and other compulsory activities organised by the school – it is also their duty and responsibility to ensure this.[28]

The right to free choice of school is also guaranteed by Section 72(2) of the Nkt., which states that "Parents may freely choose a nursery school, school or boarding school in accordance with their child's aptitudes, abilities and interests, taking into account their own religious and ideological convictions and ethnic affiliation. If the child is not legally incompetent, the parent may exercise this right jointly with the child from the age of fourteen."

For a long time, even experts failed to recognise the role that free choice of school played in the emergence of segregated schools. It was not until the early 2000s that many began to see that this was becoming a serious problem in most parts of the country, but by then the

[27]Commissioner for Education Rights, Report, 2001, available:https://www.oktbiztos.hu/ugyek/jelentes2001/k%C3%B6zv_jogok.html?utm_source=chatgpt.com
[28] See the report of the Commissioner for Fundamental Rights in case no. AJB-1042/2021, *In connection with admission to the first grade of primary school*, available at: https://www.ajbh.hu/...1042_2021.pdf

structure had become so deeply entrenched that no government dared to abolish it (Bolla, 2025)[29] .

Eszter Berényi, Gábor Erőss and Balázs Berkovits[30] in their article entitled "Children organised into schools – privilege and differentiation in public education", they write about how limited the right to free school choice is in practice and how this right translates into compliance with school requirements: "Legally, all parents have the same opportunity to choose a school they consider suitable for their child, but in practice, the logic of free choice is rarely applied in this area. Free choice seeks to enforce the principle that everyone should be able to find a school that meets their needs from a wide range of options. However, it quickly becomes apparent that not everyone's needs can be met, only those who are suitable for the school. "Needs" are thus immediately transformed into "abilities". Those with "weak abilities" cannot claim an education that promises above-average success, such as language or mathematics departments. But who can say what the "abilities" of a six-year-old child are? Social disadvantage can easily be coded as a lack of ability" (p. 15).

In the following, we will show how the right to free school choice contributes to the maintenance of segregation and how it works in practice in the case of Roma families.

School catchment areas and restrictions on free school choice

The primary limitation on the right to free school choice is related to school catchment areas. The provision determining the educational institution that provides compulsory admission based on the place of residence (place of stay) of pupils is intended to ensure that the state fulfils its task of enabling pupils to actually comply with their compulsory schooling. However, school districts only serve as a guide for enrolment, since the possibility of free school choice – if it is actually available to a family – relativises the significance of school districts if everyone enrols where they can anyway.

The definition of school districts is the primary administrative tool available to school operators to influence the composition of the student body. However, this can only be effective if the designated district actually has an impact on enrolment patterns. A prerequisite for this is that the capacity of the educational institutions in the municipality does not differ significantly from the number of children entering nursery or school.

If the schools in a municipality had roughly the same number of places as there were children to be enrolled, the number of pupils choosing institutions outside the district could be reduced to a minimum. However, without a substantial improvement in the quality of education, this carries the risk that conscious school choosers will look for institutions outside the municipality, thus still overriding the local objectives of zoning**.**

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[29] Bolla Zsolt: *A szülők szabad iskolaválasztásának története, következményei és lehetőségei*, Új Pedagógiai Szemle, 2025/1–2., elérhető: https://upszonline.hu/...bolla_zsolt.pdf

[30] Berényi, E., Berkovits, B., & Erőss, G. (2008). *Az iskolába rendezett gyerek: Kiváltság és különbségtétel a közoktatásban*. Gondolat Kiadó. https://real.mtak.hu/1676/1/47040_ZJ1.pdf

Section 24(2) of Decree 20/2012. (VIII. 31.) EMMI Decree on the operation of educational institutions and the use of names of public education institutions (hereinafter: 20/2012. EMMI Decree) stipulates that in municipalities with multiple schools, school districts must be established in such a way that the proportion of HH students between schools may not deviate from the municipal average by more than 15%. This provision could obviously be suitable for preventing segregation between institutions if the right to free choice of school were not enforced.

In addition, if there are several schools or member institutions operating in the settlement, the entire area of the settlement cannot be designated as a single district. The latter provision could even mean that where there is one state school and one or more church-run schools, it should not be possible to designate only the state school as the institution providing compulsory admission. However, due to the special rules applicable to church-run schools, the above rule does not apply, i.e. if there is one state school and one church-run school in a municipality, the state school's admission district will be the entire municipality.

According to Section 24(3) of EMMI Decree 20/2012, a primary school cannot be designated as a school providing compulsory admission if the proportion of disadvantaged children in its catchment area would exceed 50 per cent, thereby making it impossible to comply with the requirement to balance the proportion of disadvantaged pupils. However, this only applies if the other schools in the municipality have sufficient capacity to enrol all school-age children in the municipality, based on the maximum number of pupils specified in their founding documents. The aim of the rule is to prevent the designation of a district that would lead to a disproportionate concentration of disadvantaged pupils if the placement of children is objectively ensured in the other institutions of the municipality.

However, the maximum 15% difference in HH ratios between districts as a rule regarding the establishment of school districts ignores the system of free school choice and the unequal access to it resulting from social differences. **The current regulation reflects the now unrealistic assumption that children generally attend school in the district where they live.** In reality, children from non-disadvantaged and higher-status families often attend schools outside the municipality or church schools. However, statistically they still remain in the district, because according to the rules, when calculating the ratios, the children residing in the municipality are taken into account and not the children enrolled in schools in the municipality. This distorts the district ratios and results in hidden selection.

This is confirmed by the arguments of Gábor Kertesi and Gábor Kézdi[31] : "Without free school choice, residential segregation and school district boundaries would clearly determine the extent of school segregation. [...] The effect of incentives and information structures is precisely the opposite in the Hungarian school system. [...] There may be thresholds for the

[31] Kertesi, G., & Kézdi, G. (2016, március 14.). *Iskolai szegregáció, szabad iskolaválasztás és helyi oktatáspolitika 100 magyar városban.* Beszélő. https://share.google/bVIrIJ2geBShBjrJn

proportion of Roma pupils in a school above which the majority of pupils may begin to leave that school to such an extent that it could result in a rapidly growing proportion of Roma pupils."

The authors' empirical study also points out that **free school choice is primarily a privilege of families with higher social status**: "where the mother's educational attainment does not exceed 8 years of schooling, less than 25 per cent attended a school outside their district of residence. The same proportion for higher-status pupils – where the mother has a secondary school leaving certificate or a degree – is 50 per cent"[32] (Kertesi & Kézdi, 2016)

The choice of school for Roma families is only a theoretical possibility. According to field experience and surveys, the following factors severely limit this choice:

- the distance to the school and the cost of travel
- lack of information about the available institutions
- fear of stigmatisation and ostracism
- higher hidden costs (class fees, equipment, excursions)
- lack of direct experience with mainstream schools

As a result, for Roma families, the local, familiar, more easily accessible school is the realistic choice, even if it is segregated.

Church schools and the maintenance of segregation

Other factors also influence Roma parents' choice of school in the case of church schools. Many Roma families do not belong to the historical churches, but are affiliated with small churches that do not maintain educational institutions. For this reason, Roma parents are wary of church schools because of compulsory church attendance and other religious obligations, so their children remain in state schools, while church institutions are mainly attended by non-Roma pupils. The expansion of churches in education, although not formally discriminatory, reinforces selection mechanisms and ethnic segregation in practice.

According to a 2016 study, the expansion of church schools has significantly changed the composition of state and church schools in terms of the proportion of commuting (out-of-district) pupils: according to the study, the proportion of students from outside the district was 12.5% in state schools, compared to 22.5% in non-state schools. The family background index of pupils attending church and non-church schools was also examined, which showed that "church schools attract children from relatively more favourable backgrounds.[33]

[32] Kertesi & Kézdi, 2016
[33] Ercse Kriszta, Radó Péter: *A magyar közoktatásban zajló privatizáció és annak hatásai*, Iskolakultúra, 29. évfolyam, 2019/7. szám

Based on our recent questionnaire survey of parents regarding church schools,[34] in a specific municipality, for example, Roma parents were also deterred from enrolling their children in elite church schools, which rarely educate Roma, because they do not typically belong to the historical major churches, but to small churches that are much more successful in proselytising among the Roma community, but do not run schools. This may be why, with the emergence of church schools, Roma children remain in state schools, while church schools are attended mainly by non-Roma pupils.

With regard to the catchment area of non-state-run schools (kindergartens), the Nkt. stipulates that if an institution receives state support – whether on the basis of a public education contract or a unilateral declaration – it is obliged to participate in the provision of education for the pupils (children) of the municipality in question. **However, church-run institutions do not fit into the local education system as district schools: although they are required to provide at least 25% of their places to local children in return for state support[35] , they are not obliged to admit pupils, so the provision of education for local pupils continues to fall mainly to state institutions.**

If there is only one non-state-run institution operating in a municipality and its operator has concluded a public education contract, the institution is obliged to admit all pupils who are residents or have their place of residence in the municipality. Pursuant to Section 74(2) of the Nkt., a church-run public education institution is also considered to be participating in the provision of public education if it receives state support for the performance of this task.

The question naturally arises as to how a church institution can fulfil its public education mandate for pupils who do not wish to participate in the religious education of that church, such as attending religious education classes or visiting church. The only published court ruling on this issue is[36] , which states that secular education was provided to an atheist child in a church primary school because neither participation in religious education (moral education could also be chosen) nor attendance at church was compulsory in that church school. Due to all these circumstances, the school district was able to designate the church school as an institution providing compulsory admission for a student who had been expelled from a state school due to disciplinary measures.

On 1 January 2024, Act XCII of 2023 on anti-discrimination measures in public education came into force, which penalises schools that do not participate proportionately in the education of disadvantaged pupils in a given municipality with financial consequences, i.e. budget cuts. The undisguised aim of the legislation is to enable Hungary to meet the conditions set by the European Union for the 2021-2027 programming period, which are prerequisites for the payment of cohesion funds and resources under the Recovery and Resilience Plan.

[34] Survey conducted by the Rosa Parks Foundation and the Civil Association for the Development of Roma in the summer of 2025 among Roma residents of Ibrány, covering 98 children
[35] Nkt. Section 33(1).
[36] Veszprém County Court, K.701065/2021/15.

The central provision of the law is that, when planning the central budget, the government is obliged to impose financial sanctions on primary schools operating in municipalities with several primary schools where the proportion of disadvantaged pupils is unreasonably low compared to the municipal average. If the proportion of disadvantaged pupils in a given institution is at least 15-20 percentage points below the municipal average compared to the data for the school years taken as a basis, the school will receive its budgetary support for the following year at a reduced rate of 10%.

In theory, this mechanism encourages operators and institutions to avoid social segregation of pupils and to ensure a proportional distribution of disadvantaged pupils within the municipality.

In public opinion, the regulation was primarily seen as a legislative response to the segregating practices of church schools. Following the introduction of the legislation, education researcher István Nahalka conducted an analysis in 2023, in which he concluded that the conditions set out in the law were designed in such a way that they would only be applicable in a limited number of cases, in around 10% of municipalities with primary schools. According to his calculations, based on 2022 data, only 23 municipalities nationwide, with a total of 38 schools, would have fallen within the scope of sanctions, representing approximately 1-2% of the schools potentially affected.[37]

In 2025, the Deputy Commissioner for the Protection of Minority Rights published a comprehensive policy statement on the segregating effects of church schools.[38] According to the Deputy Commissioner's policy statement, **the operation of church schools generally increases the educational segregation of Roma children and reduces their chances of inclusion.** The policy statement also points out that although church institutions did not typically apply openly exclusionary criteria in their admission rules, their educational practices and the circumstances and conditions of admission created indirect mechanisms that effectively kept the majority of Roma families and their children away from these institutions. The position paper identified the main regulatory points that contribute to the exclusion of Roma children from church-run institutions at the systemic level: the obligation of church schools to admit pupils, the rules on the designation of catchment areas, the differences between state and church schools in the admission procedure, the shortcomings in the procedure for granting operating licences to new church institutions, the shortcomings in the legality control of church operators and the shortcomings in the content of public education contracts.

The position statement formulates recommendations not only in the specific case in Ibrány that served as the basis for the investigation, but also in a national context, with the aim of ensuring that church institutions do not catalyse the segregation of Roma children in schools.

[37] Nahalka István: *Kikre vonatkozik a diszkriminációellenes törvény? Településenkénti adatok,* 2023-10-15,https://ckpinfo.hu/2023/10/15/kikre-vonatkozik-a-diszkriminacioellenes-torveny-telepulesenkenti-adatok/

[38] Position statement No. 6/2025 on the relationship between the admission and operating practices of parallel church-run public education institutions and the segregation of Roma children in schools, 33 November 2025, available at https://gyermekjogicivilkoalicio.hu/wp-content/uploads/2025/11/62025_elvi_a%CC%81f.pdf

The Deputy Commissioner also proposed amendments to the Nkt. and its implementing regulations in several respects:

Church-run institutions should participate in a mandatory and proportionate manner in the education and training of disadvantaged children in their district, i.e. the current practice whereby church schools in multi-school settlements are not district institutions should be abolished.

According to the position statement, legislation should ensure that no new non-state school can be established in a settlement if the number of children does not justify it or if its operation carries a risk of segregation in the short or long term. The Deputy Commissioner also recommended that aspects related to the enforcement of equal treatment be included in the legal supervision of church institutions, with particular regard to mechanisms resulting in indirect discrimination.

Law enforcement practice relating to segregation in schools (kindergartens)

Below, we highlight a few key legal cases that have shaped law enforcement practice and contributed to the interpretation of anti-discrimination regulations. We have organised the cases based on the concepts interpreted in them.

In addition to domestic practice, we also discuss a few Strasbourg decisions that are of particular importance either because of their relevance to Hungary or because the legal issues raised in them may also be relevant in the domestic context. These decisions provide an important starting point for understanding issues related to school segregation and desegregation obligations.

Segregation based on parental consent

In support of maintaining separate education, it is often argued that "Roma parents themselves choose" segregated schools because they "feel their children are safe there" or "prefer to be among themselves". According to these views, this would legitimise an ethnically homogeneous educational environment. Another argument that is often raised is that Roma parents exercise their right to choose a school in the same way as non-Roma families, and therefore it is their decision if they choose a less integrated institution for their children.

References to "voluntary choice" or "consent" are thus often used to try to make the practice of segregation acceptable or justifiable. However, it should not be overlooked that the decision-making situation in which this choice is made is socially and structurally limited: in many cases, Roma parents' choice of school is not a free decision made from among real alternatives, but is determined by distance, financial constraints, lack of information, fear of stigmatisation, and the actual capacity or exclusivity of the receiving institutions.

In our view**, a child-centred approach precludes the possibility of parents choosing a segregated form of education for their children, as segregated education has been proven to be contrary to the best interests of the child.** Consequently, we believe that parents do not have a "right to choose" that would extend to the conscious choice of an educational environment that is unlawful or detrimental to the child.

The disadvantages of segregated education – persistent underachievement, reduced opportunities for social mobility, the reproduction of prejudice and stigmatisation – far outweigh any considerations that parents may have in favour of separate schools (such as a "sense of security" or proximity to familiar surroundings). Even if the parent's subjective experience or fear is understandable, it cannot result in the restriction of the child's fundamental rights. In other words**, segregation cannot legitimately become a "matter of choice" because segregation itself violates the rights of the child.**

In the case of D.H. and Others v. the Czech Republic, the European Court of Human Rights (ECtHR) ruled that neither parents nor anyone else can waive the right to live without discrimination. The Czech state argued that all parents had signed a consent form agreeing to enrol their children in a special school. According to the Czech government, the consent form proved that the segregation was lawful. The plaintiffs, however, argued that "there can be no waiver of a child's right not to be discriminated against on the basis of race in the field of education" and that, accordingly, any such statement or consent cannot be valid. The court shared this view and, moreover, disputed whether the parental consent presented in the case could be considered consent at all, as it was not convinced that an informed and conscious decision had been made. The ECtHR also stated that **restricting the educational opportunities of any group, with or without parental consent, is contrary to the public interest.**

The Strasbourg court also mentioned that the majority society had exerted psychological pressure on Roma parents: "It seems indisputable that Roma parents were faced with a dilemma: either to choose a mainstream school, which is not equipped to take into account their child's societal differences and where there is a risk that their child will be ostracised by the majority of children, or to send their child to a special school where the majority of children are of Roma origin.[39]

In its judgment No. Pfv.21.568/2010/5 in the Kaposvár school case, the Supreme Court itself addressed the issue of Roma parents' choice of school and its consequences, stating "The parents' contribution to ethnic education and their decision expressed in their choice of school cannot be considered a conscious expression of parental will to segregate their children in an educational institution (...)".

Consequently, the “voluntary choice” of Roma parents cannot legitimise segregated education, because their decision is usually determined by structural constraints and therefore

[39] D.H. and Others v. the Czech Republic, (Grand Chamber) Application No. 57325/00, (13 November 2007) para. 203.

cannot be considered a genuine choice. Neither parents nor anyone else can give their child's "consent" to discrimination, as clearly stated by the ECtHR and Hungarian courts. Segregation cannot therefore be legitimised by referring to parental decisions.

Cases of segregation and desegregation measures taken in response

Domestic legal practice on school segregation has been shaped since the entry into force of the Ebktv. by the strategic litigation of two civil society organisations: the Budapest-based, now defunct Chance for Children in Need Foundation (CFCF) and the international European Roma Rights Centre (ERRC), formerly based in Budapest and now relocated to Brussels.

The civil lawsuits targeting various forms of school segregation not only clarified a number of fundamental concepts in relation to the interpretation of the Ebktv. but were also aimed at bringing about meaningful change in the educational situation of Roma students in specific schools, municipalities or even at the national level. The plaintiff organisations sought to encourage the courts to go beyond merely declaring a violation of rights and to determine precisely who was responsible for the segregation of Roma pupils in schools and, more importantly, who had what obligations to remedy the violation. Below we present a few cases closely related to the obligation of desegregation, without claiming to be exhaustive.

The responsibility of education authorities for segregation in large cities

The lack of clarity in terminology, the shortcomings in legislation and perhaps even the powerlessness of the courts are best illustrated by the CFCF's largest legal action, in which the organisation sued the education authorities, i.e. the ministry responsible for education, over 28 segregated schools in several municipalities. In the personal rights lawsuit, segregation was found to exist in all schools, and it was also found that the sector's governing body was liable for negligence. Of the 28 schools, only 13 were still operating at the time of the final judgment, so the court issued specific instructions to the ministry to remedy the violation in relation to these schools.[40] The Budapest Court of Appeal stated, in relation to the measures necessary for the ministry responsible for education to remedy the infringement, that in the event of a violation of the requirement of equal treatment, only a comprehensive investigation based on individualised local characteristics can form the basis for effective, proportionate and appropriate judicial measures. An essential condition for this is the development of a desegregation plan with the involvement of an expert on equal opportunities in public education. The legal consequences of the civil court must be in line with public law regulations and the principle of separation of powers: in the absence of an appropriate professional basis (desegregation plan), the court cannot prescribe specific executive measures (e.g. prohibition of starting a first grade; modification of district boundaries). At the same time, the court may lawfully oblige the ministry to instruct the bodies exercising the rights of the maintainer to prepare desegregation plans. Although

[40] Capital Court of Appeal, 14 February 2019, Judgment No. 2.Pf.21.145/2018/6/I.

sectoral law does not specifically mention a "desegregation action plan", pursuant to Section 21 of the School District Equal Opportunities Action Plan (229/2012. (VIII. 28.) Korm. rend. 21. §) and Section 79 of the Nkt., the minister may act through the Education Office and the school district centres; such an instruction does not violate the separation of powers. The government office and the school district centre are responsible for monitoring implementation; the defendant cannot be obliged to carry out direct monitoring or to disclose information.

Following the decision of the Budapest Court of Appeal, the competent school districts prepared desegregation plans for 13 segregated schools on the instructions of the Ministry of Human Resources (EMMI - operated from 2010 to 2022).

In 2020, the Rosa Parks Foundation, the Motivation Education Association (Motiváció Oktatási Egyesület) and the Partners Hungary Foundation reviewed the completed desegregation plans with the involvement of external experts who have good local knowledge and civil society connections in the given municipality, in order to identify 1-2 locations where there is a real chance of ending segregation based on the plans and where there would be a willingness to involve external civil assistance (resources, expertise) to ensure the successful implementation of the plan.

Based on the expert opinions prepared, we have reached the following conclusion:[41] the court ordered 13 schools to prepare desegregation plans. This document, which consists of two parts: a situation analysis and an action plan, has been prepared for each school. Six schools are located in the capital, Budapest, while the other seven are located in multi-school settlements (medium-sized or large cities by Hungarian standards: Karcag, Szentes, Heves, Eger, Ózd, Salgótarján, Tatabánya). The situation in Budapest and rural settlements is different, so their solutions also require different strategies. In Budapest, due to the size of the city and its administrative structure, it is difficult to imagine the rapid and complete elimination of educational segregation, but an appropriate desegregation plan can significantly reduce educational segregation. In most rural settlements, the implementation of an appropriate desegregation measure could significantly reduce or even eliminate educational segregation. Consequently, this document discusses the desegregation plans for schools in Budapest and rural areas separately.

Budapest

In the case of schools in Budapest, a single comprehensive situation analysis was prepared, and an action plan was drawn up for each school. The situation analysis presents the facts of segregation and the mechanisms of segregation in the schools concerned in a professional manner, based on data. However, the action plans for individual schools do not contribute to desegregation, as they focus on the specific development of individual institutions and are not suitable for influencing the distribution of Roma and disadvantaged pupils among institutions and making it more balanced.

[41] The summary was prepared by József Balázs Fejes, member of the Motivation Educational Association.

Rural settlements

In rural settlements, the quality of desegregation plans is extremely heterogeneous. The situation analyses are mostly adequate, but the action plans are generally not consistent with them. The action plans are not suitable for significantly reducing segregation for three clearly identifiable reasons: (1) they focus only on segregated schools (rather than institutional development plans) and do not address the distribution of pupils between institutions; (2) the plan affects several schools and in some cases includes school closures, but the measures are weak and do not significantly affect the distribution of pupils between schools; (3) the plan affects several schools and includes school closures, but segregation is not expected to decrease due to the effect of church-run schools attracting middle-class pupils.

In summary, although the quality of the completed desegregation plans is heterogeneous and most of them contain a professional analysis of the situation based on data, these documents are generally not suitable for significantly influencing the distribution of Roma and disadvantaged pupils between institutions or making it more balanced. The plans usually do not take into account that the proportional distribution of pupils should be planned for the entire municipality, so **the measures often only apply within the framework of the school concerned, without reflecting on the real causes of the problem. This can be partly attributed to the fact that the court itself left the door too wide open: the judgment did not specify any substantive criteria or milestones for the specific results that desegregation plans should achieve.** Thus, enforceability could essentially have been reduced to whether the maintainer had formally prepared the plan, while its content and actual impact – i.e. whether segregation had been reduced – could not have been reasonably assessed. As a result, the reduction of segregation currently depends on the discretion of the maintainer, but the plans do not show any real willingness to make genuine changes. As a result, at the end of a public interest lawsuit lasting nearly a decade, none of the desegregation plans proved suitable for actually contributing to the elimination of local segregated education.

However, some of the schools involved in the lawsuit have since been closed down, although it is difficult to consider school closures as a desegregation measure given the circumstances. This was the case, for example, with the Lakatos Menyhért Primary School in Budapest's 8th district.

The closure of the Lakatos Menyhért Primary School (2023)

For decades, the Lakatos Menyhért Primary School was one of the most ethnically homogeneous institutions in Józsefváros, teaching almost exclusively Roma children. The school was also spatially segregated: it operated in a socially disadvantaged area of the Orczy quarter, and as a result of zoning and free school choice, families with higher social status had already taken their children to other institutions in the district. The school was involved in the 28 school lawsuits that resulted in the school districts having to develop desegregation plans. However, the "equal opportunities situation analysis" concerning the school in the

Inner Pest School District[42] from 2019 only contained measures aimed at improving the quality of education and reducing student dropout rates. The plan's adoption formally complied with the court's ruling, but in terms of content, it did not include a single measure that would have led to the elimination of segregation. For years, the school had been operating with low class sizes and a severe shortage of staff, equipment and professional resources. In 2021, it was reorganised and merged into one of the district's most popular inclusive schools as a member institution, but even then, the maintainer did not allow new first classes to be started. Following the merger, the number of pupils continued to decline, and by the end of the 2022/2023 school year, most of the day classes did not reach the minimum class size of 14 pupils specified in Annex 4 of the Nkt. On this basis, the school district terminated daytime primary school education on 1 September 2023, while evening primary school and secondary school education continued to operate in the building.

However, the termination of daytime primary school education was extremely "scandalous", as the school's pupils and their parents were not informed of the decision; the children found out on the first day of the school year, and the teaching staff were only notified on 31 August 2023.[43]

According to the statement sent to the Rosa Parks Foundation by the maintainer of the school, the students were "exercising their right to free choice of school" as they were transferred to institutions in other school districts, and the transfer "had a positive impact on the institutions in the district." However, this was clearly refuted by social workers working with the children and their families and by parents associated with the Rosa Parks Foundation: the vast majority of the children were transferred to other schools not on the basis of a real choice, but on the basis of directed placement. Most students were not placed in an integrated environment, but in another similarly segregated school in the district, the Németh László Primary School, so the closure did not lead to a change in the composition of the student body or a reduction in segregation.

We contacted the school district to get answers to our questions, but it was not clear whether any *transitional support*, methodological training, mentor teacher assistance or conflict management programmes had been provided at the receiving institutions. They did not provide any meaningful information in response to our request for data on this matter. There is no documentation of any student support, teacher support or dropout prevention measures being organised.

The closure was therefore not presented as an educational policy measure aimed at desegregation, but as a "technical measure" justified by the number of pupils, so that the

[42] Support for institutions at risk of student dropout, EFOP-3.1.5-16-2016-00001, Inner Pest District Centre Budapest VII. District Baross Gábor Primary School, Erzsébetváros Bilingual Primary School, Vocational Secondary School and Technical College Lakatos Menyhért Primary School and Secondary School Budapest VIII. District Németh László Primary School Budapest IX. District József Attila Primary School and Elementary School of Arts Equal Opportunities Situation Analysis

[43] "One day before the start of the school year, they learned that classes would not start at the primary school," Népszava, 15 September 2023. https://24.hu/belfold/2023/09/15/iskola-bezaras-jozsefvaros-lakatos-menyhert/

former "Lakatos" children affected by the school closure received no assistance or preparation. Some of the Roma children were transferred to the Szent Györgyi Albert Primary School in District IX, where their arrival caused considerable tension within the host classes, both among the pupils and at school level, making their subsequent dropout rate predictable.

It follows from all this that the closure of segregated schools can only take place within the framework of a desegregation plan based on a preliminary impact assessment, an assessment of the capacity of the receiving institutions, the methodological preparation of teachers, and the continuous support of pupils and families. Desegregation does not simply mean physically transferring children from one school to another, but also transforming the receiving environment, pedagogical practices and community relations. The experience of the closure of the Lakatos school shows that integration is inconceivable without preparation at the institutional and community levels: without this, change does not result in inclusion, but merely in relocation, in which both children and teachers are left to their own devices.

Kaposvár

The Kaposvár desegregation model is the only example in Hungary where the elimination of school segregation was not the result of a local professional or political initiative, but was based on a court order, and all this was aimed at implementing a comprehensive, pre-developed desegregation plan. **From the outset, the process highlighted that the lack of political will and the uncertainty of local community support fundamentally influence the success of interventions: desegregation cannot be "enforced" by legal means alone, because it is not a one-off administrative step, but a complex structural and social change.**

The desegregation plan was drawn up in the context of a public interest lawsuit initiated by the Chance for Disadvantaged Children Foundation (CFCF) (Esélyt a Hátrányos Helyzetű Gyerekeknek Alapítvány), which challenged the persistent and ethnically based segregation at the Tagiskola school on Pécsi Street in Kaposvár in a personal rights lawsuit. The foundation's basic argument was that **segregation was not the result of a single institutional decision, but rather the result of several interrelated, systemic administrative and maintenance decisions: due to the establishment of school district boundaries, the distorted application of free school choice, the division of responsibility among operators, and the complete lack of inclusive pedagogical support, it is not enough to place the responsibility on the operator, but the top of the education sector must also be held accountable.** Accordingly, the defendants in the lawsuit included the ministry responsible for education, the former municipal maintainer, the new state-run school district, and the government office responsible for establishing the district boundaries at the time.

The lawsuit was filed because there had already been a final decision on the unlawful, segregated operation of the school on Pécsi Street, but in the absence of a clear obligation

from the court based on the judgment, no one did anything; the segregated school continued to operate despite the condemnatory court decision. The strategic goal of the new lawsuit was to have the court establish the obligation to desegregate.

In the new lawsuit, the plaintiff foundation asked the court to order the defendants to implement the desegregation plan developed by educational sociologist Norbert Szűcs, because it was clear that a chain of local regulatory and institutional decisions played a role in maintaining segregation, so that its elimination could only be achieved through coordinated intervention at multiple levels. Accordingly, the plan focused not only on the reallocation of students, but also on addressing the structural factors that caused segregation:

- the transformation of district boundaries and admission practices so that no receiving school would become a new hotspot for segregation,
- training teaching staff and school leaders in inclusive, differentiated teaching methods and providing support for conflict management
- establishing a network of mentors, teaching assistants and social workers to support student integration and prevent dropouts,
- community participation processes should be incorporated to ensure that change is transparent, understood and acceptable to the local community.

From this perspective, the Kaposvár model goes beyond the situation of a single school: it shows that segregation can only be eliminated with lasting results if changes are made simultaneously in distribution rules, pedagogical culture and community attitudes.

Finally, the Supreme Court ruling that concluded the lawsuit[44] clarified that the head of the education sector can also be held accountable for failures resulting from tolerating segregated education. And although the courts found all the defendants liable, they provided little concrete guidance on how segregation should actually be eliminated. The court did not order the implementation of the complex desegregation action plan prepared by Norbert Szűcs; instead, it obliged the defendants to develop the specific steps necessary to achieve desegregation themselves.

The final judgment upheld by the Supreme Court did not specify the mandatory elements of the desegregation action plan. According to the court, only with knowledge of local conditions is it possible to determine which specific measures are necessary to ensure the most successful implementation of integration. In this regard, it is up to the local actors in national public education and the local government to decide how to inform the students and parents of the member institution involved in the lawsuit and the host institutions, how to prepare teachers, what kind of support system should be established, whether it is necessary to provide school bus services, or whether it is sufficient to support community transport in other ways.

[44] BH 14 May 2018

As a result of the decision, no new first grade classes were started in the segregated school, school districts were reviewed, and children were transported by school bus to the designated institutions.

At the same time, local political resistance and low community support during implementation highlighted that maintaining and ensuring the success of desegregation is not solely a legal issue: it requires sustained, consistent professional and community organising work, as well as a clear commitment to public policy. According to Szűcs, one of the basic conditions for successful desegregation is to have at least one strong, credible local partner – such as a university, civil society organisation or Roma community – that is able to legitimise the programme and mobilise local actors. However, this did not happen in Kaposvár: the university did not take an active role, and no local alliance was formed that could have sustained the process. Although there were committed teachers and professionals, the programme lacked the "force field" that would have kept the initiative going.

Nyíregyháza

In 2006, the CFCF filed a lawsuit against the municipality of Nyíregyháza for failing to close down - or rather for maintaining - the segregated Primary School No. 13, located on the outskirts of Nyíregyháza.

As in other large cities, there are several segregated areas in Nyíregyháza, the largest of which is the Huszár settlement, an area isolated from the urban fabric. From there, the city centre is difficult and time-consuming to reach with public transport. The aim of the proceedings initiated in 2006 was to have the local authority responsible for maintaining the school integrate Roma children into other primary schools in the city. Under pressure from the lawsuit, the segregated school was closed in 2007 and its pupils were placed in six designated schools in the city centre. Due to the geographical location of the settlement, the local authority launched a school bus service to transport the children to the integrating schools free of charge and with an escort.

From September 2007, the city used two school buses to transport approximately 85 previously segregated pupils to other institutions. Teaching assistants accompanied the children on the buses all the way to their classrooms. The inclusive institutions sought to have no more than one Roma pupil per class, so that each school had approximately 10-15 children.

Judit Kerülő wrote about the difficulties of desegregation in Nyíregyháza[45] , noting that the integration of upper-grade students posed a significant challenge, as evidenced by the high absenteeism rate in the first few weeks. The consistent application of the principle of "siblings should attend the same school" also caused conflicts in some places, especially when several children from the same family with behavioural difficulties were placed in the

[45] Kerülő, J. (2008) Az intergáció és a szegregáció kérdése egy iskolabezárás kapcsán, *Új Pedagógiai Szemle*, 2008.02, elérhető:https://ofi.oh.gov.hu/tudastar/kerulo-judit-integracio

same institution. In contrast, the integration of lower grade pupils was much smoother, confirming the empirically proven experience that **the earlier integrated education begins, the more effective inclusion is.**

The children's integration was assisted by mentor teachers who had previously taught in segregated schools. They had three tasks: to provide professional support for the learning process, to apply individual development methods, and to provide life counselling. **The involvement of former teachers created security and continuity for the students and also facilitated the work of teachers in inclusive schools, who in many cases had little experience in integrating disadvantaged or special needs students.**

However, the new city administration that took office in 2010, citing the difficulties of upper-grade students in integrating and complaints from the majority of parents, decided to address the situation by reopening the segregated school and discontinuing the school bus service. From then on, families were only eligible for discounted local public transport passes.

However, the old-new settlement school in the building of the former Primary School No. 13 was not reopened by the local government, but by the Greek Catholic Church's Hajdúdorog Diocese. On 31 May 2011, an agreement between the local government and the church established the Sója Miklós Greek Catholic Primary School in Huszár-telep, which received the building and regular municipal support for operations free of charge. In exchange, it "opened its doors" to the Roma children of the settlement.

The Greek Catholic Church had previously been present in Nyíregyháza, maintaining a primary school, secondary school and higher education institution in the city centre, but Roma children rarely attended these schools. In the 2011/2012 school year, 16 first-graders enrolled in the settlement's church school, all of them children of Roma families living in extreme poverty in the settlement.[46]

According to a questionnaire survey conducted by the legal defence foundation**, the proximity of the institution was the decisive factor in Roma parents' choice of school. The opening of the school did not therefore create a real choice, but rather a constraint: with the discontinuation of the school bus, the more distant integrated schools became inaccessible.**

The case of Nyíregyháza clearly shows that **maintaining integration requires long-term, consistent political and institutional commitment.** Although the successful integration of lower grade pupils confirmed the effectiveness of integrated education, the discontinuation of the school bus and the reopening of the settlement school resulted in a complete reversal.

[46] Kegye, A. (2015). Áldott szegregáció. *Fundamentum*, 19(1), 39–49.

The Kalocsa kindergarten segregation case

The Kalocsa kindergarten segregation case clearly shows what happens when Roma parents suddenly start exercising their right to choose a kindergarten.

In Kalocsa, the municipal kindergarten network operates with several member institutions, but among these, the Viola Street kindergarten has become a virtually completely segregated institution in recent years. There were two reasons for the emergence of segregation: on the one hand, the kindergarten is located in the immediate vicinity of one of the town's Roma enclaves, and on the other hand, non-Roma parents living in the district routinely enrolled their children in other kindergartens before they started kindergarten. In contrast, Roma families remained in the district, in many cases due to the practice of the kindergarten director, who refused to accept their transfers. As a result, the Viola Street kindergarten was used exclusively for the education of Roma children, typically from disadvantaged backgrounds, with low enrolment numbers and serious quality deficiencies: according to reports from Roma parents, the nursery did not provide adequate development opportunities, several teachers treated the children in an inappropriate manner, and the institution did not provide professional care tailored to the children's needs.

A total of 11 parents requested that their children be transferred to other nurseries with the help of the Polgár Foundation. Due to the low number of children enrolled at the Viola Street nursery school, this would have effectively resulted in the emptying of the segregated group, which the nursery school management tried to prevent by all means: they did not respond to the parents' formal written requests for days.

The situation was finally resolved when, in the autumn of 2022, the operator temporarily closed the Viola Street branch, citing high energy costs, and moved the children to another nursery. However, integration did not take place there either: the "former Viola children" were placed in a separate group and, according to parents' reports, had a separate entrance and were separated from the other children in the playground. Segregation did not end; it was merely relocated.

The children did not return to the segregated nursery; under pressure from civil society, the operator closed the institution permanently. Civil society action was aided by the fact that Polgár Foundation for Equal Chances (Polgár Alapítvány az Esélyekért - PAE), with the help of the Rosa Parks Foundation, lodged a complaint with the Deputy Ombudsman for Nationalities. **The ombudsman's investigation catalysed the closure of the kindergarten and a rethinking of the kindergarten catchment areas, now under new management.**

The ombudsman's investigation found that by treating the transfer requests of Roma and non-Roma parents differently – with the passive acquiescence of the operator – the kindergarten director contributed to the complete segregation of the Viola Street branch kindergarten, thereby violating the Roma children's right to equal treatment and their parents'

right to a fair procedure.[47] The Roma parents who submitted transfer requests did not receive a written decision, so they were unable to exercise their right of appeal. The operator only remedied the unlawful situation later, by closing the nursery school and redrawing the district boundaries.

The case highlights that **segregation in kindergartens is not merely the result of spontaneous processes, but rather the combined effect of institutional decisions, zoning practices, parents' access to information, and local political accountability. Physical relocation alone is not enough to eliminate segregation: effective desegregation measures, inclusive educational programmes and respect for parental rights are also necessary.**

Desegregation at the Jókai Mór Primary School in Piliscsaba

The CFCF helped eleven Roma children from Piliscsaba to submit transfer requests from the Jókai Mór Primary School in Piliscsaba to other schools in the area, namely Pilisvörösvár, Pilisjászfalu and Tinnye. None of the children's transfer requests were successful: the institutions maintained by the school district rejected the children's applications one after another without giving any reasons.

The foundation initiated administrative proceedings against some of the rejection decisions, which consistently found the decisions of the school districts to be unlawful, as they did not justify why the Roma children were not admitted.

With one exception: in the case of Imre Szolcsán, the school district, having learned from its previous lost lawsuits, did provide a reason, namely that it was in the child's best interest to attend the school in his place of residence rather than in another municipality. As the decision contained a justification, the courts hearing the case found it to be appropriate[48] , and the Constitutional Court also approved the decision to refuse the child's admission.[49]

The case then went to the European Court of Human Rights, which finally ruled in 2023 that the state had violated Imre Szolcsán's right to non-discriminatory education, but did not rule that the refusal to admit him was discriminatory, given the lack of statistical data on Roma pupils:

"The Court notes that the parties did not dispute that the Jókai Mór school was attended almost exclusively by Roma pupils, even though the Roma population in the district did not appear to exceed 4% of the total population (see paragraph 5 above). Nor did the Government expressly dispute that the curriculum taught at the Jókai Mór School was of poor quality" (...) The Court cannot accept the Kúria's finding that the fact that the Jókai Mór school was attended almost exclusively by Roma children does not constitute

[47] Position statement No. 3/2024 on the ad hoc and general segregation effects of kindergarten admission practices and the content of nationality kindergarten education programmes
[48] Kfv.II.37.414/2015/8.
[49] 3148/2016. (VII. 22.) AB ruling on the rejection of a constitutional complaint

segregation, but merely reflects the presence of other Roma children living in the district (see point 16 above). Such a conclusion was not supported by the actual population data for Piliscsaba (see paragraph 5 above), and the ethnic composition of the district's population, given the circumstances, could not in itself constitute a sufficient objective reason for segregating the applicant as a Roma pupil at the Jókai Mór school.[50]

Based on the judgment, not only must the Hungarian State end segregation at the school in Piliscsaba, but the ECtHR also ruled that *"In light of these principles, the Court considers that the measures to be taken in the present case must ensure the elimination of segregation of Roma pupils at the Jókai Mór School and, in general, the development of an education policy that combats segregation and takes steps to eliminate it in accordance with the recommendations of the ECRI."*[51]

To understand the segregated education system in Piliscsaba, it is important to note that the Roma population in the town was low, but there were three different types of educational institutions: a state school that was completely segregated; a Catholic school that did not accept Roma pupils; and a relatively integrated German nationality school. According to the government's communication, significant changes have taken place in the state-run, segregated school in connection with the Strasbourg ruling: on the one hand, the admission of new first-year pupils has been banned for two school years, and on the other hand, the institution has been placed on a "new footing". As part of this, services attractive to the middle class have been introduced, resulting in a decrease in the proportion of Roma children.

On the surface, the "opening paradigm" seemed to be a success in Piliscsaba: the enrolment moratorium and the expansion of educational services succeeded in winning over non-Roma families and removing the stigma of segregation from the institution. However, interviewees embedded in the local Roma communities painted a completely different picture of the reasons for the success of desegregation in Piliscsaba: on the one hand, during the coronavirus pandemic, many families with young children moved from Budapest to Piliscsaba, who were unaware of the history of the state school and the associated local stigma. On the other hand, church, ethnic and state schools all have local enrolment, meaning there are no district boundaries. According to the experts interviewed, after the state school reopened, Roma children were forced out of the institution on the grounds of lack of space. Interestingly, they were transferred to the very schools that had previously refused to admit them during the transfer attempts that formed the basis of the Strasbourg case. This led to a significant increase in the proportion of pupils receiving regular child protection benefits at the Tinnye primary school, which now points to the complete segregation of the school.

All this suggests that **any intervention aimed at desegregation only makes real sense if it is based on a systemic approach. Segregation is not a problem of a single school, but of an entire community – and, based on the example of Piliscsaba, even an entire school**

[50] Szolcsán v. Hungary, (Application No.: *24408/16*)
[51] Ibid.

district. Only within such a framework can re-segregation be prevented, or, in the case of Piliscsaba, the spread of segregation to other schools, even beyond the community boundaries.

The case of Piliscsaba highlights that formal desegregation measures alone cannot permanently eliminate segregation if they are not part of a coherent, systemic public education strategy. Although the restructuring of state schools and the introduction of services attractive to the middle class have apparently reduced the proportion of Roma pupils, this process has not been achieved through educational equality, but through a reorganisation of social space. The displacement of Roma pupils and their subsequent concentration in other local schools proves that segregation has not ended, but has merely shifted location. This process supports the ECtHR's position that the elimination of segregation cannot be limited to the transformation of a single institution: comprehensive educational policy interventions and coordination at the municipal and school district levels are necessary to prevent the reproduction of segregation. The experience in Piliscsaba thus confirms that desegregation can only be considered successful if it is implemented within a policy framework that aims not only at spatial reorganisation but also at breaking down structural inequalities.

Desegregation interventions through examples from Hungary: results and lessons learned

In the following, we present some examples from Hungary of desegregation processes that took place organically, without external pressure. We review the most significant interventions of the past two decades affecting large groups of students, as well as their results and lessons learned. The study examines three cases in more detail – Hódmezővásárhely, Szeged and Józsefváros – which illustrate how desegregation was implemented in different local environments and what factors influenced the success or failure of the initiatives.

Kindergarten segregation in Józsefváros and the "Inclusive Kindergartens" programme

We have been present in Józsefváros, Budapest's 8th district, for ten years. Through our Invisible Study Hall (Láthatatlan Tanoda) programme, we have gained direct experience of kindergartens and schools in the neighbourhood, mainly in the 8th and 9th districts, through the experiences of the children attending the school.

Józsefváros has the highest proportion of Roma residents among Budapest's districts, and in the past decade a significant number of immigrant families have also settled here, joining the Chinese community that has been present for some time. As a result, the district's population is diverse and heterogeneous, but this diversity is not automatically reflected in the district's educational institutions.

In the district, as in the country as a whole, it is common for parents to choose nurseries and schools outside the district, mainly as a conscious decision by families with higher social status, typically non-Roma and non-immigrant families. As a result, a significant number of children attend kindergartens and schools outside the district, which reinforces ethnic and social segregation and makes it very difficult to achieve a balanced ethnic mix in kindergartens and schools.

Early prevention of segregation is crucial, as segregation in kindergarten lays the foundation for segregation in school and leads to the reproduction of inequalities in the long term. Recognising this, the Józsefváros Local Government, the Rosa Parks Foundation and the Partners Hungary Foundation have jointly launched a kindergarten desegregation programme called Inclusive Kindergarten Program (Befogadó Óvodák).

The framework and operation of the Inclusive Kindergartens project

The project was launched in January 2020 and was jointly funded by the local government and the two civil society organisations. While the original idea was to involve only a few member kindergartens, by 2021 the activities had expanded to all 12 member institutions of the Józsefváros United Kindergartens (Józsefvárosi Egyesített Óvodák). Thus, the project shaped not only the practices of individual institutions, but also the functioning of the united kindergarten network and the local government's approach.

The main objective of the programme was to reduce the segregation of Roma and disadvantaged children in kindergartens. Four main pillars supported the achievement of this goal:

1. **District boundary modification and institution closure:** Administrative tools were used to encourage families to move away from the entrenched, segregated kindergarten environment, promoting the co-education of children from different social backgrounds.
2. **Support for pedagogical innovations:** The aim was to strengthen inclusive educational practices and make municipal kindergartens more attractive to middle-class families living in the district.
3. **Stabilising funding:** In order to maintain and improve the professional quality of kindergartens, it was necessary to secure predictable long-term resources.
4. **Communication and conflict management:** Due to the social and political "sensitivity" of the project, a key objective was to ease local tensions, resolve misunderstandings and build parental trust.

In addition, the programme management considered it essential **to strengthen participation and** adopt **a holistic approach:** change should not take place in individual institutions, but at the network level, based on shared values and cooperation. For this reason, we conducted a questionnaire survey among local parents during the programme to find out what criteria they use when choosing a nursery school. The aim was to identify the services and institutional

characteristics that could make district nurseries more attractive to higher-status parents, thereby reducing migration outside the district.

The **desegregation programme therefore sought not only to reduce segregation, but also to strengthen confidence in the district's educational institutions**, setting out the dual objectives of preventing and eliminating ethnic and socio-economic segregation in kindergartens, and to retain higher-status families living in the district in the public service system, i.e. to provide attractive, high-quality, inclusive local nursery care.

Our questionnaire survey of parents is not representative, but it provides a good picture of the expectations and concerns of middle-class parents, which also determine the choice of nursery and school institutions for families with higher social status nationwide. The questionnaire was completed by 223 people, most of whom are graduates and are connected to the district's municipal kindergartens. Although the sample cannot be generalised to the entire parent population, the responses clearly show the considerations, fears and preferences that determine families' choices of institutions in the district – and presumably nationwide.

1. Criteria for choosing a nursery school

Three main factors emerge when choosing a nursery school:

- **Proximity and safety** – parents primarily look for a safe institution close to their home.
- **The personality of the teacher** – trust, communication and the relationship with the children are of crucial importance.
- **Good reputation and community** – it is important for parents that children from "good families" attend the nursery and that a supportive parent community is formed.

Several parents explicitly stated that they were looking for a nursery school *"where the children come from better families than those in the 8th district*". This suggests that social considerations also play a role in the choice, i.e. some parents avoid the company of children from disadvantaged backgrounds and other social backgrounds and prefer institutions in other districts.

Among those who choose non-municipal kindergartens, the reasons often cited are the desire for better quality services and alternative educational approaches (Montessori, Waldorf), as well as a lack of trust in municipal institutions. Complaints mainly concern poor organisation of learning, overworked teachers, hygiene problems and inadequate care for children with special educational needs.

2. School selection criteria

When choosing a school, parents consider child-centred, safe and value-based education to be of primary importance. The most common decision-making criteria are:

- **The school's reputation** – experiences of acquaintances, personal impressions

- **The dedication of the teachers** – a loving, personal relationship is crucial
- **Pedagogical approach and values** – many choose Christian, family-centred or modern, innovative institutions
- **Future-oriented education** – parents are looking for schools that develop 21st-century skills, openness and ways of thinking

Those who choose non-state schools are often distrustful of the state education system, which they consider outdated, inflexible and unresponsive to children's abilities. Many mention the underpayment and lack of motivation of teachers and the closed nature of the system.

Based on the responses, parental decisions are determined by trust, perceived quality and social status considerations. The choice of nursery and school is not merely a practical matter (proximity, accessibility), but a strongly value-based and social decision: parents look for an institution where their children will find safety, attention, moral stability and an "appropriate" environment.

In our current research, we interviewed sociologist Gábor Erőss, former deputy mayor of the 8th district, who believes that the desegregation programme was a pioneering initiative in many respects, but had mixed results in terms of its operation and impact. One of **its** most important **strengths was that decision-makers and experts attempted to correct territorial and social imbalances through administrative means, such as redrawing district boundaries.** The aim was to ensure that children from the traditionally Roma-majority Magdolna district did not end up exclusively in nearby segregated institutions, but also in kindergartens attended by middle-class children. In redrawing the districts, efforts were made to include gentrifying neighbourhoods in the hope that this would result in a more socially diverse composition.

One of the pillars of the programme's success was that the city administration and kindergartens sought to make coordinated, data-driven decisions – for example, an evidence-based policy approach was developed, based on local demographic and spatial data.

The local government introduced a new indicator for planning and monitoring interventions. The development of the NSZH (difficult social situation) became necessary in the desegregation programme due to the legal and ethical limitations of ethnic-based data collection. The project required that the degree of social disadvantage and segregation be measurable in accordance with EU requirements, without using ethnic categories. NSZH was narrowed down to parents' educational attainment, which was a politically and administratively acceptable compromise given the prohibition on ethnic data collection.

The project also conducted parallel neighbourhood-based spatial analyses to reveal local patterns of segregation, which highlighted the mosaic social structure of urban spaces. This raised the methodological and theoretical dilemma of who counts as "Roma" and whether desegregation should be measured along ethnic or social status categories.

The researchers concluded that understanding and addressing segregation requires an intersectional approach: without examining the intertwining of ethnicity and social disadvantage, neither education policy nor development policy interventions can be effective.

According to Gábor Erőss, it is positive that desegregation in kindergartens **was not merely a formal reorganisation: it was also accompanied by pedagogical development and professional reflection.** EU support provided funding for the programme, which made it possible to introduce new criteria and indicators, such as the examination of neighbourhood-level social patterns, which gave a more accurate picture of the spatial structure of segregation.

The English experiential education programme in kindergartens was one of the most important and successful tools of the district's education policy for attracting middle-class parents back to the area. Whereas previously many non-Roma families of higher status avoided local kindergartens, the introduction of the English language programme, which became available free of charge to all children in the older age group, offered them an attractive alternative. As a result of the programme, the proportion of non-Roma and non-foreign children increased significantly, which was also reflected in the statistics: the previous 55% ratio rose to 60-63%, meaning that middle-class parents in Józsefváros also returned to the district's kindergartens. This may have only meant a few dozen families, but it was enough to change the proportions of previously majority Roma kindergartens and turn them back into majority non-Roma institutions.

The measure thus reduced segregation in kindergartens and partially restored social balance between the institutions. At the same time, Erős emphasises in the interview that English experiential education became a double-edged sword: while it increased the prestige of local institutions, knowledge of English became a hidden selection mechanism in subsequent school admissions, which ultimately reproduced social differences.

In terms of administrative intervention, the local government did not prove to be sufficiently decisive: when the programme was launched, it operated two completely segregated kindergartens, but decided to close only one of them. In the other case, it chose a strategy that sought to attract families with higher social status, who were neither Roma nor immigrants, by introducing new services that were attractive to the middle class and building on the ongoing gentrification of the neighbourhood. It is difficult to assess what the results would have been if the local government had closed both segregated nurseries, but it can be assumed that achieving a capacity more in line with the actual number of children – together with the associated significant professional efforts required to modify district boundaries – would have been more likely to contribute to the success of integration.

The long-term effects of the programme remained limited. One of the main problems was that kindergarten selection patterns were deeply embedded in local customs: parents typically enrolled their children in the institution they themselves had attended or the one closest to their place of residence. This custom overrode the impact of administrative interventions, so

that changing the boundaries of the districts did not in itself bring about any significant change in the social composition. Roma families continued to send their children mainly to the former institutions traditionally known as "Gypsy nurseries", while non-Roma, middle-class parents often avoided them.

Another barrier was the persistence of social mistrust and differences in prestige between kindergartens. Although infrastructure improvements and the redrawing of districts led to some mixing in the short term, symbolic hierarchies between kindergartens – "good" and "bad" kindergartens – continued to exist in the public consciousness. Certain institutions, such as nurseries close to the Magdolna district, continued to accept children from disadvantaged families, while others retained their middle-class status.

The programme was therefore partially successful: on a technical and professional level, it was able to improve the spatial and organisational conditions of segregation and brought a new framework of thinking to urban education policy. At the same time, it failed to break through the deeper social patterns – residential segregation, mistrust and cultural distance – that formed the basis of kindergarten segregation. **Overall, the programme became one of the most instructive experiments in local education policy: it showed that spatial and administrative intervention is not enough to achieve kindergarten desegregation, but that long-term, society-wide trust-building, parental involvement and a change in pedagogical approach are also necessary.**

Hódmezővásárhely city-level educational integration model programme

The city-level educational integration model programme in Hódmezővásárhely was a unique initiative in the history of educational integration in Hungary. The programme was launched on local initiative in 2006–2007, and to understand its success, it is essential to take into account the political context: the mayor of the city at the time was János Lázár, who is now one of Fidesz's most influential politicians. Lázár already had a strongly centralising, authoritarian leadership style at the time, and it is likely that he pushed through the reform for reasons of economic rationality rather than out of considerations of minority rights or social justice. However, this does not diminish the value of the programme, which aimed to eliminate educational segregation, reduce inequalities between schools and increase the efficiency of the education system. At the time, the programme was able to be implemented in a favourable political and financial environment: in addition to the integration norm, EU funds were also available, for example under the HEFOP 2.1.7 "Reducing School Segregation" scheme, which meant that the local government was able to draw on significant support for the implementation of the reform.

We interviewed Norbert Szűcs, who was actively involved in the implementation of the programme. In his view, desegregation in Hódmezővásárhely was strongly top-down, made possible by the hierarchical functioning of the city's education system. The authoritarian system proved effective precisely because political decisions "trickled down" to the school level: teachers had no leeway to avoid implementation. However, the goal was not arbitrary

control, but rather to force change, which could later become professional insight. The programme was accompanied by extensive teacher training, promoting the spread of the new approach, which involved all teachers, although many felt that the training overload overwhelmed the system.

In terms of quantitative results**, the programme's greatest success was the complete elimination of segregated education:** all children studied in an integrated environment, and **the proportion of severely disadvantaged pupils did not exceed 20% in any school, which was in line with the city's demographic ratios.** During the institutional reorganisation, five of the eleven former state schools were closed, and the educational structure was transformed in the remaining five. As a result of the reorganisation, class sizes normalised, and the local government's education expenditure fell by about half between 2006 and 2009, from €5.3 million to €2.7 million, while the fulfilment of integration conditions enabled them to draw down more than €11 million in EU support by 2013. Performance differences between schools decreased significantly, which was also reflected in the results of the National Competence Assessments. The previously low pedagogical added value of "elite schools" improved, and teacher performance evaluations helped retain high-quality teachers.

The qualitative results were also noteworthy. The reorganisation of children and the integration of Roma and non-Roma pupils, who had previously been separated, contributed to mutual acceptance and stronger inter-ethnic relations. Integration resulted in more natural coexistence in everyday school life, and although all those involved evaluated the pedagogical methodological innovations positively, the presence of Roma children continued to divide public opinion. School leaders and education officials tended to explain the difficulties of acceptance by referring to "cultural differences," which shows **that there has been no real change in deeper layers of social attitudes.**

Despite all this, the reform was implemented with surprisingly little conflict. Although teacher redundancies and school closures caused tension, decision-makers took care to involve the public, ensure transparency and keep the parties concerned – parents, teachers and church representatives – continuously informed. The local government also supported families and schools with additional services: they provided retraining for teachers, mentoring for students, bus transport, as well as special needs teachers, school psychologists and benefits in kind (e.g. school equipment and sports vouchers).

According to Norbert Szűcs, the key to the success of the Vásárhely model was that political will, economic rationality and professional knowledge were all aligned. At the same time**, the sustainability of the programme was undermined by the shift in education policy after 2010: the nationalisation of schools and the rapid spread of church-run institutions effectively eliminated the local government's room for manoeuvre, so the integrated system could not be maintained.** According to Szűcs, the example of Hódmezővásárhely shows that **desegregation can be successful if political will, professional competence and**

local social consensus are all present at the same time – but the absence of any one of these elements makes the whole system unstable.

The programme thus remained a rare exception in the history of Hungarian public education: a model that simultaneously implemented structural and pedagogical reforms, demonstrably reduced inequalities and had a measurable impact on student performance – even if it could not survive in the long term in a centralised and re-selection-based education policy environment.

Szeged

In Szeged, on the other hand, the process of desegregation took place more organically, with many actors involved and less central control. Szűcs was already involved in the planning here, and he sees the size and institutional diversity of the city as both an opportunity and a challenge. In Szeged, there was not as strong a central political will as in Hódmezővásárhely; the process was based more on professional cooperation and compromise. At the same time, due to the city's large educational network**, church and university-run schools played a decisive role, and many of them – including teacher training colleges – boycotted the programme.** This had particularly serious consequences, as these institutions were located in such a way that they could have helped integration, but instead **offered an "escape route" for middle-class parents** who did not want their children to study alongside Roma pupils. As a result of parental migration and school choice, some schools quickly became homogenised and new patterns of segregation emerged. However, due to the size of the city, this did not destabilise the entire system – Szeged was too large and had too many players for the resistance of a single school to bring down the entire programme.

Overall, according to Norbert Szűcs' interpretation, these examples clearly show that **the success of school desegregation is not primarily a legal or professional issue, but depends on the political and social context.** In Hódmezővásárhely, the top-down, hierarchical system brought quick results but was difficult to sustain; in Szeged, cooperation and professional autonomy were stronger, but the system was too large and fragmented; while in Kaposvár, the lack of local embeddedness and partnership hindered change. Taken together, the three cases show that lasting integration can only be achieved when political will, professional knowledge and local social forces are present and reinforce each other.

Conclusions and summary: desegregation models, what works and what doesn't?

Based on the desegregation initiatives described, two fundamentally different approaches and interventions can be identified. One model involves the operator of a segregated nursery or school attempting to make it more attractive to majority pupils, typically by introducing new services and significantly improving the infrastructure. Szűcs calls this solution the *'paradigm of opening*'. A well-documented and successful example of this paradigm is the method of the magnet school system developed in the United States, where institutions attract

students from higher social positions with high-quality infrastructure, talent development programmes and highly competent teaching staff. This model can only work if education is somehow completely rebuilt from scratch and the school manages to shake off the stigma of being a segregated nursery or school. **This can work if the school does not admit new students for a year or two and essentially phases out the classes/groups in which Roma and disadvantaged children are the majority, then, after skipping a year or two, positions itself as a new institution in the local education market**, perhaps even reinforcing this with a new name.

Desegregation based on "opening up" **requires a** significantly **greater financial investment** than the other solution, but the return on investment is uncertain, as there is no guarantee that the school will become attractive as a result of the investment.[52] The kindergarten desegregation programme in Józsefváros chose this strategy for one of its two most segregated kindergartens. However, despite changes to district boundaries, a change of headteacher, pedagogical renewal and the renovation of the kindergarten's physical environment, this process was not accompanied by a ban on enrolment during the transition period, and the composition of the kindergarten changed only minimally despite the changes in communication, administration and personnel. In contrast, the segregated school in Piliscsaba was able to renew itself, aided by a ban on new admissions, but only by forcing Roma families out of the town.

The other desegregation model is based on institutional closures, i.e. the "closure paradigm", which eliminates segregated education by closing the stigmatised segregated institution and redirecting segregated students to more favourable, heterogeneous communities. Hódmezővásárhely is the most successful example of the closure paradigm, where the entire school system was rationalised, which not only involved the movement of disadvantaged pupils, but also affected children from better social backgrounds. As the other example shows, the institution closure and the redrawing of kindergarten districts that accompanied it led to the desegregation of kindergartens in Kalocsa.

Based on these few examples, it seems that **the closure of stigmatised institutions** or an **admission moratorium** may be a necessary first step for desegregation measures to be successful. Depending on what was the main driving force behind the desegregation efforts, i.e. who initiated them and who led the desegregation measures, the following categories can be established:

- local decision-maker initiative
- grassroots civil initiative
- initiative by the Roma parents concerned
- court order (enforcement).

Out of these, the least successful are the desegregation models implemented due to court enforcement and with the absence of local support, such as in Kaposvár or the 28 schools

[52] Szűcs, N. (2012). *A kaposvári Kodály Zoltán Általános Iskola Pécsi utcai tagiskolában tapasztalható jogellenes elkülönítést felszámoló deszegregációs program keretrendszere*.

involved in the lawsuit. **It is highly doubtful that court rulings can replace local decision-making initiatives, although it cannot be ruled out that with strong local civil or Roma parental support, they could have been successful.** An important lesson is that **desegregation should be enforced by the courts where there is (strong) local support for it. However, the role of legal protection in combating segregation cannot be underestimated, as several examples presented in the report show that, even if not based on court rulings, some form of legal protection mechanism has influenced the will of local decision-makers.**

This is how the action of the CFCF paved the way for desegregation in Nyíregyháza, the lawsuit about the desegregation in Piliscsaba, which was lost in domestic courts but ultimately won in the European Court of Human Rights in Strasbourg, and the ombudsman's investigation into the closure of the segregated kindergarten in Kalocsa.

Apart from the processes in Józsefváros and Hódmezővásárhely, which were initiated and implemented purely by local decision-makers but were of course supported by civil society, it can be said that **pressure, which coincided with clearly articulated local (Roma) demands, was indeed an important tool in the successful processes of recent years.**

Although there is no sure-fire recipe for the essential steps to be taken to desegregate segregated kindergartens or schools, we will nevertheless attempt below to summarise the steps that, based on the examples we are familiar with, can contribute to the creation of more heterogeneous institutional systems:

1. **There must be a clear decision by decision-makers (maintainers) to eliminate segregation**, which decision-makers may frame differently in public (it is not necessary to treat it as an ethnic issue), but the need for institutional renewal, co-education and quality education/training must be clearly communicated to the public as the reasons for the interventions.

2. Planning interventions: **Any intervention** should **begin with an assessment of the situation**: it is necessary to identify what led to segregation, e.g. residential segregation, the emergence of religious institutions, etc. what factors influence the choice of institution by Roma and non-Roma parents locally, who are the most important local allies of desegregation and who are its biggest opponents, what are the views of teachers, who are the driving force behind desegregation.

   The aim of the situation analysis is to explore the attitudes, awareness and ability of the actors involved in segregation to assert their interests. This requires the combined use of quantitative and qualitative methods: **a comprehensive teacher questionnaire, a large-scale parent survey in inclusive institutions and among parents who are about to choose a school or kindergarten**, interviews, focus groups and participant observation with the stakeholders concerned. Part of the study involves **identifying** the target group, i.e. **Roma children, and mapping their spatial distribution.**

The situation analysis should present the composition of the institutions' student body, social and ethnic proportions, and organisational and pedagogical practices that may contribute to the persistence of segregation. The situation analysis should address differences in composition between parallel classes, characteristics of school catchment areas, and student competencies and dropout rates.

The result of the situation analysis phase is a complex study that defines the framework for implementing desegregation based on empirical research.

3. **Development of a desegregation action plan.** This plan must set out the objectives to be achieved and the interventions assigned to them, as well as the persons responsible for the measures and their deadlines. In order for the measures included in the plan to be truly feasible, several conditions must be met. First, **the plan and its content should be the result of an organic process**, not imposed from above without the involvement of those concerned, but involving all key players (institutions, parents, teachers, civil society) and taking into account their views, so that the plan's objectives and desired outcomes are clear and acceptable to all.

   The aim of the plan should be to create a balanced, heterogeneous student body in the institutions in the long term and to eliminate practices that have led to the segregation of students. Declaring this is essential, as demonstrated by the plans drawn up in connection to the 28 school lawsuits, which turned out to be unsuitable for eliminating actual segregation and did not have the declared goal of creating a heterogeneous institutional structure.

   In the case of segregation between schools, it is important that the desegregation plan **treats all functioning educational institutions as target groups, regardless of how they are maintained**, i.e. that **the interventions affect the entire local education system and are not limited to the closure of a single institution**.

   In order to achieve these goals, the plan should define administrative, pedagogical and human resource development interventions.

   Such *administrative measures* may include a moratorium on enrolment, the closure of institutions, the modification of district boundaries, and ensuring a balanced distribution between parallel classes.

   From a *pedagogical point of view*, the plan should give priority to individual development, differentiated learning organisation, the use of cooperative methods and the strengthening of student support systems (mentoring, psychological and social assistance, tutoring and cooperation with other civil service providers).

   In terms of *personnel*, it is important to provide professional training for teaching staff, particularly in the field of inclusive education, and to involve support professionals who also have a role in community relations. Teachers working in inclusive institutions can only be successful in the co-education of disadvantaged

groups of children by building on the experience and support of teachers in segregated institutions.

An important part of the plan is the *monitoring and evaluation system,* which examines changes in the composition of the student body on an annual basis. Here, **we recommend comparing RGYVK data with perceived ethnic data based on headteacher estimates.**

An essential part of the continuous evaluation system is the annual examination and comparison of the degree of inclusion and the quality of co-education, academic results, absences and dropouts with the targets set in the plan. Based on the results of the evaluation, the plan can be modified as necessary.

An essential element of the action plan is *a communication strategy* to ensure that parents, teaching staff, the local community and relevant groups understand and support the process. Successful desegregation is not solely a professional issue, but a social process that depends on community cooperation and local acceptance, which can only be sustained if the goals and the steps leading to them are clear to the participants.

An analysis of desegregation practices clearly shows that the elimination of educational segregation cannot be considered a simple institutional intervention, but **is** fundamentally **a systemic process affecting the social structure**.

The two dominant models – the ‘opening’ and ‘closing’ paradigms – follow different logics, but what they have in common is that their success depends not on the technical implementation of individual measures, but on the local social, political and institutional context. Experience shows that “resetting” the status of a stigmatised institution in some way – whether through an admission moratorium or closure – is in almost all cases a prerequisite for the student body to become more heterogeneous in the longer term.

At the same time, the success of interventions is determined not primarily by the model used, but by **local support**, the commitment of political decision-makers, and the active participation of parents and civil society. Desegregation processes enforced solely on the basis of court rulings have consistently produced uncertain results and have rarely become sustainable in the absence of local legitimacy. In contrast, communities where legal action met local needs – or where local political will for change had already formed – were able to initiate more lasting and stable integration processes. It follows from all this that desegregation **is not merely a legal process**, but **a highly political and community-based one**, which is unlikely to succeed without the right social coalitions.

The long-term effectiveness of desegregation is also fundamentally determined by whether the intervention is able to address the selection mechanisms that are reproduced as a result of free school choice, residential mobility and pluralism among school operators. The growing role and selection effect of church schools, as well as the practice of majority families

choosing schools outside their place of residence, in many cases weaken institutional attempts at desegregation and reshape patterns of segregation. **Successful desegregation cannot therefore be limited to either state-maintained or institutional levels. Overall, it can be concluded that desegregation can be considered promising if the intervention simultaneously builds on local partnerships, addresses structural barriers, and creates a new institutional framework in which integrated education is not an exception but a natural state of the school structure. The elimination of segregation is therefore not the result of a single intervention, but depends on the consistent implementation of a coherent, multi-level education policy strategy.**

Recommendations

Recommendations regarding data collection

Use of data on children receiving regular child protection benefits (RGYVK) instead of disadvantaged status (HH/HHH)

Our calculations confirm that the RGYVK (regular child protection benefits) ratio better reflects the actual presence of Roma children in schools than the HH/HHH status. Therefore, it is worth using this as a compass in the short term. All legal provisions against segregation presented in the report (district boundaries, limits on institutional deviation from settlement ratios) should therefore be amended so that interventions, measures and control indicators are based on RGYVK indicators rather than HH/HHH data.

In view of this, the following provisions of the Nkt. and Decree 20/2012. EMMI, which aim to combat segregation and are currently based on HH, need to be amended as follows:

- **in Section 84(2a) of the Nkt.**, **the phrase 'disadvantaged' should be replaced by 'eligible for regular child protection benefits'** as follows: *'examines, with regard to the performance of primary school tasks, whether the conditions are met for the implementation of the amendment to establish a balanced ratio of pupils receiving regular child protection benefits, not exceeding a 25% difference between parallel classes of the same grade in the educational institution affected by the reorganisation, and whether the continuity of care for pupils with special educational needs can be ensured.*
- ***In Section 84(2b) of the Nkt.,* the phrase "disadvantaged" shall be replaced by "eligible for regular child protection benefits"** as follows:
- *"If the maintainer decides to reorganise the institution on the basis of the examination referred to in paragraph (2a), it shall monitor annually during primary school enrolment whether a uniform proportion of pupils receiving regular child protection benefits is ensured, and the continuity of care for pupils with special educational needs in the educational institution affected by the reorganisation, and shall determine the necessary measures to maintain favourable conditions."*

- **Section 24(1) of Decree 20/2012. EMMI shall be supplemented with the phrase "students eligible for regular child protection benefits"** *as follows: "In order to determine the admission districts, the competent school district centre shall obtain the opinion of the local governments in its area of competence by 15 October each year, which shall include the number of children registered in the municipality's register as having their place of residence in the municipality, or, in the absence thereof, their place of residence, as well as the number of disadvantaged children attending primary school who are eligible for regular child protection benefits, broken down by institution and member institution."*
- **In Section 24(2) of Decree 20/2012 of the Ministry of Human Resources, the phrase "disadvantaged" shall be replaced by "receiving regular child protection benefits***":If there are several primary schools or member institutions or task performance locations in the municipality or district, the proportion of those receiving regular child protection benefits calculated in each admission district may be up to fifteen percentage points higher than the proportion of children receiving regular child protection benefits attending primary school calculated for the municipality or district as a whole. The proportion of children receiving regular child protection benefits within the municipality shall be determined by dividing the number of children receiving regular child protection benefits attending primary school who are resident in the municipality or, in the absence thereof, who are staying in the municipality, by the number of children attending primary school who are resident in the municipality or, failing that, the number of children attending primary school who have a place of residence in the municipality. In order to determine the proportion of pupils receiving regular child protection benefits within the admission district, the number of all pupils receiving regular child protection benefits who are resident in the individual admission districts, or, in the absence thereof, who have their place of residence there, shall be divided by the number of pupils who are resident in the admission district, or, failing that, the number of pupils with a place of residence within the catchment area (hereinafter: the proportion of pupils receiving regular child protection benefits within the catchment area). If there are several primary schools or member institutions or places of work in the municipality, the municipality as a whole cannot be designated as a single catchment area.*
- **In Section 24(3) of Decree 20/2012 of the Ministry of Human Resources, the phrase 'disadvantaged' shall be replaced by 'receiving regular child protection benefits':** *"A primary school cannot be designated as a school providing compulsory admission if, when establishing its district, the provision on exceeding the district ratio of children receiving regular child protection benefits cannot be complied with, provided that the district ratio of pupils receiving regular child protection benefits would reach fifty per cent and the other schools in the municipality have sufficient capacity to enrol all school-age pupils in the municipality. The existence of sufficient capacity shall be determined on the basis of the maximum number of pupils specified in the school's founding charter and professional documentation."*
- **In Section 24(5) of Decree 20/2012 of the Ministry of Human Resources, the phrase "disadvantaged" shall be replaced by "receiving regular child protection**

benefits*".If, after fulfilling its admission obligation, the primary school is able to accept further applications for admission or transfer, it shall first accept the applications of pupils receiving regular child protection benefits, taking into account the ratios specified in paragraph (2). Information on further admission opportunities shall be made public in the manner customary in the locality, at least fifteen days before the first day of the period available for submitting admission and transfer applications. Among pupils receiving regular child protection benefits, preference shall be given to those whose place of residence or, in the absence thereof, place of stay is in the municipality or district where the school's registered office or premises or place of operation is located. After the admission of pupils receiving regular child protection benefits, preference shall be given in the assessment of further applications to applicants whose place of residence or, in the absence thereof, place of stay is in the municipality where the school has its registered office or premises or performs its tasks.*

- **In Section 24(6) of Decree 20/2012 of the Ministry of Human Resources, the phrase "disadvantaged groups" shall be replaced by "those receiving regular child protection benefits"**: *"If the primary school is unable to accept all applications for admission in the specified order due to a lack of places, it shall decide by drawing lots among those belonging to the group concerned. Those who have submitted applications for admission or transfer shall be invited to the draw. The detailed rules for conducting the lottery shall be specified in the house rules. After the admission and transfer applications of pupils receiving regular child protection benefits and pupils with special educational needs have been fulfilled, pupils whose special circumstances justify it may be admitted without a lottery."*

Development of a protocol for the collection of ethnic data based on perception

We have shown that although the **RGYVK indicator** is most closely aligned with the ethnic data estimated by school principals, the two data sets do not completely overlap. The reason for this is that while the RGYVK is a social indicator of income and wealth and includes children living in poverty, Roma children are overrepresented within this group of children but are not identical to it. The basis for discrimination against Roma is not primarily their poverty, but their presumed membership of a minority group based on external racial characteristics.

For this reason, we recommend that institutional leaders use perception-based, institutional-level estimates of ethnic affiliation to monitor education policy interventions based on RGYVK data. In schools, this can continue to be linked to the National Competence Assessment**, recorded once a year, but it is particularly important that data reporting be mandatory.**

However, the estimates recorded by headteachers in connection with national competence assessments are subjective**. This can be improved if all schools receive the same clear guidelines for making estimates, i.e. for collecting ethnic data based on perception. A protocol based on uniform criteria, dispelling all data protection concerns, could**

facilitate data collection in kindergartens and schools. As this method of data collection has already been established in the practice of the expert committee in Heves County, it is recommended that the same methodology be introduced in all institutions.

Institutional data collection (estimation) should also be extended to kindergartens.

We also consider **it** important **to check the accuracy of the estimated data** from time to time **using** a **small sample**. Data collection based on realistic and predefined criteria and on the perceptions of institutions can only become a truly reliable source of data if the public education institutions concerned can see how the data is used. For example, if they can see that the data is in fact used as the basis for specific desegregation and disadvantage compensation measures that also serve the interests of the institution.

Data collection works well when it is based on three pillars. The first pillar is existing administrative data (RGYVK, HH/HHH, headcounts). The second pillar is an annual questionnaire in which institutions estimate the ethnic affiliation of the children attending them (only in aggregate form, without names). The third is a smaller, external expert estimate with strict rules, which checks the extent to which the other two sources are distorted. Together, the three provide a reliable picture.

Meanwhile**, the accuracy of HH/HHH data can also be improved:** since our interviewees reported a number of circumstances that cause these data to significantly underestimate the number of children who are actually affected, i.e. disadvantaged children, if these categories are to remain in place, it is necessary to simplify the process of obtaining status, inform parents about the benefits associated with status, and provide further incentives to encourage them to have the status officially recorded.

Institutions that actually know the children and their backgrounds can play a key role in this: **the possibility of the institution also initiating the acquisition of status should be developed, so that it can become an active participant in the process if the parents are unable to complete the paperwork themselves for some reason.**

Schools should be allowed to see their own data and how they compare to similar schools. This will enable decisions (on districts, resources) to be made on the basis of facts. It is worth combining the uses of data in a common indicator, which we will call the "**Segregation Risk Indicator**". This combines ratios based on RGYVK and headteacher estimates, plus the disadvantaged status of the municipality and the type of school. If an institution or region reaches the risk threshold, pre-determined assistance should be provided (more professionals, improved transport, additional resources) – not punishment. The aim is to know immediately what to do after the signal is given.

All this will only be credible if all maintainers – state, church and private – follow the same rules in terms of data disclosure and transparency. The public needs a simple, easy-to-understand explanation: what the numbers mean, where the uncertainties lie, and

what decisions they help to make. **Researchers should be given anonymised access so that more independent analyses can be carried out.**

Finally, the data must reflect reality. **Before and after every major change (district modification, school centre, school enrolment rules), a quick but accurate impact assessment should be carried out: has the composition, learning outcomes, further education rates, or dropout rates changed?** This is the only way we can say what works and what doesn't – and this is how the numbers can be turned into understandable help for children.

Proposal for the creation of school centres and the transformation of poorly performing small schools

We have presented the historical roots of the right to free school choice and its practical implementation in detail. The first and most important question when it comes to educational policy interventions against segregation is whether there is any justification for restricting this freedom. In other words, is it politically and socially feasible to fundamentally undermine this option, which has been with us for 40 years now?

In our view, the problem that needs to be addressed is why free school choice is now an important right for the middle class. Although we have shown that the ethnic and social composition of schools does indeed influence the school choices of middle-class parents, this is not the only factor, and perhaps not even the most important one.

Fundamentally, it is the quality of education that influences our decisions today, so we need to develop solutions that improve the pedagogical, infrastructural and personnel conditions of schools. In our opinion, the establishment of school centres is the best solution to address all these challenges.

A distinctive feature of European school centres (campus-based or multi-purpose public education systems) is that they integrate multiple levels of education and services into a single organisational and physical framework. The primary drivers behind the development of this model were efficient resource management, professional coherence and the strengthening of the community role of education. School centres usually operate under joint administration, providing pre-school, primary and secondary education, and in some cases also vocational training and adult education. This structure allows for interoperability between different learning pathways and supports the continuous development of students, from the acquisition of key competences to professional orientation. Closely linked to institutional integration is the sharing of resources: a shared library, sports facilities, arts and digital learning spaces, and professional and support services (e.g. school psychologist, special needs teacher, social worker) are available within a large institution under the same administration and pedagogical-professional programme.

But how can this be envisaged in Hungary?

By developing a hybrid model based on the logic of the paradigm of opening but also using the structural tools of the closure paradigm, school centres can become real means for desegregation, provided that:

- the values of opening dominate (quality improvement, inclusiveness, integration of diversity);
- they are complemented by certain tools of closure (institutional consolidation, capacity regulation);
- school centre reform is based on the local social context, with transparent communication and participatory processes;
- the new structure offers a high-quality alternative for all students.

The above approach thus **serves to genuinely resolve the patterns of segregation that have developed in Hungarian public education** and goes beyond traditional desegregation tools: it renders selection and segregation unnecessary through system-wide quality improvement.

A new maintenance structure must be defined for the establishment of school centres. The number of school-age children living in the new maintenance area, their ethnic and social background must form the basis of all local interventions, and institutional ratios must also be examined at this level.

The second step **is to adjust the capacity of** all public education **institutions** operating within the new maintenance level **to the number of children living in the area covered by the new maintenance level (district, school district, etc.)**, regardless of whether the institutions are state-run or otherwise maintained. **Balancing supply and demand** will ensure that free school choice is kept on a healthy track.

To put it simply, if the number of school-age children within the new level of maintenance is x, then the total number of children that can be admitted by all institutions (state, church, foundation, other) may vary by a maximum of 10-15%. **Adjusting the number of places to the actual number of children is key to regulating transfers and movements outside the district, while still allowing parents to exercise their right to free school choice.** The ultimate goal, however, is to eliminate the need to apply outside the district, as the new district school centre will meet all needs: it will reflect the needs of families with higher social status, it will be suitable for compensating for disadvantages brought from home, and its size will simply make children with lower social status or Roma children invisible by distributing them proportionally across parallel classes in each year group.

The establishment of school centres **will** necessarily **involve school closures,** as the school system is currently significantly oversized given the declining number of children. One possible way forward is to create large institutions with as many as 6-10 classes per year

group, with around 20 pupils per class, and smaller classes in each year group that also integrate pupils with special educational needs. Institutions of this size could be created, for example, by filling old, large school buildings in larger cities, which are currently empty and can accommodate 800-1,000 pupils, with only grades 1-4, which could mean 600-800 children with this many parallel classes. Of course, expansion and modernisation may be necessary, and the conversion would require significant investment, but we hope that this would pay off in the medium term, partly through savings in the operating costs of small schools that are currently underperforming.

By *poorly performing small schools*, we mean those institutions that have persistently low enrolment, are highly segregated in terms of student composition, unable to provide specialist teaching and unable to offer modern education, lagging behind in terms of infrastructure and digital technology, with pupils' results significantly below the national average, and which are not sustainable in the long term based on demographic trends. These are the schools that need to be closed or integrated in order for children living in the region to receive a truly high-quality education that provides equal opportunities.

Our proposal would therefore not affect smaller, integrated schools run by local communities, which are of a similar quality to mixed-composition institutions in larger cities. The closure of poorly performing small schools and the establishment of school centres should not be aimed solely at reducing costs or alleviating the shortage of teachers, but also at ensuring that children living in rural areas have access to the same quality of education and development opportunities as their urban counterparts. Small settlements could possibly be left without schools, and these schools are currently key to retaining the younger local population, so it is important to consider what will happen to the buildings that are left empty. The **vacant school buildings** should be replaced with spaces that provide functions which are locally accessible to the community, which support children and families, and offer cultural, health or service functions that strengthen the retention power of the settlement and offer a real alternative to the loss of the school.

The closure and merger of poorly performing small schools is only justified if the new structure offers a truly high-quality, safe and socially balanced alternative. Otherwise, the transformation would not reduce but rather deepen regional differences and local conflicts.

In any case, compulsory **further training** for teachers should **place particular emphasis on conflict management, intercultural sensitivity** and individualised education.

Transport and accessibility are key issues. The operation of school centres requires the establishment of **a nationwide, state-coordinated school bus network**, in cooperation between the Education Office and Volánbusz (Hungarian long-distance bus service company). Timetables must be aligned with school schedules so that pupils are not overburdened, and childcare facilities must be set up in all small settlements for those waiting for the bus. Families should also be supported by compensating them for the additional burdens associated with travel (meals, time, costs). The planning of the new school bus network should take into account the existing positive and often negative experiences that

have arisen in connection with the bus services that are currently operating on an ad hoc basis, usually organised by local authorities.

The creation of school centres can improve the quality of education and reduce inequalities in the long term. Such centres would accommodate children from several municipalities, with modern infrastructure, specialist classrooms, sports and community spaces, adequate digital equipment and a stable, well-trained teaching staff. Educational support professionals, who currently often commute between several small settlements, could also be made available locally. The role of church institutions must also be identified and defined in such a system.

The involvement of local communities is essential. Parents, teachers and local authorities must be involved in all stages of planning, and communication about school closures must be transparent and empathetic. It is advisable to operate the new school centres not only as educational institutions but also as community service spaces – with libraries, cultural programmes and study rooms – so that they can become new centres of community life. Community building can be supported through joint programmes, camps and initiatives that promote parental cooperation. In order to prevent ethnic or social tensions, it is necessary to establish school mediation and community development systems.

Funding must be based on multiple sources:

The development of school centres can be achieved through the combined use of EU (EFOP+, ERDF) and state funds.

- A separate support programme is needed to address the housing needs of teachers, for example in the form of service flats and rent subsidies.

- Small settlements where schools are closed down must receive compensation development funds for community spaces, cultural functions or kindergarten capacity development.

Monitoring and data-driven planning are essential for the success of the reform. Regular public reports on the social composition of schools, student mobility and travel distances are needed, produced in cooperation between the Hungarian Central Statistical Office, the Education Office and the Klebelsberg Centre. The data must be available at the municipal level and broken down by ethnicity in order to provide a true picture of segregation processes. An independent professional body could assess the child welfare, educational and community impacts of the mergers on an annual basis.

It would be advisable to launch the reforms in the form of pilot projects: testing the school centre model in a few districts, with a preliminary social impact assessment. Based on initial experiences, a decision on nationwide expansion could be made jointly with local authorities and teachers. During the transition period, special attention should be paid to preserving

students' legal status and educational continuity so that no one loses out as a result of the transformation.

Overall, the creation of school centres can only be successful if it is implemented not as a simple rationalisation measure, but as an integration and quality improvement reform. This is the only way to ensure that children can learn in a safe and supportive environment within easy reach, that patterns of segregation are reduced, and that teaching becomes truly inclusive. This requires long-term funding and guarantees from the state, as well as the trust and participation of local communities.

Controlled school choice as the basis for the new school enrolment system

We recommend that **school centres follow the so-called "controlled choice" system in their enrolment practices,** which essentially means that, as a first step, the maintainer determines the expected student composition of each school, and parents' free choice of school can be exercised to the extent that **the institutional targets** can still be met. These targets **are** usually **linked to socio-economic status and ethnic proportions.** The aim is not for all schools to have exactly the same composition, but for the composition of pupils at each institution not to deviate significantly from the regional average.

Under this system, parents do not automatically enrol their children in the local school designated by their place of residence, but rank their preferences from among several possible institutions. The **system thus ensures both freedom of choice for parents and that their choices do not lead to further social or ethnic segregation.** Admission is not based on a simple lottery, but on a procedure that serves to maintain the specified composition ratios. The decision-making process takes into account the current composition of the student body at the school, any deviation from the target ratios, and the status of the applicant (e.g. RGYVK status). Admission is possible if the child's enrolment would not further increase the target ratios assigned to the institution.

In practical terms, this criterion is most easily applied to the enrolment of first-year pupils: for each school centre, the maintaining body determines the expected RGYVK ratio in relation to the ratios at the level it maintains. After the enrolment of pupils from the district and pupils whose parents indicated that school as their first choice, the school may accept additional applicants from outside the district to the extent that the ratio can still be met based on the background of the applicants. In other words, if fewer students with higher status than the expected ratio have enrolled from within the district, then only students with such backgrounds from outside the district may be admitted. Since the number of places allowed for all institutions combined is only 10% higher than the number of school-age children living in the school district, it is basically the school districts that will determine which pupils enrol where. However, the wider range of services offered within an institution due to the high number of parallel classes may make large institutions attractive to conscious school choosers.

Mandatory secular access in state-subsidised church schools

Under current public education regulations, all state-subsidised church schools participate in the provision of public education in their municipality and, as part of this, are obliged to admit up to 25% of children living in the municipality. At the same time, the legal environment does not clearly define how to ensure the religious freedom of students who do not belong to the denomination of the maintaining party or who are not affiliated with a religious community. This regulatory gap particularly affects Roma families, many of whom are affiliated with small churches and are deterred from exercising their freedom of school choice by the religious obligations of church schools, such as church attendance, compulsory religious education classes and church ceremonies. This practice thus results in de facto selection and contributes to the ethnic homogenisation of state schools.

To address this issue, comprehensive and binding legal guarantees must be introduced that **require all state-funded religious institutions to provide a fully-fledged, secular educational pathway.** Within this framework, religious education and church attendance should not be a condition for admission or for maintaining student status, but should be an activity that can be fulfilled in an alternative form based on genuine choice. **In addition, it must be clearly stipulated as a condition of state funding that church institutions may not apply indirect or direct selection mechanisms based on religion in their admission practices or in their operations with regard to a specified number or proportion of students.**

If all church-run institutions were required to provide ideologically neutral education, there would be nothing to prevent them from participating in the education and teaching of Roma children on the same terms as state schools, as an integral part of the public education system.

"We must name what we want to eliminate" – Creating legal definitions of segregation and desegregation

One of the most significant shortcomings of Hungarian public education law is that it does not contain an explicit, precise legal definition of either segregation or desegregation. As a result, the enforcement of the integration obligation must be based on the provisions of the Equal Treatment Act prohibiting unlawful segregation and discrimination in the education sector, as well as on court and ombudsman practice, which in itself is not sufficient to consistently address a complex, systemic problem. The lack of definitions renders many forms of segregation "invisible" and allows considerable leeway for practices that lead to ethnic-based segregation while formally complying with the rules.

It is therefore necessary to define the concepts of segregation and desegregation in the Nkt., making it clear that segregation does not merely mean physical separation, but any institutional, enrolment or maintenance practice that results in a disproportionate concentration of Roma pupils in an institution, site, department or class, regardless of

whether or not there is a direct intention behind the decision. Segregation should be treated by the law as a results-based concept, in line with the practice of the ECtHR and ECRI: what matters is not whether a distinction has been made formally, but whether the measure leads to separation.

The concept of segregation that we propose, which can be incorporated into the Nkt, is as follows:

"In public education, segregation is defined as any direct or indirect institutional, maintenance or enrolment practice, decision or omission that results in the disproportionate and unjustified separation of students from other students on the basis of a characteristic listed in Section 8 of the Ebktv. in an institution, site, department or class, or in connection with the use of a service related to public education, regardless of whether the segregation is the result of a conscious, deliberate decision, an omission or a spontaneous process.

At the same time, a legal definition of the concept of desegregation must also be established. Desegregation does not simply mean the reorganisation of pupils, but a comprehensive, multi-year, systemic process aimed at eliminating the causes of segregation, resulting in a balanced composition of pupils between institutions. The legal definition of desegregation must include:

- responsibilities at the municipal and school district levels,
- guarantees regarding school enrolment practices,
- mechanisms for balancing student composition,
- and the obligations incumbent on school operators.

The definition of desegregation that we propose for inclusion in the Nkt is as follows:

"Desegregation in public education is a series of measures involving systematic and mandatory practices by the state, school operators and school enrolment, planning ahead for several years, which aim to eliminate any cause, form or consequence of segregation, and which results in a balanced, proportionate and integrated distribution of pupils at the local, the maintainer and the institutional level, according to their ethnic and social origin.

Desegregation includes modifications to school catchment areas, institutional capacities and maintenance decisions that preclude the formation of separate groups of pupils or separate institutions based on social background or ethnicity, and makes it compulsory to apply mechanisms to balance the composition of pupils and to comply with school enrolment guarantees. "

The introduction of this definition would not only strengthen law enforcement, but also make the desegregation performance of the public education system accountable and create a clear policy direction. The aim is to develop a regulatory system that clearly classifies any form of segregation – whether at the municipal, operator or institutional level – as a violation of the law and makes it mandatory to achieve a proportionate and integrated distribution of students.

A uniform, sector-wide legal definition of segregation and desegregation is therefore not an administrative detail, but a basic prerequisite for addressing educational inequalities. Without it, the legal system will continue to be able to take only reactive, delayed and fragmented action against ethnic segregation.