

elevates his concern with the fate of Gypsies to a mythical-symbolic dimension. Péli first gave monumental form to his notion of the historical path of the Gypsies as a people in a 44 square-metre composition, *Születés* (Birth), completed in 1983. Péli's example was a stimulus for a whole wave of similarly Renaissance- and Baroque-inspired works by other Roma artists. Outstanding amongst his pupils is István Szentandrassy, whose pictures are extraordinarily suggestive presentations of dramatic existential and emotional states. Highlights of his work include a series of paintings based on Lorca's *Romancero gitano* ballad cycle and a large-scale composition entitled *Triptichon*. Towards the end of the 1980s a steady trickle of younger Roma artists who had systematically prepared themselves for professional life started to become active, amongst them Ödön Gyügyi, József Ferkovics, Zoltán Oláh, Zsolt Vári and Zoltán Túró.

The first international exhibition of Roma art was one curated by Sandra Jayat at the Paris Conciergerie in 1985, which was followed by a second at the Ethnographical Museum, Budapest. It is evident from these two events that the body of work produced by Hungarian Roma artists, though it looks back barely a generation and is still at an early stage in its evolution, occupies a major place within the output of Roma art more widely, which makes it all the more unfortunate that the way and means have not yet been found to establish a gallery devoted to Roma in the country.

Summary

The last thirty years have seen far wider and deeper changes in the culture of Hungary's Roma community than in all the previous centuries put together. It has been a period not merely of the community's rediscovery of their traditional culture but also creating a increasingly impressive corpus of new works that have direct connections with, and integrate into, the mainstreams of European culture and art. This has been achieved by an élite group of Roma intellectuals, with Roma visual artists in the vanguard. The significance of this reconstitution of culture is conveyed very aptly and graphically by the following words from Tamás Péli, Hungary's first professionally trained Roma artist: "What occurs to me, in fact, is that for all that Gypsies have lived here in Hungary for 700 years, they are only now being born. Until a people possesses an intellectual élite, small as that may be, to give it an existence, write its history, notate its songs, paint its stories, forge messages and carry these out into the world of culture, fix them for eternity – until that happens, and this is the case with every other people, it cannot take up its place as a fully-fledged equal in the community of peoples."

9. LEGISLATIVE AND POLICY INITIATIVES

As soon as the first democratically elected Hungarian Parliament and government to follow the 1989-90 change in régime set about their work, they were confronted with issues concerning the country's ethnic minorities that had been deliberately brushed aside for decades – not least a pressing need for action on the unaddressed problems of the Roma population. In summarising what has taken place in the sphere of government since then, it is convenient to split the decade into two main phases, with 1990-95 being a period of totally re-thinking the *legislative and institutional* framework for dealing with the issues and enacting the necessary new and amended legislation, whilst the period since 1995 has seen the emergence of the first *government programmes* that seek to improve the position of the Roma community. State intervention on such matters could not be put off because the change in régime brought fundamental alterations to the economic position of Hungarian society as a whole. Wholesale reshaping of the economy, with the privatisation of large swathes of previously state-owned enterprises, brought mass unemployment and a sharp widening of social inequalities in its wake. As modernisation gathered pace during the 1990s, the Roma community, who make up 5% of Hungary's total population of 10 million, came out at the very bottom of a pile of 2 million poor who lost out in the transformed world of the new economy. In the process, the country's reserves of social solidarity have been severely depleted, intolerance and indifference to the plight of others have grown. Renascent extreme right-wing or neo-fascistic political groupings, attracting a growing base of support not least through the overt or tacit support that they have been accorded by legitimate political movements, see Hungary's Roma population as a primary target for their vituperations and for regular displays of thuggery by their organised gangs. Fearful of the consequences of allowing passions to run higher, political leaders have eventually been forced to recognise that unless the state intervenes actively to facilitate integration of the Roma community into the rest of society there is no chance of tackling the situation.

Legislation and new institutions

An Office for National and Ethnic Minorities (ONEM), with responsibilities covering the entire country, was one of the first new institutions to be created in 1990. Its primary task has been one of drafting, justifying and coordinating policy proposals on issues relating to minority communities for action by the government of the day, but alongside that it also has a duty to keep the situation of minority communities under constant review, prepare assessments of that situation, and maintain contacts with their representatives. Since the mid-Nineties the Office has taken on a leading role in working out short- and medium-

term programmes of assistance for the Roma population and is currently in the midst of producing a long-term strategic paper. The Office's appointment in 1998 of a deputy-director with specific responsibilities for coordinating all Roma-related matters was seen on all sides as a significant step forward; on the other hand, a reorganisation in the same year which saw ONEM's line of reporting transferred from the Office of the Prime Minister to the Ministry of Justice was widely condemned. Roma community representatives in particular judged that this would weaken ONEM's ability to maintain an impartial position on contentious issues, expressing deep concern about the notion that an institution with a duty to protect the interests of the Roma community, amongst others, might sit happily alongside the branches of government concerned with running the country's prison service and other organs of the judicial system.

No one doubts the necessity for ONEM's activities, but its present position in the government and state administrative apparatus is seen as a constraint which essentially compromises its independence of action. There is a need to strengthen the scope of the coordinatory role for Roma-related affairs that the Office is designated to carry out within the sphere and structures of government and state responsibilities; however that role cannot be discharged properly unless ONEM is given far more effective powers. As long as the Office continues, as at present, to be effectively excluded from exercising real authority – useful a scapegoat as it may be when responsibility for contentious issues needs to be shifted, and whatever juggling of management posts might take place – no further progress can be envisaged in providing an effective control on how government utilises the budget process to handle the problems over which the Office has purview. It would represent a big step forward if the handling of Roma issues were to become an integral part of the government structure and not a matter that is dealt with at several removes. That, of course, requires a political decision, but it is evident that were a single office to be created at cabinet level to participate directly in the work of government, that would both serve as a powerful signal that the importance of the problem had been recognised and also provide an effective means of addressing it.

The central piece of legislation concerning Hungary's minorities to be introduced after the change in régime was *Law LXXVII/1993*, the National and Ethnic Minority Rights Act, which was passed with backing from 96% of parliamentary representatives at the time. For the country's Gypsies the particular importance of the Act lay in its giving them legal recognition as a minority for the first time in their history. Uniquely in Europe, *the Act provides a declaration of rights that pertain equally to individual members of any recognised minority and to the minority collectively*. The significance of this lies in the provisions that it makes and upholds for minorities to form their own organisations, establish self-governments and even contemplate autonomous administration of specific territorial areas under certain circumstances. The law resolves the question of affiliation to a given minority by leaving this to the individual's own discretion – a principle which guarantees the possibility of avowing (as well as opting not to avow) one's ethnic identity, but

one which has been the cause of no small number of problems in the years that have passed since the Act came into force. The most prominent of those problems is what has been called the "cuckoo in the nest" phenomenon that was observed during the most recent (1998) round of local elections for minority self-government representatives: a series of now notorious cases where individuals gained mandates to serve in minority self-governments when they demonstrably had no links whatsoever to the minority in question. It is precisely to avoid such flagrant abuses of the system that minority organisations have been pressing for years for the elections to minority self-governments to be held on a different day from the mainstream local self-government elections and for eligibility to stand as a candidate to be tied to membership of a recognised minority organisation. A contributory problem is that present electoral law does not restrict voting for candidates standing for places in a given minority's self-government body to members of that minority but allows the entire electorate to cast a vote, so that the majority community's choices can decisively influence, and even override, the wishes of the minority community itself as to its own preferred candidates.

Mention should also be made of the provisions that the Act contains for programming by the public service broadcasting media, for the use of recognised minority languages, the possibility of establishing cultural institutions, basic rights in regard to upbringing and education, the rights of minorities to parliamentary representation, and also the functions of the Parliamentary Commissioner for Minority Rights. For all the positive features, however, one cannot overlook some glaring defects, foremost amongst which is a general absence of sanctions which can be applied in cases that contravene the letter and intentions of the Act. Thus, it is all very well to specify rights to parliamentary representation or prohibited modes of behaviour if no legal consequences ensue for failure to achieve the former or for breach of the latter, and those deficiencies are not plugged by other legislation. Another particularly vexed issue for the Roma community is paragraph §45(2) of the Act, which, without going into any detail, admits the possibility of separate educational facilities. A malicious interpretation of this article might take it as justifying segregation in educational establishments, which is clearly undesirable. Thirdly, the Act gives no guarantees over the funding necessary for minority self-governments to function effectively. The vagaries of having to seek financing from multiple sources (grants from the local municipality self-government and outside bodies) to top up the limited state funding that is offered is a major hindrance to any long-term planning. As a result, minority self-governments often struggle under serious financial constraints and find they have little option but to become subservient bodies to the municipalities. In this context, it has to be noted that the Roma population differs from the other national and ethnic communities in having no homeland outside Hungary to which they might turn for moral and financial support.

The stinginess of the present levels of financial provision for minority self-governments is endangering their ability to discharge the duties enjoined by the Act and take

advantage of the provisions that are offered under the Act. From the tone of debates over the Act that are currently under way there is a prospect that useful modifications will be introduced. It seems likely that a compromise proposal will allow minorities to achieve direct representation within Parliament, but as yet agreement has not been reached over the precise form that this should take. Thinking with regard to the disputed paragraph §45(2) likewise appears to be moving in a favourable direction; however, there are no signs at all of a serious attempt to come to grips with the funding issue or remedying the Act's lack of teeth.

A number of other legislative measures with a direct impact on the situation of Hungary's Roma population have reached the statute book in recent years. A 1996 modification to the Public Education Act (Law LXXIX/1993), for example, sets out the provisions under which national and local minority self-governments are permitted to establish and maintain state-funded educational institutions of their own. Ministry of Education Order 32/1997 provides guidelines for nursery care and school education of national and ethnic minorities, seeing its principal task as one of laying down ground rules by which children are educated in line with expectations appropriate to their age-group and individual stage of development whilst being given the chance to gain an acquaintance with, and acquire proficiency in, the language and culture of the minority to which they belong, and receive and develop their cultural heritage. The Order describes in detail the acceptable forms of education and what requirements these entail; however, due to the complexity of the regulations, self-governments and schools in many places are still far from clear about the full range of options that are open to them, all too often confuse the various forms of education, and even more often fail in their duty to seek the views and consent of parents in the process.

The Act establishing the office of Parliamentary Commissioner for National and Ethnic Minority Rights (Law LIX/1993) has also proved extremely important for the Roma community. The duties of this ombudsman-type post, which are also laid down in Hungary's constitution, are to investigate, or prompt investigation of, all abuses of constitutionally guaranteed rights that are brought to the Commissioner's attention and to instigate general or specific measures to remedy those abuses. Events of subsequent years and the reports produced by the Commissioner have underlined just how crucial it was to create the office and how indispensable a part of the state machinery it is, although the powers invested in the post to terminate abuses that have come to light are strictly limited. All too often the Commissioner's recommendations and initiatives do not achieve their intended aim, nor have his attempts to utilise the power of publicity always had the desired effect when members of the Roma community are the victims of abuse. In that light, it is absolutely necessary to expand and strengthen the powers that are available to him.

Government Resolution 1121/1995 (December 7th) ordered that a Public Foundation for Hungarian Gypsies be set up, with the intended aim of reducing the inequalities with which the Roma population is contending.

Medium-term Package of Measures

Government Resolution 1120/1995 (December 7th) was the first significant government measure to be brought in since the change in régime which expressly sought ways of tackling the by then increasingly dire plight of the Hungarian Roma population. As a first step towards this, it established a *Coordinating Council for Gypsy Affairs* to harmonise the efforts of government ministries and other bodies with a national sphere of authority in tackling the Roma community's problems and assisting the process of integrating that community within the wider society. Amongst the Council's designated tasks was that of working out medium- and long-term programmes for reducing the current inequalities. Closely linked to that was Government Resolution 1125/1995 (December 12th), which recognised the urgency with which the state must address those problems and set out priorities for the specific areas on which ministerial departments should work to develop programmes of action.

These two resolutions were the immediate precursors to the publication of a "medium-term package" – officially entitled Government Resolution 1093/1997 (July 29th) – which represented a first stab at assessing and defining what was required to achieve social integration of Hungary's Gypsy population. The measures foreseen for implementation in 1997-98 were set out in Part 1 of the Resolution. In *education*, for example, the package recognised the urgent needs: to expand and boost the effectiveness both of support with tuition fees and child protection schemes for families with restricted financial means; to curb moves towards segregation in schools; and to put more weight behind regional programmes designed to nurture gifted youngsters (e.g. the Gandhi High School and College in Pécs) through expansion of the network and the foundation of higher institutes for the more gifted Roma students. On *employment* the main goals set by the package were the removal of slum areas of Gypsy habitations; the instigation of new employment programmes and expansion of those that were proving to function well; the integration of Roma students into mainstream vocational training; and the introduction of programmes to boost expertise in crop cultivation and livestock breeding. In the *social sphere* the creation of a framework that would allow higher power to intervene in handling crisis situations was envisaged. With regard to *regional programmes*, a complex package of measures was set out to address the critical situation in areas of settlement where a significant segment of the inhabitants, including Gypsies, are subject to cumulative deprivation. On *anti-discrimination measures* a need was seen to assess what further legislation might be required, whilst it was also judged important to incorporate some briefing on the Roma and their culture into police training courses. Finally, in respect to *mass communications* media, a PR campaign was highlighted as necessary to improving prospects for the Roma community. Part 2 of the package set out guidelines for the areas that were to be addressed at a later date. This referred, for instance, to promoting higher education and cultural institutions, the role minority self-governments can play in surmounting unem-

ployment, the expansion of screening programmes as a key to improving the health status of the Roma population, the provision of civil rights bureaux to provide assistance in handling conflicts, and the adoption by the public service broadcast media of a more balanced approach to their presentation of the Roma community.

The new government which took office in 1998 deemed it necessary to review the package. Government Resolution 1047/1999 (May 5th), which emerged from that review, essentially retained the goals that had been laid down in 1997 but assigned top priority to the areas of education and culture. The aims, as they now stand, with regard to *education* are to develop the content of the curriculum at the primary level (this is in addition to ensuring more regular nursery school attendance through reduced absenteeism), and to counteract the high drop-out rates at the secondary and higher levels by providing more student halls of residence and scholarships. In the *cultural area* action is to be concentrated on developing a network of institutions to provide adult education opportunities, with training of experts to run such courses and production of course materials. As far as employment is concerned, the priorities are helping the long-term unemployed and the young who are trying to enter the job market, organising programmes of public works and community service, and developing a social programme for the agricultural sector. In the case of the *anti-discrimination programmes* greater emphasis is now placed on ensuring that existing legislation is properly utilised, whilst the *communications strategy* should focus on explaining to the public at large why a programme tailored to the Roma community is needed at all.

The new government also felt that successful implementation of this package of measures called for changes in the body that would be responsible for overseeing it, and accordingly Government Resolution 1048/1999 (May 5th) abolished the Coordinating Council for Gypsy Affairs, replacing it with an Interministerial Committee for Gypsy Affairs. This brings some distinct gains inasmuch as the new forum has greater power to appoint subcommittees, representatives of Roma social organisations now have rights to be consulted and, by invitation, may attend at least four of the Committee's sessions annually, whilst the Parliamentary Commissioner for Minority Rights and the Director of the Gandhi Public Foundation have standing invitations to all of the Committee's deliberations.

Long-term Strategic Programme⁹

It has become evident to all political leaders from the experiences of recent years that Hungary's system of protections of minority rights, acceptable as it may be in principle, is not sufficient by itself to address all the problems of the country's Roma population. In

⁹ As this programme was still at the discussion stage when the present Report was being going to press, the following comments are based on the contents of an address given by Dr. Gabriella Varjú, Deputy Director for Roma Affairs at the Office for National and Ethnic Minorities (ONEM), to a public hearing held by the Council of Europe's Expert Committee on Gypsy Affairs in Budapest on October 31st, 2000.

other words, the state will have to introduce additional measures, but it is also accepted that the only hope of bringing about useful change is through consistent implementation of a properly worked out, forward-looking, long-term strategy. An assessment of the various short- and medium-term programmes that have been put in place makes it clear that gratifying as their results may have been so far, they have done nothing to improve the fundamental life prospects of those in the Roma community in general; indeed, if anything, those prospects have gone on deteriorating. It is usual to ascribe that to the long-standing awfulness of the conditions in which they have lived and Hungary's scant economic resources, but representatives of the community and independent experts alike are of the opinion that failures on the part of government to think its Roma policies through, as well as deficiencies in the policies themselves, are at least as much to blame, and this has only been compounded by the repercussions of new general regulations in a number of areas – child protection, social policy, family tax allowances – that do not specifically take the Roma community into account and have had the effect of placing them at an even greater disadvantage than they were even a few years ago. There is also much debate about how the financial resources that are nominally earmarked for spending on the Roma population are actually utilised for that purpose. The government budget for the year 2000 set aside HUF 4,850 million for programmes outlined in the Medium-term Package and HUF 2,200 million for other minorities-related spending – that is, over HUF 7 billion in total. The problem is that this total spending has been spread across the individual budget frameworks within which each government department works, and there are no mechanisms in place that allow any check to be made – especially by bodies that represent the Roma community – on how much departmental spending is then actually channelled towards that community. Such lack of transparency is compromising the chances of successfully implementing programmes, precisely when transparency has to be a prerequisite of any long-term strategy.

After consideration of the shortcomings and defects in implementation of programmes to date, current thinking on the long-term strategy sees the primary goal as one of achieving *social and economic integration* of Hungary's Roma community whilst still *retaining its identity*. Its other explicit goals are *job creation* and assisting the Roma population to *assume roles as equals in mainstream society and political life*.

By laying down basic principles, the programme seeks to provide benchmarks for bringing a change for the better in the currently insupportable situation of the Roma community. As now envisaged, these will include the needs for social solidarity and an expression of society's willingness to accept responsibility; for partnership, with active contribution from the side of the Roma community; for subsidiarity and decentralisation, with local problems being resolved at the local level; and for the preservation and nurturing of the values of Roma culture. Other basic principles that are envisaged include any necessary further reinforcement of legal frameworks to stamp on unfair discrimination, the needs for greater public awareness and transparency, and acceptance that any effective

approach to the issue must be complex and multidimensional. Budget provision for larger amounts of earmarked funding is seen as a prerequisite both to implement the programme properly and to ensure continuity of finance. Major aspects of the planning process must be the definition of appropriate monitoring mechanisms and their systematic application. Two broad areas are seen as having the highest priority for bringing about real improvement in the living conditions of the Roma community: better education and better employment prospects to boost the abilities of families to stand on their own feet. One interesting element in the emerging programme is the idea of horizontal priorities that span all the various areas of action, such as overcoming tendencies for the Roma to be excluded from mainstream social and political processes and helping them to assume active roles in those processes.

It is envisaged that the completed long-term strategy will be released for public discussion, with all interested parties being given a chance to comment in the hope that this will allow possible weakness or defects to be eliminated. Some Roma representative bodies are already voicing concerns that this is just another package that will be long on generalities and basic principles but too short on punch to achieve real improvement of a grave situation. It is likely, then, that the strategy will come under heavy fire before it is accepted. Nevertheless, there is common agreement that the state must take the lead in shouldering responsibility for tackling the problems, with involvement of both the Roma and non-Roma public, since the powers to alter the current living conditions of Hungary's Roma community are all invested in the state; but it is also the view that solid support from the European Union will be indispensable to achieving lasting change for the better.