

Public Foundation for European Comparative Minority Research

# A Roma's Life in Hungary

Report 2004:  
Stagnation

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**eök!k**

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**The report consists of the following studies:**

Chronology - Press Survey (on the basis of the biggest daily „Népszabadság”,  
and the archives of the internet sites *Romapage* and *Rom.net*) – *Ernő Kállai*

The Roma and International Law at the Time of Hungary's EU  
Accession – *Balázs Majtényi*

Impressions of an American Researcher of “the Roma Issue”  
in Hungary – *Krista Harper*

School Segregation in the City of Miskolc – *János Zolnay*

Efforts Made Between 1998 – 2004 To Reform the Minority  
Self-government Electoral System – *Eiler Ferenc*

The Minorities Act and Its Amendment or “the Much Expected,  
Highly Important Freak with a Bitter Fate” – *Szabó Orsolya*

Some Experience about the Operation of Local Roma Self-governments  
in Hungary – *Ernő Kállai*

## Abbreviations

EÖKiK	Public Foundation for European Comparative Minority Research ( <i>Európai Összehasonlító Kisebbségkutatások Közalapítvány, EÖKiK</i> )
KSH	Central Statistical Office ( <i>Központi Statisztikai Hivatal</i> )
EU	European Union
Fidesz	Alliance of Young Democrats ( <i>Fiatal Demokraták Szövetsége</i> )
OCÖ	Gypsy Minority Self-Government (local) ( <i>Cigány Kisebbségi Önkormányzat</i> )
HUF	Hungarian forint(s) (HUF 100 ≈ 0.40 ≈ £0.25)
ICGA	Interministerial Committee for Gypsy Affairs ( <i>Cigányügyi Tárcaközi Bizottság</i> )
MDF	Hungarian Democratic Forum ( <i>Magyar Demokrata Fórum</i> )
MSZP	Hungarian Socialist Party ( <i>Magyar Szocialista Párt</i> )
MTI	Hungarian News Agency ( <i>Magyar Távirati Iroda</i> )
CSZOSZ	National Association of Gypsy Organisations ( <i>Cigány Szervezetek Országos Szövetsége</i> )
OCÖ	National Gypsy Minority Self-Government ( <i>Országos Cigány Kisebbségi Önkormányzat</i> )
OOIH	National Network for Integration in Education ( <i>Országos Oktatási Integrációs Hálózat</i> )
ÁNTSZ	National Public Health and Medical Officers' Service ( <i>Állami Népegészségügyi és Tisztiorvosi Szolgálat</i> )
OECD	Organisation for Economic Co-operation and Development
NEKI	Office for Legal Aid to National and Ethnic Minorities ( <i>Nemzeti és Etnikai Kisebbségi Jogvédő Iroda</i> )
SZDSZ	Alliance of Free Democrats ( <i>Szabad Demokraták Szövetsége</i> )
UN	United Nations Organisation

# FOREWORD

Following the 2000, 2002 and 2003 surveys this is the fourth time that we present our yearly Report on the situation of the Roma in Hungary to those interested.

It seems that in the year 2004 – the middle of the period between two elections – Roma policy did not have a stake in the parties strategic games. There were neither big battles nor major achievements.

As the topics of the expert studies reveal – the Roma and International Law at the Time of Hungary's EU Accession, School Segregation in the City of Miskolc, Efforts Made Between 1998 - 2004 to Reform the Minority Self-government Electoral System, The Minorities Act and Its Amendment or „the Much Expected, Highly Important Freak with a Bitter Fate", the Operation of Local Roma Self-governments in Hungary - there was chance for significant change in various fields of life of the Roma, however the changes never materialized. There was no radical step ahead in the Roma institutional background, nor in their daily life or the relations between the majority and the minority societies. Hungary achieved full membership in the European Union on May 1, 2004, yet this did not produce any immediate benefit for the majority or the minorities. The old problems poverty, segregation and prejudice remained. The saying of Caragialei “We should modify here and there but without touching the essence” works for Hungary as well. The only difference being that whereas Caragialei used this ‘philosophical’ statement in the imperative mode, we employ the declaratory – we modify here and there without touching the essence. This affects the Roma the worst.

There are years in history, which we – on account of their extraordinary good or bad events – remember for a long time. 2004 – as far as the Roma issue goes, will not be such a year.

A few cultural events took place, a couple of Gipsy orchestras held their annual concerts as usual. There were once again reorganizations in the public administration, the field was placed under different supervision but the position of Secretary for Roma Affairs remained. Every now and then there were attempts at bowling out the president of the National Roma Self-Government. A few Roma families had been dislodged, those who usually protest against this kept protesting. Plans had been made once again for another set of mid-range governmental measures. According to the studies the quality of life of the Ro-

ma in general remained just as low as in the previous years, and their social status has not changed either. So, all in all, if we ask ourselves the question: how will we remember the year 2004, the answer with respect to the Roma issue will be: we will not remember. As, all in all, nothing worth mentioning happened.

The Report thus is an account of the time lost, of the time unused, of stagnation.

Budapest, 2005. 12.

*Erika Törzsök*

# 1. A CHRONOLOGICAL DIGEST OF EVENTS AFFECTING THE ROMA OF HUNGARY IN 2004<sup>1</sup>

## January

Judit Berki the ex-director of the Office for Roma Affairs, whose department was removed from the Office of the Prime Minister and placed under the Governmental Department for Equal Opportunity under a new name “Directorate for Roma Affairs” did not accept the leadership of the new office, which she had been offered. She explained her decision with the following words” in this new structure, in this new body I do not think that I would have a chance to represent the Roma affairs in the long run in any significant way.”

At the annual press conference of National Roma Minority Self-Government (OCÖ) it has been announced that one of the most important goals of the 2003-2006 program of the National Roma Minority Self-Government (OCÖ) is the establishment of an institutional network- based on the regions and counties. The National Roma Minority Self-Government (OCÖ) also emphasized that within this institutional network it is necessary to operate programs which help the municipal Roma minority self-governments and the local civil organizations learn the techniques which allow them to benefit from the opportunities available since the joining of the EU and which make them capable of organizing as many successful professional and cultural events as possible. In the network offices 127 Roma unemployed – most of them with secondary or high school education – shall be employed. Furthermore a new course lasting for several months shall be set up for the employees where they will be able to acquire the necessary information about the domestic and the European legal and social institutional background related to their daily work, – mainly the handling of social and employment issues.

Several names have come up as potential candidates for the post of the Minister of Equal Opportunities – who is a minister without a ministry – one is Kinga Göncz, the sec-

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1 The selection is based on the biggest daily „Népszabadság”, and the archives of the internet sites Romapage and Rom.net

retary of the ESzCsM (Ministry of Health, Social and Family Affairs), another is Viktória Mohácsi ministerial deputy of the Ministry of Education, a third one is Krisztina Morvai, a famous criminal lawyer who has distinguished herself in the fight against aggression within the family. The post of the Minister of Equal Opportunities will become vacant if Katalin Lévai, the present minister, wins a seat on the list of Hungarian Socialist Party and becomes a member of the European Parliament after the elections in June. According to our sources the socialists are in favour of Kinga Göncz, while the liberals (SzDSz) would prefer one of the other two persons on the post – however the candidate needs to have the support of both parties. Viktória Mohácsi is the third on the list of the Liberal Party for the European Parliament, whereas Ms Morvai, who is considered a radical fighter for women's rights, has had several conflicts with the Socialists. Governmental circles imagine the change in the Minister's person to take place in May, or in July, or in September depending on whether this change entails the reformation of the Government as well.

“Stinking gypsies, we will kill you and burn down your house” – witnesses have stated that these were the words shouted when 6 men attacked the inhabitants of the gypsy neighborhood in a village named 'Osi' in County Fejér. The attackers broke the arm of an elderly man and hit a woman on her head – the mother of several children – with an iron tool so that she suffered serious injuries. They smashed the windows and doors of the houses in the neighborhood and also damaged several cars there. The Head of Department of the Police Station in Várpalota explained that some cables valued half a million forints have been stolen from the yard of one of the attackers and the owner thought that it was the Roma who did it. The injured Roma passionately denied that they had anything to do with the case, and the investigation on the sight – carried out by the local police supports the statements of the Roma. The police – arriving at the scene – arrested the attackers and placed them custody in Székesfehérvár and Várpalota. However the Municipal Court at Várpalota decided to release the 6 young men – two living in Os and four in Várpalota who are accused with vandalism and disturbance of peace. The ethnicity-related motivation of the attackers was not considered said the Chief of Police at Várpalota, because a few days ago the same men had attacked a non-Roma family as well demanding from them the stolen cables.

After the accessions at least 100 000 Eastern-European Roma will travel to the United Kingdom, which is the only sizable member of the European Union that opens its job market and social security system to the migrants from the new member states without restriction from the moment of the accession – says The Sunday Times. The most popular British Sunday paper claims that there is 1.7 million Roma living in the Czech Republic, Hungary, Slovakia and the other accession countries, and that the migrants arriving from the member states will enjoy the same health care system, educational opportunities and pension schemes as the British themselves. (Actually only those citizens of the European Union are eligible for such services and benefits whose residence in Great Britain is legal and who have a legal income.) The Sunday Times also mentioned that according to the local Roma leaders from the Czech Republic alone 100 000 Roma will leave for Britain attracted by the opportunities provided by the British welfare system. The British Government opens the door to migrants arguing that it is a key factor to attract workforce into the country, nevertheless even the agents of the government have started to recognize the danger of “an explosion of welfare tourism” – claims the article. According to the newspaper the British Secretary of State has requested the International Migration Organization to launch a campaign on the “dark side” of life in Britain among the quarter million Roma of the Czech Republic. The Ministry of Interior Affairs has acknowledged this statement but also emphasized that it does not expect more than 5-13 thousand immigrants per year from the new member states.

The Act on Equal Opportunities has come into effect this year, but the administrative office which is to deal with the cases launched on the bases of the new Act will only start its operations next year. Then a penalty of up to 6 million forints can be imposed on the law breaker if a complaint is found to be sound. The money is not awarded to the person who suffered disadvantage on account of his or her sex, ethnicity, color, religion, age, sexual orientation, or political affiliation. The injured person's infringed rights are remedied while the penalty paid by the wrongful party is used for the implementation of the equal opportunities program. In case of discrimination not only private parties, but also civil organizations are allowed to file a claim.

The eradication of gipsy slums is the most important goal of the government this year said Laszlo Teleki. There are 460 gipsy settlements in the country which are record-

ed as having no infrastructure or public utilities at all. According to the Secretary who is responsible for Roma Affairs within the Office of the Prime Minister the Roma population of such settlements is between 150 to 200 thousand persons. The Secretary has also noted that the 2004 budget provided 1 thousand million forints for the purpose of demolishing such slums and building new apartment houses. Furthermore the office also plans to use sources provided by the European Union and money is due to arrive for this project from three different programs of the National Developmental Scheme (– out of the scheme's five programs now in operation). In the opinion of László Teleki the demolishing operations must start in at least 40-50 percent of the slums by the year 2006, however it will require another 10-12 years till the liquidation of the last slum can start. The Secretary of the Government pointed out that the Public Fund for the Hungarian Roma has scholarship scheme for accomplished Roma students from class 5 of the primary school ( from age 10) onwards and that in 2002 the Government has raised the public contribution to this scheme from the annual 300 million forints to 700 million. As a consequence of this measure the percentage of Roma students in secondary education has grown with at least 30-40 percent, but the number of Roma students in higher education has also increased. In the first 6 months of the year 2002 eleven thousand Roma students received a scholarship, today this number is 21.500 – added the Secretary.

“Cigánybáró” – Baron of the Gypsies' – the novel of Mór Jókai has been published in the 'beás' language for the first time in Hungary. The translation was done by social-pedagogue Terezia Kalányos and the 1000 copies of the 160 pages long book were published by Publisher Czupi in Nagykanizsa. Gyula Czupi in an interview stated that “the purpose of this publication was far from being profit-oriented, the primary reason was to fulfill a cultural mission, to demonstrate how the Beás language – the language most commonly used by the Roma of our region – could serve as a vehicle for literature.”

## **February**

There is a settlement out of shacks near Kiskunmajsa called Marispusztá where 50 families are living in catastrophic circumstances. Six families have moved into old wagons which were originally used for the carriage of animals. The wagons are not bigger than

13-14 square meters, their walls are made out of 1 inch wide wooden planks and there is no electricity inside. One of the wagons – inhabited by 9 persons, including a 1 month old baby – has already caught fire several times. Only a fortnight has passed since the last fire, when the baby had to be rescued from the burning wooden shack. The shacks are heated with stoves and if people want to wash they use basins where the women clean themselves first and then come the men. While waiting for their turn the men have either to stand in the cold outside or go visit their neighbors. The whole settlement has one single public well. Everyone takes water from there. At night they sleep with their clothes on and several times the water in the dishes got frozen during the night. The Roma at the settlement of Marispuszta have told us that many of their children had already been taken into state-care because of the unbearable circumstances and their poor state of health.

According to the judgment of the Local Trial Court of Salgótarján a company has rejected three women at their job interviews on the bases of their Roma origins. The company has to pay 150 thousand forints to each of the candidates if the decision becomes final and non-appealable. The judge found it proven that the women were discriminated against on the bases of their ethnicity and this was why not even a probation period was granted them. This was why the court decided to grant the women as damages the amount of the minimum wages due for the probation period prescribed by law. The lawyer of the plaintiffs nevertheless criticized the decision pointing out that it is unclear why the court did not impose damages on the company on grounds that it injured the human dignity of the three women and thereby caused non-pecuniary damage.

The Government is negotiating about the acceptance of a new mid-range set of measures concerning the Roma. László Teleki the Secretary for Roma Affairs noted that the program is putting an emphasis on Roma education, the amelioration of living conditions and on acquiring equal opportunities. The Secretary of the Government does not agree with the statement that the significant increase in the amount of Roma scholarships is the single significant step ahead. As an example he referred to the Roma Public Fund and the Roma Cultural Fund, which were both established on the initiative of the government. All the ministries are required to make public the sums that they make available for Roma programs within a set period of time. The ministries are required to report on the implementation of

the programs from time to time to the Committee for the Coordination of Roma Affairs within the Ministerial Departments and supervision shall be carried out by a new body to be established in the near future. The new body will be comprised of independent professionals. The liquidation of the Roma shackle-settlements is to be financed out of the loan taken from the European Union, which the government has guaranteed.

Two years ago the municipal government of Kecskemét decided to liquidate the barrack apartments of the town. Last year they put aside 91 million forints for the purpose of demolishing two shackle-settlements. The shackles in Wéber Ede street were pulled down the previous year. From the average 1.5 million forints sum paid to each of the twenty Roma families for moving out most families could only pay for an accommodation out of town, those who decided to stay in town had to put up with living in garages on the edge of town. The inhabitants of another barrack-settlement, which is to be liquidated this year have already agreed with the municipality on the form of compensation: – five families are moving into apartment rented from the municipalities which possess utilities commensurate with their previous lodgings, while the other 15 families have chosen financial compensation, which has now been increased to 3 million forints. Most of these families have moved into the smaller villages nearby, but some bought flats in the poorer somewhat ghetto-like suburbs. The local Roma representative finds that the consequence of the measures is that the Roma are forced out of town and what is worse some families end up among poorer conditions than where they have left from. Next year the municipality is planning to liquidate another two Roma ghettos – one in Szultán the other in Nándorfehérvári street – which presently serve as the home for 30 Roma families.

According to a survey done by “TÁRKI” last year the migration of the Roma within the country accelerated: – the number of Roma living in mid-Hungary and in small settlements with a population under 1000 persons – mostly located on the Northern part of the Great Hungarian Plane and in Northern Hungary – has grown significantly. Simultaneously a decrease of the Roma population has been reported by the municipalities of the 'Dunántúl' (Transdanubia) Region. Migration is the number one explanation for the phenomenon. According to the research done by “TÁRKI”, the collected data leads to the conclusion that lately at the industrial sites of the mid-and-Western part of the Transdanubia region Roma

have been very seldom employed. Previously, some of the larger companies – for instance the IBM at Székesfehérvár – have employed Roma as blue-collar workers and for this opportunity it was worthwhile for the Roma to settle in the region, but recently these companies have organized their operations on a different bases. Therefore the Transdanubia Region offers scarce employment opportunities while the living costs there are rather high. The situation of the Roma has also been made difficult by prejudice – the ill-famous case of the fate of the Roma living on Radio Street at Székesfehérvár is enough example to illustrate this. Most Roma try to seek opportunities in Budapest or in the agglomeration around the city. This also explains why their numbers have been growing in the Mid-Hungarian Region of the country. They mostly rely on by-jobs, predominantly on construction sites. For a while this strategy might be working, as a large number of new housing is being constructed in the Budapest agglomeration, which is giving work – albeit illegal and temporary – to many people. The migration of the Roma has severe consequences for the the Northern part of the Great Hungarian Plane and for Northern Hungary, which already struggle with great problems. The Roma settling there practically give up the endeavor of trying to find a job. In the mountainous Northern area, between the Bükk and the Zempléni Mountains, in the Cserehát, a ghetto-like micro-region has developed, which is unprecedented in Hungarian history. In this area non-Roma villages are on a continuous decline while the number of the Roma is on a constant increase. It is a mystery how these Roma make a living in the area as there are no employment opportunities whatsoever in the near or even in the mid-far distance.

István Hiller has appointed Katalin Kállay as Ministerial Agent for Roma Affairs. She will be responsible for maintaining communication with organizations representing the interests of the Roma, with Roma self-governments and other governmental organizations. Further duties include representing the Ministry in the preparatory process for governmental decisions concerning Roma issues and to coordinate the different Roma related tasks within the competence of the Ministry of Cultural Heritage.

## **March**

In accordance with the agreement between the National Roma Minority Self-Government and the authorities a so-called minority coordinator officer has been set to work four years

ago within the local police headquarters of the county of Borsod-Abaúj-Zemplén. The officer's duties include development of the staff's tolerance and conflict-resolution skills, support for the education of Roma youth to become members of the police corps, cooperation in the area of prevention, and lecturing in primary schools. Concerning the success of orienting Roma youth towards becoming members of the police force the following results are to be mentioned: since 1996, when the program for aiding Roma secondary school students to become policemen started in the county, 15 students received support and 8 of them has joined the police force. The candidates have to fulfill strict conditions. In exchange they receive full board, aid for clothing and books and further stipends are also available as set in their studentship contracts. It is also a gesture on part of the police that they have started the teaching of the minority language for their staff. The Roma in Borsod-Abaúj-County belong to the so-called romungro group, who speak Hungarian as their mother tongue, therefore it makes no sense to make it mandatory for the entire police staff to learn the minority language here. According to our sources 17 policemen have started to learn the language so far of whom 12 has already passed their language exam.

A Roma man died among questionable circumstances at the VI.-VII. District Police Station in Budapest. The man was suspected of truculence and taken into custody. At the station-house a brawl broke out and the Roma man's teeth got broken. The police took the man to a dentist, but he did not diagnose anything besides the broken teeth. The man was then taken back to the detention-room where he shortly died. An investigation is now conducted in the case.

The local government of Szombathely has initiated the removal of five Roma families from a 24 apartment block-house, which had been renovated six years ago by the local government for the purpose of housing families in need. The low -comfort apartments of István Gyorffy street are almost entirely occupied by Roma families, some of which allegedly are not getting on with each other. "We are trying to solve the neuralgic issues that have been a burden on the shoulders of the well-meaning Roma families living in the block " – said the president of the social committee of the local government of Szombathely at a press conference given together with the representatives of the local minority self-government. He announced that the local government supports the estab-

lishment of a Roma civil corps, which would deal with “discipline issues” related to accommodation in the areas, where the number of Roma residents is high. The president of the accommodation committee in his reply to a question from the MTI (Hungarian Information Agency) stated that: “the establishment of the apartment-house in Gyorffy street had nothing to do with intentions to create a ghetto, the local government had no such intention, the present situation evolved as a consequence of apartment swaps between the tenants.” Some of the tenants in Gyorffy street do not consider themselves to be Romas. Nonetheless the representative of the local minority self-government voiced his doubts by stating that “when I visit those apartments they do consider themselves to be Romas”. He also noted that the apartments were in poor condition despite the renovations, so much so, that a law-suit had been started against the company owned by the municipality, which was assigned to maintain the building.

During the celebrations on the International Day Against Racism on the 21st of March, the Civil Rights Awards created by the Roma Civil Rights Fund had been granted. The following persons were distinguished for their assertion of the human rights of the Roma:

Dezso Szegedi – an actor honored with Jászai Mari Award, Attila Balogh poet and journalist, István Szikinger constitutional lawyer, attorney of the Roma Civil Rights Fund, Tibor Bóos lawyer, Sándor Máté president of the Roma Minority Self-Government in Opály, Angéla Kóczé sociologist, director of the European Roma Information Office operating under the European Council, and Szilvia Varró journalist, correspondent of the daily paper „Népszabadság”.

The percentage of students deemed handicapped is extraordinarily high in Hungary. Viktória Mohácsi the Agent of the Ministry of Cultural Heritage in Charge of Roma Affairs pointed out at her press conference that: – while in the European Union 2.5 percent of the children are declared handicapped in Hungary this ratio is 5.3 percent (which equals approximately 49 thousand students). She claimed that about 2500-2800 students per year enter the system as “proto-handicapped”, which is to say that they are not handicapped. The ratio of Roma students declared handicapped is significant (according to data from 1993, which was the last time when registration could be done according to ethnicity, 42 percent of the handicapped children were Roma.) According to the report of

the Minority Ombudsman there were schools, where the only reason given on a child's folio of survey was "Roma origin".

"In an estimated 600 institutions from the 3500 elementary schools in our country Roma children study in segregated classes"- announced Viktória Mohácsi, who is responsible for the integration of children with detrimental background and Roma children. 70 percent of Roma children attend segregated classes, which is not only problematic because of racist separation but also because in these classes the standard of education is significantly lower especially considering foreign languages and informatics. Governmental support for the integration of Roma children, which amounts to 60000 forints per year per child, and is available since the 2003/2004 academic year, can only be applied for by schools, which undertake to liquidate segregated classes by year 2008.

The association called Independent Roma Roundtable is preparing to demonstrate against the planned introduction of the minority elector registry. The demonstration is to take place in Komárom on the 8 of April, the international day of the Roma. The information was announced by Vilmos Kövesi the deputy president of the National Roma Minority Self-Government and the leader of the Independent Roma Roundtable. According to the proposal of the government in the future only those persons may participate in the minority self-government elections, who register themselves, that is, whose name are on the minority elector registry. The argument goes that this is the only way to avoid abuses of the system, which put the minority communities at a disadvantage. Presently all four parties in Parliament seem to be in support of the government's proposal. Some of the biggest minority communities, such as the German community, also agree with the government's proposal. On the other hand Aladár Horváth the previous president of the

National Roma Minority Self-Government, who has been removed from the post among disputable circumstances, voiced his misgivings about the proposal and so does Vilmos Kövesi the actual president. At some point the National Roma Minority Self-Government had decided to accept the proposal, but according to Kövesi that decision did not express the "real and homogenous opinion of the representatives." The Roma association sent its written protestation to the Prime Minister, to the Chair of the House of Parliament and to the four parties in Parliament.

## April

Ágnes Tölgyesi created a 100 minute research film-essay investigating the causes of a matter, which has been the preoccupation of many professionals in the field of politics, sociology, economics and education for a long time. The film examines the causes that lead to the well-known phenomenon that Roma children do not do well at school and often fail to integrate and achieve success in mainstream society. The director endeavors to present answers to these questions through the follow up of individual lives. The austere images show us adverse family circumstances, the damaging effects of unemployment and an unassuming, ambition-less upbringing coupled with shortcomings in the continuous transmission of the ethnic-cultural heritage. It is unfortunate that the situation is so poor, as these kids who are still joyous despite their multiple disadvantageous conditions wish for happiness just as much as their more fortunate peers with stable backgrounds. Often these kids are the only hope of their parents suffering from exclusion.

The Hungarian State Audit Office filed its accusation against an unknown offender because money disappeared from the National Roma Minority Self-Government probably as a result of financial offences. The present data reveals that the deficit amounting to 60 million forints accumulated between 1999 and 2003, during this period auditing rules were violated and costs were illegally reimbursed several times – states the Audit Office.

A cleansing, disinfecting, lime-wash was organized for the Roma inhabitants of 6 villages in Borsod by the Association of Roma Women in Public. With the half million forints support of the Ministry of Social Affairs 350 sacks of slaked lime were distributed in the villages of Szendro, Rakaca, Tormanádaska, Bódvalenke, Bódvaszilas and Martonyi. Related to this action an open-air public health forum was also held at Szendro, where Blanka Kozma announced to the public that their plans include checking the chimneys and stove-pipes of all the houses in the near future and if necessary the association would help get rid of rats as well. A local garbage picking contest was also organized for the occasion, where many children and adults cleaned not only their own yards but also the public spaces from rubbish. The officer of the National Public Health and Medical Officer Service from Edelény pointed out that if everybody keeps the their portal clean

then the whole village will be cleaner. The mayor promised that if this action is successful, the municipality will help maintain cleanliness and order.

The editors of Romaweb within the Governmental Office for Equal Opportunities sought lodging in Debrecen for their course in April. The organizer of the event asked for a price offer from the owner of a smaller hostel on phone. Once the owner heard the name Romaweb he/she inquired whether there would be persons of minority ethnicity among the participants as well. The organizer said “yes”, to which the owner's answer was: “unfortunately in this case we cannot offer you a place”. Following this incident the Legal Defence Bureau for National and Ethnic Minorities (NEKI) decided to test the hostel employing two Roma and two non-Roma couples. On April 9 two young Roma couples sought lodging in the hostel, where they were told that the house is full and were sent away. The Roma couples also inquired whether they could hold a course for the members of the Roma self-government later on at the place. The owner replied that the hostel was full until September therefore they could not be of help. Five- ten minutes later the two non-Roma couples arrived, where offered a choice of rooms for the night. Having spent the night in the hostel, the following morning the couples also asked whether they could hold a conference there in the middle of May. The owner was uncertain about availability and suggested to speak later on the phone. A week later when the couple rang back they received a price offer and managed to set the time as well. On the phone the owner stated that they did have free capacity and asked about the ethnicity of the would-be participants. When the test person announced that the participants would be Hungarian the owner of the hostel asked back “But they will not be gypsies, will they?” The owner added that he only poses this question to be sure, because only recently gypsies wanted to organize a conference there.

## **May**

At the drafting of the Charter of the European Roma Forum the President of the Hungarian National Roma Minority Self-Government (OCÖ) Orbán Kolompár did not accept that the Hungarian Roma should be able to send only three delegates to the Forum's plenary session. At the negotiations in Strasbourg the President of OCÖ represented the principle that each member state should be able to delegate representatives to the plenary session in proportion

with the number of Roma living in the given country, thus Hungary should be allowed to send five persons. The establishment of a European Forum was initiated by Finland with the intention to form a representative body for the Roma living in Europe which would fit into the Union's decision making and executive structure.

As reported by one of the national dailies Árpád Urbán a socialist MP said at the plenary session of the Parliament during the discussion of the bill on abuse within the family that “unfortunately abuse within the family predominantly happens in Roma families”. When questioned by the Roma Press Center later Urbán replied that his statement was taken out of context and its meaning thereby changed. According to Ildikó Lendvai the Chair of the Socialist Fraction Urbán had been misunderstood as neither he nor the Socialist Party cherishes any such thought. Nonetheless the minutes of the plenary session confirms that Urbán, who outside Parliament is the director of a school in Nógrád County, opined that proportionately there was more abuse within Roma families than within the ethnic Hungarian ones. According the minutes the MP said: “unfortunately we notice abuse within the family in schools, especially in those schools where there are many Roma students like in Nógrád, where the ratio of Roma pupils is 34%. This is not to say that only Roma children suffer from such abuse, but unfortunately among their families this problem occurs proportionately more often than elsewhere.” When questioned by the Roma Press Center the MP could not name any research which would support his statement, he simply referred to his own personal experience. He mentioned that he knew three or four Roma students in his own school who, according to his perception, showed signs of having suffered family abuse.

The elementary school of Tiszabo is one of the poorest educational institutions of the country. The 350 students of whom only one is non-Roma attend a 120 years old building, which is too small so some children have to go to school in the afternoon. Seemingly the school does have water-lavatories, but practically the facility cannot be used as the pipes are too old and obstruction is an everyday phenomenon. Classrooms are damp and the ceilings full of cracks. Experts from the University of Szeged and the Hungarian Academy of Science recently carried out a survey about 20 elementary schools of the country, which are mostly attended by Roma children. The main aim of their study was to investigate the skills, the gen-

eral knowledge and social background the children had when entering school. The study revealed the students at Tiszbo were the most backward in the whole country – most of the 7 year old children had the intellectual capacity and vocabulary of a 3 year old. At Tiszabo the roads are muddy, there are hardly any stores, the village is poor, so there is nothing that would attract a professional pedagogue with a degree to settle there.

The municipality of Szombathely found a very particular way to support Zsutinasz Fund – a fund for supporting Roma in disadvantage – they have given a 150 meters long piece of railtrack as a gift to the Fund. “The municipality achieves two things simultaneously – on the one hand we get work done, which needs to be done anyway, on the other we help Roma in adverse conditions” – pointed out the Director of the Department of Town Development and Maintenance of Szombathely. The tracks are to be removed by unemployed Roma and then sold to MÉH (a company dealing with recyclable waste) according to the plans of the Fund. The organization estimates to gain a couple of hundred thousand forints on the transaction, which is to be given to Roma in need.

Several Roma parties and civil organizations demand the dissolution of the National Roma Minority Self-Government (OCÖ) and call for welfare and developmental measures on part of the government in a public letter addressed to Péter Medgyessy the Prime Minister. The leaders of OCÖ proved their inadequacy during the last 1.5 years declared István Makai, President of the Roma Civil Union. He added that they call for urgent governmental measures, which foster the start of a real integration process for the Roma.

## **June**

Heves County also needs to establish a Roma Intellectual Resource Center in order to be able to apply to funds for development. László Teleki, the Secretary responsible for Roma Affairs within the Office of the Prime Minister, organized a forum in Verpelét for the minority leaders of Heves. The participants inquired about the followings:

– when would money be available for the dissolution of Roma shackle settlements, when would some of the Roma Self-governments receive computers, what could be done to prevent illegal employment of the Roma as agricultural workers, how

could they get aid for the schooling of children. László Teleki informed the participants that for the dissolution of Roma shackle settlements the Ministry of Finance, the Governmental Office for Equal Opportunities and his Office together had applied for loan from the European Developmental Bank. For the 10 500 million forint loan governmental guarantee is required, which in turn requires a governmental resolution. The resolution has to contain the names of the settlements and the schedule, according to which the government plans to dissolve them, until 2006. Hungary has passed the first phase of the competition. Concerning employment László Teleki gave the following response: – those employers who employ Roma employees may apply for grants from the Public Fund for the Roma in Hungary on condition that they undertake to employ their Roma employees for 18 months and at least another 25 percent of their Roma employees for another 18 months. The available fund for this purpose amounts to 200 million forints. Businesses and self-governments win funding based on competition. In the field of education progress has been made in the area of scholarships for Roma students – said Teleki. This year the government provides 970 million forints to support the studies of 21500 students. Scholarship is given from age 10 till the end of university education on condition that the applicant reaches an average mark of 3.5 (out of 5). Teleki thinks that the 5 operating programs of the National Plan for Development provide almost unlimited financial opportunities for the Roma.

One of the most important causes of the Roma population's disadvantage is that they were the most heavily struck by the dissolution of state owned workplaces during the transition period. 13-14 percent of the 580 thousand people living in Szabolcs-Szatmár-Bereg County is Roma, thus in this county it is especially important to implement employment-policy, developmental and equal opportunity programs. The above is a very short summary of the forum held in Nyíregyháza coordinating professionals, where László Teleki the Secretary Responsible for Roma Affairs within the Office of the Prime Minister was also present.

Almost 30 percent of the adult Roma population did not finish elementary school and hardly more than 10 percent completed secondary school reveals a survey , which was carried out by Delphoi Consulting with the lead of Ferenc Babusik psychologist. The

chances of getting into higher education hardly changed during the past decades. It is hopeful nonetheless that among the younger generations more and more Roma attend secondary schools, which give a 'baccalaureate' and thus enable the students to enter higher education. Success at school largely depends on the financial circumstances of the family, which in turn depends to a great extent on the place of residence. Previous studies had also shown that those Roma who live in mixed environment are much better qualified than those who live separately in ghetto-like quarters or villages. On the other hand the chances of getting employment depend mostly on qualifications. A vicious circle – the professionals who did the survey simply call it 'the trap of poverty'.

The Roma population of Hungary at the time the survey was carried out counted approximately 600 thousand persons. About half of these live in segregated environment and about 170 thousand live in shackle-towns and amid ghetto-like circumstances. Only a quarter of the adult Roma population is employed, and only 5 percent of them is getting education, the ratio of the inactive is 70 percent. Compared with the Hungarian average there are much less pensioners in the Roma population while the unemployed, the mothers on child-care leave and the persons on disabled-pension constitute the three biggest subgroups of the inactive.

The average income from wages amounts to 60 000 forints, which is barely more than the minimum wages. The recent study has confirmed the conclusion of an earlier study that contrary to the public belief, it is not worthwhile financially for a Roma family to try and purely rely on the income, which they get as child care support instead of the earnings from labor. It is obvious that those families do best, where both parents are working and the number of children is not high.

It also proves to be a myth fuelled by prejudice that “gypsies have a lot of kids”. It is true that among the adults above 35 there is a significant group – between 14-27 percent, depending on the age-group, who raise 4 children, but it is also true that there are just as many gypsy families with only 1 or 2 or 3 children.

Despite the low income level 70 percent of the Roma households have no public utility debts, which is in contrast with the public image that the Roma keep accumulating public utility debts. On the other hand it is a common view among the Roma that they voluntarily take in their elderly and care for them with feeling. The survey belies this image and reveals that 40 percent of the elderly Roma live alone in abandonment.

The research also investigated whether it is really true that cohesion within Roma groups is strong – as the public saying goes. – Can the Roma rely on each other in need, or for instance if they need to borrow some money? The investigation concluded that the traditional communities, which used to work as a social network have now become a thing of the past. The present Roma population in Hungary suffers from alienation as much as the non-Roma. If someone among them can rely on the support of others it is a consequence of individual achievement rather than social relations working independently of a given person's skill.

The Ombudsman for the rights of minorities launched an investigation against the elementary school in Bagi. The students in the classes for impaired children – who happen to be all Roma – do not have their lunches in the canteen where all the other children eat, but are kept in their classrooms for lunch and served called food (while the others eat warm). Kaltenbach (the Ombudsman) also pointed out the anomalies of the system, which allows schools to receive public money on the bases of having Roma students on various titles and then ascribes no restrictions over the spending of the money.

The Supreme Court has granted 100 thousand forints in damages per person to six Roma families coming from Zámoly, who received refugee status in France. According to the final judgement the municipality demolished the houses of the six families illegally as the families were not given the opportunity to appeal against the decision on demolishing.

## **July**

In Hungary everybody can decide freely whether they consider themselves to be a member of an ethnic minority or not, the state will not inquire about anyone's ethnicity. On this bases the question is – how will the Roma receive the aid addressed to them. Minister István Csillag announced that the ministry will organize a competition to support Roma businesses this year as well. The full sum available is 200 million forints, out of which one applicant may not get more than 3 million.

The intention is clear, but the question remains what is the guarantee that the money will end up in the hands of Roma? The laws in effect prohibit the keeping of any regis-

tration on the ethnicity of citizens, and only the individual is entitled to decide whether he/she considers himself/herself to belong to an ethnic minority. Accordingly the arbiters of a competition have no such right, and the Ministry of Economic Affairs may not require any document certifying the ethnicity of the applicants. At the same time the announcement of the Ministry requires the applicants to have a recommendation from a local minority self-government, which has to contain answers to the following questions:

“In what way did the given venture so far contribute to the economic and social integration of the local Roma community?” and “Has the business so far employed Roma employees?”

The same principle is applicable when scholarships are granted to Roma youth. Secretary of Government László Teleki thinks that this procedure does not lead to corruption as the recommendation itself does not automatically mean that the applicant will receive the grant, for this other professional conditions also have to be met. Jeno Kaltenbach on the other hand calls for much stricter vigilance in tracking down those who try to access the support addressed to the Roma without good reason. He confirmed once again his own earlier views that a solution need be found whereby ethnicity could be registered without infringing upon privacy rights.

The sitting strike at Rakaca continues, which was started by one of the members of the local minority self-government, who resigned in May, and her husband. The demonstration aims at calling the attention of the MP's on the unconstitutional regulatory hiatus in the various acts on minorities and elections, as these infringe upon their political and minority rights.

We would like to see concrete results concerning the social integration of the Roma – said Orbán Kolompár after the professional body of the National Roma Minority Self-Government (OCÖ) discussed the integration plans of the various ministries. As Kolompár pointed out the plans are rather general, it is not clear how their implementation should be carried out, so they decided to start negotiations with all the ministries concerned. They would like to have the goals laid out in the program of the National Roma Minority Self-Government to be included in the action-plans of the adequate ministries.

The Presidency of the National Roma Minority Self-Government held its recent meeting on the 8th of July 2004, at which István Csillag Minister of Economic Affairs was also present. The minister and Orbán Kolompár the President of the National Roma Minority Self-Government (OCÖ) had a personal meeting before the meeting of the Presidency. István Csillag announced that the Ministry is prepared to conclude a cooperation agreement between the Ministry and the National Roma Minority Self-Government. The proposed document would include the programs elaborated by the Ministry for the Roma small and medium sized entrepreneurs and the amounts of money available for these. The Presidency of the National Roma Minority Self-Government and the Minister of Economic Affairs agreed that the cooperation agreement should be concluded this summer. The Ministry of Economic Affairs shall give a more dominant role to the Roma referent working in the Ministry whose role is foster communications between the National Roma Minority Self-Government and the Ministry. István Csillag confirmed once again before the Presidency of the National Roma Minority Self-Government that the integration of the Hungarian Roma is a number one goal of the Government.

## **August**

The Public Fund for the Hungarian National and Ethnic Minorities plays an important role in the multi-channel support system of minorities in Hungary. It decided about the placement of 3 thousand million forints between 1999 and 2003. 95 percent of the money came from state funding nonetheless the real value of the sums provided for the Fund decreased yearly. Before April 2003 the Minister of Justice was responsible for the organization within the Government was, since then this task was transmitted to the Secretary responsible for Roma Affairs within the Office of the Prime Minister. The State Audit Office during its recent control found that the Ministry of Justice did not conclude any agreements between 1999 and 2002 with the Public Fund on the use of the annual funding provided from the budget and did not require any accounts concerning the use of the funding subsequently either. The applications were evaluated and decided upon by the Curator Board in accordance with the law, but there was no system whatsoever to hold accountable the recipients of the 2.8 thousand million forints. According to the State Audit Office, this happened because the Curator Board of the Fund wanted to save money

on operative costs and the costs of checking accounts. 44 percent of the funding went to minority papers, 41 was spent on programs with specific goals, 14 percent on scholarships and fellowships. Mainly in this latest category 7300 private persons received funding as well. From the entire sum 25 percent was distributed to Roma, 20 percent to German, 11 percent to Slovak and 10 percent to Croatian applicants. The fate of approximately 400 million forints could not be followed up as most of the documentation on the scholarships and fellowships was liquidated on the bases of regulation on the maintenance of documents, which violates the law, and only the payment receipts were available. Furthermore the Director of the Fund the did not make available for checking the other documents either on grounds that this would infringe personality rights, namely the protection of data revealing ones ethnicity. The State Audit Office pointed out that the destruction of the accounts is sufficient bases to suspect a violation of the laws on auditing and therefore they have initiated to hold the Director of the Fund accountable, who is legally responsible for the destruction. The Director was not entitled to give his approval to the flawed regulation on the handling of documents, as this was in the competence of the Curator Board. The State Audit Office also raised its objection to the practice of the Curator Board that it declared to have a quorum on at least at a quarter of its meetings based on the number of board members reduced by the number of members resigned from the Board, instead of the number stipulated in the Deed of Foundation.

Thanks to the intervention of the National Roma Minority Self-Government an evacuation was prevented in Lajosmizse. In the county of Bács-Kiskun, in Lajosmizse several streets of new houses have been built from loan after the transitions. However in the recent year most of the owners became unemployed. Repayment of the loans has become more and more burdensome. The financing bank -OTP – started to collect the instalments from the guarantors, and after a while started enforcement proceedings against the borrowers. The representative of the minority self-government of Lajosmizse claims that in more than 20 cases the property was sold under their market value at public auctions, thus the self-government initiated an investigation with the Minister of Interior Affairs. They find it more than suspicious that in each case the seller is the same person as the buyer.

The mayor of Lajosmizse opined in the case that it is not a Roma issue, but a conflict between bank and its borrowers. He agrees that the prices were low, but in his perception the

market conditions, the state of the buildings and their environment highly influenced the price. He added that the municipality provides free legal advice to those concerned. He also expressed his regrets that many borrowers did not take advantage of this service. The owner of a farm near Lajosmizse, who is publicly considered to be 'the' buyer of all the properties put up for auction, informed the paper that he had merely bought 3 or 4 properties recently, and that it was not his fault if there were no other offers. To our inquiry of his plans with the newly acquired property he did not wish to answer.

The group of around eighty, which assembled in front of the Police Headquarters of Kecskemét, to commemorate the death of Richard Jakab, a 19 year old Roma boy who died while subjected to police measures, was smaller than expected. The vigil in candle-light organized by the Roma Association for Civil Rights and the Roma Minority Self-Government of Kecskemét was disturbed by an incident. A middle-aged man appeared on the spot carrying sign-boards with captions such as: “We had enough of hysteria” and “The defender of public order is to be praised”. The participants first tried to send the man away, however he failed to leave and a brawl broke out. The assembled took the boards from the man and tore them into pieces. The man – who according to our sources – was a private person from Budapest, ran across the street but few minutes later the mother of the boy and two other women followed him and took him down on the ground. They beat him and kicked him and broke his glasses – the man suffered minor injuries on his face. A few civilians together with some of the journalists managed to free the man, who subsequently left the site by car. Aladár Horváth, the President of the Roma Association for Civil Rights told us on the spot that the Roma present were convinced the man deliberately provoked them and tried to humiliate them in their mourning. Referring to the case of Richard Jakab he added: “We know that the law applies to all of us, but people should not die when its implemented.”

The 19 year old Richard Jakab was under warrant of caption, when a policeman outside service recognized him in a shop and tried to capture him. The boy fled, the policeman followed him, caught him in the street and took him to the ground. Within minutes the boy had a fainting-fit, the policeman and the ambulance arriving at the scene tried to help him, but the youngster died on the spot. According to the expert medical opinion the death on the 25th of July during police arrest was caused by inherited heart atony, which

affected all the other organs as well.

The National Roma Minority Self-Government (OCÖ) initiated talks with the Presidents of the four parties in Parliament in order to draw their attention to the necessity of modifying the laws on minorities this year. “The present Act on Minority Elections is unconstitutional and we are apprehensive that it will not be possible to hold minority elections in 2006 under the present law. The consequence would be that the approximately 1000 Roma self-governments, which now albeit meagre conditions represent the interests of the Roma fairly effectively, would cease to operate.” -said Orbán Kolompár. He called it a “political nonsense” that the modification of the law would fail to occur in the absence of cooperation between the parties.

The police expects the decrease of conflicts between members of the police force and the Roma from the first course on conflict resolution and Roma language education, which has just terminated at the Police Headquarters of Pest County. The participants of the first course on 'Romology' univocally stated that the information acquired on Gypsy culture, language knowledge and the techniques for conflict prevention could be very well used in their everyday practice. Ignác István the Chief Officer of the Police Headquarters of Pest County said at the professional conference brought together for the evaluation of the course that: the motivation behind the course was to do something about the ever increasing conflicts between members of the police force and the Roma, which has also been a topic for outrage in the press recently. The course was supported by the county assembly as well. Every tenth policeman in Pest County participated in the course. No education has ever been held for such a great number of policemen in this subject. Apart from a few mid-range officers, most of the participants were patrols of the county.

A chapel has been built at Csatka, in Komárom-Esztergom County, the most popular place of pilgrimage for the Roma, where on Sunday a cross blessed by the Pope will be placed – announced the President of the National Roma Minority Self-Government (OCÖ). The chapel took 1,5 month to build and was partially financed from Roma donations . said Orbán Kolompár. The money for the building material

came partly from the budget of the National Roma Minority Self-Government, partly from other support. The President could not name the full expense, but only the building material was 6 million forints. On Sunday – the pilgrim day of Mary – the chapel will be opened among festivities.

## September

The appointment of a Governmental Agent Responsible for Roma Affairs and a new Office for the Integration of the Roma was proposed by the participants at the meeting held in the headquarters of the National Roma Minority Self-Government. The meeting with the leaders of civil associations was initiated by Orbán Kolompár, the President of the National Roma Minority Self-Government (OCÖ). Several of the well-known Roma politicians were missing from the meeting for various reasons, the names include: Flórián Farkas (Lungo Drom), Aladár Horváth (Roma Association for Civil Rights) and Jeno Zsigó (Roma Parliament). The 20 participants at the meeting thought that the proposition for governmental restructuring needs to be discussed in a wider circle of the Roma public. The majority in the end decided to support the proposition for the appointment of a Governmental Agent Responsible for Roma Affairs and the new Governmental Office in principle and elaborate the details of the proposition later with the participation of the leaders of the civil associations and the members of the National Roma Minority Self-Government.

There is little cohesion between the programs for the Roma elaborated by the various ministries – said Kinga Göncz, the Minister for Equal Opportunities in the interval of the meeting of the intergovernmental committee responsible for the coordination of Roma affairs. The Minister pointed out the necessity of following up the fate of the budgetary funds assigned for Roma purposes. – Is the money implemented usefully, does it get to those in need? These issues will be examined by the Roma monitoring Office established within the Ministry for Equal Opportunities. László Teleki, the Secretary responsible for Roma Affairs within the Office of the Prime Minister said that last year the ministries spent 16,7 thousand million forints on the Roma integration programs, which is 5 thousand million more than was planned. Among the ministries, the Ministry of Labor spent the most – 8,5 thousand million forints.

At the meeting of the National Roma Minority Self-Government the appointment of a Governmental Agent Responsible for Roma Affairs was proposed by the majority. Nonetheless so far there is no sign that the government has considered the proposal seriously. Kinga Göncz says it is more important to achieve a “common thinking” of the ministries. It is also doubtful whether the Council for Roma Affairs constituted by PM Peter Medgyessy from Roma and non-Roma experts will survive.

The mortification rate of the Roma in Hajdú-Bihar County is extremely high. The sociologists carrying out a survey in the county hardly met any Roma above the age of 70 and found that for a 100 children there are only 11 people above the age of 60. The survey was done by the Sociology Department of the University of Debrecen for the request of the Assembly of Hajdú-Bihar County. Professor Csaba Béres told us that 200 families were interviewed in the ten 10 villages, where the ratio of Roma inhabitants is the highest in the county. He added that according to estimates there are 50 000 people in the county, whose lifestyle is that of the Roma, but the survey was only based on those 11 000, who identified themselves as Roma during the census. If we take the whole population of Hajdú-Bihar County there are 30 children for a 100 adults, this ratio for the Roma population is 69 percent. The results of the survey also press for instant measures in the field of education, as it revealed that 10 percent of the Roma is analphabet – the ratio of the women being double of the men. While 86 percent of the whole population completed elementary school this ratio for the Roma population is 56,8 percent. The situation concerning secondary education is even worse, while 34 percent of the whole population completed secondary school this ratio for the Roma is 1,9 percent. The ratio for higher education is 10,8 and 0,5 percent.

It was not one of the lavatories on the corridors, but in the lavatory attached to the room for parturition, where a woman from Kunhegyes gave birth to her child – said the Director of the Gábor Kátai Hospital in Karcag. The woman subsequently submitted a written complaint concerning her treatment. L. Ildikó, who was giving birth to her fifth child earlier said, that probably as a result of her Roma origin, the doctor of the institution did not treat her properly. Despite her labor-pains the doctor abandoned her and left her with an older nurse with the words” You will have to do the sawing up aswell.” The Director told us that the insti-

tution had already been accused of having separate rooms for Roma women and that the doctors generally were less polite with the Roma, however the Director managed to defy these claims at the time. He also added that according to the preliminary investigations there was no medical malpractice in this case either. The mother in labor-pains got clyster according to the usual practice, then the heartbeat of the embryo was checked, the pains were checked and the mother also got infusion. It was after these that she went to the lavatory adjacent to the child-birth room and there gave birth to her child. The Director said they suppose that the mother had started the birth herself and they had launched an investigation to check upon this. They will also investigate whether the claim of the mother that the doctor assigned the sawing up to the nurse was true. It is possible that our colleague was joking, but the investigations will have to bring the facts to light.

Ferenc Gyurcsány candidate for PM, included a sentence in the Lovari language into his exposition in Parliament on Wednesday before the debate on the program of the government began. “Zhanav ke jekh Ungriko them si: le romengo thaj gazhengo them”- were the words with which Ferenc Gyurcsány finished his speech after having described the intentions of his Government to continue their predecessor's attempts and ascertain the integration of the Roma in the fields of education, labor, health-care and culture.

Reacting to the interruptions by other MP's Gyurcsány continued his speech saying that “There are people here who understand what I am saying. There are people here, who understand me if in no other way, than with their hearts. There is one Hungary, the Common Hungary of the Roma and the Hungarian, and I am proud of this, Sir Fellow-Representative”. The speech was followed by loud clapping, nevertheless Bálint Magyar The Minister of Education later denounced someone, who was heard to shout at the quoted part of the speech – ” This is the Hungarian Prliament!”

No Hungarian Prime Minister or candidate for becoming a Prime Minister has ever uttered a word in the Roma language in Parliament – asserted the Press Office of the Parliament to the MTI. However Roma words have been used previously, by Aladár Horváth – MP in the Liberal Party – during the debate of the budget in 1991. Orbán Kolompár, the President of the National Roma Minority Self-Government (OCÖ) thanked Gyurcsány in a telegram for the gesture. János Dógi, President of the Association of Roma Organizations in Hungary also declared that it was an important gesture that the PM-

candidate spoke in the Lovari language. “This is an important signal, all my respect is his for this.” At the same time Flórián Farkas the representative of FIDESZ thought Gyurcsány's step was no more than a PR trick “The Roma in Hungarian are Hungarian, why does he look down on the m so much?” – said he. He also claimed that the Medgyessy Government during its two years made it impossible for the National Roma Minority Self-Government (OCÖ) to operate properly. In his opinion the Roma policy of the government is a “Romanized Roma policy”, which is offensive to the Hungarian Roma.

Disciplining the Roma is one of the goals of an Ethics textbook published this year for the use of students in the 7th and 8th grade of elementary school. The publication claims that the Roma cannot always resist crime and it also suggests to the Roma parents to that they should not try and live from unemployment benefit, which is a burden to society.

The textbook titled “Ethics” – published by Apáczai Csere János Publishers appeared in the bookshops this year. Among its statements we find things like – Roma women used to tell the future to credulous people in market-places and that the Roma if they do not have enough money they are tempted by crime, and “unfortunately several of them cannot resist temptation”. The authors of the textbook state that the Roma live in dire parts of towns and villages not only as a result of prejudice but as a result of their own mentality, as well. To ameliorate the condition of the Roma the book circumscribes tasks for the state, for the Roma parents and their children. According to these it is the task of a Roma family that if they get an apartment or loan “they should appreciate that and use the opportunity without abusing it”. If Roma adults get work they should “be understanding and use the opportunity and work instead of trying to make ends meet out of unemployment benefit to the burden of society and the taxpayers”. The publication also advises that Roma children should be brought up to “take good care of the schoolbooks, shoes and clothes they get, and should be aware that they can only become respected members of the country they live and work in, if they acquire a thorough basic education.”

## **October**

The new government has initiated negotiations about the parliamentary representation of the minorities. In case of success the parties will pay their debt dating from 1993, as

minorities have a right to parliamentary representation according to the law. This is stated in the Act on Minorities, which was adopted more than 10 years ago, in 1993 with overwhelming majority. Minorities still have no representation since then. The last Socialist -Liberal coalition in 1998 was close to having adopted a bill on the issue, but in the end the failed with a few votes. Under the Fidesz government the Parliament did not even have the issue on its agenda. The Medgyessy Cabinet promised to correct the omission. The Gyurcsány Cabinet is more cautious “We shall initiate negotiations to achieve the political consensus necessary for the adoption of a bill on minority representation.”

So far it is unclear what kind of representation the minorities would get. Orbán Kolompár favours a solution whereby each of the 13 ethnic minorities would set up a list and the first candidate on each list would get into Parliament. This solution seems agreeable for all the minorities but then the number of MP's would increase by 13 persons. It is doubtful that the parties in Parliament, which constantly emphasize the necessity of reducing the number of MP's would accept such a proposal. It is also possible that minority representatives would participate in law-making without the right to vote or with a limited right to vote. If the parties chose to have full representative rights but the increase of the House with 13 members is too much, then rotation could be applied – minority representatives would replace each other according to pre-determined periods and only 3-4 of them would have the right to vote at any one time.

The National Roma Minority Self-Government (OCÖ) plans to start its national radio channel in the first semester of the following year state the President of the organization having conducted talks with the leader of the media authority. Nevertheless György Kovács the President of the National Radio and Television Commission (ORTT) announced that as far as he knew there was no free frequency available. “We need to have the whole conception ready by the end of November” – said Orbán Kolompár, adding that they will start negotiations about financing once the conception is ready.

It would be unacceptable for the representatives of the biggest Hungarian minority if the Hungarian television transmitted its minority programs on satellite – announced the National Roma Minority Self-Government (OCÖ). „ Only those solutions are acceptable for us which make it possible to receive the programs by antenna ” -said the President

Kolompár. He also pointed out that most of the Roma live on the edge of towns and villages among poor conditions where no satellite infrastructure is available.

The Hungarian Roma society is in a crisis, in a chaotic situation pointed out The President of the National Roma Minority Self-Government (OCÖ) Orbán Kolompár at a conference on the legal defence of the Roma. The biggest danger for many is dislodgement. “We keep financing and financing and see no result”- he said referring to Roma civil societies which get funding from several sources but then do not do any valid rights protection and avoid the real sensitive issues.

A court decision abolished the decision of the APEH (the Hungarian Tax Authority), which rejected the submission of the National Roma Minority Self-Government (OCÖ) to reclaim VAT. However the procedure against Vilmos Kövesi for forging documents and for the use of public funding without a lawful title is still pending. The above -mentioned court decision will probably affect Kövesi's case as well.

Financial detectives have long been after the businesses of the vice-president of the National Roma Minority Self-Government (OCÖ). In Zala county a inquest has been initiated also for the forging of documents and for the use of public funding without lawful title. The case had to do with a dredging-machine that the politician bought with governmental support. The machine bought for 3 million HUF was registered in the books at the value of 8 million HUF. Kövesi explained the discrepancy by stating that he spent a lot of money on the machine and completely renovated it. He also claimed that there was political motivation in the background of the inquest and the goal was to blacken his name.

The directorship of the Free Democrats (SZDSZ) univocally proposed Viktória Mohácsi, the ministerial deputy of the Ministry of Education to the recently vacated place of the party in the European Parliament. Viktória Mohácsi was the third name on the Free democrats list for the European elections and she is a dedicated liberal politician, whose expertise in human rights and minority protection is a field having priority in the program of the Free Democrats. She is young, she speaks several languages, the party opines that she will be very welcome in the liberal fraction of the European Parliament.

“The Hungarian Socialist Party made a very big mistake when it did not delegate any Roma representatives into the European Parliament”- said Zita Gurmai at a meeting called “The Roma Way to Europe” organized by the Committee for European Integration and Roma Issues of the Hungarian Socialist Party. In her opinion it would have been important for the bigger party in Government to have a Roma delegate in the EP. The only Hungarian Roma delegate in the EP is Lívía Jaróka, who was voted for on the list of the FIDESZ (Association of Young Democrats). Zita Gurmai brought up the issue talking about the disadvantage of Roma women in society, who suffer double discrimination, once as women and a second time as an ethnic minority.

## **November**

Gipsy men and women have tidied up the deserted Jewish Cemetery in Tápiószele with a couple of weeks work. The cemetery opened in the middle of October was renovated in the frame of the Integrated Roma Employment Program. The program for the development of human resources was launched under the motto of equal opportunities, and is managed out of the 400 Million forints budget of the Employment Centre of Pest County at eight locations. The settlement, which has an unemployment rate of 15-20 percent, now gave the Roma not only an opportunity to work and thereby better integrate into society but also renders the Roma self-esteem. The directors of the program said that the Roma employed in the program were also motivated by feelings of solidarity as the Holocaust was common suffering for the two groups.

At Tápiószele so far 93 persons opted for education provided by the program. Education for many meant learning to read and write functionally, but 34 of them acquired professional training as well, and out of this latter group 25 people are already employed. The list includes shop-assistants, drivers, au-pairs, masons and private security guards as well.

“Next March the National Roma Museum and Roma Library will be able to open its gates” – said Orbán Kolompár. The two establishments will be operating in the main building of the National Roma Minority Self-Government (OCÖ) in Dohány street. The general assembly of the National Roma Minority Self-Government (OCÖ) in

February decided on the establishment of four institutions: – the National Roma Museum, the Roma Library, the Roma College and a nationwide Roma radio station. In his opinion the National Roma Museum and the Roma Library could be set up from 15-20 Million forints.

The negotiations have started – the funding will partially come from the Bureau for National and Ethnic Minorities (NEKI), but we are also seeking support from the Ministry of Culture – added Kolompár. The President of the National Roma Minority Self-Government (OCÖ) referred also to the agreement with the Hungarian Cultural Institute according to which the Institute shall lend to the OCÖ an about 3000 volume library for use and will also grant the Roma self-government the works of 194 Roma artists, which now lie in the storage room of the Institute.

The Hungarian MP's in the European Parliament have assured each other of their will to cooperate and made a declaration to the press that deeds speak louder than words, nevertheless they clearly seem to be representing the interests of the Hungarian Roma in two different “corridors” of the EP.

The establishment of one of the bodies involved – the interfraction Committee for Roma Affairs – was initiated by the Socialist MP Katalin Lévai. This group includes the liberal István Szent-Iványi and Edit Bauer the representative of the Hungarian Popular Party in Slovakia as well. Their administration is operated by the Roma Information Center. Twenty-four Roma public figures from Hungary – including Orbán Kolompár the President of the National Roma Minority Self-Government (OCÖ), have recently been invited by this group to Bruxelles in order to be better informed. At the same time it strikes one's eye that Lívía Járóka from FIDESZ, who has been the single Hungarian Roma MP in the European Parliament – at least until Viktória Mohácsi from SZDSZ turned up – does not participate in the workings of this group. She declared that she was not interested in “etnobusiness” but wanted to engage in real work instead. Therefore she decided to join as vice-president the inter-party group against racism and for multi-colored society, which was founded yesterday. The curious point of the case is that the predecessor of this group had been established five years ago, and largely consists of MP's on the left. Its President is Claude Moraes – a British Euro-MP of Indian origin, one of its Vice presidents is Kósáné Kovács Magda (MSZP) and among its members is Désir Har-

lem – founding member of SOS Racisme, a well-known organization in Europe. Járóka is not at all discouraged by this, she has a lot to do – presently she concentrates on the atrocities committed by public servants against the Roma population in Romania, on account of the approaching Romanian accession as well as on the issue of the alleged forced sterilization of Roma women in the Check Republic.

It is not possible to hold another minority self-government election according to the present rules in Hungary. The parties must amend the law or else the minority self-government system will cease to exist – sates the representatives of the minorities at their press conference. Previously the parties have seemed to come to an agreement on the amendment of the law , which requires a two-third majority. Then FIDESZ declared that it does not support the introduction of the minority elector register. (According to the plans of the Government only those could participate in minority elections whose name is on the register.) Orbán Kolompár the President of the National Roma Minority Self-Government (OCÖ) stressed that the existence of minority self-governments is especially important for the Roma community, lacking these the Roma would have no forum to stand up for their interests.

Proceedings have been initiated in the capital and in ten counties so far on account of the abuses committed related to the compensation of the Roma. The Chief Prosecutor stated that they have initiated inspections in 13 cases and in four the accusations have been made as well.

The Austrian Reconciliation Fund wanted to compensate the Roma citizens, who had been subjected to forced labor and sent to labor camps during the World War II. In the lack of genuine documents the compensations was supposed to take place on the bases of confidence – as Péter Polt the Chief Prosecutor put it. The person applying for compensation had to prove with the signature of two witnesses that the facts recounted in the complaint were true and the application had to be certified by the president of the local Roma minority self-government or by one of its representatives. The contents of the applications were not subject to any discovery process either by the Hungarian Jewish Heritage Public Fund, which cooperated in the process, nor by the Austrian Reconciliation Fund. Suspicions were raised when instead of the 2000 applications,

which was the estimated number, 10 000 applications arrived. The swindlers usually took advantage of old, poorly educated persons, not necessarily Romas, and offered their help in acquiring compensation. The Austrian Fund transmitted 8 000 Million Forints, out of which one applicant was supposed to get 1 Million Forints on average. The majority of the money went to the “organizers”, while the actual applicants got only an insignificant percentage of the sum. The illegally acquired gains are significant – recently two suspects have been arrested, who received 16-17 Million Forints. Presently investigations have been launched in two to three hundred cases, but numbers are likely to grow. There is no data revealing how many of the applicants had actually been victims. There are around 100 suspected and accused persons – among them some minority self-government representatives as well.

The town Dombóvár won 80 Million Forints from PHARE for the purpose of developing the conditions of the local Roma. The money was used to give work to 80 persons in need, who now prepare the plots where apartments for the socially handicapped will be built. A consortium has been recently formed in Dombóvár to carry out the project called “Road to New Opportunities”, which won the PHARE competition titled “Struggle against segregation from the world of labor”. The consortium consists of the local self-government, the local minority self-government, the Family Service of the Welfare Services Fund and the Social Services Kht. (Ltd.) The President of the Roma Minority Self-Government, who at the same time is the executive of the Project stated that from the 80 Million Forints 80 local persons would be employed for 8 months and 25 persons for another 8 months and get the official minimum wages. Building sites will be prepared on the bushy area near the market place, for apartments. With the help of professionals they will build roads and pavements and will supply the new plots with public utilities. Then the foundation for 7 buildings will be laid, which would be ready by next year. A tender for construction companies will be announced for the building of the houses, but unskilled work will be carried out by the laborers paid from the PHARE money. Simultaneously another 17 plots will be prepared for the building of another set of houses. The plots would be given to socially disadvantaged families. The plots provided with public utilities together with the foundation of the house will be given for a nominal price – for 1 Forint – to those who undertake to build.

The National Roma Minority Self-Government (OCÖ) does not perform the tasks it undertook therefore we call for the dissolution of this organizations announced István Makai – the President of the Roma Civil Association (RPT) at a press conference. “The OCÖ has duties to carry out, and according to the law if these duties are not fulfilled, if the will of the voters is not realized, the operation of the organization becomes unconstitutional” – said István Makai. In addition he said: “we will question the 4500 electors in letter whether they agree or disagree with the proposed dissolution of the OCÖ.” If the majority of the electors agree with the proposal, we shall submit it to Parliament and the Government via the Minister of Interior Affairs. According to Makai OCÖ and its leaders did not fulfill their tasks in 2002. “OCÖ operates on an all or nothing bases, it wants everything and does nothing” -he stated.

## **December**

Discrimination against the Roma is widespread all across Europe and it is not only the problem of the 10 members, which accessed the Union in May – states the report of a European center dealing with the phenomena of racism and xenophobia. The report observes that for many people the accession of the Eastern and Central-Eastern European countries served as a trigger to think about the problem of the Roma, the Sinti, the Gipsy or the “travelers”. This, despite the fact that in many of the original 15 members discrimination against the Roma occurred, only these cases have not won the attention of the public yet. The report published in Vienna points out that the 8 Million Roma living in Europe face discrimination mostly regarding getting work and accommodation and in education. Most of them live in poverty and can hardly get education, work, accommodation and public services and many of them live on the periphery of society. The surveys show that they are the ones whom the majority society would least accept as their neighbors. The report draws the attention to countries where Roma children are taught in special schools or special classes (for example: Austria, Belgium, Germany) or where they are taught in a normal school but in a separate class (for example Denmark). The center does not offer any solution to the problem but it concludes that European countries now tend to accept the idea that it is better to mix people with different cultural backgrounds in a single class than to separate them.

An independent motion has been submitted to Parliament by dr. János Horváth – the MP of FIDESZ. The Honorary Professor of the University of Economics, Budapest, proposes to Parliament to request the Government to have a series of stamps made by the Hungarian Mail Rt., on which the faces of Roma persons would be printed, who made significant contributions to Hungarian culture. In his proposal written on the 21st of November the MP names Nagyidai Stojka Ferenc poet and the author of a root dictionary, Dankó Pista song-writer, Rácz Aladár musician, and two band-leaders: Czinka Panna and Bihari János, who would be worthy to have their portraits on stamps, furthermore he also recommends to have a stamp made of a historical painting depicting a Gipsy voivode or a group of Gipsies. The initiation aims at keeping alive cultural memories and also depicting the cultural heritage, but it could also serve as an example to other European countries on the road to the acknowledgment of the civil and human rights of the Roma. One of the committees of Parliament will discuss the proposal in the near future.

In the last couple of years almost 20 Million Forints have been fraudulently acquired by a man from Szeged from the Public Fund for the Hungarian Roma. The man also intended to put his hands on another 30 millions. The branch in Csongrád County of the National Police Investigation Office discovered that the man cooperated with students and other agents to submit applications from the Capital and from an other 11 counties.

When applications for scholarships are submitted to the public Fund a recommendation is required from a Roma organization. The man acquired recommendations from the National Roma Minority Self-Government. (OCÖ) György Lakatos the employee of OCÖ responsible for applications recounted that the man had visited him, introduced himself as the President of the Student Association of the University of Szeged and had asked for recommendations for about 300 applications. “The recommendations had already been written, I was only asked to put a stamp and my signature on them, which I did” – admitted Lakatos.

The suspicion that not only Romas have applied for grants delays payments. 30 thousand students are waiting for their money. The Public Fund now requires another application from those entitled and until the new set of applications do not arrive, no money will be paid. Furthermore the new application form orders the Roma organizations to certify that the ethnicity of the applicant is Roma with an eye to their criminal

responsibility in the case of cheating. Most self-governments refuse to write such certificates referring to the law on the protection of personal data. Their concerns are well-founded. According to the law it is prohibited to keep registers on the ethnic origin of the citizens and only the individual is entitled to decide whether he/she belongs to a certain ethnicity or not.

Ferenc Gyurcsány gave the opening speech at the second National Roma Day at the celebration held in the hall for the upper house in the Parliament building. We desire to have a country where there is no place for anti-semitism, racism and prejudice neither in their open nor in their covert forms. Our society cannot be indifferent to the problems of the Roma as they are our brothers and sisters- stated the PM. Orbán Kolompár the President of the National Roma Self Government opined that in the last 15 years the programs for the employment of the Roma have not achieved their goal. The case of the Roma is like the case of a patient before heart attack – stated Kolompár, it needs urgent and quick measures. It is also not indifferent whether a professional doctor or a non-skilled nurse handles the patient. The Roma have become a determinant factor in interior politics, but parties should bear in mind that the Roma need to eat and not only vote – said Kolompár.

The Hungarian capital shall be the regional centre of the educational program of the International Roma Decade – an initiation started by eight countries – announced the Ministry of Family, Social Affairs and Equal Opportunity. The Ministry called it a diplomatic success that out of the eight countries Hungary won the opportunity to establish the first regional centre under the Program. The centre will be able to distribute 8 thousand millions Forints among the applicants for the various Roma educational projects. Outside Hungary Bulgaria, the Check Republic, Slovakia, Macedonia, Romania, Croatia, Serbia and Montenegro participate in the program, which is to promote the social integration of the Roma between 2005 and 2015.

Viktor Orbán, president of FIDESZ-MPSZ was the chairman of the committee for the integration of the Roma within the European People's Party, which held its first meeting on Tuesday in Bruxelles. The assembly of the committee was proposed by Orbán him-

self, based on the observation that with the accession of the new members the Roma have become the biggest minority of the European Union, therefore their issue needs to be addressed at the level of the Union as well. The committee is led by Viktor Orbán, while the task of coordination was assigned to Lívía Járóka, who until the recent past was the only Roma member of the EP. Orbán and Járóka at their common press conference both emphasized that the work is to be carried out in a year and its goal is to prepare plans, which outline more efficient ways to employ the present funding accessible within the framework of the EU to ameliorate the conditions of the Roma. Orbán stressed that the Roma were not only the biggest minority within the EU, but also the poorest and the most quickly increasing group as well (their estimated number, since the accession is 7-9 million persons, which is bigger than the population of Sweden.) Their integration is not simply the task of the various member states but a European issue as well.

*(Ernő Kállai)*

## 2. THE ROMA AND INTERNATIONAL LAW AT THE TIME OF HUNGARY'S EU ACCESSION

### *The Nature of International Law Protecting Minorities*

Before discussing international documents on the Roma it is worthwhile to briefly describe the nature of documents that deal with the protection of minorities in general. These documents contain norms of two basic types: one type prohibits the discrimination of minorities, the other supports the rights of minorities. Of the two types, the regulations that cover the different modes of discrimination include more specific obligations for states.

The legal nature of the other regulation type – i.e. that supports the international protection of minorities – is well described in the following definition (even if it is not a proper definition for the whole set of international laws): „international law is a body of uncertain regulations, (which deserves) the attention of political scientists and offers entertainment to students of law with a moderate interest in law.”<sup>2</sup> Almost all of the documents that support the special protection of minorities can be classified into a ‘soft law’ category. This term refers to a phenomenon – considered by many as being less than law – which is characterised by the fact that legislators do not ensure the enforcement of the given legal norm. (We must point out that some think law is either compulsory or it does not exist.) The term “soft law” covers the resolutions of international bodies that have no binding force, as well as those provisions of compulsory agreements which can be freely interpreted and have an uncertain normative content.<sup>3</sup> It proceeds from the legal nature of the international documents supporting the protection of minorities that they – at variance with the regulations that prohibit discrimination – usually do not offer international sanctions for the infringement of the rights granted by them.

The statement of Gábor Kardos on the internal and international development of human rights can be promising to those who expect international law to resolve the problems related to minorities. „In the beginning was – declaration!”<sup>4</sup> Here the author hints

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<sup>2</sup> Quote from: Kardos. *Emberi Jogok egy új korszak határán*; T-Twins, Budapest, 1995. uo. 41.

<sup>3</sup> As for this see: Kardos Gábor: *Mi is az a nemzetközi soft law?* Acta 30. kötet, Budapest, 1998. 69-76. v. Nagy Károly: *Soft Law jellegű szabályok Magyarország kisebbségi rendelkezéseket tartalmazó kétoldalú szerződéseiben*; Acta Juridica et politica, Szeged, 2000.

<sup>4</sup> Kardos Gábor: *Emberi Jogok egy új korszak határán*. Budapest, 1995. , T-Twins. 151.

that, at the beginning, the various national legal systems summarised human rights in this form (examples include the French Human and Civil Rights Declaration or the Virginia Declaration of Rights) and the international protection of human rights also started with a declaration (Universal Declaration of Human Rights of the UN<sup>5</sup>) and, later, these declarations were followed by deeds with a binding force. Though the tendency may be promising to members of minorities, it must be admitted that examples for international laws on human rights exist in whose case ‘soft law’ regulation was not – or so far has not been – followed by documents that are enforceable in international law, even though such rules could have been adopted during the decades that have passed since the appearance of the original soft law. However, there is a constant need for regulation and states and international organisations have approved several international documents on the subject.

The root of this problem is that international law is shaped jointly by the different states and at the moment even democratic states cannot agree whether special minority rights are necessary. States have different positions on, which form of social integration of minorities within a political nation is desirable. Some – including France and Greece – prefer assimilation and try to avoid the undertaking of commitments that grant any special rights in addition to the protection of universally approved human rights to citizens who belong to a national minority. With the exception of the prohibiting discrimination, these countries do not deal with the linguistic and cultural differences of citizens in their national regulations. In contrast, a significant group of states (including Hungary and Germany) consider that the state's and the nation's unity are less significant (though this attitude is rooted in different considerations in the case of different states). Accordingly, the declared aims of the official policies of these states include the protection of national minorities living in the state (i.e. the political nation) and the granting of special rights to minorities. As a result, the preservation of the country's ethnic-cultural diversity may even be a constitutional obligation in these states.<sup>6</sup> As an example, Article 68 of the Hungarian Constitution declares the same.

On the other hand, the fact that documents supporting minorities have been prepared indicates an international understanding „that minorities have special needs and that their

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<sup>5</sup> This document was approved by the General Assembly on 10 December 1948. G.A.O.R. 3rd Pact I., U.N. Doc. A/810, 71-77

<sup>6</sup> For more details about this issue see: Majtényi Balázs - Vizi Balázs: Bevezető. In: Majtényi Balázs - Vizi Balázs (szerk.): A kisebbségi jogok nemzetközi okmányai. Gondolat, Budapest, 2003.

security, identity and lifestyle must be protected".<sup>7</sup> Regarding this understanding, the European Court of Human Rights noted: it is not specific enough to draw conclusions „regarding norms of behaviour or rules in a given situation”<sup>8</sup>, yet.

Moreover, ‘soft law’ type declarations are found not only in international law but, using the international example as a starting point, some national systems of law also apply similar “soft law” type rules in their internal legal systems. For example, Hungary's Minorities Act<sup>9</sup> – which is based on Section (4) of Article 68 of the Constitution, see above – resembles international framework conventions not only in that it is a “framework” law but also in the various failures of the legislator to define provisions on the actual enforcement of the legal norms. (Hungarian legislators passed the “Status Act”<sup>10</sup>, which they declared to consider as part of the international regulation of the protection of minorities, as a “framework”: in this Act they only declared principles and ruled that further regulation is to determine the actual interpretation and execution of the Law.) The legal systems of many other countries also contain similar soft law type definitions: the Television and Radio Act of the Czech Republic obliges the electronic media to contribute to the shaping of the Czech national identity, as well as to the strengthening of the identity of ethnic and national minorities. Poland's similar act requires nothing more of the national media than to take into account the needs of national and ethnic groups.<sup>11</sup>

The importance of the international documents supporting the protection of minorities is in the recognition that both universal and regional international law embraced the idea that issues related to minorities should be dealt with at an international level. Nonetheless, the protection of minorities in international law still exists only on paper: there are no specific commitments, nor an efficient system required to enforce them. The traditional concept of law requires legislators not only to define legal norms but also to carry out their enforcement, if necessary – and the international regulations on the protection of minorities fail to comply with this requirement.

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<sup>7</sup> Chapman v. United Kingdom, Decree 27238/95 of the ECHR (18 January 2001), articles 93, 94

<sup>8</sup> See same document

<sup>9</sup> Rights of National and Ethnic Minorities Act (Act 77 of 1993)

<sup>10</sup> Act 62 of 2001 on Hungarians Living in Neighbouring Countries

<sup>11</sup> Quote: “Az EU csatlakozási folyamat nyomán követése: Kisebbségek védelme”; Open Society Institute, 2001. 39.

### *The Security Policy Approach*

International organizations and the documents passed by them discuss the international protection of minorities – including the situation of the Roma minority – under the title “human rights” but often handle the same as a security policy issue.<sup>12</sup> This approach is clearly present in the documents of the Organisation for Security and Cooperation in Europe (OSCE), in several resolutions of the Council of Europe Parliamentary Assembly and the annual country reports compiled by the European Commission during the accession process. There is clearly a conflict between the security policy approach and our current concept about human rights: the former could even be used to justify the utilitarian understanding of human rights, which is rejected by contemporary legal thinking. It would mean the legalisation and approval of an approach – which I consider dangerous – based on which there would be room for deviation from the general protection of human rights in two directions. One is the limitation of the human rights of individuals who jeopardise peace and security in certain cases – examples include recent events in Iraq's Abu Graib prison or in Guantanamo. In other cases, those jeopardising security could be pacified by granting them special minority rights to achieve greater social utility. This is in conflict with the contemporary concept of rights, according to which the dangerousness of individuals or groups of individuals cannot be the ground for granting special rights – nor for the deprivation of universal human rights. If we accept that humans' moral being and equal value with other humans is the foundation of human rights than any measures to limit human rights are acceptable only in exceptional cases, for the public good (understood narrowly or broadly): if we accept the utilitarian approach, individuals or groups of individuals may become means to achieve lofty community objectives.<sup>13</sup> And if we consider utility as “the ultimate foundation for all ethical issues”<sup>14</sup> the rights of individuals are in danger.

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<sup>12</sup> For more about the security policy approach see the following documents: Fernand De Varrenes: *Minority Rights and the Prevention of Ethnic Conflicts*. UN Commission on Human Rights Sub-Commission on Promotion and Protection of Human Rights Working Group on Minorities, Sixth session, 10 May 2000. E/CN.4/Sub.2/AC.5/2000/CRP.3, Ted Gurr - Barbara Harff: *Minorities at Risk: a global view of ethno-political conflicts*. Washington D.C.: U.S. Institute of Peace. 1995., Ted Gurr: *Peoples versus States: minorities at risk in the new century*. Washington D.C.: U.S. Institute of Peace 2000.

<sup>13</sup> For more about the utilitarian approach see: Halmai Gábor - Tóth Gábor Attila: *Az emberi jogok eredete*. In: Halmai Gábor - Tóth Gábor Attila (szerk.): *Emberi jogok*. Osiris, Budapest, 2003. különösen 42-47.

<sup>14</sup> John Stuart Mill: *A szabadságról*, Budapest, Magyar Helikon K., 1980, 29.

Summarising the above we can draw the conclusion that the application of the security policy approach in any issue related to the protection of human rights is at least dangerous. However, this is exactly what happened when the post of the European Minorities Ombudsman of the Organisation for Security and Cooperation in Europe (OSCE) was created, as part of the measures taken for the international protection of minorities. This post was established to handle conflicts and its holder was entrusted with the management of such minority conflicts in their initial stage, which may potentially become major conflicts that jeopardise peace, stability or the relations of member states.<sup>15</sup> Problems with this approach start when the international legal community begins to deal with a minority when they think it starts to become dangerous – while not caring for other minorities in a similar situation. Naturally, notwithstanding the above, the security policy approach is acceptable – yet the fact that special minority rights are handled as part of the protection of human rights could be referred to as “nonsense on stilts”, to use the words of Bentham. (The utilitarian approach questions the basic idea of human rights. Let us remember that Bentham called the Declaration of Human Rights a “metaphysical speculation”. He divided its articles into three groups: those which are incomprehensible, those which are false and those which are not only incomprehensible, but also false.)<sup>16</sup>

Still, to me the most attractive is the human rights approach, which associates the said special protection not with security risks but with the disadvantages of the minority status and deducts the need for the legal protection of minorities from the notion of “just equality”. When granting special minority rights, therefore, the issue is not the utilitarian granting of additional rights – which are independent of humans’ moral being – but that individuals, who are in a disadvantaged position compared to the majority, are elevated to a level where they can exercise their human rights – which all humans are entitled to.

Obviously, it would be wrong to think that the security policy approach to the minority issue is taken only by the OSCE and its institutions. Let us take another example. Though it does not make similar requirements for its member states, the EU questioned pre-accession countries on the protection of minorities. Presumably, decision makers in the EU were moti-

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<sup>15</sup> The post of the European Minorities Ombudsman was established in the Second Helsinki Decision („Challenges of Change”). The document was approved in Helsinki on 10 July 1992. For more about the activities of the European Minorities Ombudsman see: Walter Kemp (szerk.): *Quiet Diplomacy in Action*. the Hague, Kluwer Law International, 2001.

<sup>16</sup> See the utilitarian approach in general. Bertrand Russell: *The History of Western Philosophy*, Gönczöl, Budapest, 1997. 633-639.

vated by the aim to ensure that new member states join with the least possible sources of danger. This security policy attitude is clearly reflected in the way the EU dealt with the Roma issue. It may seem from the documents on the subject that the Roma issue was important to the EU only until the actual time of the accession of the new member states. The European Commission, for example, dealt with the status of the Roma minority in its annual country reports during the accession process – but its summary reports prepared at the end of the process devoted hardly any attention to the subject and discussed the same among social rights.<sup>17</sup> Moreover, the documents approved by the EU on the subject can sometimes be understood only through the security policy approach. In one of its resolutions, the European Parliament stated the following: „though the Roma are widely discriminated against in each state where they live the problem is especially serious in Central-Eastern Europe, where they live in large numbers.”<sup>18</sup> This is a “realpolitik” based statement and should perhaps be understood that in the said area the members of the minority pose a greater security risk.

### *The Roma Minority in International Documents*

The documents on the special rights of national and ethnic minorities rarely deal with a specific minority group. An exception to this rule is the Roma minority: the special situation and problems of this minority community – especially in the last decade – have been the subject of internationally adopted, but legally not binding documents. The majority of these documents were written after the collapse of the bipolar world, as a result of the application/accession of Central-Eastern European states – where the majority of the Roma live – to international organisations. According to the authors of these documents, the protection of the unique culture of the Roma and especially the struggle against their general social outcast status requires the special attention of the international organisations'. The documents dealing with the Roma were published by different organisations (Organisation for Security and Cooperation in Europe /OSCE/, UN, Council of Europe, EU) and in different forms (individual and general recommendations, proposals, reports and working papers). Each text reflects that the attention of the international community was aroused primarily by the situation of the Roma living in Central and Eastern Europe and it is the future of these Roma that they intend to shape.

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<sup>17</sup> European Commission Regular Reports 1998-2002, Comprehensive Monitoring Reports (Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Romania, Slovakia, Slovenia)

<sup>18</sup> Minutes of 13/07/1995 - Final Edition B4-0974/95 Resolution on discrimination against the Roma

In spite of the special attention, no international document or initiative has done more than raising the problem, drawing attention to it and making general recommendations. Moreover, these documents are at least as inconsistent as the national items of legislation covering the Roma. However, there are many false expectations regarding these documents. Many believe, for example, that if the principles laid down in such documents were followed by the states than the problems of the Roma minority would be resolved immediately. Similarly there are many people who hope that Hungary's EU accession and membership will successfully help the country resolve the Roma minority's problems. Moreover, even since Hungary's EU accession it has been a frequently held misconception that there is a pan-European standard, which should only be followed and the disadvantages of minorities would disappear. Reality, however, is that the improvement of the situation of the Roma minority is and will be the task and responsibility of the individual states.

*The "Roma Image" of the Writers of the Documents, Ways of Social Integration*

One of the frequently quoted recommendations of the Council of Europe on the subject refers to the Roma as „the true European minority” implying that the members of this minority mainly live in Europe and are found in almost all countries of the continent.<sup>19</sup> The authors of international documents usually estimate the number of the Roma in Europe between 8-10 million and normally add that 70% of them live in Central-Eastern Europe. (We do not have accurate statistical data about this minority as the data available are very unreliable. There may be several reasons why the Roma often refuse to be registered, including their fears of prejudice.) This may explain why the country reports prepared by the European Commission sometimes uses statistical data in an inconsistent way. For instance, while the 1999 report on Romania estimated the number of Roma living in Romania between 1.1-1.5 million the 2002 report gave an estimate between 1.8-2.5 million. International documents often refer to the Roma as a “transnational” people and consider that their ancestors lived in Northern and Western India.<sup>20</sup> Wherever the antecedents of the Roma now living in Europe

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<sup>19</sup> Recommendation 1203 (1993) on Gypsies in Europe (Council of Europe) /Text adopted by the Assembly on 2 February 1993 (24th Sitting)/.

<sup>20</sup> As for this, see, for example: The human rights problems and protections of the Roma /Working paper prepared by Mr. Y.K.J. Yeung Sik Yuen pursuant to Sub-Commission on the Promotion and Protection of Human Rights decision 1999/109/

come from, people who belong to the majority think they usually resemble each other recognizably, and they are bound together by the fact that the non-Roma population regards them as Roma.

The above facts show that many questions related to the Roma are still to be answered – including the question of which way of social integration will be chosen by them, whether they will assimilate in the society of the majority or will demand their special rights as a national and ethnic minority. I presume the answer may vary country-by-country and even vary among the different Roma groups within one country. In spite of this one of the European Parliament's resolutions states that: “the living conditions of the Roma people are a problem which can only be tackled at the international level.”<sup>21</sup> “Of course, besides the social integration of this minority, there is also a much gloomier alternative, namely that they will remain a disintegrated segment of European society for many years to come.

If a national legal system decides to provide for special minority rights and the free choice of identity, theoretically the Roma will be granted two possibilities – choosing assimilation or opting for their special minority rights. In spite of this however, the solution the state prefers obviously influences the decision of the individual person as the legal and financial means a state provides are in support of its preference. On the one hand it may provide for special minority rights, on the other, as a different solution, it may support the various forms of affirmative action promoting the assimilation process, like the quota system in the USA.

To achieve both forms of social integration, the states shall guarantee the equal enjoyment of human rights. Despite the fact that, in the era of universal human rights protection this might seem a minimalist objective, the need for it is often mentioned in documents accepted by international organizations even if in a state governed by the rule of law this cannot be subject to dispute any more.<sup>22</sup> Nevertheless, even such a minimalist approach has to be expressive since the Roma continue to “suffer systematic racial discrimination in virtually all spheres of public life, education, employment, housing, access to public space and access to citizenship”.<sup>23</sup> So unfortunately, recently the human rights

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<sup>21</sup> Minutes of 13/07/1995 - Final Edition B4-0974/95 Resolution on discrimination against the Roma

<sup>22</sup> „If they have not yet done so, all the rights that are enjoyed by the rest of the population.” Resolution 6 (XXX) of 31 August 1977, the Sub Commission.

<sup>23</sup> Report by Mr. Glélé-Ahnhanzo, Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, submitted pursuant to Commission on Human Rights resolution 1998/26

problems of the Roma are not limited to the infringement of the various forms of positive distinction, but as a group they are subjected to violations of all known human rights.

If a state chooses the alternative of providing special minority rights, autonomy can be one of the possible solutions. „A well thought-out plan of autonomy, agreed to by civil society may, where appropriate, be understood to offer better protection of the rights of both majority and minority; especially the Roma.”<sup>24</sup> A catalogue of the special rights of minorities would be difficult to compile, nevertheless, it is certain that at the top of this imaginative hierarchy of rights we would find the autonomy of minorities, which “constitutes the maximum legal status a minority may achieve within a state.”<sup>25</sup> Achieving the participation of the Roma in decision making through the means of autonomy would be an important step.

### *Requirements of the International Organizations*

Besides the equal enjoyment of human rights both form of social integration (assimilation and/or special minority rights) of the Roma requires a form of additional positive distinction to combat the disadvantages rooting from the position of being in a minority situation. Special minority rights – similarly to other positive distinction – can be justified on the bases of the notion of equality. According to the advocates of special minority rights positive measures taken to eliminate disadvantage fit the Aristotelian concept of ‘equality as justice’, which is based on the idea that not everybody should be treated in the same way, but only those who are in the same situation. In this view – which is now widely accepted as a bases for both the Hungarian and the international regulations – one acts justly by treating similar cases similarly and different cases differently.<sup>26</sup>

Out of the two possibilities mentioned above, the international documents seem to have committed themselves to guarantee special minority rights and thereby they strengthen the concept of Roma nation. This approach is most obviously present in the documents

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<sup>24</sup> The human rights problems and protections of the Roma /Working paper prepared by Mr. Y.K.J. Yeung Sik Yuen pursuant to Sub-Commission on the Promotion and Protection of Human Rights decision 1999/109 46.

<sup>25</sup> Georg Brunner - Herbert Küpper: European Options of Autonomy: A Typology of Autonomy Models of Minority Self Governance. In: Kinga Gál (ed.): *Minority Governance in Europe*. Budapest, European Centre for Minority Issues - Local Government and Public Service Reform Initiative, 2002. 17.

<sup>26</sup> See in this regard Kymlicka, Will: *Multicultural Citizenship*. Oxford, Oxford University Press, 1995. Ch. 6., pp. 107-130. Sajó, András: *Jogosultságok*. [Rights] MTA JTI-Seneca K., Budapest, 1996. Chapter VI. *Nemzetérzet és alkotmányos jogok*. [National feelings and constitutional rights] p. 177-202. .

of the Council of Europe (CoE). In one of its recommendations the Parliamentary Assembly of the CoE stated the following: “The majority population must accept Roma into society without assimilating them, and support Roma as a disadvantaged social group.”<sup>27</sup> or “Roma must be treated as an ethnic or national minority group in every member state, and their minority rights must be guaranteed.”<sup>28</sup> The member states are usually recommended to guarantee for the Roma the implementation of provisions included in three – to some extent normative – international minority documents: the International Covenant on Civil and Political Rights (Article 27), Framework Convention for the Protection of National Minorities, the European Charter for Regional or Minority Languages.

As regards the treatment of minorities by the European Union, one has to note that the Commission in its Regular Reports deals with the Roma question not generally in the framework of political and civil rights and economic, social and cultural rights but in a separate chapter for minority rights and the protection of minorities. This devotion to minorities might seem strange if we consider the fact that some Western European states like France or Greece do not even recognize the existence of national minorities. Perhaps this is one of the reasons why, when international organizations are dealing with the Roma issue, they often focus and limit their attention to Central and Eastern Europe. It is quite normal practice in the field of minority protection, consider for example that the scope of provisions on minorities accepted by the League of Nations in the pre-WWII period covered only Central and Eastern Europe and today the High Commissioner on National Minorities exerts its activities only in this region. So it is not something unique that the EU demanded the guarantee of special minority rights only on the part of candidate countries.

### *Deficiencies of the International Documents*

Another weakness of international organizations is that they lack consistency. It is especially true in the case of the Regular Reports of the European Commission, which in one year touch upon a question in a separate chapter, then in the next year they drop the issue to take it up again later on. For example, the Regular Report of 2000 on Poland mentions that “some acts of discrimination by public authorities and violence against Roma do take place”.<sup>29</sup>

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<sup>27</sup> Recommendation 1557 (2002) The legal situation of Roma in Europe 9. point

<sup>28</sup> Recommendation 1557 (2002) The legal situation of Roma in Europe 6. point

<sup>29</sup> Poland 2000 Regular Report (Minority rights and the protection of minorities)

However, in the reports of the following years there is not a word about the discrimination by public authorities, from which one might deduce that the problem was satisfactorily solved in the meantime. Or, for example, the Bulgarian Report mentions at one point that “police protection is inadequate”<sup>30</sup>, at other times it does not say anything about the issue.

In some cases one might even observe a confusion of concepts. For instance, the minority education related to the Roma is often confused with or dealt together with the segregation of the Roma at school. Consequently, international documents often do not cope with separating theoretically negative discrimination and positive distinction. It is thus not by accident that a recommendation of the Committee of Ministers – while supporting and promoting minority education for Roma children – draws our attention to the danger, that this should “not lead to the establishment of separate curricula, which might lead to the setting up of separate classes”.<sup>31</sup>

Now and then we can even find prejudiced views in these documents. The Human Rights Problems and Protections of the Roma /UN working paper/ writes about the building of the notorious wall in the Czech town of Usti nad Labem. (This wall separated the Roma and non-Roma population in the city.) The paper mentions the following: “Whilst it cannot be denied that the municipal authorities of that town might have had some genuine cause for concern or could have taken reasonable action to eliminate the noise and visual pollution coming from the two blocks of flats which were source of inconvenience to the non-Roma neighbourhood, the proposal to build a wall to separate and segregate the two communities was most disquieting since it amounted to an affront to human dignity and was a clear breach of the principle of equality of individuals before the law. The building of the wall therefore went beyond all common sense and it is reassuring that the Government of the Czech Republic took urgent measures to redress the situation by ordering the destruction of the wall shortly after it had been built.”<sup>32</sup> Another paragraph of the same working paper contains the following: „It is also said that Roma children are usually breastfed till they are 6 or 7 years old and thus have barely been exposed to mainstream influence, including language, when they start their schooling.”<sup>33</sup> The above work-

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<sup>30</sup> Bulgaria 1999 Regular Report (Minority rights and the protection of minorities)

<sup>31</sup> Recommendation of the Committee of Ministers to Member States on the Education of Roma/Gypsy Children in Europe Recommendation No. R (2000) 4

<sup>32</sup> The Human Rights Problems and Protections of the Roma E/CN.4 Sub.2/2000/28 23 June 2000 Para 24.

<sup>33</sup> The Human Rights Problems and Protections of the Roma E/CN.4 Sub.2/2000/28 23 June 2000 Para 25.

ing paper is the single document accepted on a universal level, which deals exclusively with the issue of the Roma.

### *The Requirements of International Organizations and Hungarian Law*

Similarly to the international documents Hungarian regulations also suffer from a confusion of concepts regarding the special rights of minorities. Often the reason for this is that the legislator does not use the various concepts appropriately, at other times the aims of a certain regulation are not defined intelligibly. The uncertainty of the state's policy and concepts concerning the Roma is also indicated by the fact that when Hungary signed the Language Charter of the Council of Europe it only undertook the prescribed obligations in respect of six minority languages.<sup>34</sup> The Hungarian Government undertook no obligations with respect of the languages of the Roma noting that “the Government wishes to develop both Gipsy languages, but for the time being it cannot and will not undertake obligations, which are impossible to fulfil.”<sup>35</sup>

It is noteworthy that according to the 1990 and the 2001 national census the Roma consist the biggest minority language group in Hungary and that apart from the Roma the legislator failed to undertake the obligations only in the cases of very small minorities. (Similarly to other minorities the Hungarian Roma population also has been assimilated to a significant extent, nonetheless according to the last two census 55-56 thousand people speak the “Beás” and approximately the same amount speak the Gipsy language.<sup>36</sup>) Language assimilation has occurred with regard to other minority languages as well as has been observed in the Romanian, German and Slovakian communities living in Hungary.

The most obvious example for the confusion of the legislator is the area of minority education. Here we can observe measures that on the one hand assure special minority rights on the other point towards segregation. One odd example is section 45 subsection 2 of the Minorities Act, which reads “in order to combat the disadvantage in schooling of the Roma minority it is possible to establish special educational conditions”. This provision is ample legal ground for educational segregation. Especially when there is a notorious practice

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<sup>34</sup> The six languages being the following: Croatian, German, Romanian, Serb, Slovak, Slovenian

<sup>35</sup> 1146/2002. (IX. 4.) Governmental decision on the second report on the execution of the obligations of the Hungarian Government under the European Charter on Regional and Minority Languages , 24.

<sup>36</sup> Kemény István: Nyelv és oktatás: asszimiláció és szegregáció. In Böszörményi Jenő - Józsa Márta (szerk.): A romakérdés az integráció csapdájában (A romák integrációs lehetőségei Magyarországon), Budapest, EÖKIP, 2000, 105.

throughout Eastern and Central Europe to direct gipsy children from normal schools into classes designed for the slightly mentally handicapped children. Other examples to illustrate the conceptual confusion in the area of education could also be cited. Among these could be mentioned regulation 32/1997 of the Ministry of Education (now only a relic of legal history), which dedicated a subchapter to Roma education aimed at levelling their schooling. This type of education however has been simultaneously defined as minority education – "which is to assure that Roma students learn of their cultural heritage, of their history and literature". So if one attempts textual interpretation at all, the regulation could best be understood to say that it attempts to bring the Roma students up to the level of their own culture with the aid of the State. To be true to facts, it also must be noted however that the legislator later amended this rule and correctly changed the expression 'levelling education' to 'minority education'. The 130/1995. (X. 26.) Governmental Regulation on the National Curriculum states that the aim of minority education in case of the Roma is to promote the social development and integration of the Roma community, therefore the purpose of their special education is basically defined as levelling and development. At the same time the Regulation does foster real minority education when it mentions that in the framework of minority education one of the Roma languages could be taught. Seeing the chaotic regulations the opinion that minority education is an instrument of segregation is not surprising, neither is the fact that in many cases the specific programs aimed at improving the skills of Roma kids are called minority education. Independently of these controversies, it remains a valid question whether education of the Roma in their mother tongues is a real need or whether the means to fulfil this need exist.

Educational segregation is often criticised by international documents as well, though expressed in an euphemistic language (- criticism is always surrounded by remarks of approval). (One example for such euphemistic language is the report of the expert commission for the supervision of the implementation of the Framework Convention on Minorities of the Council of Europe. The commission when rebuking the Hungarian authorities for submitting their yearly report on the implementation of the Framework Convention a couple of months late simultaneously praises the authors of the report for "attempting to give information not only on the regulatory background but also on the relevant legal practise"<sup>37</sup>) The European Commission in its annual report on Hungary for the year 2000, when

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<sup>37</sup> Council of Europe ACFC/INF/OP/1/(2001)4 Hungarian translation, 3.

discussing educational segregation states that most Roma children attend schools with special curricula, and evaluates this practice as a sign of institutional prejudice and as a failure of public education. The Commission also noted in a footnote that the Hungarian Government rejects the criticism made by international organizations and NGO's on the subject, arguing that schools with special curriculum serve the interests of disadvantaged children. The report however considers it "a positive step that the Government had established the post of Commissioner for Educational Issues (under the Minister of Education), who was assigned the task to investigate the above situation."<sup>38</sup> (The country report for 2001 notes that there are specific Roma classes in more than 150 schools in Hungary.)<sup>39</sup>

The Commission for the supervision of the execution of the Framework Convention for the Protection of National Minorities of the European Council<sup>40</sup> also expressed its deep concerns for the Roma children, who are directed into special schools for allegedly mentally handicapped children. At the same time the Commission welcomes it as a positive step that "the Ministry of Education has acknowledged the existence of this unacceptable phenomenon and has found dealing with this problem necessary." Nonetheless the Commission concluded that the practice at present does not conform to sections 12 and 13 of the Framework Convention and thus it needs to be remedied.<sup>41</sup>

It is also food for thought that on the basis of the annual reports drafted by the Commission during the accession period it seems that the authors of the reports were very poorly informed of the dysfunctional nature of the Hungarian Act on Minorities and in general not very familiar with the Hungarian legal background. This explains why the reports note the increase in the number of minority self-governments simply as a positive fact, an indication of the implementation of ever widening minority rights. Such statements raise the suspicion that those evaluating Hungary's preparedness to join the Union have failed to learn of the abuses of exercising minority rights in the country and of the loopholes in the minority electoral laws.

In summary we conclude that the various documents on the Roma adopted by international organizations (similarly to the Hungarian laws) are often incoherent and it is dif-

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<sup>38</sup> See the archives of the Office of the PM <[http://archiv.meh.hu/nekh/Magyar/eu\\_nov.htm](http://archiv.meh.hu/nekh/Magyar/eu_nov.htm)>

<sup>39</sup> <<http://www.euvoanal.hu/index.php?op=archivum>>

<sup>40</sup> The Framework Convention for the Protection of National Minorities of the European Council was adopted on 1. February 1995 and it came into effect on 1 February 1998. In Hungary it was implemented by Act XXXIV of 1998.

<sup>41</sup> *id.* 8.

difficult to find common regulatory principles in them. The most that could be said in common of them that they are determined by the security principle approach and that in general they recommend the prohibition of discrimination. ( Prohibiting discrimination – by the way – is the fundament of all human rights protection , therefore is an element of all human rights document.) In addition international documents seem to be devoted to the concept of the Roma nation and of the need to provide them with special minority rights, but other positive measures are outside their reach. All in all it would be an illusion to consider international requirements as a key to solving the problems of the Roma communities in Hungary.

*(Balázs Majtényi)*

### 3. IMPRESSIONS OF AN AMERICAN RESEARCHER OF THE SITUATION OF THE ROMA IN HUNGARY

A colleague at the Research Institute of Ethnic and National Minorities, one of the editors of this volume, asked me to write an essay about my impressions as an American researcher contemplating the situation of Roma in Hungary. I came to Budapest this spring to conduct preliminary research on Roma civil organizations, interviewing activists and policy-makers at the local, national, and transnational levels. I have a long interest in social movements; in my previous research, I studied the Hungarian environmental movement (visiting from 1995-1997 and in 2000). When I was conducting research for that project, I was especially struck by the absence of Roma participants or concerns in a community of environmental activists who were otherwise quite fastidious about raising public awareness and encouraging broader public participation in decision-making. Perhaps because of this experience, I am especially drawn to questions about the environmental and public health conditions of Hungarian Roma. So the request of my Hungarian colleague to write an essay about the situation of Roma came at the best moment.

I offer three “snapshots,” impressions collected in the past several months as I navigated Hungary’s Roma rights movement and Hungarian academic research on the socio-economic marginalization of Roma. I find “snapshots” useful to describe my impressions in a concentrated form:

*“Tejtestvérek” (“Milk-brothers“)*

A postcard is taped to the wall above a colleague’s desk. A picture of two tiny, swaddled babies, one with lighter hair and eyes, the other darker hair and eyes, with the caption, “Tejtestvérek, de az egyiküknek 10 évvel kevesebb jut az életből” (Milk-brothers, but one of them shall live 10 years less). The postcard, part of a state-sponsored, nationwide media campaign to raise awareness of anti-Roma discrimination, uses a simple, polished style familiar from provocative Benetton ads to pose the question: “what could be causing this inequality in health?”

### *A Roma Settlement near the River Sajó*

I am visiting a Roma settlement in a small – its better days industrial – town in Borsod county. In this town, most of the town’s estimated 2000 Roma inhabitants live in a settlement close to the river, just across the road from the main part of town. Some of the houses on the street are modest but neatly maintained, while others on the same street are dilapidated. As I walk down the dirt road with the leader of the local civil organization, she points out some of the problems her community faces: lack of sewerage and several large heaps of garbage illegally dumped next to river. The lack of sewerage contributed to an outbreak of hepatitis, and the garbage has attracted rats, endangering public health. Public officials responded quickly to the hepatitis outbreak, but illegal garbage dumping persists. “People always say that we Roma who live in here dumped the garbage ourselves, but I know it isn’t true,” my guide tells me.

### *Looking at maps at the Ministry*

I sit in an office at the Ministry of Environmental Protection and Water Issues, looking at a desk covered with maps produced for the Ministry’s national survey of Roma settlements (conducted by a team of researchers at Debrecen University’s Public Health School) and published in November 2004. They track access to drinking water, public waste collection, sewerage, and many other aspects of public health and environmental well-being. Although these problems vary by region, and some of these problems are shared by both Roma and non-Roma rural people, the maps tell a story: that these are systemic problems--not just anecdotes or snapshots.

## **Environmental and health issues of Hungarian Roma communities**

These three snapshots-- the life-expectancy gap between Roma and non-Roma, the living conditions of Hungarian citizens living in a “cigánytelep” (Roma settlement) and the beginnings of a systematic study of environmental conditions in those settlements--all point to the critical problems of environmental injustice and health inequalities. They suggest that Hungary’s Roma do not enjoy equal access to their constitutional rights to “the highest possible level of mental and physical health” (Article 70D) and to “a healthy

environment” (Article 18). Although both Roma and non-Roma citizens in Hungary suffer from pollution and environmental degradation, residential segregation and the social and political marginalization cause Roma communities to be especially vulnerable.

The sources of health and illness are diverse and complex, and they include primary medical care, biological factors, lifestyle and preventative healthcare, and environmental conditions. In the case of primary medical care, social scientists have investigated Roma patients’ experiences in the Hungarian health care system, with a focus on patient-provider relationships.<sup>42</sup> Other researchers are investigating health issues related to lifestyle such as tobacco, food, alcohol and alcohol consumption, although the Országos Egészségfejlesztési Intézet(OEFI) (National Institute for the Amelioration of Health) has recommended that further research is needed to serve the Roma population more effectively.<sup>43</sup> Research on the environmental health conditions of Roma in Hungary is probably the area that has gotten the least attention from researchers, although it is mentioned as an important field to be developed in the OEFI’s “Az Egészség Évtizedének Johan Béla Nemzeti Programja” (Béla Johan National Program for the Decade of Health) (2003).

Environmental and public health conditions nevertheless contribute to ill health in Roma settlements throughout Hungary. A survey of nine Roma communities in Northern Hungary demonstrated that poorly insulated housing and the widespread use of dilapidated “sparhelt” stoves (stoves fuelled by wood) waste residents’ energy resources and also contribute to respiratory ailments in the winter months<sup>44</sup>. Access to clean drinking water is a problem for a large number of settlements, according to a national survey of Roma settlements conducted by Debrecen University’s Public Health School on behalf of the Ministry of Environmental Protection and Water Issues (KvVM) (2004). The same study draws attention to similar waste problems about which Roma community organizers frequently complain-illegal dumps and the dumping of animal carcasses near Roma settlements and unequal access to the public sanitation system. Not infrequently there is a total lack of waste removal and area maintenance. Proximity to illegal dumps brings the health problems of vermin and exposure to toxic waste (with lead poisoning as a related problem). Lack of access to sanitation contributes to the incidence of hepatitis, a disease

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<sup>42</sup> see Neményi 2005. and Delphoi Consulting 2003.

<sup>43</sup> OEFI Népegészségügy Program 2003

<sup>44</sup> ENSZ Fejlesztési Program/ Autonomia Alapítvány 2004

with long-term health consequences. Finally, many Roma settlements have unequal access to environmental resources such as playgrounds and parks, with the consequence that children from these communities play in polluted areas. These facts, compounded by problems in the delivery of health care services and lifestyle factors, are likely contributors to health disparities between Roma and non-Roma.

### **“Spaces of vulnerability”: Power relationships, environment, and health**

“A space of vulnerability... configures a specific set of conditions in which people live, and sets constraints on how these conditions are perceived, how goals are prioritized, what sorts of actions or responses might seem appropriate, and which ones are possible.”<sup>45</sup>

More systematic research is needed to fully understand the political ecology of health in Hungarian Roma communities-how “spaces of vulnerability” have come to exist, how Roma and non-Roma citizens experience local environments, and what kinds of policy or civil sphere responses might be fruitful. From my initial research on the topic, interviewing Roma rights activists, environmental activists, and policymakers tasked with “Roma integration,” I can point to two problems within the political and civil sphere: the lack of integrated Roma public participation and the wide gap between Roma rights activists (or community organizers) and non-Roma environmentalists.

Roma citizens are generally not consulted or meaningfully included in planning or environmental decision-making in Hungary. Roma environmental health concerns are frequently only represented in crisis situations: an outbreak of hepatitis or a case of lead poisoning. Otherwise, many local officials accept bad living conditions in Roma settlements as the status quo. All too often, response to a health crisis (however prompt) does not lead to the development of ongoing relationships, programs, or civil society partnerships that could work steadily to improve environmental conditions and awareness. Although there is a relationship between environmental problems and Roma civil rights, there are no ongoing partnerships between environmentalist and Roma rights organizations in Hungary, and there is a fair amount of distrust between the two types of civil organizations.

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<sup>45</sup> Leatherman 2005

While doing fieldwork with environmentalists in 1996, I was struck by the invisibility of Roma issues. I asked a prominent environmental journalist about the possibilities for environmentalist-Roma alliances. She sighed and said, “There are one or two people--not one or two groups, but one or two people—who are working on Gypsy issues.” When I asked environmentalists why their groups did not deal in the problems of Roma communities, the most frequent response was that the main problems of Roma were poverty and access to education, and that these were “social” issues, not environmental issues. This spring, I asked an environmentalist what he thought of the KvVM’s nascent efforts to fund environmental projects in Roma settlements through the “Zold Forràs” program. He criticized the program for funding many short-term, litter-clean-up projects without a view to solving longer-term waste issues. For their part, people in organizations dealing with Roma rights and community development have tended to see environmental concerns as an obstacle to economic development: the familiar “jobs versus the environment” framework. One activist in this field (a non-Roma) described this situation as an obstacle for Roma-environmentalist cooperation:

Gypsies’ issues and environmentalism clash with one another in Hungary today. That is to say, the jobs that Gypsies lost, the jobs that have been shut down, were in those industries that were horribly polluting to the environment. Take, for example, the demolition of the Ózd ironworks, or Miskolc’s entire industry, which polluted to such an extent that it was scandalous, but nevertheless gave work to the Gypsies.

With unemployment, segregation, and conditions of extreme poverty, poor Hungarian Roma communities face immediate challenges to survival. As a result, many Roma may in fact see environmentalism as a foreign, middle-class “luxury” cause with a distant future orientation. This does not mean, however, that Roma citizens are unaware of or indifferent to the environmental conditions of their communities.

## **Environment, health, and ethnic minorities: an American perspective**

In the past two decades, environmentalism in the United States has seen the rise of a new form of civic action: the struggle against environmental injustice for low-income and

racial/ethnic minorities. Environmental justice is the argument that “everyone, regardless of race, colour, or income, has the inalienable right to fair and equal access to environmental goods, and protection from the currently skewed distribution of environmental bads”<sup>46</sup>. Since its inception in the late nineteenth century, the environmental movement in the United States was dominated by the nature protection concerns: preserving wilderness, protecting endangered plant and animal species, and establishing parks. Although public health crusaders began working to improve environmental conditions in the city, home, and workplace beginning in the early twentieth century, their work was carried out in isolation from the nature protection movement<sup>47</sup>. With the publication of Rachel Carson’s book *Silent Spring* in the early 1960s, the environmental movement grew increasingly concerned about the health effects of toxic chemicals in the environment. The U.S. environmental movement continued to draw a predominantly white, middle-class constituency until the late 1980s.

In 1983, a Government Accounting Office (GAO) published research reporting that African-American communities in the U.S. South were disproportionately selected as sites for toxic waste dumps.<sup>48</sup> In 1987 the United Church of Christ sponsored the publication of a report, *Toxic Wastes and Race in the United States*. These publications drew public attention to the environmental conditions and health problems of minority and low-income people. Small, local-level organizations began to fight ecological degradation under the rubric of “environmental justice,” educating minority and low-income people about environmental problems affecting them, conducting community-based field research, and engaging in protests and litigation. In 1991, over 1000 delegates from these organizations came together for the first People of Color Environmental Summit and established a declaration of “Seventeen Principles for Environmental Justice.” The summit resulted in the establishment of national-level environmental justice organizations and succeeded in getting the large, mainstream environmental organizations and the national government to pay attention to the environmental concerns of poor and minority communities. Perhaps most importantly, years of environmental justice civic actions have succeeded in redefining the task of environmentalism in popular discourse—no longer limited to preserving non-human

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<sup>46</sup> Hobson 2004: p. 474

<sup>47</sup> Gottlieb 1993

<sup>48</sup> Agyeman, et al. 2002

nature for the elite, but also concerned with cleaning up the very human places “where we live, work, and play,” as a popular environmental justice slogan goes.

The U.S. is not the only country where environmental justice activism is taking place-civil organizations in the UK, Mexico, India, and South Africa are increasingly bringing together environmental issues, human rights, and minority protection<sup>49</sup>. Developing a comparative perspective on environmental justice mobilizations may help us develop not only a better understanding of environmental health problems within a larger political-economic context. More importantly, exchanging knowledge about environmental health and environmental justice movements and policies can help policy-makers and community leaders develop more creative solutions.

## **Including Roma and disadvantaged people in environment and health policy**

Environmental justice-the recognition that the poor and ethnic minorities and the poor are disproportionately harmed by environmental problems-is a relatively new framework for human rights and environmental policy in Europe. The Hungarian constitution nevertheless guarantees the right to a clean and healthy environment. Throughout Europe, Roma settlements are often exposed to industrial pollution and excluded from public services that maintain a healthy environment such as waste collection and sanitation<sup>50</sup>. In Hungary, researchers have documented cases in which Roma settlements have been exposed to toxic chemicals<sup>51</sup>, but until the Debrecen University/KvVM survey, there has been no systematic study of the environmental conditions in which many Roma citizens “live, work, and play.” The publication of this report is a very important starting point for further research and policy initiatives. If the U.S. experience of environmental justice mobilization is any indicator, addressing these problems will require the active participation of members of affected communities and collaboration and networking with environmental groups and public health advocates. Roma communities certainly do need access to environmental education, and increasing contact between Roma civil organizations

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<sup>49</sup> Boyce 2005, Harper 2005, Agyeman, et al. 2003

<sup>50</sup> Local Governance Brief 2004

<sup>51</sup> Harper 1999, Varro et. al. 2000

and environmental groups may also point out some of the “blind spots” of mainstream environmentalism and public policy directed at the conditions of Roma settlements.

Solution to the above issues is an essential part of ameliorating the situation of the Roma in Hungary.

*(Krista Harper)*

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## 4. SCHOOL SEGREGATION IN THE CITY OF MISKOLC

### *The Roma in Miskolc Before the Democratic Transformation*

There used to be two gipsy slums in the city's present area. The one in the Diósgyőr District was eliminated gradually, on a step-by-step basis. The other, called Csorba and located between Miskolc and Felsőzsolca, was flooded by the Sajó River in the early 1970-ies and the leaders of the city moved the families living there to apartments in the Miskolc, Diósgyőr and Pereces colonies.

According to the results of a questionnaire survey carried out in 1987 and covering 7000 people, the city's estimated Roma population was 10-12 thousand then.<sup>52</sup> At the time of the survey, 25% of these Roma lived in the city centre – mainly in Széchenyi Street, Vörösmarty Street and the part of Avas Housing Estate closer to the centre. One third of the population lived in the apartments of the unskilled worker and miner colonies and in Vasgyár District. About 28% of the Roma lived on modern housing estates, 10% of these on Avas Estate.

In the years before democratic transformation, the city's leaders considered the placement of the Roma as a city development and an apartment management issue. The concept for the renewal of the city centre had been prepared in the 1980-ies and the management of the city handled the relocation of the Roma living in apartments in the city centre as a cornerstone of the concept.

After democratic transformation, city development plans in Miskolc were strictly limited by the privatisation of properties and the shrinking of the portfolio of apartments rented out by the municipal self-government. After the completion of the privatisation process, 5,804 apartments remained in the ownership of the city, which managed these properties through its specialised firm called MIK ("Miskolci Ingatlankezelő Rt."; "Miskolc Property Management Inc."). Nearly 60% of these apartments were in prefabricated concrete blocks with all amenities. All of the 224 apartments with no amenities and many of the 1,172 apartments with only certain amenities were in the colony-like gipsy slums, in the factory district and in the "numbered streets", an area populated mainly by Roma families.

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<sup>52</sup> Tóth Pál(1988): Romák Miskolcon

### *Renewal of the City Centre – Gentrification*

The gentrification-like renewal of the city centre – the top development priority in Miskolc – started back in the 1980-ies. The majority of the buildings in Vörösmarty Street inhabited by Roma were pulled down before democratic transformation. The central element of the project was the transformation of Széchenyi Street into a walking street. The management of the city were trying to find ways in the 1980-ies to make the Roma families living there move to other parts of Miskolc. In 1988, the leaders of the city planned to build a new housing estate of cheap apartments in the north of Miskolc, near the airport and the Sajó River, far from public institutions. The potential tenants of the new estate were planned to be Roma families then living in the city centre. The plan met with an unexpected obstacle: local Roma and non-Roma intellectuals assembled an anti-ghetto committee to prevent the implementation of the estate. The national press, then becoming free, supported the anti-ghetto campaign and the confused city management dropped the plan.

After democratic transformation, the City Development Unit could not keep the privatisation of apartments under their control: they had to trust that the Roma families would move as a result of market processes. The increase of property prices in the city centre and of utility costs truly accelerated the process of the moving away of poor families. A separate project was launched by the municipal self-government for the transformation of the “Bazár Block” in Széchenyi Street, which had once had several Roma tenants.

Nevertheless, in the larger city centre there are several “micro gypsy areas”. Roma families live in the building on the corner of Búza Square and Szendrei Street, in some buildings in Hunyadi János Street, at 39-41 Kis Hunyad Street and in the building on the corner of Szentpéteri kapu – Laborfalvy Róza Street. Over the latter on the mountain, in Tetemvár District, are three streets mainly populated by gypsies. Many Roma families live in the streets limited by Vörösmarty Street, Soltész Nagy Kálmán Street, the Szinva River and the railway tracks, in the Sarolta, Gizella, Lenke and Vörösmarty streets. Finally, Roma families also live in the streets at the foot of the Avas Mountain.

### *Beyond the Boundaries of the City Centre*

Outside its centre, the development of the city is witnessed rather than controlled by the municipal self-government. City development planning requires not only a property port-

folio, resources and investors but also a vision for the given area. In the city, which now comprises former Miskolc, Diósgyőr, Hejocsaba, Tapolca, Görömböly and Szirma, a development vision could be developed only for the centre of what used to be Miskolc earlier. The central part and the annexed towns are loosely connected by factory premises, worker and miner colonies, housing estates and the tram lines running from Tiszai Railway Station to Diósgyőr and the factory district. The city has not become an integral unit whose future the municipal self-government could shape based on complex plans.

Miskolctapolca, an elegant bathing town and now fast becoming a suburb of the city, wanted to be detached from Miskolc. However, the majority of the population refused this idea in the local referendum at the end of 2004. The debate around the subject clearly impeded the elaboration of development plans for Tapolca. The south-eastern slope of the Ávas Mountain has become a well-to-do condominium area in recent years. The status of Martin Garden Suburb has also improved, though to a less extent.

Naturally, the municipal self-government also has development projects. Several hypermarkets and service centres have been built in the south of the city in the past few years. The freeway section running past the city may raise the value of properties in Martin Garden Suburb, Szirma and the whole eastern corner of the city; the self-government hope that new commercial and industrial sites will be opened on its properties in that area. Ideas have been raised about utilising Zsarnatelep – a village by the Sajó River – and Csemetekert – an area some eight kilometres from the city and owned by the self-government – for similar purposes.

All demolition and development plans for residential areas affect Roma communities and Roma districts.

### *Colonies, “Gipsy Districts”*

The management of the city want to pull down the majority of worker and miner colonies mainly populated by Roma; they want to keep two and to even develop one. Plans clearly aim at turning the largest colony, *Szondi György District*, and adjacent *József Attila District* – both located on the eastern boundary of the city – into fully developed residential areas. This area, which is limited by Baross Gábor Street (which leads to Tiszai Railway Station), József Attila Street, the Szinva River and the terminal station of Miskolc Transportation Company and located among industrial sites and warehouses, has

been selected as an ideal site for development. In the two said districts, neither of which has a sewer system, there are a total of 81 small apartments, all without any amenities. A few years ago, the self-government permitted the demolition of some of these buildings and the construction of 16 new apartments in their place by the old tenants, who could use the state home development subsidy available to families with children. The project was continued by the self-government: using its own resources and the same state support for the future occupants, it started the construction of a two-storey block with 24 apartments. The self-government purchased an old workers' hostel by the Szinva River, where they plan to build an apartment block with 78 studio flats.

The city management also want to keep the properties located in Álmos Street near the city centre. However, this plan is motivated by the requirement that the city has to have a certain apartment portfolio. The Property Management Company think it is fortunate that the ex military premises at 24 Álmos Street is isolated from the neighbouring area by a high wall.

The largest colony in Újdiósgyőr used to be *Békeszálló*. Half of the buildings here have been pulled down and the remaining 65 will also be demolished as soon as the municipal self-government find exchange apartments for the tenants living in them. The self-government have no particular plans for the area by the steel factory.

In the *Mésztelep* district in *Hejőcsaba*, only 15 apartments have remained of what used to be the workers' colony in the heyday of the cement factory. People in Mésztelep think that the demolition of the colony would trigger the development of the district.

Time and new apartments would be needed to pull down the 16 apartments in *Annabányai Telep* and the 36 residential properties in *Miskolctapolca's Várhegy Colony*.

Driving from the centre of Miskolc city to Diósgyőr there are three valleys at the foot of the mountain north of the city. The "gipsy street" in *Bábonyiérec* is comprised of houses built for workers between the two world wars. A new housing estate is being built in the vicinity of the „gipsy street”; the municipal self-government hope that the completion of the housing estate will raise the value of the area and that, eventually, some development enterprise will buy out the houses of the Roma to make a profitable investment.

Driving forward towards Diósgyőr, a several-kilometre-long road in the valley leads to *Lyukóbánya*. The majority of the holiday cottages by the road have been bought by Roma families in recent years. The self-government have no idea how to regulate or, at least,

influence the settling down of the Roma here. No building permit may be issued for the properties here and the area can never be re-categorised as a residential area due to the mine tunnels beneath it.

Finally, one has to take a left turn at the boundary between Újdiósgyőr and Diósgyőr to get to Pereces, a small village a few kilometres away in the third valley. The 16 houses left of the *ex miners' colony* have been sold by the municipal self-government to a property development firm. The firm is responsible to find exchange apartments for the tenants in return for their current homes. The nature of the new project here will be determined by this firm – and actual demand on the market. The management of the municipal self-government do not have specific plans for the future of Pereces and they do not want to influence market processes.

## **Priorities in the Educational Policy of the City of Miskolc**

With the exception of only two years, a Roma school operated in the gypsy slum in Diósgyőr between 1936 and 1981. The school was closed down in 1953 and its students were theoretically sent to other schools in the neighbourhood. However, as a result of protests by parents, the Roma school reopened in another building in the year 1955. At this time, the school was given a sort of civilisation mission: regular meals were organised, a day-care centre was opened, compulsory bathing was introduced and the slum was regularly visited by authorities. The educational authority tightened sanctions for truancy.<sup>53</sup>

From the late sixties, the families were gradually moved from the Diósgyőr gypsy slum to apartments in the Diósgyőr colonies and to new housing estates. The process lasted until the eighties. The school closed in 1981. There has been no Roma school in the city since then, though there have always been schools with a Roma majority and even one attended only by Roma children. However, the management of the municipal self-government insist that this “selective” schooling is not a deliberate consequence of the educational policy of the city of Miskolc; the schools where the majority of students are Roma are not „Roma schools” – it is only that non-Roma parents put their children elsewhere.

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<sup>53</sup> Ld.: Balázs József: Egyházak és iskolák Diósgyőrben. Tanulmányok Diósgyőr történetéhez 3. BAZ megyei Levéltár, Miskolc 1998.

Until September 2004, there had been 34 normal elementary schools and two special ones (i.e. for handicapped children). In 2004, the normal schools were merged into 15 educational institutions. As this merger was implemented only financially and management-wise and did not contain the merger of the so-called “schooling districts”, not to mention the integration of students, all of these schools can be considered independent educational institutions, especially in the light of the fact that in two cases remote schools were merged.

In the 2004/2005 school year, nearly 13 thousand students went to schools operated by the self-government; the proportion of Roma students was 17.5%. We must note that this proportion is increasing fast: in the eighth grade it was 14%, while in the first it was 25%.

2.5% of all the students going to schools operated by the self-government in Miskolc go to one of the city’s two schools for the handicapped – but within the Roma population, this ratio is as high as 9.2%. 63.2% of the students of the two schools are Roma. The city is divided into two districts for the purposes of special education: children qualified as mentally handicapped in Diósgyőr, Újdiósgyőr, Pereces and Lyukóbánya go to Tüskevár School, children with similar learning difficulties in other parts of the city attend Éltes Mátyás School.

Until the year 1999, the building currently used by Éltes Mátyás School used to be an elementary school with a Roma majority and Éltes Mátyás School for Handicapped Children used to operate in Váltó Street, near Tiszai Railway Station. The special school moved to its current building in 1999 and the Roma children living in the area but not qualified as handicapped now mainly go to Rónai Ferenc School. At the moment, there are 225 students in the 17 student groups of Éltes Mátyás School, the majority qualified as having “slight learning difficulties” and another 30 as autistic. Tüskevár School is far smaller – 109 students in 8 student groups – and its headmistress is much less open-minded than that of Éltes Mátyás School.

Most students going to these schools continue their studies in Martin János Vocational School. This school, located on Avas Housing Estate, is the “net school” for 9th and 10th grade students in Miskolc, where most children who could not get into another secondary school are admitted.

### *The Cornerstone of Education Policy in Miskolc: Control of Migration*

Migration between elementary schools partly follows changes in the social status of the different city districts and the city's education policy makers would not like the "migration" of students to follow "external changes", i.e. urbanisation processes or city development projects. The primary aim of the education policy of Miskolc is to keep school migration under control in the long run.

From a migration and segregation point of view, elementary schools in Miskolc can be divided into four groups.

#### *Schools with a Roma majority*

József Attila Elementary School teaches only Roma children. The majority of students are Roma in Fazola Henrik Elementary School, Kuti István Elementary School and the two special schools, Éltés Mátyás Special Elementary School and Tüskevár Special Elementary School. The self-government permitted two schools with a Roma majority to apply the "Step-by-step" teaching method. One of them, Fazola Henrik School, has become a model institute for the program with nationwide reputation. The other such school is Kuti István School in Pereces. The two special schools have a total of 329 students, 208 being Roma; 63.2% of the children sent to special schools are Roma. School no. 41, an educational institute next to Békeszálló gipsy slum, where the majority of children were also Roma, was closed down a few years ago. Until 1999, the majority of students going to the building now used by Éltés Mátyás School were Roma; then that school was closed down and Éltés Mátyás School moved to the building.

#### *Schools jeopardised by the decrease in the number of children*

Miskolc currently has one school that could not open a new first grade in the year 2004 due to the lack of schoolchildren, Erenyői Elementary School. This lack of applicants was not caused by the increasing proportion of Roma children but by the stronger attraction of Bulgárföldi School. The municipal self-government has not yet decided what to do with the former school. Student numbers are also critically low in the school in Miskolc-tapolca and in Sas Street School in Diósgyőr. In the year 2004, Gárdonyi Géza Elementary School in Hejocsaba started only one first grade class with 17 students; however, this was because many parents decided to send their children to a different school due to the high proportion of Roma students here.

*Schools with an increasing number of Roma students – „buffer schools”*

This category plays a crucial role from the point of view of controlling school migration. Education policy makers in Miskolc have recognised that they can only prevent segregation between schools if segregation within schools is such that certain student groups can be offered an attractive enough curriculum – even though the institution itself also has student groups with increasing Roma numbers. The self-government of Miskolc try to strengthen the status of „buffer schools” by turning them into bilingual schools which receive children from anywhere in the city.

*“Elite schools”*

Among the elementary schools in Miskolc run by the municipal self-government, there are only a few “elite” schools and even these are not “elite” in the traditional sense. The reason is that, with four church-run elementary schools and a few eight-grade secondary schools also run by churches there is little room on the school market for self-government-run elementary schools that offer an “elite” program and, accordingly, select students. Elementary schools run by churches are scattered in the city and cover most of its territory. In contrast, state elementary schools in the city try to apply internal selection to make themselves attractive. “Elite” schools run by the municipal self-government are characterised not by the low number of their Roma students but by the fact that a large proportion of their students come from outside their respective districts.

The city has five self-government-run elementary schools whose students are mainly from outside the school district. Szilágyi Dezso Elementary School and Petofi Sándor Elementary School have no Roma students at all and only 5.4% of Kazinczy Ferenc Bilingual Elementary School, located on Avas Housing Estate, are Roma. In contrast, nearly 19% of Istvánffy Gyula Elementary School, which is in the city centre, are from Roma families – yet the popularity of this school is indicated by the fact that at least half of its students come from outside its schooling district. The situation is similar in Fazeakas Street Elementary and Music School: 18.3% of its students are Roma though over half of the children come from outside the school’s district.

To understand the dynamics of elementary school migration, let us try to define – through indirect deduction and somewhat speculatively – the „catchment area of elite

schools”. We assume that the parents of small pupils try to find a school for their kids which is not far from their home. We have no information about the students of church schools and the survey was too limited to find out where the students live who go to “elite” schools that teach mainly children from outside their district. However, we will not be wrong to assume that the catchment area of church schools and “elite” schools is far larger than their district.

- *City Centre, Northern City Centre, Tetemvár alja*: This area has three “elite” schools. One is Jókai Mór Calvinist Elementary School, which used to admit Roma children in the Tetemvár area until the municipal self-government transferred the building – after its renewal – to the Calvinist Church. No Roma children were admitted in the new student groups after this transfer; Roma children were admitted by Fazekas Street Elementary and Music School. However, this school is also considered an “elite” school and it successfully retained its title as such after the increase in the number of Roma students – basically owing to its music education. Istvánffy Gyula Elementary School, located in the city centre, is also an elite school. In September 2004, it was attached to Fazekas School – and also has many Roma students. The three elite schools have large catchment areas, which results in low student numbers primarily in Hunyadi Mátyás Elementary School – though not to an extent that would jeopardise the survival of this school or would lead to the shrinking of its class numbers.
- *Vörösmarty District and the area south of it*: there are two elite schools in this area. The school building in Soltész Nagy Kálmán Street now gives home to the *Miskolc Greek Catholic Elementary School*. The transfer of this school building resulted in similar consequences as in the case of Jókai Mór Calvinist School; though the school had earlier had many Roma students, after the transfer Roma children were admitted to nearby schools run by the municipal self-government. The other elite school of this area is Szilágyi Dezső Elementary School, which teaches no Roma children at all.
- *Szentpéteri Kapu*: due to intensive English teaching and the lack of Roma students, Petofi Sándor Elementary School is an attractive educational institute in this part of the city. Its strong attraction is not counterbalanced by the fact that Rónai Ferenc Elementary School, which was attached to it in 2003, teaches in two languages as it has a fast increasing number of Roma students.

- *Avas*: Kazinczy Ferenc Bilingual Elementary School does not jeopardise the existence of the other four large elementary schools in the Avas District but takes in a lot of non-Roma children from the school district of Gárdonyi Géza Bilingual Elementary School, located in Hejocsaba at the foot of the Avas Mountain. In the 2004-2005 school year, Gárdonyi Géza School could open only one first class – indicating that bilingual teaching had clearly lost its function to select talented children.
- *Újdiósgyőr*: *Szent Imre Catholic Elementary School* tries to recruit students from the school districts of nearby Győri Kapu School, II Rákóczi Ferenc School and Bársony János School. In the said three self-government-run schools, the proportion of Roma children is increasing – partly because of the opening of the Catholic school. The attraction of this church school is somewhat counterbalanced by the bilingual curriculum introduced in II Rákóczi Ferenc School.
- *Diósgyőr*: The *Calvinist Elementary School* in Miskolc-Diósgyőr poses a tolerable competition for the five schools run by the municipal self-government in Diósgyőr District. A look at the map shows that Tóth Árpád Street Elementary School and Móra Ferenc Elementary School, which has been attached to the former as a member institute, are located far from the Calvinist School and can, therefore, not explain their decreasing student numbers with the establishment of the church school. The Calvinist School causes more trouble to Könyves Kálmán Elementary School and its member institute, Kaffka Margit Elementary School.

*Means for internal selection: small classes*

Small classes admit students with minor handicaps: dyslexic, dyspraxic, dyscalculic, hyperactive children and students with behavioural problems, who are not mentally handicapped but, according to a board of experts, could not follow the curriculum in a normal class. These small classes are taught the normal curriculum with the aim to help them catch up with students in other classes – though in practice few of the children in these small classes are later transferred to a “normal” group of students.

4.5% of the students going to elementary schools run by the self-government of Miskolc city – and, within this, 10% of all Roma students – go to these “small classes”. In these classes, the Roma population is overrepresented and schools usually use these

classes to partly separate Roma students. The proportion of Roma students in such groups is above the average (40%) in Miskolc as well, but putting children in small groups is not general practice in the city. On the contrary: in Munkácsi Mihály Elementary School, which has the most students in small classes, the Roma population is underrepresented – their proportion is only 16%, while 32% of all students in the city are Roma – and the majority of the children with the said learning difficulties in Munkácsi Mihály School come from outside the city.

*Means for internal selection: bilingual teaching*

In Miskolc, the most important means for internal selection is bilingual teaching. The management of the city have issued permits for bilingual student groups since 1998, mainly to “buffer schools”, which are in a critical situation. There are several reasons why bilingual teaching can be an efficient means for internal selection. The catchment area of bilingual classes is admittedly the whole city, i.e. schools with such classes can choose from children without any limitations – though instead of a formal entrance exam they can only have a “conversation” with applicants. Bilingual classes are considered attractive elite groups, independently of the number of Roma children in other classes in the same school.

Hungarian-English bilingual curricula are used in Miskolc’s Selyemréti Elementary School, Petöfi Sándor Elementary School, Rónai Ferenc Elementary School, Gárdonyi Géza Elementary School, Bulgárföldi Elementary School, Pattantyús Á.G. Elementary School and Kazinczy Ferenc Elementary School. Teaching is in Hungarian and German in Szabó Lorinc Elementary School and II. Rákóczi Ferenc Elementary School. Petöfi Sándor School has no Roma students and the proportion of the Roma is relatively low in Kazinczy Ferenc and Szabó Lorinc schools. In the other educational institutes, however, bilingual teaching has resulted in strong selection and drastic internal segregation between student groups.

In bilingual classes, children intensively learn the given foreign language from first grade. Besides, in the lower grades, some of the communication at music, art and P.E. lessons is in that foreign language; while in the upper grades of elementary education a main subject – usually history or biology – is taught in the foreign language. According to experience, students going to bilingual classes have a far better com-

mand of the given foreign language than children who only have a higher number of language classes, though teachers are afraid that the method may prejudice the knowledge of the given subject.

11.3% of all students going to any of the schools run by the municipal self-government of Miskolc learn in a bilingual class or have a higher number of language classes and 8.7% of all students go to bilingual classes whose catchment area is the whole city. Within a few years, the seven schools applying a bilingual curriculum will be in a position to select over 10% of students in Miskolc. Roma students are practically totally segregated from bilingual education, as well as from seventh and eighth grade classes that offer intensive language teaching. However, admission proportions do not fully reflect this selection effect. Looking at the dissimilarity indices in the different years one can see that bilingual education raised selection even in schools which earlier offered intensive language teaching.

### *School Mergers*

The municipal self-government decided to merge the 32 normal elementary schools into 15 institutes of education with effect from September 2004. The decision caused some noise among teachers but, apart from the ex headmasters deprived of their position or forced to leave, the majority finally accepted the new organisation. Mergers also annoyed parents but the management of the city tried to assure them that the merger of institutes did not mean the mechanical merger of school districts.

By merging schools, the self-government wanted to guarantee that they can keep their control over education. The official justification for the mergers, stated by the self-government, was that since teachers can teach their subject in different schools teacher jobs can be saved in spite of the decreasing number of schoolchildren. Besides, mergers enable the saving of schools with a shrinking student portfolio if they are organisationally integrated into another educational institute. These mergers put off the closing of at least three schools. The arguments sound sensible and the merger of schools could be well communicated. According to the reasoning of the self-government, the integration of educational institutes lays the foundation for actual integration in public education – though it is admitted by the municipal self-government that, naturally, the latter will be a longer process.

At the same time, member institutes were attached to three large schools in a way that prevents any form of integration. Kazinczy Ferenc School, located at the foot of the Avas Mountain, merged with the local school of far-away Miskolc-Tapolca, while Kazinczy Ferenc School is not only the “suck-away” institute for the other four elementary schools in the Avas area but children go to it even from nearby Hejocsaba whose parents do not want to send their kids to local Gárdonyi Géza School, where the proportion of Roma students is increasing fast. If the self-government had been serious about encouraging the true integration of institutes through mergers it would have been evident that Gárdonyi Géza School should be attached to Kazinczy Ferenc School. However, Gárdonyi Géza School became a member institute of far-away Szilágyi Dezso School, together with Görömbölyi School, which is even farther from the mother institute. Two elite schools – Kazinczy and Szilágyi Dezso Elementary Schools – gained a privileged status as a result of the merger. Finally, Arany János School, located in Martin Garden Suburb and also having an increasing number of Roma children, was attached to Bem József School, which is located in Szirma District – even though to Martin Garden Suburb a better alternative to the local school would be Szabó Lorinc Elementary School.

### *„Roma School Districts”*

Of schools run by the self-government only those are considered “elite” where more than half of the students are from outside the school’s district. Let us now enumerate the „Roma school districts”. Our starting point was that a double segregation system has formed in Hungary; the extent and dynamics of ethnic segregation cannot be considered as a consequence of only the public education market optimum. „Roma school districts” are the areas around schools which are attended by Roma children or which could be attended by Roma students because they live near such schools and/or which handle the “distribution” of Roma students as a subject of rivalry or bargaining.

#### *The Eastern „Roma School District”*

- Selyemréti Elementary and Hungarian-English Bilingual School
- Member school: József Attila Elementary School

The areas between Zsolcai kapu and the city boundaries will hereafter be referred to as the “eastern district”. This district is comprised of the following parts of the city: Jó-

zsef Attila and Szondi György housing estates, Bajcsy Zsilinszky Street, the isolated residential areas north of József Attila Street and the areas around Eperjesi Street, Vágóhíd Street, Vásártéri Street, Vásártér and Vereckei Street. Naturally, these parts of Miskolc can be considered one single district in the sense that the 232 Roma children living here attend József Attila Elementary School (which is located within the gipsy slum) or Selyemréti Elementary School. As a result of the merger of educational institutes, József Attila School is now a member institute of Selyemréti School. All the students going to József Attila Elementary School are Roma, while Selyemréti School has 60 Roma students – 13% of all the students.

József Attila School operates in a run-down property, the city's school building in the worst condition and with the lowest equipment standard. There are two classes in the first, second and seventh grades, in the other years there is only one class.

Selyemréti School is on the other side of Baross Gábor Street, on Selyemréti Housing Estate. The school, which has 457 students, is a real “buffer school”: it tries to remain attractive while the proportion of Roma children is continuously increasing: on average, 13% of the school's students are from Roma families but this proportion is 26% in the first grade. The merger of this school and nearby József Attila School aroused concern in parents but the headmaster succeeded in convincing them that the school merger did not mean the mechanical merger of school districts and, hence, the change would not result in an increase in the number of Roma students. The situation of Selyemréti School is somewhat eased by the fact that there is no “elite” school nearby – and even the nearest Hungarian-English bilingual school is relatively far away.

There is strong internal segregation in Selyemréti School: The institute's “DI average”, 0.64, is the fifth highest in the city. With the exception of the eighth grade, children study in several student groups in every year. In bilingual classes – and in intensive English classes in the seventh and eighth grades – there are no Roma students. In P.E. specialised classes the proportion of Roma children has been increasing for years: in the lower four grades it now reaches 20%. In the upper four grades in “C” classes the proportion of the Roma is around 20-30%, in sharp contrast with 70% in the four lower grades. 65% of all Roma students go to “C” classes.

### *The Northern „Roma School District”*

- Petofi Sándor Hungarian-English Bilingual Elementary School
- Member institute: Rónai Ferenc Hungarian-English Bilingual Elementary School

The „northern Roma school district” is located around Szentpéteri kapu; a main road running from the city centre to the village of Sajószentpéter. The district comprises the gipsy slum in Álmos Street, the blocks of flats at 4 Búza Square and 70 Szentpéteri kapu and a part of the Tetemvár area – at least in the sense that Roma children living in these areas go to Rónai Ferenc Elementary School. The school teaches 59 Roma students, 30% of the total student headcount. Since the year 2003, this school has been a member institute of Petofi Sándor Elementary School. Petofi School has no Roma students; as it offers intensive English teaching and bilingual classes it attracts children from beyond the boundaries of its own district: over half of the children come from outside the district.

Until 1999, the Roma children living in this area had been admitted to the school located at 65 Szeles Street. However, in 1999, the building of this institute became the headquarters of Éltés Mátyás Special School, one of the city’s schools for the handicapped. Since then, children not marked as mentally handicapped have gone to Rónai Sándor School. By way of compensation, the self-government permitted Rónai Ferenc School to launch bilingual education.

The merger of Petofi Sándor and Rónai Ferenc schools had no effects on schooling. The „northern Roma schooling district” is lopsided: only Rónai Ferenc School teaches Roma children and Petofi Sándor School intends to remain “Roma-free” – on the ground that its classes are full due to its large catchment area.

The DI average of Rónai Ferenc School, 0.77, is the highest in the city. There is only one class in the sixth, seventh and eighth grades; the proportion of Roma students is between 30-50%. In the other years, there are two classes: in bilingual classes the proportion of Roma children is negligible, while in the other classes the Roma are in majority: they make up 62-91% of the class.

The management of Rónai School feel discriminated: they requested a permit before the school merger for the application of the “Step-by-step” methodology (a teaching method already used in Fazola Henrik and Kuti István schools) and the training of teachers on the same. However, the self-government did not support the initiative and, since the merger, the decision has been in the hands of the leader of the moth-

er school – but even the submission of applications for grants is a source of conflicts between the two schools.

*The “Roma school district” of Vörösmarty District and the area south-east of it*

- Szabó Lorinc Bilingual Elementary School
- Vörösmarty Mihály Elementary School

Vörösmarty Street used to be the „gipsy street” of the city centre. By now, most of the houses in the street have been pulled down. In this area, Roma families live in Sarolta and Gizella streets, Hadirokkantak Street; at the end of Vörösmarty Street, at the foot of the overpass leading to Martin Garden Suburb and in Király, Kont István, Bem József and Bocskai streets, all located south of Vörösmarty Street. There are two elite schools in this area: Szilágyi Dezso Elementary School has a tradition of not admitting Roma children and the school in Soltész Nagy Kálmán Street, which used to admit the children of Roma families living in the area, has got rid of its Roma students after its takeover by the Greek Catholic Church. Today, 89 Roma students attend Szabó Lorinc and Vörösmarty elementary schools.

Szabó Lorinc Bilingual Elementary School teaches 54 Roma children; 8.5% of all of its students. In “A” classes teaching is bilingual (Hungarian-German) and there is only one Roma student in all of these bilingual classes. “B” classes have a high number of art lessons. The majority (90%) of Roma students go to “C” classes (“C” and “D” classes in the eighth grade). The school’s DI average is very high: 0.70 – the third highest in the city of Miskolc. However, in the first two grades the DI value is over 80%; such segregation is rare in the city.

Szabó Lorinc School is a „buffer school”, which could remain attractive by applying strong internal selection even if a higher number of Roma children were admitted: the bilingual class is popular also with the families living in Martin Garden Suburb. The neighbouring Vörösmarty Mihály Elementary School only has 35 Roma students; 5.3% of the total headcount.

*The „Roma School District” in Martin Garden Suburb*

- Bem József Elementary School
- Member institute: Arany János Elementary School

Roma students living in Martin Garden Suburb go to Arany János Elementary School. The school teaches 56 Roma children, 19% of all the students. Since the autumn of 2004, the school has operated as a member institute of Bem József Elementary School in Szirma – though there is no school migration between Martin Garden Suburb and the village of Szirma, which officially belongs to Miskolc city but is practically a detached village. Bem József Elementary School in Szirma has only 17 Roma students, making up 4.6% of the total headcount.

The Roma “school district” in Martin Garden Suburb is connected to Vörösmarty District in the sense that parents looking for an educational institute more attractive than Arany János Elementary School take their children to the city district on the other side of the railroad tracks, to the Greek Catholic Elementary School or to bilingual Szabó Lorinc Elementary School. Even before the merger, Arany János School had not been in a position to improve its status by offering some special curriculum or through internal selection and after the merger it finally lost the right to make decisions about its educational program. Nevertheless, the headmistress of the merged school (in Szirma) wants to help the school in Martin Garden Suburb: there are plans to start arts workshops and to build a swimming pool. However, she does not believe that the prestige of Arany János School could materially improve. Children with minor handicaps are taught together with the rest and extra classes are organised for them. Internal segregation is low – the DI average being only 0.21 – as the segregation of Roma and non-Roma children would make no sense and would have no purpose.

*The „Roma School District” in Hejocsaba*

- Szilágyi Dezso Elementary School
- Member institute: Görömbölyi Elementary School
- Member institute: Gárdonyi Géza Hungarian-English Bilingual Elementary School

In the village of Hejocsaba, Roma children go to Gárdonyi Géza Elementary School from Mésztelep, the apartment block at 55 Csaba Vezér Street and from Balassi Street. Gárdonyi Géza School has 60 Roma students, 26% of the total headcount. There used to be two schools in Hejocsaba but the building of the elite school in Mésztelepi Street – whose 275 students included no Roma – has been transferred to the University and its students have been transferred to the less reputed Gárdonyi Géza School. This decision

has determined the fate of Hejocsaba's Gárdonyi Géza School as many parents decided to send their children to the elite school of nearby Avás Housing Estate, Kazinczy Ferenc Elementary School.

With effect from September 2004, the self-government merged three remote schools. The city district south of Népkert has traditionally been inhabited by non-Roma people. The mother school, Szilágyi Dezső Elementary School, which has no Roma students, is located here. One of the member schools is the elementary school of Görömbölc, an isolated, Greek Catholic district in the south of the city. The other member institute is Gárdonyi Géza School in Hejocsaba.

The municipal self-government tried to "compensate" Hejocsaba for the loss of its elementary school in Mésztelepi Street by permitting its Gárdonyi Géza School to introduce bilingual teaching. The result is doubtful: many parents had no hope that the worse of the two schools of Hejocsaba could be made more attractive and sent their children to other schools after the closing of the one in Mésztelepi Street – primarily to Kazinczy Ferenc School, where bilingual teaching began at the same time and to which Gárdonyi Géza School of Hejocsaba meant no competition: the former had far better parameters and very few Roma children. The merger of the three remote schools left the only educational institute of Hejocsaba, with a fast increasing Roma headcount, in trouble. Gárdonyi Géza School has no institutional relations with Kazinczy Ferenc School – the latter was merged with the elementary school of Miskolc-Tapolca, which is even farther – and, as a result, the Hejocsaba Roma school district is really left alone: Gárdonyi School can no longer act as the "buffer school" and is unable to stop its deterioration without external help.

With the exception of the first grade, Gárdonyi Géza School has two classes in each year. In the upper (fifth-eighth) grades one class study English intensively – these classes have 2-3 Roma students each. In the second-fourth grades education is bilingual – but only non-Roma children are admitted to these. In the other classes, the proportion of the Roma is 62%, 87% and 100%; 80% of the Roma students go to these "B" classes and there is full segregation in the upper grades. The school's DI average is 0.71 – the second highest in Miskolc. Nevertheless, in the autumn of 2004, only 17 children were enrolled and only one class could be started. Bilingual education became impossible.

*The Avas „Roma School District”*

- Kazinczy Ferenc Bilingual Elementary School
- Member institute: Miskolc-Tapolca Elementary School
- Pattantyús Á.G. Bilingual Elementary School
- Member institute: Széchenyi István Elementary School
- Munkácsi Mihály Elementary School
- Member institute: Hermann Ottó Elementary School

The merger of four of the five elementary schools operating in Avas Housing Estate was rooted in tactical considerations rather than education policy aspects. Avas is one of the largest prefabricated concrete block housing estates of not only the city but in the whole country. Politically, it is also one of the best voter areas for the Socialist Party. The current mayor of Miskolc is also an MP and his constituency is this housing estate. For political reasons, local FIDESZ members insisted that the schools in the Avas area are also merged – though the same was not justified by the student headcounts in these schools.

The decision regarding the fifth school also indicates political considerations behind the scenes. Kazinczy Ferenc Elementary School is considered an elite school: more than half of its students come from outside its district; as was mentioned earlier, many children go to this school from nearby Hejocsaba. Kazinczy School was merged not with another school on the housing estate, nor with one nearby but with the Miskolc-Tapolca Elementary School, which is located several kilometres away. As a result, Kazinczy School is even more separated from the other four self-government-run schools of the housing estate than before the mergers.

The housing estate was built in three phases and the statuses of the owners of the apartments living in the different block types – whose ownership is also different – are not the same. The apartments built in the first project phase were then rented to families with a higher social status and preferred by the authorities then responsible for the allocation of new homes. The apartments built in the second phase were given to people in lower social classes but entitled to a rented flat by the allocation rules of that era. Naturally, the owners of the most modern condominiums and apartment blocks built in the third phase had a social status and income level above the average. In the years following the completion of the housing estate, the schools operating on Avas Housing

Estate were huge educational institutes, each teaching 1,500-2,000 children in shifts. Headcounts have dropped to half-one third of the original level but even today each of these schools have 400-600 students and teachers are not in danger of losing their jobs due to the demographic fall.

In the schools of the housing estate the presence of Roma children is not taken so badly as in other educational institutes. One of the reasons may be that the prefabricated apartments built here were given to people in a higher social status. Through the eyes of the four other schools, Kazinczy School is clearly a competitor. The eight-grade Jesuit Secondary School was also built on this housing estate – but this school takes away only some of the upper graders from the self-government's elementary schools. These five schools teach 399 Roma students living on the housing estate; though these children are not equally distributed among the four associated schools. Most of the students come from the streets near the school buildings.

Kazinczy School has 37 Roma students, 5.4% of all the children. In the years after its foundation in 1975, Kazinczy School had 1,600 students, as opposed to 683 today. The main appeal of this school is its intensive English teaching in the seventh and eighth grades and bilingual (Hungarian-English) education in the lower grades. The number of applicants to bilingual classes is twice the admission threshold. Naturally, the school may not organise formal entrance examinations – yet in practice it selects pupils in a quasi-entrance-exam process. In the lower grades music, art and P.E., in the upper grades science and biology are taught in English.

The school has an average DI index: 0.47. The bilingual classes have no Roma students. In the non-bilingual (“B”) classes English and German are taught intensively, while “C” classes specialise in drama and puppetry. 70% of the Roma students go to “C” classes (in the seventh grade, “C” and “D” classes).

At the top of the Avás Mountain, in the third part of the housing project, is Pattantyús Á.G. Elementary School. It is attended by 51 Roma children, who make up 9% of the total student headcount. The 574 students of Pattantyús School are divided into three classes in every grade, with the exception of the first year, where only 52 students could be recruited in the autumn of 2004 – and only two classes could be started. The school offers intensive English teaching in the seventh and eighth grades and bilingual (Hungarian-English) education in the lower grades. The other classes offer intensive

physical education. There is only one Roma student in bilingual classes, in the fifth grade, and another 2 Roma children go to language-specialised classes in the seventh and eighth grades. The P.E. classes have 7 Roma students and in the first year, where there are only two student groups, 4 Roma children were admitted to the P.E. specialised class. 72% of the Roma students go to “C” classes. The DI average is relatively high, 0.54.

Széchenyi István Elementary School, which has been operating as a member institute of Pattantyús School since September 2004, teaches 61 Roma children, 14% of the total headcount. The relatively many Roma children are less segregated than in the mother school: the DI average of Széchenyi School is far lower: 0.39. In the seventh and eighth grades there are two student groups, while in the first-third grades small classes were started in addition to the two student groups, which significantly increased selection in these grades.

The two schools in the middle of Avás Housing Estate teach the most (240) Roma children. Munkácsi Mihály Elementary School has no less than 160 Roma students, making up 32% of the total. After Fazola Henrik School, where there is a Roma majority, and József Attila School, which is a purely Roma school, this institute is the third in admitting Roma children. In each grade there are three student groups: in two normal classes the curriculum emphasises arts and dancing, while the third class is always a small group. The proportion of Roma students is the highest in the dance-oriented classes and, surprisingly, the lowest in the small classes: this is one of the city’s schools in whose small classes the Roma population is underrepresented. 35% of the Roma students go to arts classes, 57% to dance classes and 8% to small groups. The DI average is relatively low, 0.24.

In Hermann Ottó Elementary School, which operates as a member institute, the proportion of Roma students is far lower – 16.6% – but segregation is much worse (DI average: 0.38) than in the mother institute. With the exception of the first grade, there are three classes in every year: one offers intensive mathematics/foreign language teaching (mathematics/IT in the second and third grades), the other a higher number of P.E. lessons. The third class is a small one. 22% of Roma students go to the maths/foreign language (maths/IT) classes; 21% attend the P.E. specialised class and 46% study in the small student groups. Though the relative majority of Roma children go to the said small classes, we must note that the proportion of Roma students in the specialised classes is relatively high.

*The “Tetemvár Avasalja, City Centre Roma School District”*

- Fazekas Street Elementary School and Music School
- Member institute: Istvánffy Gyula Elementary School

A total of 182 Roma children go to Fazekas Street Elementary School from the streets in Tetemvár District and to Istvánffy Gyula Elementary School from the Avasalja area, from Kis Hunyad Street (located in the city centre) and from Hunyadi János Street. A few years ago, the children of the Roma families living in Tetemvár went to Jókai Mór Elementary School. However, this school was taken over by the Calvinist Church and Roma students were soon transferred to nearby Fazekas Street Elementary School. This school now has 99 Roma students, 18.1% of the total headcount. Istvánffy School teaches 83 Roma children, making up 18.8% of all the students. These two schools were merged in September 2004, Istvánffy School is now a member institute of Fazekas Street Elementary School. However, it is not primarily this merger that makes us consider the area around the two schools as one single Roma school district but the establishment of Jókai Mór Calvinist Elementary School and Basic Art School. Jókai School, which was taken over by the Calvinist Church, not only got rid of the Roma students but also attracts children from a large area, partly by guaranteeing that there will be no Roma among schoolmates. Fazekas School tries to compete with Jókai School with its music education and Istvánffy School applies strong internal selection to the same end: in spite of their increasing Roma students they both attract many children from outside their own districts.

In spite of the increased number of Roma students and the shabby state of the building, nearly half of the children going to Fazekas Street School come from outside the school's district – owing to the music courses offered and the high level of maths and science education. The school's DI average is not too high: 0.38. Istvánffy Gyula Elementary School, which operates in the city centre, also teaches many out-of-district children. Istvánffy School applies a far stronger internal selection than Fazekas Street School: 61% of the 83 Roma students go to small classes.

The Fazekas Street and Istvánffy schools are in a special situation. They are “elite” and “buffer” schools at the same time. The question is how long this situation can continue. The elementary schools' competitors include not only the Calvinist school but also the eight-year secondary schools: many talented and/or well-to-do children continue their studies in such secondary schools after finishing their studies in the fourth grade.

*Bábonyi* District „Roma School District”

- Hunyadi Mátyás Elementary School

From Bábonyi District, Roma students go to Hunyadi Mátyás Elementary School. The school has 62 Roma students, nearly 15% of the total headcount. The school is in a special situation in that it is the only institute in the city which the municipal self-government appointed as the school for physically handicapped children – and, according to plans, the building will be transformed in the near future to enable access by such students. Owing to this special task, the school can expect a far larger development budget than other institutes operating in similar buildings. Since September 2004, the school has operated as a member institute of Bársony János School – but the competition for the headmaster’s position was not won by the ex headmaster of Bársony János School. The two schools are relatively far apart. Bársony János School used to be in the best position among schools in the Újdiósgyőr District. However, since the launch of bilingual education in II. Rákóczi Ferenc School, this position has faded. The only competitor of Hunyadi Mátyás School is Jókai Mór Calvinist School, located nearby.

In the sixth, seventh and eighth grades there are also small classes – but as the school has undertaken to admit physically handicapped children no such small classes, felt as a nuisance, are launched any longer. In the lower grades, segregation between classes has significantly decreased. All in all, the school’s 0.31 DI average qualifies as relatively low.

*The Vasgyár* District „Roma School District”

- Komlóstetői Elementary School
- Member institute: Fazola Henrik Elementary School

From Vasgyár District and the so-called “numbered streets” (i.e. streets that do not have a name but only a number), 231 Roma children – 76% of all the students – go to Fazola Henrik School and 35 (9.7% of all the students) to Komlóstetői School.

Fazola Henrik School teaches the most Roma children in the city – and is one of the five schools with a Roma student majority. Fazola Henrik School is one of Diósgyőr’s oldest educational institutes and operates in its oldest school building. The facility was built in 1870, at which time to operate as a boys’ school for the children of the workers of the iron factory. The Vasgyár girls’ school was built at the same time. It was only two years before that the construction of the iron factory and the residential buildings around

it on the Diósgyőr crown lands had started on the government's orders. Today's Fazola Henrik School thus operates in what used to be the Iron Factory's boys' school – but, legally, is the successor of the ex girls' school. The girls' school transferred its building to a vocational secondary school and moved to the building of the boys' school, which was closed down without a successor.

There is internal selection also in Fazola Henrik School. Children study in two classes in every grade and there are three student groups in the third grade. In each year, one of the classes is a small one for those who have been found partially handicapped by the Educational Guidance Committee. In the other student group, the "Step-by-step" methodology is applied. Small classes usually have a higher proportion of Roma students but the difference is conspicuous only in the first and fifth grades. The school's DI average is 0.31.

The school is a sample school of the "Step-by-step" program; today this method is applied in all the eight grades and all of the teachers have received basic training on the methodology. The cornerstones of this method are tailored and cooperative learning, project-based teaching and, in the upper grades, teaching children critical thinking and continuous cooperation with the parents. The "Step-by-step" method is a radical break with frontal teaching and mechanical repetition especially in schools where the majority of students are poor and/or Roma. In the lower grades, the first program of a school day is informal talking and the setting of objectives and the day is closed with an evaluation of achievements. The day has regular rituals and the school-year is organised around festivals and name days; the curriculum is project-based. In the upper grades, a project-based approach is applied, supplemented with cooperation-based teamwork.

Since September 2004, Fazola Henrik School has been operating as a member institute of Komlóstetői Elementary School. Komlóstető is a mountain over the Iron Factory. On the hillside the workers of the factory built or bought their homes. The school was founded in 1989 and admits – though in limited numbers – the children of Roma families working in the factory who hope that Komlóstető School will give their children an opportunity to have a better life.

The merger of the two schools caused more concern in Fazola Henrik School; the parents of the students going to Komlóstető School were not afraid that, as a result of the merger, the students of the two schools would mix. However, Fazola Henrik School feared for the future of its "Step-by-step" program – especially after the headmistress

failed to retain her position in the competition organised for the post. The DI average of the Komlósteto School is neither very high: 0.34.

*The Pereces – Erenyő – Bulgárföld “Roma School District”*

- Bulgárföld Hungarian-English Bilingual Elementary School
- Member institute: Kuti István Elementary School
- Member institute: Erenyo Elementary School

The children of the Roma families living in the village of Pereces (located app. 8-10 kms from Diósgyőr), in Erenyo (somewhat south), in Diósgyőr, in Bulgárföld and in the holiday cottage lands along Lyukóbányai Street (that runs parallel with the valley to Pereces) go to three schools.

Kuti István Elementary School in Pereces has 89 Roma students, 77% of the total headcount. The state school of Pereces, built in 1873, is still in a relatively good state, though instead of a gymnasium only a small P.E. room is available for P.E. lessons. In the lower grades the „Step-by-step” methodology is applied.

The school in Erenyo could not open a first class in September 2004. It has only 12 Roma students, less than 10% of all the children.

Bulgárföld Elementary School teaches 103 Roma students, who make up 31% of the total headcount. In each grade there are two classes. Bilingual education was permitted in the year 2000 and, as a result, there is drastic segregation in the lower grades: there are no Roma students at all in the bilingual classes, while in the other classes the proportion of Roma children is 58-87%. The school’s DI average is 0.57.

The schools of Pereces and Erenyo were merged in 2003. Since September 2004, both schools have been operating as member institutes of Bulgárföld School. The three school districts can be considered one single Roma school district: Bulgárföld School, which is attractive to children from both Pereces and Erenyo, is a real „buffer” school. It „catches” Roma students – also those commuting from Pereces – and offers them better conditions and a richer curriculum than their local school, though does not let them join the bilingual classes. At the same time, it also „catches” non-Roma students – both those from Pereces and Erenyo – and, owing to its bilingual program, offers them “Roma-free” education and prevents the appeal of far-away elite schools from taking away potential students.

*The Újdiósgyőr „Roma School District”*

- II Rákóczi Ferenc Hungarian-German Bilingual Elementary School
- Member institute: Győri Kapu Elementary School
- Bársony János Elementary School

Ady Endre School used to operate in the building of Győri Kapu School. In 2002, the general assembly of the municipal self-government decided to close down School no 41 (located next to Békeszálló) and to formally terminate Ady Endre School; the successor of the two closed schools became Győri Kapu Elementary School. In the year 2002, School no. 41 (next to Békeszálló) had 240 students; 60% of them Roma. The management of the city considered that the building, whose capacity was enough for a much larger institute, should be given to a vocational secondary school – but the question of where the 240 students should go had to be answered.

The headcount in School no 41 had been decreasing for several years as non-Roma parents sent their children to Bársony János School and II Rákóczi Ferenc School. Closest to the closed school is II Rákóczi Ferenc Elementary School. However, in this school Hungarian-German bilingual education was introduced in 1998 (the catchment area being the whole city) and the management of the school, on grounds of insufficient capacities and an educational function that covers the whole of Miskolc, refused to accept the children from the closed school. Ady Endre Elementary School was neither prepared to accept these outsiders but, in spite of protests by the parents and the school’s management, the new institute (named Győri Kapu School) was placed in this building – and accepted the Roma students living in the district of Elementary School no 41. Following the merger, some 40 non-Roma children were taken away by their parents to other schools. Since September 2004, Győri Kapu School has been operating as a member institute of II. Rákóczi Ferenc Elementary School, as a result of another institution merger.

Győri Kapu School teaches 126 Roma children, 42% of all the students. II. Rákóczi Ferenc School has 36 Roma students, 9% of the total headcount. With the exception of the second grade, Győri Kapu School has two classes in each year. In “B” classes the proportion of Roma students is far higher and in the first three grades “B” classes are small ones, teaching children with minor handicaps. In 2002, the management of the city permitted the school to open small classes; at the beginning, 100% of the students in these classes were Roma. In the next year only one class was opened and in September 2004

one normal and one “small” class was opened again. The school’s DI average is at the medium level: 0.56.

In II. Rákóczi Ferenc School, Hungarian-German bilingual education is applied in the first six years. There are no Roma children in the bilingual “A” classes; in the other classes the proportion of Roma students is between 11-33%. In the first six years, all the 30 Roma students go to Class “B”; all in all, 92% of the Roma students go to “B” classes and there are three Roma children only in Class “A”, in the eighth grade. The school’s DI average is 0.53 but segregation is continuously increasing in the lower grades: it is 0.66 in the first year.

Organisationally, Bársony János School is the mother institute of Hunyadi Mátyás School. However, functionally, it belongs to the Újdiósgyőr „Roma school district”. This school cannot compete with either the bilingual classes of II. Rákóczi Ferenc School or the recently opened Szent Imre Catholic School. The loss of the former prestige of Bársony School was partly caused by the fact that though it has more students than Hunyadi School and thus became the mother institute after the merger the competition for the headmaster’s post was won by the member institute’s former, agile headmaster – thus decisions are dictated by the member school. Bársony János School has 66 Roma students; 13% of the total headcount. The school’s low DI average (0.21) indicates that as there are no small classes or a special curriculum offered, the distribution of Roma students is rather balanced.

II. Rákóczi Ferenc School is a „buffer school”; education policy makers in Miskolc wanted Győri Kapu School to also operate as a „buffer school” (this is why they permitted the school to open small classes) but Győri Kapu School has to face the perspective of becoming a Roma majority school in a few years. The „Újdiósgyőr Roma school district” is in a special situation in that it is attended by Roma children not only from its own district but also from beyond its boundaries, from the “numbered streets”.

#### *The Other Elementary Schools Operated by the Municipal Self-government of Miskolc*

The schools in Diósgyőr were not described as Roma schools in Roma school districts: though the five schools here have about 200 Roma students there is no “distribution bargain” between the schools like in the other districts.

From Diósgyőr’s Kilián Housing Estate and the Tatárdomb area, 124 Roma students go to Könyves Kálmán Elementary School and Kaffka Margit Elementary School (the

latter having been a member institute of the former since 2004). Könyves Kálmán School has 70 Roma students; 12.6% of the total headcount. Kafka Margit School, categorised as a member institute, teaches 54 Roma children (12% of all the students). In the mother institute, there are three classes in three grades and two in the rest. The school offers German and P.E. specialised curricula – but the extra lessons are held not for the whole class but for smaller groups. Kafka Margit School offers intensive arts teaching: “B” classes have a higher number of art lessons.

On the other side of Diósgyőr, 44 Roma students attend Tóth Árpád Elementary School and its two member institutes: Móra Ferenc Elementary School and Sas Street Elementary School. The mother institute teaches 24 Roma children, 5.5% of all the students. In each grade, there are three classes: “A” classes offer intensive P.E. education, while “C” classes teach dyslexic children from all over the city. Besides Munkácsi Mihály School in the Avás District, this is the city’s other school where Roma students are underrepresented in the small classes. Móra Ferenc School has only 14 Roma children; 3.5% of all the students. The school in Sas Street was saved by the mergers: it has only 137 students, 6 being Roma.

#### *Ethnic Segregation in the Schools Operated by the Municipal Self-government of Miskolc*

In the 2004-2005 school year, 17.5% of the children going to schools run by the municipal self-government of Miskolc were Roma. This means 2,267 Roma students. Over 9% of the city’s Roma students went to schools for handicapped children and 10.1% to small classes. 63.2% of all students in schools for handicapped children and 39.3% of students in small classes are Roma. At the same time, 11.3% of students going to the schools operated by the self-government of Miskolc study in bilingual or intensive language teaching classes – and there are almost no Roma children in these.

54.8% of elementary school Roma students went to classes where the Roma were in minority and 45.2% were in classes with a Roma majority. 16.1% of all Roma students were in classes where the proportion of the Roma was between 50%-74%; while 15.3% studied in a 75%-99% Roma class. 13.2% of all Roma students in Miskolc studied in purely Roma classes.

The extent of in-school segregation was measured with the dissimilarity index (“DI”), which was determined for each year in the given school. This was done in all

cases where it made sense, i.e. where there was more than one class in the given year and if the proportion of Roma students was above 5%. The highest value is 0.77, which indicates extremely strong segregation. The “top ten” schools on the internal selection list contain the seven bilingual schools; in almost all of these educational institutes, selection significantly increased after the launch of bilingual classes – even in comparison with the earlier language specialised classes. In another two schools the radically high selection in the “small classes” results in the high segregation index.

*(János Zolnay)*

# 5. THE MINORITIES ACT AND MINORITY SELF-GOVERNMENTS

## 1. Efforts Made Between 1998 – 2004 To Reform the Minority Self-government Electoral System

It became clear after the 2002 (self-government) municipal elections that the anomalies experienced during the last minority self-government elections four years ago had not been isolated malpractices and that these malpractices, which arose as a consequence of loopholes in the system, cannot be eliminated or even reduced by building only on the goodwill of the majority and the minorities, without amending the relating items of legislation. Certain specific cases had received significant publicity and, in the following eighteen months, the press had a wide coverage of the loopholes in the Minorities Act. The main reason for this was that a comprehensive revision of the Act and other relating items of legislation was proposed.

The *position statements* of the leaders of competent government offices soon made it clear that while the Government wanted to keep the issue within the competence of municipalities, it planned to make significant amendments to both the Minorities Act and the regulation of the procedure of the election of minority self-governments. As regards the latter, the purpose of the reform, backed by the Ombudsman for the Rights of Minorities, was defined as follows: at the 2006 elections, only the members of minority groups should elect the politicians of their self-government who would represent them – and who should themselves also belong to the given minority. This concept divided the minorities and, as had been foreseen, the dispute became focused upon the minority electoral register, i.e. the issue of registration.

### *1. Creation of the Electoral System*

The preparation of the 1993 Minorities Act had taken several years. Those involved in this work (the National and Ethnic Minorities College and Secretariat and, after the first democratic elections, the National and Ethnic Minorities Office, the National and Ethnic Minorities Roundtable, the Ministry of Justice, the Ministry of Internal Affairs and the Ministry of Finance) tabled several proposals during their discussions. As for the corner-

stones of the new system – which, naturally, also identified the persons covered by the act – there were two basic concepts: a so-called „national liberal” and an „autonomist” idea. The supporters of the liberal approach, in accordance with the dominant approach in Western Europe, considered it unnecessary to establish a separate system of institutions for minorities as they thought that the assertion of the rights of minorities would be guaranteed by the democratic framework by itself.. This concept focused on guaranteeing the individual rights of the members of minority groups and wanted to refer the self-government of minority societies to the competence of the civil sphere, which is regulated by the “Act on Associations”. According to this concept, the competence of the associations would cover only issues that arise within the given organisation. As opposed to this the autonomist concept, focused not primarily on the individual rights of minority group members but on guaranteeing group rights. It considered that the self-government of minorities would be best accomplished in the framework of individual-based cultural autonomy. This concept was basically rooted in the conviction that survival of minority communities is not guaranteed by a set of democratic institutions alone and, therefore, that a model needs to be defined in which the minority self-governments to be established, would be vested with the powers of public institutions and could not be side-stepped when making decisions about issues related to the communities they represent.

As part of the autonomist concept, which finally won the battle, it had to be defined whom the planned regulation should cover. This question arose not merely as a theoretical issue as the problem gave rise to practical questions that had to be answered also because they had financial aspects. Though the personal autonomy model was difficult to imagine without a register, the affected minorities, due to former insults, refused any type of registration. Accepting their refusal, the Ministry of Internal Affairs elaborated a proposal, which was finally approved, the cornerstones of which were the following: 1) The Act should not restrict active or passive suffrage. 2) Elections should take place as part of the municipality elections, in the same place and at the same time. 3) A minimum number of recommendations should suffice to become a candidate. 4) Minority self governments can be established with a very low number of valid votes. 5) National self-governments have to be assembled through voting by electors, i.e. locally elected self-government representatives. 6) At municipality self-government elections, candidates representing minorities may become members of the municipality self government in a “positive discrimination” system.

However, such an “open” regulation presupposes conscious and self-disciplined citizenship, without which the whole system is vulnerable to malpractices. It actually became clear after the second municipal elections that, in its then-current form, the new system was vulnerable in every significant aspect.

## *II. Some Weaknesses of the Regulation*

At the 1998 elections, several people became representatives of minority self-governments whom those actively working for the given community did not know at all or who were known not to have ever belonged to the given minority. At the 2002 elections, the number of problematic cases grew even higher. Those who became members of self-governments without a minority identity had managed to be elected because of the fulfilment of several preconditions.

One of the roots of the problem is that the Act contains no material limitations as to passive suffrage. Nobody may be obliged to confess their ethnic identity: candidates only had to undertake to represent the given minority. Getting 5 recommendations is not a major challenge, especially in bigger towns, where community control usually does not exist. And the fact that the names of candidates appear on the list in alphabetical order – because of the full freedom in active suffrage – offers a good chance to those who, because of their real or assumed family name, are at the top of the list. Due to these circumstances, voting – especially in bigger towns – cannot be considered a true election as in the majority of cases the majority of the population, who have no information about the candidates, decide about the members of minority self-governments based on instinctive attraction. The regulation in force, however, does not exclude the possibility that the citizens of a municipality belonging to the ethnic majority consciously try to decide the outcome of the vote.

The results of local elections will affect the establishment of national self-governments. The law rules that the general assembly may be elected if a certain percentage of all the electors are present. If a purposeful circle, with members not belonging to the given minority, succeed in getting into local minority self-governments in a sufficient percentage they can even prevent the establishment of the national self-government. In this context, special attention ought to be paid to Budapest as separate minority self-governments may be established in its many districts. Small minorities whose communities

live outside the capital may get into a difficult situation in the course of the establishment of the national self-government due to malpractices in Budapest.

Those who go against the spirit of the law and its original purposes may have different motivations. Undoubtedly, money is the main attraction as self-governments have no obligation to report on the use of state subsidies. Though there is usually little money available, yet to those in dire social straits such amounts may be important to survive. Not to mention the fact that in certain towns and in districts of Budapest the municipality self-government contributes to the budgets of minority self-governments amounts which by far exceed state subsidies. Naturally, corrupt practices are not necessarily rooted in the motivations of individuals. It has also happened that a small group of people initiated minority elections in a town where the given minority had never existed because they so wanted to get money for some society.

Besides money, motivations can include the desire to get into or remain in local public life. In some instances, local or national politicians pushed out of political circles try to get – though very instable but, they hope, sufficient – ground to continue their political career. What can be especially attractive is the special condition applying to minorities in the election of municipality self-governments: minority candidates have to get only a fraction of the votes required to get a mandate. At the 2002 elections it even happened that the majority population joined arms against a minority to get rid of a politician working in the municipality self-government who, for some reason, had become a pain in the neck for the majority. Though this case, which took place in the town of Jászladány, was a unique example, it cannot be ruled out under the current regulation that similar malpractices take place in the future.

Minority politicians tend to understand the term “ethno-business”, which very quickly became commonly used in the press, as a malpractice by persons not belonging to the given minority. However, the term also has another interpretation. It does not narrow down the meaning of the term to refer to candidates who do not belong to the given minority but also covers persons coming from the minority who, though not doing any actual work, make all endeavours to be re-elected for further terms, to enjoy the advantages offered by membership in the self-government. Criticisms of such cases draw our attention to the fact that, in certain constituencies, certain groups (members or quasi members of a society) make an agreement before the elections and, as a result, try to dis-

tribute the positions in the future self-government among themselves. Some even nominate “false candidates” to ensure their success. Thus elections have really nothing to do with true competition in the electoral process. As the conditions of financing self-governments and those of financing associations differ and only minority self-governments can expect – albeit little, yet guaranteed – incomes it also happens that sometimes, because of the subsidies available, municipal elections become a battlefield between the representatives of the civil sphere. In this situation it is not rare that, in order to reach the desired outcome in the elections, some of the candidates even try to win the support of some or other political party.

There is no specific information about the dimensions of such malpractices. Naturally, some national self-governments have estimates – but there is no way to objectively assess them.

### *III. The first attempt at rectifying the system*

The experience of the first four years of the operation of self-governments and the anomalies of the 1998 self-government elections made the Human Rights, Minorities and Religions Committee, operating in Parliament, establish a sub-committee to prepare the simultaneous amendment of the Minorities Act and the item of legislation on the election of self-governments. The Committee’s election-related aims included the filtering out of as many of the “odd men out” as possible, the establishment of county or regional level organisations and the introduction of new legislation to avoid easily created conflicts at the elections of the national self-governments of large minorities.

The starting point of the ad hoc committee was that the limitation of active suffrage is not possible because of its unanimous refusal by the minorities. Even more so as Section (1) of Article 70 of the Constitution (then still in force) ruled that each Hungarian citizen had the right to elect and be elected – a provision actually in contradiction with Section (4) of Article 68, according to which minorities themselves had the right to establish minority self-governments.

Since, as we have seen, the idea of limiting active suffrage was not even raised, the sub-committee focused on somewhat limiting passive suffrage and introducing a new provision on the practicalities of elections, to thus enable minorities to decide about who they will be represented by. The most important elements of these plans included the obligation of can-

didates to confess their minority identity. Naturally, it was clear to everyone that this provision would be a very weak filter. As a second element of the restriction, therefore, it was proposed that minority self-government elections should take place 6 weeks after the municipality self-government elections, hoping that, as a result, only those conscious voters will attend the second round of elections who belong to the given minority (Proposal Code: “BM, 6-Á-568/200”). This idea, however, met with huge resistance by the leaders of minority self-governments. Their main argument was that this change would not frighten off those who want to go against the spirit of the law – but would presumably discourage minority voters who have not yet or have no more got a strong enough identity. Such a call for elections would definitely not sufficiently motivate their voters. After the refusal of the first proposal by the minorities, a new version was prepared, which took a different approach to the election process. Though the idea of moving the time of the elections had been dropped the new proposal suggested that a different room should be used to vote for minority candidates, to keep away abusive voters (Proposal Code: “T/5499 sz. törv. jav.”). Many minority politicians also considered this new proposal unacceptable on basically the same grounds as in the case of the previous version. Naturally, their protest was not insensible: the new scheme offered no guarantee whatsoever to keep away “incompetent people”. However, this negative attitude was motivated at least as much – if not more – by a lack of self-confidence and on the hope of getting a few votes from the so called “incompetent”.

As a result of the planned amendment of legislation, the beneficial treatment of minority candidates at municipality self-government elections would have been cancelled. The reason for this was that conspicuously many candidates used the “minority disguise” to unfairly – though, naturally, not unlawfully – get advantages over the other candidates, which they were not entitled to, had it been a fair game .

The drafts did not leave the election rules of national self-government general assemblies untouched, primarily because the election process brought with it major nuisances – especially in the case of large minorities – as it has become very long due to the high number of electors. This was very problematic with the Roma minority, where the situation was worsened by the deep political division between participants and the resulting tension on site. The introduction of the planned delegate system would have significantly reduced the number of people attending the electoral assembly as the number of delegates would have been 30 / 20% of the number of electors in the given county.

The idea of “minority unity”, earlier often emphasised by minorities and sometimes used to put pressure, had become soft ground by the end of 2001: at the assembly of the ad hoc sub-committee of the Human Rights Committee held on 29 November 2001, the chairmen of the German, Croatian and Slovakian self-governments took the position – in contrast with the Greek and Serbian chairmen – that the committee, in spite of their reservations, should submit the drafted bills to Parliament.

Finally, the draft was not passed by Parliament – for different reasons. Firstly, the support of the leaders of minority self-governments had not been won. This was a major problem as the “myth of the unity of minorities” was still alive, though already dying. The president of the ad hoc committee – just like the Ombudsman – was convinced that the leaders of some minority self-governments did not consider any change necessary in the short run, afraid that a new regulation would significantly reduce the number of minority self-governments.

At least as big a problem was that political determination was not strong enough to implement the reform. It is also true that the parties and MPs did not know what to do with the minority self-government system – not to mention the fact that the problem had little concern to them, unlike the fate of Hungarians outside Hungary. The time factor also played an important role in this failure. The final versions had been completed by the end of 2001, when there was no longer a real chance for Parliament to table the motions before next year’s Parliamentary elections.

Before the 2002 elections, the President of the National and Ethnic Minorities Office tried to call the attention of the majority population to the “threat” relating to the then-imminent minority elections. The reason was that some national minority self-governments had noted that they had information about self-government initiatives which were not supported by any candidates who truly belong to the given minority. The written and the electronic media published the communiqué of the Office, which was addressed to candidates who belonged to the majority population but planned to enter the elections, asking them to withdraw their candidacy. At the same time, minority candidates were advised to win the support of some association, and thus orient voters. These attempts, naturally, had little success: those who wanted to use the loopholes in the law did not have a change of heart and neither did the attempts materially affect people’s voting.

#### *IV. Reform plans after the 2002 elections*

After the 2002 elections, the idea to amend legislation on minorities was again raised. The basic requirements relating to municipality elections did not significantly change but the concept that was elaborated took a more radical approach than the bill proposed during the preceding parliamentary term.

The chief aim of the amendment was to create a system as closed as possible, including many filter points and with remedies available in each single phase, in which minority communities could elect their own representatives from among them. With an eye to achieving these aims, a proposal was made to limit active and passive suffrage. Such an approach was possible owing to the fact that, due to Hungary's imminent EU accession, Section (1) of Article 70 of the Constitution had to be cancelled. Thus the main starting point for the new law was Section (4) of Article 68, which required minorities to elect their own self-governments. This was an extremely important step as previously, whenever the issue of registration arose, there had always been a stalemate situation between the arguing parties because of the two conflicting provisions.

The new idea would entrust national self-governments with the task to identify municipalities where minority self-government elections could be held (Code: "T/9126. sz. törv. jav."). In these municipalities so-called register committees would be assembled, responsible to register citizens willing to enter elections and declaring their minority identity in writing, as well as those who they are willing to record in the register. For elections to be held, another two conditions have to be met: the list should contain at least 30 names and minority voters have to nominate at least 5 candidates. (As for the number of recommendations required for candidacy, the draft contains no change.) Besides, as a modification of the election process, separate wards would be defined for the purposes of minority elections. These restrictions clearly aim at identifying potential voters and putting the entrance of candidates under some sort of community control. Those who elaborated the base concept, in clear contrast with former practice, would tie participation to a minimum number of minority group members – and, thus, the possibility to get state subsidies. Clearly, the new regulation would be a nuisance to some minorities, which often have less than 30 members in a given municipality. It is no coincidence, therefore, that their municipality politicians insisted on the votes coming from the members of the majority population. Naturally, it is a question how effective the planned "filters" would be in practice. Those whose registration is

refused have the right to appeal to court and it is difficult to imagine that any law court would undertake to question anyone's declared ethnic identity.

Another change affecting the coverage of the law would be if not only Hungarian citizens had suffrage but also EU citizens domiciled in Hungary or persons who settled down in the country, migrated to Hungary or have a refugee status here. This change has long been required by some minorities and in essence only the Romanian self-government refused this idea – due to the special situation that has formed over the past few years.<sup>54</sup>

As for regional and national self-governments, the proposal would prefer direct, list-based elections held simultaneously with municipality elections instead of the previous system of elections by electors. In this scenario, however, people would vote only for nominating organisations. According to those who submitted this proposal, this could help avoid the technical difficulties around the election of the national self-government and the 'principle of proportionality' would also be better enforced. Not to mention the fact that minority organisations would thus get a more important role in electing the actual members of the self-government bodies operating at different hierarchy levels.

It became clear during the drafting of the Act that many of the minority politicians were not enthusiastic about the concept. The first formal negotiations with self-government leaders took place at the end of May 2003 – though initial discussions had started much earlier. In spring it became clear, for example, that the German and Slovakian self-governments did not object to the idea of registration. However, it was without doubt that the other self-governments would take a negative approach.

Some of the affected groups considered the base concept wrong. They consider that the idea would pave the way for the misuse of personal data. But they also have further counter-arguments. On the one hand, they do not see any guarantee that such a restriction could prevent conscious malpractices at elections. On the other hand, they are afraid that the solution would discourage many members of the minority population from voting, who feel an aversion to registration. This, together with the planned restrictions on initiating minority elections, would undoubtedly bring about the threat that the number of minority self-governments would significantly decrease. Though they consider the limitation of active suffrage unacceptable they also propose that some restriction ought to be

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<sup>54</sup> Summary of the meeting of the Human Rights, Minorities and Religions Committee on 23.03.2004.

introduced regarding passive suffrage – which, they agree, would suffice to guarantee corruption-free elections. Their proposals focus on formally obliging candidates to make a declaration on their belonging to the given minority – combined perhaps with the obligation to obtain the support of an organisation recognised by the national self-government. Further ideas raised included examining the candidates’ knowledge of the given language or birth certificate. The leaders of the Romanian, Slovenian and Greek minorities would also like to exclude the possibility of establishing separate minority self-governments in Budapest’s individual districts – only one self-government should be founded by each minority. They consider this an important change as this, according to them, could reduce corrupt practices in the election of the national self-governments of minorities whose centres are outside Budapest.<sup>55</sup>

As for the election of national self-governments, protesting minorities insist on the status quo. If nothing else, because – in contrast with those who tabled the bill and who consider that the new system would practically put national self-governments under the control of associations – they think that this step would divide minorities and would lead to dissension.

By the end of 2003, the position of national self-governments on the election rules had crystallized. The Roma, German, Croatian, Slovakian and Slovenian self-governments were for, while the others were against the proposal.<sup>56</sup> This was the end of unity between minorities – or, to be more precise, of the tradition of concerted action by minorities, after the preliminaries that had taken place in 2002. Minorities had to admit that the interests of the different communities – or their representatives – were not necessarily the same. The Ombudsman for the Rights of Minorities, one of the main supporters of change, interpreted the situation as 92% of minorities being for the proposed changes.<sup>57</sup> Naturally, this was a simplified interpretation of what was going on as no data were available regarding the actual support of the proposal by society. What is for sure is that the national self-governments of the large minorities held several assemblies to disseminate concerns regarding registration and that they won the support of most of the

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<sup>55</sup> *Id.*

<sup>56</sup> As a response to the statement of the smaller minorities the presidents of the Slovakian, Croatian, German and Roma self-governments published their common position-statement in which they supported the electoral register. See: *A cigány, horvát, német és szlovák országos önkormányzatok állásfoglalása*. Budapest, 2004. 01. 23.

<sup>57</sup> Report on the Meeting of the Human Rights, Minorities and Religions Committee on 16. 12. 2003.

participants.<sup>58</sup> The fact that minority communities are not necessarily in unity regarding the issue is shown by the fact that the Croatian and Roma national self-governments changed their position only later, revising their former refusal.

The position of the National Roma Minority Self-Government is an especially important and touchy issue. On the one hand, because the Roma make up the largest minority in Hungary. On the other hand, since this community is divided – also politically. The groups, which are also represented in the national self-government, are not united regarding the planned reform. So much so that any changes to internal power relations would question the validity of the support declared earlier. If a negative approach is taken by them, it would be rather difficult to say that the planned changes are widely supported.

At assemblies of parliamentary committees, not only the differences in the positions of the individual minorities became clear but also the fact that the politicians themselves also had different opinions about the draft legislation – differences not necessarily being between the political parties. Severe criticism was expressed by the governing parties and members of the opposition also argued in favour of the new system. It is important to note, however, that the expert delegated by the larger opposition party to the Human Rights Committee stated that it was unlikely for the amendment of the law to be passed by Parliament (i.e. by his party)<sup>59</sup>. This statement was supported by the fact that the leaders of minorities who considered the proposal unacceptable started to lobby for the enforcement of their interests – and were heard by the bigger opposition party. On the first day of the general discussion on the bill submitted to Parliament, the issue was adjourned sine die. However, during the discussion, the speakers of the parties agreed that negotiations should continue to reach a consensus on the most touchy aspects of the draft – with special respect to the issue of the electoral register.<sup>60</sup>

At the discussion held some six months later by the four parties of Parliament, the bigger opposition party enumerated the provisions in the election-related proposals of the governing parties it considered unacceptable. First and foremost, it refused the concept of the register, giving preference to a solution according to which members of a minority would get the appropriate voting paper against their declaration of their ethnic identity. Besides – some-

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<sup>58</sup> Report on the Meeting of the Human Rights, Minorities and Religions Committee on 23.03. 2004.

<sup>59</sup> Report on the Meeting of the Human Rights, Minorities and Religions Committee on 23.03. 2004.

<sup>60</sup> Minutes of the general debate of bill number T/9126 on 31.03.2004.

what surprisingly – it also despised the ideas of introducing the county level in the hierarchy, the dissolution of the electoral system and giving suffrage to non-Hungarian citizens. Though the four national self-governments that agreed with the proposal tried to change the party's position, they proved unsuccessful in their efforts.<sup>61</sup> By the beginning of March 2005 it had become clear that the disagreements could not be eliminated: a stalemate situation had formed.<sup>62</sup> As for the future of the reform plan it is no positive sign that several speakers of the opposition emphasised that in case the Act is not passed – in contrast with the arguments of the Ombudsman and the governing parties – minority self-government elections could be held under the valid rules.

Simultaneously with these discussions, the experts – mainly lawyers – also stated their positions, which ranged from accepting the idea of registration to complete refusal. Among several other issues, analysts primarily focused on two closely interrelated questions: 1) May or should the ethnic identity of a group of citizens be registered in a democratic state? 2) Should active or passive suffrage be limited or, perhaps, both? Or neither?

Some experts took the position that registration was acceptable – if certain guarantees are introduced<sup>63</sup>. (In some identification process the state has the right to ensure that the subsidies meant for minorities are actually used by those minorities, for the original purposes of the law. This, however, does not mean that centrally managed, state registration systems should be established as the legal organisations of minorities could be entrusted with the management of the lists. They agreed, however, that the lowest possible number of authorities and persons should be given access to the information and that data handling rules ought to be strictly observed.

While some experts consider the limitation of both active and passive suffrage acceptable, others think that – primarily due to representation rules – a minority register is acceptable only about the voters themselves. In other words, a community whose members are registered has the right to elect anyone to represent their interests who – even if not a member of the given minority – is able, due to his/her knowledge, education and commitment to the given community, to represent the community in the self-

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<sup>61</sup> Letter by Ottó Heinek to János Áder the leader of the parliamentary fraction of Fidesz-Magyar Polgári Szövetség. Budapest, 2004. október 19.

<sup>62</sup> Minutes of the general debate of bill number T/9126 on 01.03. 2005.

<sup>63</sup> Halász-Majtényi, 295-310.

government better than someone who is “proven” to belong to the minority but not having the said traits.<sup>64</sup>

Those with serious reservations against or completely refusing the idea of registration challenge the statement that minority self-governments play a positive role – at least at the local level. One argument is that the only positive thing about minority self-governments is the freedom of choosing one’s identity, the active and passive suffrage given to each and every citizen, which somewhat counterbalances the malfunctioning of the system.<sup>65</sup> The counterargument is that the civil sphere is efficient and should be better embedded in the minority society and, therefore, the system is wrong and should, therefore, be eliminated. Naturally, the supporters of this position consistently follow this logic and do not support full freedom in suffrage, either<sup>66</sup>. However, they consider the idea of registration a strange proposal, which cannot realistically be implemented in a multicultural society. Similarly to Mr Rátkai, Mr Attila Várfalvi also considers local minority self-governments unnecessary and thinks that regional and national self-governments, built on the members of associations, would be useful.<sup>67</sup>

Regarding the criticisms that challenge the basics of the self-government system we can establish that, at the moment, no significant part of either the political or the minority elite consider the elimination of the local level, which works as the foundation of the whole system, and support the idea of self-organised minority activities based on associations instead. Such a concept would not be realistic now, for several reasons. On the one hand, the members of minority self-governments – and some of the minority elite – have become part of the political regime over the years and it has become their interest (ideally, also their conviction) to operate the system further. Thus a radical change of concept would be protested against by a major part of public players in the minority sector. Moreover, there is no sign that political parties would be willing to terminate the status quo and replace it with a new regime built on a completely different foundation – also because the preparation of a new regulation and its negotiation and passing by Parliament would again take years. And, even then, the end result would not be less problematic than the current system.

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<sup>64</sup> Pap, 32-34.

<sup>65</sup> Kolláth

<sup>66</sup> Rátkai I, Rátkai II.

<sup>67</sup> Várfalvi

Whether the system will change during the current Parliamentary term and, if so, how, is not yet known. A lot depends on negotiations behind the scenes, background bargains and, first and foremost, the – real – intentions of the two major political parties. Similarly to past attempts, the current endeavours meet with major obstacles. Though from the point of view of the passing of the Bill, the division of minorities cannot be considered good news the opposition between the parties regarding the issue is far more alarming. As time goes by, the danger increases that if negotiations are protracted, Parliament will run out of time with the passing and codification of a new act – just like in the previous parliamentary term.

*(Ferenc Eiler)*

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## 2. The Minorities Act and Its Amendment or „the Much Expected, Highly Important Freak with a Bitter Fate”

### *Antecedents*

The Constitution of the Hungarian People’s Republic declared that Hungarian citizens all are equal before the law and forbade and strictly penalised „*any discrimination of citizens by sex, religion or nationality*”. Besides, it also declared that „*the Hungarian People’s Republic will make it possible for all nationalities living in its territory to receive education in their mother tongue and to foster their national culture.*” The period between 1948-1960 was dominated by laying the foundation for internationalism and characterised by the theory and practice of automatism, according to which the ‘nationality issue’ will resolve itself as, when class conflicts disappear, the basic nationality conflicts will also cease to exist since nationalities will have the same rights as the members of the majority.<sup>68</sup> The Constitution, amended in the year 1972, spoke about “citizens” instead of “civilians” and extended the rights of nationalities: in addition to the education in the mother tongue, they were also given the right to use their native language, their equality was emphasised in a separate section, another one devoted to „the preservation and fostering of their own culture”. During the Kádár era, the issue of ethnic minorities was handled in a dual way, in accordance with the nature of that political regime: the aim was to fully integrate minorities into Hungarian society – yet retaining their identity and own culture. There was no comprehensive item of legislation addressing the ethnic minority issue, it was only in the year 1988 that Government defined the political principles of the Minorities Act and the Central Committee of the Hungarian Socialist Workers’ Party (“MSZMP KB”) embraced an approach that encouraged the finalisation of the new act, which promised real changes.<sup>69</sup> It was admitted that the Constitution, which guaranteed the equal treatment of ethnic minorities, the use of their mother tongue, education in their native language and the fostering of their ethnic culture – was not enough in itself as „there was no comprehensive, modern and sufficiently detailed regulation on the rights of minorities”, i.e. a minorities act was needed. The purpose of the planned act was to

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<sup>68</sup> Fehér:1993

<sup>69</sup> Sipos: 2002.

clarify who the members of a given ethnic minority are; the decision „could only be based on individuals’ own decision, a decision based on a right that everyone has”, to ensure that the special traits of ethnic minorities are preserved and developed and that individual and collective rights are properly defined, etc.<sup>70</sup> The amendment of the Constitution, published on 23 October 1989, declared that ethnic and linguistic minorities are also holders of the power of the people and are “constituent elements of the State”. In 1990, several items of legislation were passed related to ethnic minorities, including the act on the parliamentary representation of ethnic and linguistic minorities living in the territory of the Hungarian Republic, which enumerated these minorities („*those members of the Roma, Croatian, German, Romanian, Serbian, Slovakian, Slovenian and Jewish communities who, based on their own decision, consider themselves a national-ethnic minority*”), each of which has one representative in Parliament. According to Article 68 of the Constitution of the Hungarian Republic, the national and ethnic minorities living in the territory of Hungary are also holders of the power of the people and are “constituent elements of the State”. The Constitution guarantees their right of representation, their collective participation in public life and allows them to establish their own local and national self-governments. Detailed regulation was included – among others – in the *Act on the Rights of National and Ethnic Minorities*.

#### *The 1993 Minorities Act*

On 30 August 1990, Government, in its Decree no. 34/1990, established the National and Ethnic Minorities Office (“Nemzeti és Etnikai Kisebbségi Hivatal”; hereafter as “NEKH”). The Office took over the State’s responsibilities regarding minorities living in Hungary. The priority tasks of the Office were to prepare the Act on Minorities and to cooperate in the realisation of the state program launched for the implementation of the Act. On 30 January 1991, minorities founded Hungary’s National and Ethnic Minorities Roundtable, a consultations and negotiations forum for minorities. In February, the representatives of minority organisations declared that the draft act issued by the Ministry of Justice was, in their opinion, inappropriate for negotiation as it focused on the enforcement of the rights of individuals belonging to minority groups and used the “right to form

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<sup>70</sup> Balogh, 2002:24

associations” as a starting point for the establishment of minority self-governments. At the end of April, the Prime Minister issued a position statement, which emphasised that the Government considered it a key task to resolve the problems of minorities in accordance with EU norms and principles and that the planned act ought to help minorities strengthen their community awareness, preserve their identity and entrusted the National and Ethnic Minorities Office with the task of preparing a new draft that complies with the requirements outlined by minority leaders. The concepts of the NEKH and the Minorities Roundtable differed primarily in the regulation of the operation of minority self-governments: the Roundtable considered that minority self-governments should be established independently of the already existing municipality self-governments, while the Office argued that the new minority self-government system should be integrated into the already existing hierarchy of self-governments. It was in June 1991 that the parties started to coordinate the two drafts and, by September, a new draft had been prepared, based upon a consensus between the two negotiating parties. Meanwhile, based on the independent draft document prepared by the NEKH, another draft was prepared by the Ministry of Internal Affairs, which was passed by Parliament in February 1992. However, this document differed from the original at some points: as an example, it guaranteed the Roma as an ethnic minority different rights from those offered to national minorities. The leaders of minority groups protested because, when tabling the bill, the Government made significant changes to the September version. As a result, negotiations had to be restarted with the Roundtable. The bill defined the active protection of minorities as its purpose, which supports the preservation of identity, ensures the freedom of choice of one’s identity – including the right for citizens to belong to two or more ethnic groups. The underlying aim was to mitigate the disadvantages the members of minorities suffered. In the course of the preparation of the act, attention should have been paid to the fact that minorities protested against any form of registration for the purposes of the application of the law – primarily due to historical memories. This led to difficulties in the definition of the persons covered by the law. In April, a minority forum was held. In May, as a result of the joint application of definition and enumeration, the coverage of the Act was defined: 13 ethnic groups historically domiciled in Hungary were identified whose members should have the rights identified in the Act, as well as the process to be applied to include any further minorities in the coverage of the Act in the future.

Following negotiations, in June 1992, Government submitted a bill to Parliament. In September, general discussions started in Parliament about the Act. In the course of parliamentary discussions, the spokesmen of the different political parties all considered it necessary to introduce a new act; criticism came primarily from the opposition as some found the description of state financial guarantees too weak, while others thought that 100 years was too long for falling into the category of “historically domiciled in Hungary”. Yet others opposed the enumeration of minorities. The competent minister without portfolio referred to „*the unprecedented preparation process*” of “*a unique bill*”, which he found unprecedented because the minorities had been involved in the preparation process. The President of the Human Rights, Minorities and Religions Committee primarily emphasised the political significance of the Act and the fact that the Act could positively affect the status and different efforts of Hungarians outside Hungary. A representative of SZDSZ (Association of Free Democrats) pointed out that self-governments should not be established on a territorial basis as the majority of minorities live in dispersion in Hungary. He missed the basic guarantees of cultural autonomy and hinted that minority organisations did not have a consensus on three important issues: self-government, cultural autonomy and financial guarantees. Therefore, SZDSZ declared that the bill could only be passed after major amendments. The spokesman of MSZP, the Socialist Party, considered that the bill was „*unprecedented in European legislation in at least four aspects: leaving behind the narrow-minded concepts of the 'political nation' and the 'cultural nation', it gives people the freedom to choose their own identity and thus lays a firm foundation for the basic human right of belonging to any nationality. Besides, the bill offers an excellent model for the cultural autonomy of minority ethnic groups whose members live dispersed and who, therefore, can preserve their identity with difficulties. This model deserves to be used as an example throughout Europe. By allowing the establishment of municipality minority self-governments, it offers a form and framework for self-government which enables minority groups to efficiently and legitimately enforce their political interests – both at the local and the national levels. Furthermore, those covered by the bill, i.e. members of minority groups, actively participated in the drafting of the act...*” Notwithstanding the above statements, MSZP MPs considered that the bill could only be passed after major amendments: they thought that the personal coverage of the Act and the 100-year period were unacceptable and that the

concept of “self-government system” should be clarified. The leading spokesman of Fidesz (Young Democrats) stated that the draft, which he simply referred to as a „freak”, must be revised: the text, especially its preamble, is pathetic, „*swarms with high-sounding slogans*” but is „*unedited and non-functional*”.

Simultaneously with the general debate, an ad hoc committee consisting of members of the Human Rights, Minorities and Religions Committee of Parliament, experts of the Minorities Office and representatives of minority organisations revised the bill. The committee even requested the position statement of the European Committee, which, though criticising certain points, had a basically positive opinion about the Act, which they considered to be unique, progressive and ahead of its time even in comparison with EU standards. According to this evaluation, even in Europe the form of self-government described in the bill is rare: the definition of minorities, the principle of free choice of identity, the regulation of community rights and individual-based cultural autonomy are ahead of their time.

Following a debate by all the six parties of Parliament, the new draft was finalised in April 1993, whose general debate was closed at the end of April. The discussion on details started at the end of June and the voting process commenced on 7 July. The final vote took place in the late evening with the participation of the representatives of minority organisations. The bill was passed by Parliament with a majority of 96.5%, with 304 votes for and 3 against it, with 8 abstentions. The National and Ethnic Minorities’ Rights Act entered into effect on 20 October 1993.

The aims of the Act were to lay the institutional foundation for the realisation of living as a minority group, including communication with the mother countries and nations, and to support the mitigation and dissolution of disadvantages coming from belonging to a minority group and to develop the system of democratic institutions required for the same. The Act declared the rights of minorities, ensured the enforcement of such rights and settled the relationship between minorities and the majority, as well as between different minorities. One of the cornerstones of the Act is that the rights granted to minorities are not to be interpreted as a “donation” by the majority, nor as privileges of minorities; these rights inherently pertain to minorities. The source of these rights is the right to be different. The Act’s Preamble defines the special individual and collective rights of minorities as basic freedoms. Consequently, the lawful exercise of the rights listed in the

Act cannot be prevented by organs of the state and the guarantees for the exercising of these rights are mainly legal ones.

Defining the personal coverage of the Act was the most difficult and biggest challenge of the drafting process: those involved in the process had to take into account that the minorities objected all forms of registration. According to Section (1) of Article 1 of the Act, the Act covers „*all Hungarian citizens living in the territory of the Hungarian Republic, who consider themselves members of any national or ethnic minority, as well as the communities of such persons*”. However, the Act does not cover refugees, immigrants, foreign citizens, who settled down in Hungary and the stateless. The Act does not differentiate between national and ethnic minorities and grants the right to freely choose one’s identity – including the right to have multiple national/ethnic minority membership. The Act defines the terms of national and ethnic minorities as follows: „*any and all ethnic groups living in the territory of the Hungarian Republic for at least one century, which are in minority compared to the rest of the population, whose members are Hungarian citizens and whose language, culture and traditions are different from those of the rest of the population and whose members display an awareness of belonging together with an eye to preserving these and to the expression and protection of their historical communities.*” A national/ethnic minority must comply with all of these requirements. The closing provisions of the Act enumerate the thirteen ethnic groups which qualify as national/ethnic minorities under the Act: *For the purposes of this Act, the following qualify as ethnic groups native in Hungary: the Bulgarian, the Roma, the Greek, the Croatian, the Polish, the German, the Armenian, the Romanian, the Ruthene, the Serbian, the Slovakian, the Slovenian and the Ukrainian.* This list, however, is not complete as: (2) *If any further minority not listed in Section (1) wishes to prove that it complies with the requirements described in this Act at least 1,000 voters who consider themselves members of the given minority may submit a popular initiative on the subject to the Chairman of Parliament (Section (1) of Article 61).*

The Act declares that minorities are also holders of the power of the people, are constitutive elements of the State, their culture is part of Hungary’s culture and their right to a national/ethnic identity is a basic freedom – both as individuals and as communities. Each minority citizen has the right to live in his/her native land – which entails the right to be committed to their ancestors’ native land, domicile, traditions and culture. This

strengthens Article 70/A of the Constitution, according to which all discrimination against minorities is forbidden. It also forbids politics encouraging the assimilation of minorities into the majority nation or resulting in the same, the “redrawing” or modification of the territories inhabited by minorities, the forced relocation of minorities, persecution on grounds of national/ethnic minority membership, etc.

Individual minority rights include the right to freely confess one’s identity – i.e. it is an exclusive and inalienable right of individuals to declare their belonging to a minority (double or multiple memberships also being possible) – the right to equal opportunities in politics and culture, the right to participate in public life and the right to establish associations, parties and other social organisations. The Act also declares the following rights: the right to foster minorities’ traditions, to celebrate their family feasts and hold church ceremonies in their mother tongue, to choose their own names and those of their children, to be registered in birth, marriage and death certificates by the spelling rules of their mother tongue and to use such names thus in other official documents.

Persons belonging to a minority have the right to learn their mother tongue, history, culture and traditions, foster and develop the same and pass the same on, to receive education in their mother tongue and to the protection of their personal data related to their ethnic identity. The community rights of minorities include the preservation, fostering, strengthening and passing on of their minority identity, the fostering and development of their traditions, culture and language, the preservation and development of their material and intellectual culture, the use of their symbols and the preservation of their memories and memorial sites. They also have the right to parliamentary representation as defined in a separate item of legislation.

Minorities have the right to establish social organisations, local and national self-governments, national educational and scientific networks. One of the most important community rights is the right to establish minority self-governments: *the constitutional rights of minorities include that to establish local and national self-governments*. According to the Act, the basic responsibility of these self-governments is to protect and represent minorities. According to the Constitution: *national and ethnic minorities shall have the right to establish local and national self-governments. And: All Hungarian citizens of age and living in the territory of the Hungarian Republic shall have the right to elect and be elected at parliamentary, municipal self-govern-*

*ment and minority self-government elections.* The above two provisions led to disputes over the interpretation of the law: one interpretation was that only minorities have the right to establish local and national self-governments, while others considered that not only minorities have this right. This is why minority self-governments were established by persons not belonging to the given minority. An extreme example is that of the Roma self-government in the town of Jászladány: here four people of non-Roma origin, including the wife of the mayor, represent the “interests” of the local Roma community (or, rather, those of their own).

During the drafting of the Act, different ideas arose regarding how minorities should govern themselves. A basic question was whether these forms should be based on the right of assembly or be implemented in the form of self-government. The latter was supported by the representatives of minority organisations. As a result, the Act accepted the self-government solution, which enabled the powerful representation of the interests of minorities at the local level.

As a result of the three self-government elections that have taken place so far, over 1,800 local minority self-governments exist today. According to the leaders of self-governments, the Act greatly contributed to the strengthening of the identity of minorities. According to the 2001 census returns, over 314 thousand citizens declared that they belonged to one of the minority nationalities listed in the Act – a major increase compared to the data from the 1990-ies. The weaknesses of the Act, however, are also clear; due to the appearance of “fake representatives”, the “odd-men-out” or “mercenary representatives”, the flourishing of the “ethno-business”, the existence of loopholes in the law and concerns related to the constitutional nature of the new item of legislation, it seemed that the Act had to be revised. The cornerstones of amendments were as follows: a more accurate identification of the persons granted minority rights (enforcement of individual and community rights), the enhancement of the minority self-government system, clarification of hierarchy relations (municipal vs. local minority self-governments, minority self-governments vs. civil organisations, national self-governments vs. central state administration bodies, etc.), stronger support of the real minority communities, strengthening the protection of the mother tongue of minorities and encouragement of the use of such languages, defining tasks whose performance is a precondition of using public monies, ensuring transparency in the use of such resources, encouraging the maintenance of

institutions by minority communities. However, these tasks and competences are only opportunities but not obligations. (Antal Heizer)

The financial management of local minority self-governments is embedded in the state budget management system: their budgets and account settlement are covered by the relevant municipal self-government regulations and they are supervised by the County/Budapest Public Administration Office. In contrast, national self-governments – as regards their financial management – fall into the category of “social organisations” yet they also seem to be part of the state budget management subsystem. In other words, their classification and the legal regulation of their management are unclear and their supervision is also a question. According to the Act, national self-governments have the right to establish and operate state-financed institutions. However, there exist no long-term financial guarantees in the current items of legislation for such activities.

*The process of amendment of the Minorities Act: Opinions, Concepts*

In 1994, a letter was sent by the Roma Parliament to self-government representative candidates. The letter mentioned „multiple traps”, the „absurdity” of the Act, which „...leaves very little room for action, it is possible that the members are not elected by the Roma: the local minority self-government can make its decisions within the boundaries defined by the municipal self-government and its (i.e. the minority self-government's) conditions of operation depend on the intentions of the municipal self-government.” (...) Experience over the past years shows that the practical implementation of the Act, which had been prepared with good intentions, sometimes differed from what experts had expected. At the 1994 elections, there were hardly any corrupt practices, while in the year 1998 such representatives appeared, building on the loopholes of the Act, who, according to the minority communities, did not belong to the given minority. This was especially conspicuous at the 2002 elections, when malpractices occurred in all the 13 minorities: minority self-governments were established even in towns where, according to the returns of the census, no one considered themselves to belong to the given minority. (In the case of Romanians, for example, there are 10 self-governments in Budapest whose members are not Romanian; in the case of Slovaks, the leader of the national self-government stated that ten out of the 100 local minority self-governments had been established by non-Slovaks.)

Corruption has been experienced not only with direct minority suffrage: many have misused the advantages granted to minority group members willing to become representatives in the municipal self-government.

In the National and Ethnic Minorities Office, work started to amend the Act back in 1997. At that time, however, the electoral system seemed to work and, therefore, the emphasis was laid on the enhancement of the original Act. In October 1998, the Human Rights, Minorities and Religions Committee of Parliament assembled an ad hoc sub-committee for the drafting of the Act, into which all political parties delegated members and experts from national self-governments, the affected ministries and the Ombudsman for the Rights of Minorities also participated in the project. Finally, the Committee decided not to start a comprehensive overhaul of the whole legislation on minorities but to only amend the already existing Minorities Act and to introduce a new law that regulates exclusively the election process. In the spring of 2000, the ad hoc committee finished its preparatory work and submitted the two bills to the Minister of Justice and the Minister of Internal Affairs. The original purpose of the bill on the election process was to ensure that only such candidates can become members of minority self-governments who have real ties to the given minority. However, there was no intention to limit the number of voters – thus anyone could vote for minority self-governments who had the vote at municipal self-government elections, only at a different location. The precondition of candidacy would have been the signature of a declaration by the candidate to the effect that s/he would not undertake to represent any other minority. Plans also included the abolishment of the positive discrimination of minority members. In the summer of 2000, the two bills were negotiated by the Human Rights Committee of Parliament, which submitted them to the ministries and the parliamentary fractions for discussion and to the national minority self-governments for evaluation. The latter disagreed with the bill on the election process as regards the concept, the contents and the wording. In October 2001, the ad hoc committee renegotiated the two bills, which were again submitted to the Human Rights Committee. The Committee resolved in November 2001 that they would submit the two bills as independent initiatives to Parliament – but the documents were never discussed. As had been expected, anomalies increased in 2002. While in 1998 there had been 1,376 self-governments, their number increased to 1,853 by 2002; the number of Ukrainian and Ruthenian bodies had tripled, Bulgarian and Polish self-governments doubled and the

number of Roma self-governments increased from 764 to 1,002. According to the report of the Minorities Ombudsman, malpractices existed in all the thirteen minorities – the situation being the worst in the Bulgarian, Armenian and Romanian ones.

Work regarding the amendment of the acts restarted in the spring of 2003: in March, Parliament issued a decree, ordering the Government to revise the Minorities Act, the rules for minority self-government elections and the bill on the election process and to submit the necessary amendments to Parliament by 31 December 2003. The concept for the amendment of the Act was elaborated by the Ministries of Justice and of Internal Affairs, negotiations were organised by the NEKH. In May and June a negotiating committee of 6, assembled by the Government and the minorities and comprising members of the Roma, Slovakian, German, Croatian, Serbian and Bulgarian national self-governments, held a several-day discussion of the draft concept. This concept contains the relating parts of the 2001 draft approved by the Human Rights, Minorities and Religions Committee of Parliament and the proposals included in the draft prepared by the Minorities Ombudsman. The concepts were discussed by state administration bodies and the minorities in July and August. Government approved the draft in October, the text was finalised in the course of November-December and this finalised text was again discussed by Government in December. Meanwhile, regular discussions were held with the national minority self-governments.

The issues considered the most important, to which the individual minorities had different attitudes, were as follows: the necessity of introducing an electoral register, the definition of the preconditions of registration, making the candidate appointment process more stringent, registration and the maintenance of the system of elections by a committee of electors.

The introduction of the electoral register was supported by Slovenians but was refused by the Serbians, the Slovaks, the Croatians and the Armenians. The latter explained their refusal on grounds of the „*genocide of two million Armenians in Turkey between 1880-1919*” and that „*nobody may be forced to declare their belonging to any minority*” and that „*accelerated assimilation may be the consequence*”.

Knowledge of the minority language as a precondition of registration was supported by, for example, the Serbian minority but the Armenians sharply refused the same: „*Armenians coming from Transylvania are also Armenians, the lack of knowledge of the*

*language should not be a disqualification. Armenians who migrated here at a different time and in a different manner are Armenians with the same rights, independently of their knowledge of the language.”* (The number of people whose mother tongue was Armenian was 37 according to the 1990 census returns and 294 in the 2001 census.) All the minorities agreed that the process of appointment of candidates should be made more stringent – but no similar agreement existed on registration. The Serbians and the Slovaks, for example, are still of the position that the system of elections by a committee of electors should be maintained. The Armenians considered that the December amendment related to “historically inhabited municipalities” was unacceptable as, they argued, it would disqualify minorities living in dispersion *“for establishing self-governments”* and *„they cannot take the role of the judge as Armenians live in numerous municipalities.”*

In addition to the above, Slovaks also support the holding of minority self-government elections simultaneously with municipal self-government elections. Slovenians would like all self-governments to be comprised of 5 members. Romanians proposed that the requirements for holding minority elections should be less stringent. Romanians, Slovenians and Greeks consider that one self-government in Budapest would suffice; Croats noted regarding the amendment of the Minorities Act that they would like the article of the Act which enumerates the minorities to be supplemented as follows: after the word “Croats” “Sokác, Bunyevác, Rác and Bosnyák” should be added in parentheses.

In January 2004, seven national minority self-governments (the Bulgarian, the Greek, the Polish, the Armenian, the Romanian, the Serbian and the Ukrainian) made a joint position statement, in which they refused the electoral register and emphasised that the process of appointment of candidates should be made more stringent with built-in filters, and called for the introduction of a two-phase electoral system. Later, the Ruthenians also signed this position statement. The position statement declared that its signatories considered *„the planned exclusion of non-Hungarian citizens from minority self-government elections who have the right to participate in municipality self-government elections”* unacceptable.

At the end of 2004, eight out of the 13 minorities living in Hungary refused the electoral register. The National Roma Minority Self-Government – in contrast with other Roma organisations – supported the same and so did the Germans, the Slovaks, the Croats and the Slovenians.

The National and Ethnic Minorities Office and the Ombudsman for the Rights of Minorities think that the introduction of the register is unavoidable as without the same it is not possible to exclude the members of the majority society and those of other national/ethnic minority communities from the electoral process. According to the amendment, which was planned to enter into effect on 1 January 2005, minority communities would have the right to compile the register, national self-governments would create the “register committees” by 15 December 2005 and they would also select the municipalities where elections could be held. Then there would be a one-month period for legal remedies: in municipalities which are not selected by the national self-government ten members of the given minority may initiate the assembly of a register committee, but the national self-governments possess the right to supervise such initiatives. Thus the number of municipalities where minority elections are held can be reduced. The local, three-member register committees decide between 15 February – 1 May 2006, based on the written declarations of citizens, whether they consider a given voter a member of the minority community, i.e. if s/he was to be recorded in the register. The bill (Bill no. T/9126.; Section (5) of Article 115/F) helps to decide who belongs to the minority community, based on the following aspects: knowledge of the language, culture and traditions of the minority, membership in social organisations of the minority, elected office in a social organisation of the minority, membership in a self-government of the minority, social work for the minority, knowledge of the person in the given municipality as a member of the minority community, other activities carried out for the benefit of the minority.

In the case of refusal, the voter may turn to court. By 15 June the register committees submit the register to the leader of the local elections office, the municipality notary, who finalises the register, whose only piece of data considered public is the number of people in the register. If this number exceeds thirty, the local notary calls self-government elections in the municipality for the given minority. Each local minority self-government will be comprised of five members, independently of the municipality’s population.

According to the draft, voting via electors will be abolished and medium-level, regional self-governments will also be established through direct elections, just like the national bodies. Voters will vote for the local, regional (county/Budapest) and national self-govern-

ments. Local voting cards will have the names of private individuals but, instead of the so far applied alphabetical order, names will be arranged by lot. The second voting card will be for the regional level (county/Budapest), with the names of the minority organisations and their candidates, while the third card will contain the national list.

Candidates may be registered only with the recommendation of a minority organisation, they must declare that they belong to the given minority, that they fulfil the objective criteria and they must also attach the necessary documents to their declaration.

The system returns to the original idea that minority self-governments should be put under civil supervision. Those will be put on the lists of the nominating civil organisations and thus get into national self-governments who are active players in the civil sphere and, therefore, are known by the community. (Antal Heizer)

According to the amendment, the Minorities Act would cover the following persons in the future: Hungarian citizens domiciled in the territory of the Hungarian Republic, citizens of other EU member states, as well as persons with a refugee, immigrant or resident status in the Hungarian Republic, who declare themselves to belong to a minority, as well as the communities of such persons.

As a result of its amendment in December 2002, the Constitution no longer entitles all Hungarian citizens with suffrage to participate in minority self-government elections. The new regulation, effective since Hungary's EU accession, rules that it is the right of only national and ethnic minorities to form minority self-governments.

The proposal supplements the provisions of the Minorities Act on autonomy in education with a list of the basic institutions of the cultural self-government system of minorities. Thus a minority self-government has the right to establish and operate minority cultural institutions and take over public education responsibilities. If requested by the national minority self-government, the local self-government, which operates the given institution, must transfer the right to the management of the institution operated exclusively for minority cultural purposes and satisfying the cultural needs of the given minority to the national self-government that submitted the request. (Antal Heizer)

On 3 March 2004, Government approved and submitted to Parliament the Bill on the Election of Minority Self-government Representatives and on the Amendment of the Laws on National and Ethnic Minorities (code: "T/9126"). Parliament's Human Rights, Minorities and Religions Committee, Education Committee and Self-government

Committee unanimously found the document suitable for general discussion. The Foreign Affairs Committee shared the same opinion – but the Committee’s delegates from Fidesz wanted to submit a proposal for amendment. Parliament started the general discussions on the Bill on 14 April 2004, in the presence of the national minority self-governments and guests representing the mother countries of Hungary’s ethnic minorities as diplomats. Péter Kiss, who submitted the agenda item, quoted the *terms* „*much expected, highly significant bill*”, used by Ferenc József Nagy, Minister Without a Portfolio, and „*bill of a bitter fate*”, used by Csaba Tabajdi, in his introductory speech and continued with an overview of the former and current goals. The goal „*then was to create a minority protection system suitable to tackle the problems of minority ethnic groups then living dispersed, while today the goal is to enhance this system in line with our EU-related objectives.*” According to Mr Kiss, „*most minorities have recognised that it is their fundamental interest that a new electoral system is created, which is clear, transparent and ensures higher legitimacy for minority self-governments and which can replace the current system already at the 2006 minority elections.*” He finally said: the gist of the proposal for the amendment of Hungary’s items of legislation on minorities is to establish a self-government system that operates under stricter civil control of the nationalities and that stands up for the real interests of minority communities, which performs its public law tasks in better regulated circumstances, with increasing competences. He was convinced that if a clean minority electoral system can be created the resulting self-government bodies can be granted larger competences, which, in the case of the internal affairs of the given community (including financial issues) can be exclusive. The draft, therefore, gives decision making rights to the minority community regarding who belongs to a given minority and, at the same time, allows the direct and proportionate establishment of new, medium-level and national self-governments. The draft also regulates several, so far disputed aspects of the operation of such bodies, like the supervision of lawful operation, the permanent appointment of self-government presidents and remunerations. According to the speaker of the Human Rights, Minorities and Religions Committee, Mr János Hargitai, the question of registration should be further discussed, fine-tuned and, perhaps, new alternatives should be identified. The speaker of the Foreign Affairs Committee spoke about the issues of Hungarians outside

Hungary's borders and the process of the extension of their rights, which „cannot be successfully continued, unless we grant the same rights we wish to give to minorities living outside the country to the minorities who live here, within the borders”.<sup>71</sup> According to the minority in the Committee, a wisely defined minorities act would be important for the Hungarian Republic from the point of view of its foreign policy and could set a positive example that could be relied on when it comes to enforcing the minority rights of Hungarians outside Hungary. However, it was concluded from the negotiations with the leaders of the self-governments of Hungary's minorities that the Bill, with special respect to the issue of registration, divides minorities. Therefore, the representatives of FIDESZ did not support the submission of the draft for general discussion; they requested Parliament do not to discuss the Bill in its present form and instead proposed that those who prepared the Bill should withdraw it and should elaborate a new version. Besides, they also recommended that a sub-committee be assembled for the same purpose. (Gábor Tamás Nagy, 2004) The Education Committee unanimously supported the draft and so did the Self-Governments Committee – but they thought that the amendment of the act would have been an excellent opportunity to separate minority self-government and municipal elections and that Budapest ought to be handled as one single constituency, to create a precedent. (Mester, 2004) MSZP (the Socialist Party) supported the bill and its leading spokesman stated that this draft was a milestone in the history of Hungary's minorities after democratic transformation. He also spoke about the “ethno-business”, which exists because the Law in effect did not exclude the free choice of ethnic identity and, thus, corrupt practices based on data protection and positive discrimination were possible. They pointed out that the present proposal eliminated the former anomalies, extended the rights of minorities and refined the former regulation, which had loopholes. (Gábor Simon, 2004) The spokesman of FIDESZ stated that the most important aim should be for minorities to finally achieve real cultural autonomy, which had been declared in the Minorities Act as their right, yet this was a sort of semi-autonomy: legal and financial guarantees were needed. He considered it highly important that the act should also cover EU citizens domiciled in Hungary. The issue of suffrage is perhaps the area that gave rise to the most disputes and there may be other, less “touchy” solutions than introducing the register (see above). Mr Hargitai considered that „we should sleep on it”. According to the SZDSZ, the draft is a special and interesting one; the Minorities Act is a very important item of legislation, whose „consequences go far

*beyond the boundaries of the specific issue.”* According to their spokesman, a unique system had been created earlier, of which they can be proud. He made mention of the circumstances of the birth of the Minorities Act and praised the work of those involved in its compilation. He spoke in favour of the amendments of the Act related to Hungary’s EU accession; the efforts made to strengthen cultural and educational autonomy and the creation of the three-level (municipal, regional and national) self-government system. *„After all, this act has one important political aspect, that of the register – which is a serious political issue. The idea of registration is very far from the spirit of our party, the SZDSZ”,* yet the pros and cons need to be taken into account. The cons include the so-called *„historical counter-argument”* but the *„concerns of the present”* also exist, i.e. that registration *„may unavoidably lead to the situation that far fewer people will declare to belong to a minority community, which may result in certain political fantasies.”* The arguments in favour of registration include the protests of some minorities against loopholes in the law and corrupt practices and that *„registration may strengthen ties to minorities as it requires a declaration, which entails undertaking one’s minority status in a far more demonstrative way. These are all true. [...] The SZDSZ does not like registration, yet, because of the requests of several minorities and in order to do away with the anomalies we have seen in the past, we are ready to make a compromise on this issue and accept the proposal in one case: if the registers are destroyed within 30 days after the end of the elections.”* Gábor Fodor, spokesman of the SZDSZ, agrees with the leading spokesman of Fidesz in that time and a chance ought to be given to further refine the draft as nothing urges its finalisation. *„The starting point is good and, undoubtedly, a maturation phase is needed as very serious political issues have to be faced.”* According to MDF, the Minorities Act is *„exemplary”* in that it, besides granting rights to the members of minorities, creates, though *„not very powerfully”,* an opportunity and conditions for the establishment of cultural autonomy. These conditions must be made *„more powerful”*. MDF agrees with the idea of the register of voters but disagrees with the criteria defined for registration, which make elections more complicated. They think that the most important issue is that of the mother tongue, which *„is the alpha and omega of the issue from the point of view of the life of minorities, their survival and the survival and future of minority communities.”* They, therefore, would like to put the related criterion (i.e. that of the knowledge of the language of the given minority) back in the bill. In summary, MDF agrees with the aims of the bill including registration – but they

think that the chosen means are unsatisfactory. They also think that more time is needed for negotiations. (László Szászfalvi, 2004.)

After the speeches made by the leading spokesmen, the general discussion was adjourned. MPs thought it would be worthwhile to „take a deep breath to have time to find solutions to the pending and so far unresolved issues” before negotiations about details begin. According to the Ministry of Justice, Parliament either passes the act or amend the Constitution or requests the Constitutional Court to declare that the failure to pass the act is against the Constitution.

In March 2004, all four parties supported the amendment of the act and registration. At that time, Fidesz stated they were not against the register and they may have proposals for modifications but „those will not stop the legislation process”.<sup>72</sup>

At the negotiations held by the four parliamentary parties in October 2004, the representative of FIDESZ announced, in connection with the proposed amendment of the Minorities Act and of the election rules of minority self-governments, that his party did not support the introduction of a minority electoral register, the establishment of county-level minority self-governments and the idea that non-Hungarian citizens are granted suffrage at the 2006 minority self-government elections.

In December 2004, on the 193rd session day of Parliament, one of the MSZP MPs asked the Minister for Equal Opportunities the following: „why did FIDESZ break the consensus of the four parties regarding the legislation on minorities?” The Ministry decided to make this issue fully public to make it clear which party has what intentions and how they communicate the same in the course of negotiations.

*General discussions continue, i.e. „in whose pocket is the philosopher’s stone?”*

General discussions were scheduled to continue on 21 February 2005 but as no written notes or proposals had been submitted by that date discussions on the bill actually continued only on 1 March. The spokesman of FIDESZ stated it was not their position that had changed as his party’s position on amending the Minorities Act had been coherent, „they elaborated their position for several years”, they support a more stringent election

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<sup>72</sup> Magyar Hírlap 2004. 03. 05.

method but had a different opinion „regarding the degree, direction and method of the change”. They proposed that „minorities should make a declaration about their membership of the given minority when voting and voting cards should be given to them only after such a declaration has been signed.” It was their conviction that „this would act as a very strong filter, yet it would comply with the principle of free choice of identity. This is not a perfect solution, either, but enables minorities to elect their own self-governments themselves.” Fidesz also want the Act to apply only to Hungarian citizens. This proposed limitation „aims at protecting autochthonous minorities and is by no means meant to infringe any rights of those without Hungarian citizenship.” (Zsolt Németh)

According to the speaking MP of MDF, one of the shortcomings of the original Act was that it only defined “minority community” but not the “minority individual”, therefore „anyone can say they belong to a given minority community”. Another basic shortcoming of the Act was that „it did not aim at preserving the mother tongue but at the mechanism of helping to survive and operating minority self-governments, which should be responsible to help the mother tongue survive.” It had been expected that the operation of self-governments would aim at preserving the mother tongue but, according to the speaker, many people who do not speak the given minority language are officials in self-governments, i.e. the mother tongue had become a secondary issue. He also stated that the current Act supports „the transformation of the mother tongue centred identity into an origin-focused identity”. MDF consider that the middle level of the minority self-government hierarchy, i.e. the county level, is not a must; they support giving the suffrage to EU citizens and continue to support the introduction of the electoral register. (Miklós Csapody)

Flórián Farkas, a politician of FIDESZ, considers the introduction of the preliminary electoral register unacceptable as „it is unnecessary, arouses concerns, is expensive and bureaucratic and contains many anti-democratic elements. It is not needed, does not achieve the aims of those who submitted it, i.e. does not prevent those not belonging to the minority from voting. It arouses fears as the Roma in Hungary, the German and several other minorities have bad experience in their history about what it means for them to be registered. (...) The process is expensive and bureaucratic as it requires a lot of preparation and is also complicated since it is those who are entitled to vote that are frightened from voting.” FIDESZ expects „those who make a declaration to declare their ethnic minority, prove their knowledge of the language and that they participate in the

*work of preserving the cultural heritage of a given minority.” In other words, FIDESZ „accept that the election process should be more strict but not the voters but the candidates should be filtered, the most important precondition being that the given candidate should declare in writing that s/he belongs to the minority which s/he wishes to represent. Candidates should also speak the language of the given minority – which, in the case of the Roma, is the Hungarian language.” According to Mr Hargitai, a FIDESZ MP, his party „thinks it is possible that on the day of elections another register could be established, which is less isolated and is available to the public (...) i.e. Zsolt Németh does not agree with the idea of a submitted register, yet he says that he could accept such a register. For sure, the Government’s proposal better complies with the Data Protection Act than the idea that FIDESZ raised, without properly refining it.” According to Mr Hargitai, the validity of the Act should be extended to EU citizens, i.e. his opinion is different from that of his party fellows also in this respect.*

According to the Ombudsman for the Rights of Minorities, everyone has the right to freely choose their identity but if this has legal consequences legislators must define the conditions on which this right can be exercised. If not, the principle of legal security gets breached. Another problem arising in connection with suffrage is that potential voters must be identified in advance, i.e. an electoral register has to be put together as no system exists which allows elections to be held without first clarifying who may vote: this would also infringe the principle of legal security and would be a constitutional anomaly. The “quasi register” proposed by FIDESZ cannot be supported for this reason, either. General discussions were continued in Parliament on 22 March 2005, by which time, besides the proposals for amendments by MSZP, FIDESZ had also proposed 60 amendments, *„which would make this item of legislation more professional and would make representatives more efficient,”* as Flórián Farkas said.

According to the proposed amendments submitted by FIDESZ, there is no need for a three-level minority self-government system. They do not consider the introduction of a minority electoral register right as *„minorities will refuse registration for historical reasons and also to avoid the pretence of being marked”*. They, however, think it acceptable that minority self-government candidates declare their minority identity. Voters willing to vote for a given minority would fill in a certificate of receipt of the minority voting card, on which they would also have to declare that they belong to the given minority. Their

position is that „*This would be the simplest way for minority voters to declare their minority identity.*” (Sic!) Besides, the proposals for amendment also consider „*that it would be right to continue to operate the system of elections through electors as minority voters are familiar with this method and it clearly works as a filter.*”

Flórián Farkas stated that FIDESZ „*cannot support an amendment which is unacceptable to the vast majority of the minority population (...), it would not be right to accept an amendment of the Act which is detrimental to the life and political representation of minorities and causes division in minority self-governments. As regards this provision, namely that of registration, we consider that on-site registration is not less and declarations should be signed on the site. This was a major concession and we made this proposal to show our willingness to reach a consensus.*” (...) „*FIDESZ do not hinder legislation but we cannot support an amendment which, instead of amending, causes hindrances and is detrimental to the fate, future and political perspectives of minorities in Hungary.*”

(Orsolya Szabó)

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### 3. Some Experience about the Operation of Local Roma Self-governments in Hungary

*„... I pull the cart and they push it, if necessary ...”*

In the year 2001, a large survey project was organised by the Minority Research Institute of the Hungarian Academy of Sciences (“MTA”) to collect information about the social circumstances of Hungary’s Roma population. This project made it possible to launch a research program – in addition to the third national representative Roma survey – that examines the operation of local Roma minority self-governments. This short article presents only a fraction of the complete analysis, published in 2005.<sup>73</sup> Some details have been taken from the analysis regarding the establishment of local Roma minority self-governments and a brief description is offered about the conditions of the operation of these bodies and their management of funds. Finally – as we did not know at the time of the survey that the legislation would be amended by today, with special respect to the election process – we briefly describe the changes that minority organisations then wanted.

#### **Hypotheses**

As we had been dealing with this issue for a long time and were familiar with the professional literature, the positions of Roma minority leaders and the increase in the number of Roma minority self-governments in each term, we were convinced, unlike many others, that the solution was not just to simply say that this form of minority representation is unnecessary. There must be functions which only minority self-governments can perform – at least more easily than a civil organisation. It is no coincidence that one of the critics of the minority system – who even repeatedly urged the elimination of the whole system – seized the opportunity and undertook leadership of the national self-government.

We thought it was not a coincidence that local Roma self-governments think it important to „ethnicise” the social issue, i.e. they work in areas where they are not necessarily competent. There must be a reason – if it is true that they are so deeply involved in searching for solutions to social issues – that they cover such areas and the reason must

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<sup>73</sup> Kállai Ernő: Helyi cigány kisebbségi önkormányzatok Magyarországon. Gondolat-MTA Ki. Budapest, 2005.

have something to do with not only the situation of the Roma population but also the special forms of enforcing their social interests.

We also assumed that minority self-governments have at least as strong a political socialising role as civil organisations. This is true also because the leaders of a municipality, who have a public law status, have to take elected representatives more seriously than, for example, the representative of a foundation – and this is an important aspect in the case of the Roma. It is also clear that several, now country-wide known, Roma politicians started their career at the local level – though they have been unable to have the same results in national bodies as locally.

Before the survey we had thought that the “ethno-business” would be a simplified explanation to the survival of minority self-governments as, according to our knowledge, these minority organisations do not have a budget which would fully explain why their members want to be elected. Not to mention the fact that, in many cases, people with no Roma roots also found Roma minority self-governments, which cannot be because of the high social prestige of the Roma – so there must be some other motivating factor.

In order to justify or refute these assumptions, we wanted to shed light on the circumstances of the operation of local Roma minority self-governments. We tried to collect basic information about the municipalities themselves to see what opportunities a minority self-government may have. The survey, therefore, gave a brief overview of the sociological features of municipalities, the numbers/proportions of the Roma and non-Roma communities, their relationship, their use of languages and inter-ethnic relations. We examined the conditions of the operation of local Roma minority self-governments like infrastructure coverage, financial resources and their management and the personal traits of their representatives. We made a detailed analysis of the actual activities of Roma minority self-governments in the light of the requirements set out in the Minorities Act. In the case of self-governments which do not carry out the activities defined in the Act, we investigated what these bodies actually do. We tried to map the external relations of these self-governments and the efficiency of their operation through the eyes of an outsider. Finally, we examined whether minority representatives consider any changes to the current system necessary.

## Establishment of Minority Self-governments

### *1. Continuity, terminated organisations*

One of the priority aims of our survey was to examine the Roma self-governments of municipalities where these bodies started its operation already in the first term (i.e. in 1994 or, where second elections were organised, in 1995). We asked the current president of the Roma self-government when the first self-government had been established. In two out of the 100 municipalities covered by the survey, the year mentioned in response to this question (1989 and 1991) was definitely wrong: in these years the Minorities Act had not yet been passed. It is likely that some civil organisation was founded in those years, which later served as the base of the self-government elected years later. Another three presidents said their organisation had been founded in 1998: official records proved that we were right in thinking that they remembered wrongly.

An interesting issue is whether these self-governments operated on a continuous basis or finished working before the end of their term. The latter happened in 12 cases. There was one municipality where work had been stopped before the end of both terms (i.e. starting in 1994 and 1998) and there were another 7 where representatives did not work until the end of the 1994-1998 term. In the remaining 4 cases, the Roma self-government was terminated at the beginning of this period. From these items of information the survey could only conclude that, naturally, more self-governments had been terminated in the first term – presumably because the system was new then. As we have written down in other case studies<sup>74</sup> and as is described in other analyses, most people – including the leaders of minority and municipal self-governments – described the first term, i.e. the period between 1994-1998, as the “time of learning”. In the light of this statement, the number of cases described above does not seem too high. We found no typical patterns for the termination of Roma self-governments within any county or region, indicating that things happened depending on the actual local circumstances. The only typical feature as regards terminations is that each of the 10 municipalities where the Roma self-government terminated was a small town. However, we consider it as a mere coincidence within the sample.<sup>75</sup>

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<sup>74</sup> Kállai Ernő: 'Az abonyi cigány kisebbségi önkormányzat működése' In: *Regio*, 1998/4.

<sup>75</sup> The sample of 100 contains 8 county capitals, 24 towns, 57 villages above 1000 persons, and 11 villages under 1000 persons.

## *2. Changes in the number of candidates and their motivations*

In the third term of elections, when the survey was carried out, we already had experience about the continuous increase of the number of Roma self-governments. We wanted to find out if the number of candidates had changed in the municipalities covered by our survey and whether the same people ran in the elections – which could then shed light on the number of people involved or interested in politics in the given municipality.

The results of the three elections show the following. In the first term, the lowest number of candidates in one municipality was 3, the highest 29. The most important thing, however, is that in 58 municipalities the number of candidates was between 5 and 10, i.e. in the majority of cases the number of candidates was not too high but still enough for democratic elections. In 1998, the highest number of candidates in one municipality was 30. In the majority (in 70 municipalities), the number of candidates was between 5 and 15 (in most cases between 10 and 15). In the year 2002, the largest number was 50 in one single municipality. Competition was strong in general: in 76 municipalities the number of candidates was between 5 and 17.

Differences by regions and municipality types are interesting. County averages are similar: in 1994/1995 the average number of representatives in municipalities in the different counties ranged between 7 and 13. Figures were similar in 1998 and even in the year 2002 the highest number was only 18. Interestingly, averages have always been the highest in Szolnok County and the highest candidate numbers have always been in Borsod County (25, 30 and 50 candidates in one municipality in the three terms). It is also interesting that in the third term major decreases were seen in Csongrád, Fejér and Bács-Kiskun counties. In spite of this fact (and of some similar decreases during the second term, which can merely be mistakes in estimation) we have seen a continuous increase in the number of candidates.

To no surprise, real differences are experienced by municipality types. Far more candidates ran in county seats than in small municipalities in 1994/95: figures were twice as high as in villages with a population below 1,000. This, however, did not become a trend as in the next two terms numbers were roughly the same. What we saw in 1994/1995 was only that in large towns people “woke up” earlier: they knew about the new opportunities after the passing of the Minorities Act earlier than in small towns and villages. However, this information difference ceased to exist as years passed.

These results clearly show that the number of candidates dynamically grew as years passed, even though, according to the public, neither minority self-governments nor their representatives have a high social prestige. Still, such a position has its attraction to the Roma who want to be involved in politics. We assume that there may be several reasons. On the one hand, such a position entails a certain prestige at the local level, especially in small towns and villages. One of the conclusions of our survey was that people are likely to be motivated not by the remuneration (which is not too high) but the opportunity for representatives to establish informal relations – which, in the long run, may even be turned into some financial advantage. The so-called „beneficial treatment”<sup>76</sup> can be equally attractive: members of minority communities may become representatives in the municipal self-government, which offers not only the personal relations but also money as the remuneration of municipal self-governments is orders of magnitude higher. We also assume that the motivation of several people is to use local positions as a first step to “high politics”: this, plus the personal relations and finances accumulated over the years, are required for anyone to become a representative in the National Self-government or fill any other, national or county-level, position.

We also investigated if those who are representatives now, during the third term, had been in similar functions before and, if so, when and for how long.

The analysis clearly shows that in 22 municipalities 1 person, in 34 municipalities 2 people and in 18 municipalities 3 people had been representatives already in the first term and, according to the findings of the survey, there were only 8 municipalities where nobody had been a member of the minority self-government between 1994-1998. As regards the second term, we can see that the number of municipalities where representatives were already in their second term increased. Looking at the overall picture we found that there are many municipalities where one-three representatives are permanent and there are six where all the five minority representatives have been the same since the first minority self-government elections. Looking at it from the opposite angle we can say that there are only 14 municipalities altogether where none of the present Roma self-government representatives has been permanently in his/her current position since 1994/1995 but only 4 where all the current members have their first term at the moment.

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<sup>76</sup> See the Minorities Act

This aspect is relatively strongly connected to counties. In Szabolcs, Heves, Csongrád and Borsod counties local Roma self-government representatives are relatively permanent. In contrast, a lot of changes have taken place in Nógrád County. It is no coincidence that in Szolnok County, where – as was mentioned earlier – there have been a lot of candidates, many changes also took place.

From this we can conclude that though the number of minority self-government candidates steadily grows the actual representatives are usually the same: local Roma self-governments do not change much in their composition. We think this may be related to the motivations behind running in the elections: the results of personal relations are realised only in the long run. Interview-based surveys in thirty municipalities show that, as time passes, minority representatives recognise the advantages resulting from personal relations, which they would not be happy to give up. However, the majority of the leaders of municipal Roma self-governments put this as follows: *„one gathers enough experience to understand that it makes no sense to stop: others would have to start everything from scratch”*. A similar attitude was seen on behalf of the leaders of municipal self-governments: they also “get used to” the people they have to work with and think these people can be “handled”: they would not like to start cooperation with someone unknown. As one of the mayors said: *„The minority self-government is in good hands and I told him this because the other day he said he would not run in the elections next time. I told him if you do not run I will not cooperate with any other Roma, just you. Not because I don't like the other guy but because this is something one has to learn. He already knows the ins and outs of these official things, the paperwork, the bureaucracy, he now knows how things work”*.

We consider that some permanency in a minority self-government is an advantage. It would not be ideal, though, if relations became „petrified” as that would indicate that this young – hopefully better educated – generation is either apathetic to politics or is pushed out of power in the long run.

Candidates' motivations for running in the elections were very different: a wide range of motivations was identified during our interview-based survey. Some belong to the „obedient type”, who run in the elections like acting under instruction: *„A paper was put on the notice board by the notary that the minority self-government could be established and we were told about it, so this is how we did it”*. An „enhanced” version of this

scenario is when the leaders of the given municipality dictate who the members of the minority self-government should be. From their point of view this eases cooperation as the minority organisation is founded by people they know well. We have seen several examples to this, as well: *„Everybody was nominated by the mayor and there was also an independent candidate, who became a member of this Roma self-government. So four were nominated by the mayor. Before the 1994 elections, the mayor had founded a “for 'B' Elections Association” and 86% of the people joined it: they did not know what it was but they joined it. And, of course, nobody votes against something he or she is a member of.” An even more extreme example is when a non-Roma candidate is supported: „Did you know the former leaders of the Roma self-government? – The mayor was the former leader. Because she led the first one. Then she became mayor, she handed it over to an elderly man and then came I. – Did none of the Roma want to be in this position? Or was nobody apt? – The self-government has two Roma members but neither really wanted to be president. – You said there were two candidates. Why did they have no chance? How could you win? – This is interesting. Perhaps it was not them (the Roma) who voted for me because not only the Roma had the vote. But I don't think they would really be apt. This depends not only on education: one may have only 6 elementary classes or none at all yet he or she could do a lot. You also need willpower and ambition, who knows what. – Were you supported by some organisation? – Yes, the Lungo Drom. It operates in Szolnok.”*

However, our interviewees' opinions about the purpose of being a representative were very clear and similar. Their first aim is to help the Roma improve their situation. *„The first thing was that there were a lot of problems with the Roma here, they just couldn't find their way after the termination of the agricultural coop, where a lot of them had worked and supported their families from the money they made there. When the coop was closed these people were on the verge of homelessness so someone had to do something. Since my enterprise closed also at this time I saw that some solution should be sought for these people, I thought somebody should undertake this and I dared do it”*.

So in the majority of the cases, the main aim was to help the Roma make a living rather than any of the aims defined in the Minorities Act – perhaps because those aims were not yet known at the time.

## Basic Conditions of Operation

### 1. Location, assets

We think that one of the prerequisites of the successful operation of a minority self-government is the appropriate location and equipment of the office and the assets available to implement goals. This aspect has to be examined because, according to the Minorities Act: „*The mayor’s office, established by the municipal self-government, has to support the work of local minority self-governments, in the manner defined in the Rules of Organisation and Operation*”<sup>77</sup>. However, this item of legislation does not specify what qualifies as “appropriate” in the given circumstances. According to our experience, this provision does not guarantee a good quality location. To start with, the municipal self-government considers that the office made available to the minority self-government is only a “temporary” one as it would get back to the hands of the municipal self-government if the Roma organisation is terminated. On the other hand, especially in small towns and villages, even the municipal self-government has few rooms that can be used as offices. As a result, often only the “letter of the law” is observed: they try to find a solution that causes them the least possible pain. If the local Roma self-governments think circumstances are bad the question arises: why does the municipal self-government not give more? Is this all they can make available or do they think the successful operation of the minority self-government is not that important? Our survey of 30 municipalities, which also included interviews, found answers to these questions. We found a local Roma self-government that operated in an ex agricultural cooperative site in a rural area, as well as another one that held meetings in the local culture house – though the latter clearly thought the whole building belonged to them. A surprising experience was when a room was given to the minority self-government in a district of a county seat populated mainly by Roma – because it was there that they could directly communicate with their community – but we found this building boarded up and people living in the area confirmed that the office had not been used for years. The leader of the local Roma self-government said the following about it: „*The office of the Roma self-government is next to Slum x. The office is quite large, 60 m<sup>2</sup>, or 80? And it is completely bare. A few dilapidated wardrobes with the doors missing, that’s what we got. And nothing else. And there*

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<sup>77</sup> 28. §

*is a telephone. When we held a meeting there people came in, sometimes sober, sometimes drunk, and literally threatened us, how do we dare not give them a home, clothes and school things for their children? They said we were only there to grab all the money. So it was out of the question for anyone to go there and receive people alone”.*

*In small towns and villages whatever facility is available must suffice: „- Where is the office of the self-government? – Here, next to us, it’s a kind of wedding room and that’s where the municipal self-government meet and that’s where we, the minority, also meet, there is no separate room. This is really bad: we can’t use it on Saturdays and Sundays, when we want to meet, then we have to come and ask for the key – and they give it to us, but it’s like when you go to the dentist.”*

*The mayor of a town proudly told us about a surprising solution they had found: „- Does the local Roma self-government not have a room? – We could not provide one, so we agreed that they would rent something and the president of the minority self-government has a big house, so they have a room there.”*

We must note that only one tenant and one owner was found in the sample; in the other municipalities offices were made available as a favour. However, many complained about the disadvantages of this situation as in the past years – including the first term – several municipal self-governments transferred the minority body to a different office as they wanted to use the original one for a different purpose. During the interviews we heard heated statements hinting at the influence of political parties when we asked about the reasons for the „eviction”. Minority self-governments in Heves County were similarly dissatisfied, as was written down by our researcher working in that county.<sup>78</sup> Here, according to experience, *„the mayor’s office allocated offices to minority self-governments after their establishment but they considered the problems with the offices over these eight years as a personal offence: in the majority of cases, these offices were dilapidated. One of them has even been declared dangerous to life (according to the mayor’s office, the minority self-government has ruined it so no new office was given to them instead), another office is wet, its walls are mildewed so the furniture was taken back to a small office in the basement of the local culture house. In one town, the office was moved to a smaller room as the municipal self-government’s company wanted to use the original one, which had been renewed and equipped*

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<sup>78</sup> Kállai Gabriella: 'Tereptapasztalatok Heves megyében.' In: Kállai Ernő (szerk.): A magyarországi cigány népesség helyzete a 21. század elején. Kutatási győrsjelentések. Budapest: MTA Etnikai-nemzeti Kisebbségkutató Intézet, 2003. 93-103. o.

*by the Roma self-government (according to the mayor, the reason was that the Roma self-government had spent relatively little time there and as they do not have many visitors a smaller property would suffice for their operation). In another case, the office was in a building where one of the city's local library units operates – but this place is very far from the city centre (buses ran every thirty minutes or once an hour even during peak hours) and it was not even close to the district where many Roma lived. As to the quality of the office, only one minority self-government was satisfied: they had a large office in the town centre, sharing the same building with the mayor's office. The municipal self-government even put some dilapidated items of furniture in the office and the Roma self-government got a computer and a printer. The majority of municipal self-governments gave some furniture/equipment to the Roma self-government and also pay utility costs, which usually do not include telephone expenses: such expenses are always a subject of a separate agreement with the municipal self-government. Only half of the six minority self-governments had a phone line, a computer and a printer. Only two had a photocopier and only one had access to the Internet (some expected an Internet connection to be installed in the spring). The offices I visited were tidy, clean and their walls had recently been painted.”*

The equipment and furniture available in the offices are wanting. At the time of our survey, which was carried out during the second term, the office furniture we found had in most cases been provided by the municipal self-governments. “Furniture” usually meant a desk and a few chairs.<sup>79</sup> A more important aspect is the availability of technical equipment required for modern management in the offices. Such equipment was almost nowhere provided by the municipal self-government so local Roma self-governments would have had to obtain the same from their own resources. In the light of other circumstances, which will be described later in this document, it comes as no surprise that the situation was disappointing as regards the availability of such equipment. Only six of the local Roma self-governments covered by the survey had a photocopier (purchased from grants). In Szabolcs County, none of the local Roma self-governments had a photocopier of their own, not even in the county seat. Even more astonishing was the fact that 15 local Roma self-governments had no computer at all – even though it seemed that even if they had had one they would have not been able to make any use of it as they had no employee. It follows almost direct-

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<sup>79</sup> V.ö.: Kállai Ernő: 'Az abonyi cigány kisebbségi önkormányzat' I.m..

ly from this fact that there was no Internet access in 22 local Roma self-government offices. In the light of these it is surprising that 27.6% of the interviewees thought their circumstances were sufficient for the high quality management of their activities and over 48% considered that their circumstances were „acceptable”. These opinions show that the majority were satisfied with their circumstances – though everyone had ideas for improvement. Local Roma self-governments in Budapest were the least satisfied and those in Borsod County were the happiest with what they had – though the latter area had the most local Roma self-governments without a phone line, a computer and access to the Internet.

Our large-sample survey provided more details. In the present term, 41 of the 100 local Roma self-governments interviewed had offices in the same building as the Mayor’s Office and 58 used „some other facility”. As we mentioned earlier, we know from the interviews that “other facility” may mean – especially in the case of large towns – an office building or some other property owned by the municipal self-government. In most cases, these “facilities” have a permanent function other than use as an office building. Examples include the municipal library, culture house or agricultural cooperative building. Naturally, representatives are the most dissatisfied in these cases. No significant change has taken place over the years: figures were roughly the same already in 1994/95 (40 and 58, respectively). 40% of the interviewees could not answer our question regarding the former and current legal status of their offices. Most of those who could answer this question said they had been given an office as a favour: the municipal self-government had made an office available to them, for the purposes defined in the Self-governments Act and the Minorities Act, but only as long as the office is used by the local Roma self-government. Very few (13 in 1994/95 and 10 at present) minority self-governments rented their offices. We know from the interviews that in the majority of cases the municipal self-governments rent these offices as they cannot make one of their own available to minority self-governments. Even fewer (5 in 1994/95 and 7 at present) of local Roma self-governments actually own the offices they use. Another fact about the legal aspect is that decisions about most of these offices are in the hands of the municipal self-government. As regards regional differences, offices are made available to local Roma self-governments in the building of the Mayor’s Office in small towns and villages as such municipalities have no other option. Not surprisingly, the larger a town is the more possibilities exist for the placement of the local Roma self-government.

We think that this aspect, i.e. that of the placement of the local Roma self-government office, is very important. Both alternatives – in the same building as the Mayor’s Office or elsewhere – have their advantages and disadvantages. In the building of the Mayor’s Office everything is available: the Roma self-government can use any office equipment of the Mayor’s Office they do not have themselves. If they need support they can consult with someone from the Mayor’s staff – it is often enough to walk upstairs to discuss things with an expert. So this solution has its advantages. However, this scenario also entails threats as we have seen in several places that minority organisations start to lose their independence: the officers of the Mayor’s staff start to take things in their hands. Several interviewees stated that the leaders of the municipal self-government convene the meetings of the Roma self-government, keep the minutes and do all the administration. We consider this a major threat as minority representatives must be politically educated: they can only represent their voters independently and efficiently if they also learn the basics of administration. This would diminish their external influence, which is rooted in their lack of expertise.

We consider the physical space available to minority representatives equally important: do they have only one single office with a few chairs or do they have a meeting room, a reception area and, perhaps, even a spacious room where public events can be organised?

According to the findings of the survey, the floor area available to local Roma self-governments varies on a wide scale in the municipalities visited: the smallest area was 6, the largest 300 square metres. The majority, however, use an area between 20 and 100 square metres. County averages also differed significantly. The national average floor area available to local Roma self-governments was around 52 square metres but averages were far above this in Baranya, Csongrád, Hajdú-Bihar and Komárom counties. The smallest offices were found in Pest and Nógrád counties, way below the average.

Naturally, floor areas are also strongly connected with the size of the given municipality: offices are over twice as big in county seats than in villages with a population below 1,000. Here we must note that in most small towns and villages, minority self-government offices are in the building of the Mayor’s Office, unlike in county seats, where the size of the offices of local Roma self-governments is presumably also larger.

Going into the details we also looked at the number of offices. In half of the municipalities the available floor area comprised only one single office. 17 local Roma self-gov-

ernments had two offices, 7 had three and 9 had four. Looking at county averages we can see that in the counties with a large floor area mentioned above the number of offices was low – consequently, such large offices are likely to be also used for other purposes. Perhaps only pride made some Roma representatives whose office was, for example, in the local culture house, say that the whole facility was used exclusively by the minority self-government. This assumption is confirmed by the information available about the functions and areas of the rooms used by them. We asked the interviewees about the size of the room where only office activities are carried out. In response to this question, 26 of the interviewed self-governments stated they had no room used exclusively as an office.

Those self-governments that have an 'office' in the traditional sense use a room of 8-100 square metres. However, the majority (i.e. fifty) of the 65 local Roma self-governments that have an office use a room of 12-30 square metres exclusively for office administration purposes. There are 18 local Roma self-governments that also have a separate presidential office – with a size between 12-20 square metres. 26 said they had a separate meeting room (area between 10-50 square metres), 25 stated they had a reception room (with roughly the same size; they perhaps meant the same room) and 8 also had a separate room for public events (with a floor area of 20-150 square metres). All this shows that about one third of the local Roma self-governments covered by the survey had not only the area required for the high-quality management of their activities but also separate rooms for the different functions like a presidential office and/or a meeting room. There are a few minority self-governments which said they also had a room for public events – though we had doubts as to the permanent availability and exclusive use of such rooms. Finding the truth would require a deeper investigation. Summarising our experience regarding one element required for successful operation (i.e. the quality of the offices used) we think that this fundamental prerequisite is wanting.

### *Technical Assets*

As a next step, we asked minority self-governments what technical assets were available for the successful performance of their work. We should not draw far-reaching conclusions from the quality of their offices: that may be wanting, yet if the required equipment is available (even if crowded or not properly separated in different rooms) the same could mitigate the problems related to the number/area of offices.

We asked the interviewees whether they had the equipment considered indispensable today. At the very beginning we saw that over 60% of the sample had no computers, 27 had one PC, 5 had two PCs and two had 10/13. Those that did have a computer had usually got it in a grant and many either got it from the municipal self-government or purchased it themselves. Naturally, only those minority self-governments had a printer (usually purchased from their own budget or from grants) that already had a computer. Thus it is no coincidence that very few had Internet access. Naturally, self-governments without a computer could not use the World Wide Web. However, even of the local Roma self-governments that did have the necessary technical preconditions only 21 had an Internet connection (purchased from their own budget, from grants or with the help of the municipal self-government). We think this aspect is highly important not only because modern and fast communication requires the Internet but also as information can be collected about available grants, necessary as an additional source of financing, through the World Wide Web. In recent years, one of the priority aims of the Government has been to support access to grants via Internet portals (examples include Romaweb or the homepages of ministries). We also heard many times the following at conferences and other forums, when minority representatives complained about getting information too late about grants: „mind you, all the forms and information are on the web.” However, the above described circumstances put limitations to the successful representation of minorities. This issue also has other important aspects, with which we will deal later in this document.

The next question in our interviews was if the given local Roma self-government had appropriate office furniture. In 31 places, the answer was that the minority self-government had no furniture which only they used. These must be where the minority self-government is permitted to occasionally use an office of a facility used for a different purpose (local culture house, agricultural cooperative, etc.) to hold a meeting or receive visitors. It is thus no surprise that 80% of minority self-governments do not have, for example, a photocopier. We thought even if they had no Internet access they should have a phone line of their own. However, not even this is true in all cases: 54 local Roma self-governments do not have a telephone connection. Those that do are mainly the ones that use an office in the building of the Mayor's Office, where there had been a phone line already. The phone issue is starting to become part of the “gypsies stink and steal” stereotype as many notaries and mayors said: “their phone calls cost a fortune”.

We also wanted to know if local Roma self-governments were allowed to use equipment available in the Mayor's Office which they did not have. Answers show that this is the way to solve such problems (88 positive answers). As we noted earlier, in our opinion, this circumstance prevents minority self-governments from becoming truly independent bodies.

We tried to find out if there were any regional differences in the average number of office equipment. According to the findings of the analysis, this aspect strongly depends on both the region and the municipality type. In the eastern, poorer part of the country, especially in the „North” Region, the situation is far worse than west of the Danube. Differences by municipality type are even more conspicuous. Clearly, offices operating in county seats are the best equipped, in contrast with small towns, where actual equipment penetration also depends on the financial status of the given municipality.

#### *Location, assets – evaluation*

After the infrastructure-related questions we asked the presidents of local Roma self-governments to evaluate their organisation's infrastructure (i.e. location and assets; one of the cornerstones of successful operation). According to 21% of the interviewees, their infrastructure was suitable for the proper operation of their organisation. In contrast, 26% stated that not even the basic conditions of operation exist. The rest said their infrastructure was „acceptable”. These data clearly show the actual situation. In connection with the 26 “dissatisfied” places let us remember the 26 local Roma self-governments (mentioned above) who think they do not have an office appropriate to manage their activities. In the case of the 21 “satisfied” self-governments we must not forget those bodies, described above, which have a presidential office, a computer with a printer and even Internet access. We also asked how much the assets received from the municipal self-government impacted the success of their work, i.e. how dependent they are on the positive attitude of the municipality. According to 17% of the interviewees, they could not operate at all without the municipal self-government's support and 24% said what they received from the municipality had a decisive impact. In summary, over 40% of the local Roma self-governments could not perform their tasks without the municipal self-government's support.

Summarising the information collected about the available infrastructure (i.e. location and assets; one of the cornerstones of successful operation) we can say that there

exist two basic types of local Roma self-governments. One – representing less than one third of the local Roma self-governments – has not only a sufficient floor area (60-80 square metres) but also use different rooms for different functions: they have an office, a meeting room and, in some instances, even a presidential office and/or a room for public events. These self-governments have a computer and most also have Internet access. Though they strongly depend on the positive attitude of the municipal self-government in the establishment of these circumstances, they usually use a separate building as they are usually located in a county seat or a large town, where possibilities are better. The other type – over two thirds of local Roma self-governments – usually have one single office, typically 30-50 square metres, most in the same building as the Mayor's Office. The vast majority do not have a computer and, consequently, no Internet access and many do not even have a phone line of their own. The operation of these local Roma self-governments, usually located in villages and small towns, depend on whether the Mayor's Office lets them use the infrastructure they need. This significantly hinders their independence and, due to the lack of the appropriate infrastructure, they cannot access grants, which would offer revenues and, thus, a wider range of program opportunities.

## *2. Financial conditions and management*

A separate area of investigation of our survey was the financing of local minority self-governments – a fundamental condition of their operation. In recent years, local Roma self-governments have been divided by the issue of “multi-channel financing”, considered democratic and appropriate by many but evaluated as a failure by others. This financing method can be briefly described as follows: from the annual national budget the state provides each local minority self-government (not only Roma self-governments) a fixed state contribution, paid out on a quarterly basis (HUF 628,000 in 2001, 655,000 in 2002, 680,000 in 2003 and 714,000 in 2004). This can be supplemented by the local municipal self-government from its own budget (depending on its plans and the available amounts). On the other hand, minority self-governments can increase their budget using grants and other sources of financing. Naturally, everything other than the fixed state contribution is uncertain. The amounts received from the municipal self-government depend on many factors: primarily, whether the local self-government can afford providing any support. It is a well-known fact that in Hungary, especially in small towns,

resources are wanting. Therefore, even with the best of intentions there is no guarantee that minority self-governments can be supported – especially in municipalities with 6-8 minority self-governments. Another important fact is that personal relations play a decisive role. If there is a conflict between the mayor or the municipal self-government representatives and the local Roma self-government members there is little chance to obtain any support. And, according to the findings of the survey, this “softens” attempts to enforce and protect interests. The situation is very similar with large national grants.

### *Revenues*

In our survey covering 30 municipalities, we tried to collect information about the financial management of local Roma self-governments. Their total annual revenues ranged between HUF 600,000 – 11 million. However, the evaluation of data proved to be difficult. Therefore, in our survey covering 100 municipalities, we applied a new method and, after putting things in categories, came to interesting conclusions.

In the course of this second survey, the interviewed minority self-governments were not asked to tell us the amount of their annual state support as we had very bad experience about this. Later, however, we were not surprised when the majority of municipal self-governments were also unable to specify the exact amount of their state support. So for the year 2002 we asked minority self-governments to tell us the amount received from the municipal self-government and other revenues (which they were later asked to detail) and the total amount of their annual revenues. This latter amount also contained state support.

For double checking purposes we also summarised the data provided by them, added the amount provided by the state and compared the result with the annual revenue they specified. Major differences were found in only a few cases, which indicates to us that minority self-governments know the amount provided by the state and include it in their total annual revenues but they do not exactly know what it is. The reason is that they receive this state subsidy through the municipal self-government and it is difficult for them to separate it from other amounts that also arrive through the same channel.

We then looked at average revenues and the whole revenue structure. The analysis made it clear that most minority self-governments within a given county have similar revenue levels. This revenue amount is somewhat above HUF 1 712 000 on average. Naturally, there are extreme examples. For instance, local Roma self-governments in Bé-

kés County, which was also covered by the survey, had almost four times the national average (i.e. HUF six and a half million) in 2002 and minority self-governments in Csongrád, Somogy (nearly 4 million) and Zala (over 3 million) counties also had a large budget. In contrast, Borsod, Szabolcs and Pest counties, which are important bases of the Roma population, have to make ends meet from very tight budgets.

Differences by municipality type are also conspicuous. Local Roma self-governments in county seats have nearly five times as much money to spend than in municipalities with a population below 1,000. As the size of the municipality increases, so grows the amount of revenues.

One of the reasons for these major differences is the structure of revenues. There is the state support, whose amount is the same for each minority self-government, independently of the size of the municipality or of the local ethnic community. There are major differences in the additional revenues coming from municipal self-governments. Small municipalities, which lack resources themselves, cannot make much money available to minority self-governments. While county seats can easily give the local Roma self-governments HUF 2-3 million on average, the amount of such local support is less than HUF 10 thousand in small towns and villages. As we saw earlier, this additional support is far higher in certain counties. However, we think that differences by municipality type are the most important. The relationship between the mayor and the local Roma self-government also plays a decisive role – especially in small municipalities where the role of personal relations is stronger.

Furthermore, significant differences exist in “other revenues”: they can make things succeed or fail. What does this category include? Most of it is support provided by ministries (our sample included 18 self-governments that had received moneys from a ministry), usually for some cultural event. In most (15) cases, the amount received from a ministry was between HUF 50 thousand – 400 thousand but in one instance HUF 2.5 million had been paid to one single local Roma self-government by one ministry. The second largest source of income is the “Magyarországi Cigányokért Közalapítvány” (“MACIKA”; “Public Fund for the Hungarian Roma”), which supported 14 Roma self-governments. The Fund provided amounts between HUF 60,000 – over 3 million for social support programs. Both according to the survey results and the presidents of local Roma self-governments, county self-governments play a negligible role in financing: even municipality self-gov-

ernments provided more, usually for cultural purposes. In some instances, the National Roma Minority Self-Government donated sowing seeds and other assets used in social support programs to 5 local minority self-governments. Their value was small, between HUF 30 – 600 thousand. One local Roma self-government received support from abroad on one single occasion. This is extremely rare in the case of the Roma: it is a well-known fact that they do not have a mother country, which deprives them of a significant source of income. If they do receive such support it is from grants provided by funds located abroad or, in most cases, amounts from some Hungarian foundation that receives support from a foreign country. In rare instances private individuals also donate, usually money for summer camps or gifts for children. Besides, some local Roma self-governments also carry out business activities and the revenues from the operation of their business (usually a small enterprise launched to create new jobs, dressmaker shops, palette factories) are used by them. These revenues may be in the order of magnitude of millions of HUF

However, nearly half of the local Roma self-governments have no additional source of revenue in addition to the fixed support provided by the state. There may be several reasons for this but, according to the survey findings, the primary one seems to be the lack of personal relations. Those successful in raising funds do have these personal relations and are clever in managing their affairs. A very important aspect is whether any of the minority self-government members is a well-known Roma politician in the country. It seems no coincidence that the local Roma self-governments with the largest budgets include those of the towns of Szolnok, Nagykanizsa and Bátorfőnyék, municipalities where there is a well-known Roma politician.

Naturally, we asked the interviewees what revenues they expect<sup>80</sup> in 2003 and whether they think the situation would be better. We asked the same question of the municipal self-governments and compared the answers. Minority self-governments seemed optimistic: they expected their revenues to increase by an average of HUF 100,000. Looking at municipality types, the minority self-governments of county seats and small towns seemed to have positive expectations.

Additional revenues from municipal self-governments – this data is not only an expectation as the budgets of municipalities were already known at the time of the sur-

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<sup>80</sup> The data is estimated as the interviews were made in 2003.

vey – also increased by an average of HUF 30,000, though municipal self-governments in county seats also mentioned far higher amounts than the minority self-governments in their municipalities.

Based on the above information we can say that there is a small increase in budgets every year – especially if we compare amounts with those in the first term – but major differences exist between the different local Roma self-governments both as regards the total amount of revenues and their structure. It is primarily in small towns and villages that local Roma self-governments get funding only from the state, in the form of the fixed state support.

### *Expenses*

After revenues, we examined expenses. We were especially curious to know what expenses those local Roma self-governments have which have a large budget to spend. In the case of those that had only the fixed state support there was no question: the amount they have is only enough for survival. We must also note that we did not ask the leaders of local Roma self-governments to specify exact amounts as we had experienced earlier that such requests met with strong objection or interviewees were uncertain. Thus, in most cases we asked them to tell us the division of their total budget by expense types, in percentage. Everyone was happy to answer the question so raised and we made reverse calculations from their revenue data in our analysis. Naturally, we could not calculate exact amounts, only orders of magnitude.

The general expense structure of local Roma self-governments contains seven major expense types. The largest amount is usually operating expenses. This is no coincidence as these expenses are unavoidable for the operation of these organisations: without this item, there would not even be an office. As to the actual expenses in this category, the main items are the costs related to the maintenance and operation of the office(s) of the local Roma self-government. These include rentals, telephony costs, other utility costs, paper for the printer, etc. In 44 municipalities, 10-30% of the budget is spent on such costs but in another 11 almost all the money available had to be spent on these items. Another important data is that 26 local Roma self-governments had almost no operating expenses. There may be two reasons for this: either the municipal self-government charges nothing for the operation of the minority office, which is usually located in the

same building as the Mayor's Office, or the self-government consider other costs far more important. Examples were seen to both.

The second expense type contains the costs of asset purchases and development. Thinking about the level of computer penetration, such expenses are important – yet local Roma self-governments spend 7% of their budget for such purposes on average. This corresponds to a small amount, usually the price of an average quality PC. Interestingly, half of the local Roma self-governments incur no such costs. This may be due to the lack of resources or a different set of priorities. When the president of a local Roma self-government was asked in the interview when they would buy a PC to modernise office management his answer was as follows: *„We don't need one, no one could use it. The other week we sent a young, unemployed woman to a computer course but after finishing it she got a job and did not come back. This is why it would make no sense to spend on it: none of us knows how to use it.”* So future-oriented investments are either financially impossible or self-governments have not yet realised their importance.

Many in the country are interested in the amounts of remunerations paid. These also include the reimbursement of out-of-pocket expenses, which is often considered a “hidden income” of self-government representatives.<sup>81</sup> Many people think this is what the self-government system is about, laying one's hands on state moneys, which is the real „ethno-business”. In the average expense structure, these two items make up one third of the total budget. Comparing these with the amount that representatives get as honorarium and cost reimbursement – we find out that the average amount is commensurate with the average amount indicated above.

It is interesting that, as these figures show, the costs of operation – if the term is understood to include remunerations and the reimbursement of out-of-pocket expenses – make up half of the budget of an average local Roma self-government. And only then come costs on the implementation of the goals specified by law.

There are three more expense types. One is education costs, which, in theory, means the costs of the operation of minority schools financing other types of nationality education programs (language courses, courses on the traditions of the given ethnic group, training of teachers to teach these, etc.). In reality, however, this expense type is usually used as a hid-

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<sup>81</sup> This cost type also includes wage-type expenses paid to employees, though they are very few. This will be discussed later.

den social benefit given to Roma students to cover the expenses of school books, workbooks and school equipment or, as a better alternative, in the form of scholarships. Local Roma self-governments admittedly spend more, 12% on social support. According to the findings of the survey, this category includes emergency benefits granted to cover the costs of medication, household fuel, job creation projects and Santa Claus gift packages, which is generally considered very important. However, these support types should not be provided by the local Roma self-government but by the municipality self-government, based on the beneficiaries' social status. Items of legislation on minorities do not allow or grant sources for such expenses. The fact that local Roma self-governments do spend on such needs shows that municipal self-governments are either unable or unwilling to perform such obligations. In many instances, they just pass the buck saying „go to the Roma self-government, this is their business!“. Local Roma self-governments try to comply with the expectations of the Roma population – though neither law nor their budget really allows them to do so.<sup>82</sup>

Finally, we must deal with expenses on cultural purposes, which, according to law, is the most important task of minority self-governments. As we saw in the relating legislation, the preservation and strengthening of cultural identity should be the focus area of the operation of local Roma self-governments (and the self-governments of other ethnic groups). However, they spend only 12% of their budget on such purposes. According to our experience, supported events are 1 May fairs (organised jointly with the municipal self-government), Roma balls and Roma-Police football matches, which are organised to mitigate conflicts between the two groups. Almost no Roma self-governments created or supported a theatre or any significant cultural group. However, this is not surprising in the light of the fact that not even the National Roma Minority Self-Government, which has a far larger budget, is involved in any such project, either. So the strange situation arises that projects aiming at the preservation of the cultural identity of the Roma are supported not by the local Roma self-governments, which were originally established for this very purpose, but by civil organisations.

Naturally, it is interesting to look at the expense structure by counties and municipality types: when discussing revenues we identified counties where local Roma self-governments had large budgets. We must examine if these “richer” self-governments use their budget similarly or if differences exist also on the expense side.

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<sup>82</sup> This subject could be discussed in more detail in a chapter on activities and the wrong directions of the operation of local Roma self-governments but this document does not cover such aspects.

Looking first at the county averages of operating expenses we can see that, with a few outstanding exceptions (though these mean counties with a low number of local Roma self-governments), no major differences exist. What is conspicuous is that in Szabolcs and Pest counties, which have large Roma populations, very small amounts are spent on such purposes. The above-mentioned Szabolcs and Pest counties spend the most on social welfare purposes, besides Bács and Komárom counties. The fact that almost no money is spent on such purposes in Békés, Csongrád, Szolnok and Somogy counties indicates in some cases that the leaders of local Roma self-governments know legislation very well. The reader may remember that these counties have the local Roma self-governments with the highest budgets. In Békés County, the local Roma self-governments covered by our survey had almost four times as much money as the national average (i.e. nearly HUF 6.5 million) but local Roma self-governments also had much money to spend in Csongrád and Somogy counties (nearly HUF 4 million) and in Zala County (over HUF 3 million). So on what did they spend a significant part of the money available to them? The following local Roma self-governments visited by us stated that they had spent the following percentages on remunerations and the reimbursement of out-of-pocket expenses in the year 2002: 60% in Békés County, 65% in Somogy County and over 40% in Szolnok County. Making reverse calculations from the budget amounts specified by them, we came to the conclusion that these percentages correspond to nearly HUF 4 million in Békés County and over HUF 2.5 million in Somogy County. There was no surprise in the case of Békés County as 75% of the representatives in the local Roma self-governments covered by the survey were unemployed. As regards Szolnok County, we must note that they had spent the highest percentage of their budgets on programs organised to preserve the cultural identity of the Roma, i.e. the primary goal defined in the Minorities Act. We should also mention the example of Borsod County: self-governments here spent the majority of their budget on remunerations and the reimbursement of representatives' expenses but these self-governments had the lowest budgets (HUF 987,000 on average) and nearly 70% of the representatives here were also unemployed. It thus seems that in several cases this was the reason for the bad proportions on the expense side. In other cases we do not know the reasons for the surprising allocation of budget amounts.

We then looked at the relationship between the expense structure and the size of the municipality. One can see that the operating expenses (again including development

costs, remunerations and the reimbursement of out-of-pocket expenses) of local Roma self-governments in county seats make up almost the whole budget. The low amounts spent on social, educational and cultural purposes indicate that these self-governments have to make serious efforts to keep their own organisation running and the few programs they can organise do not actively change the life of the Roma population living in the county seat. It thus seems that there is hardly any communication between representatives and those they represent – which is partly explained by the size of these towns. However, the reader may remember that the local Roma self-governments of these towns have the largest budgets.

As the size of the municipality decreases so decreases the amount of operating expenses – though remunerations and reimbursements are at a constant level – and so increases the amount spent on social, educational and cultural purposes. To us these data – as well as our experience gained in the course of the survey – show that in small towns and villages there is a far closer relationship between the Roma population and their representatives. This is true even if these self-governments spend significant amounts on projects which should not be the responsibility of the local Roma self-government. But at least there is a relationship. Based on this information we cannot agree with those who say<sup>83</sup> that local minority self-governments should be terminated and only the national ones should be kept: in small towns and villages we at least know what these organisations actually do.

Finally, we try to describe the operation and management of the “average” minority self-government (not a specific one). Based on data from 2002 we can say that the average local Roma self-government has an annual budget of HUF 1 712 000. A large part of this amount (HUF 655 000) is the fixed state support and another HUF 560 000 is received from the municipal self-government. The “average” self-government collects an additional HUF 650 000 from grants (mainly from a ministry or “MACIKA”). The total budget is allocated to the tasks the self-government has to perform. It spends over HUF 500,000 on development and operation and an additional HUF 600,000 on remunerations and the reimbursement of costs. The remaining half a million HUF is spent, roughly equally, on social support, educational projects (usually meaning some “hidden” social support) and cultural events. The conclusion from these items of information is that, on the one hand, over two thirds of its

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<sup>83</sup> Please refer to the analyses made by Árpád Rátkai

budget is used to keep itself running and the remaining one third is spent on purposes (e.g. social support) which is not their competence or task.

### **Plans for the Future**

Since the birth of the Minorities Act, different efforts have been made to amend the law: everyone feels that the existing regulation does not properly address the problems of the Roma. Several amendments to the Act have been drafted but – as no political consensus exists – changes could not be implemented. It thus seems topical to look at the ideas of local players about what changes are necessary.

The answers given by our interviewees made it clear that the majority of local Roma self-governments support reforms. They think legislation should be amended – though financing is an even hotter issue. They say they want wider competences to be able to efficiently implement the vision that already drives their operation. Thus they want to be more deeply and more efficiently involved in the resolution of social issues and in finding jobs for their voters. They want to have the right not only to participate in discussions on these issues but to also be entitled to decide. However, they think the budgets they currently have are ridiculously low to implement these goals. Municipal self-governments only agree with the idea that the current financing scheme must be changed – but they consider that problems should be resolved through better state support. As regards their legal status, about half of the municipal leaders are satisfied with the current situation: those who urge changes want stronger control over minority self-governments to make it clear to them what their actual tasks are. As one mayor put it: *„There will be elections again in the autumn. I have only one desire: to have somebody who can negotiate. He does not have to know the legislation, I will tell him how to do things lawfully. I only wish he understands what I say...”*

Minority organisations have long wanted to have a county level in their self-government hierarchy. They consider it is due to the lack of this level that there is little communication with the National Self-government and they clearly want to have regular communication and interaction – even if in a hierarchical relationship. Municipal self-governments are less enthusiastic about this, as well.

There has been a lot of debate in recent years about the weak powers of minority self-governments – basically rooted in the electoral system. The so-called “odd-man-out

situation” has become widespread (and not only in the case of Roma self-governments), which caused a lot of indignation in outsiders. The gist of the phenomenon is that a minority self-government is established by people who do not belong to the given minority. As regards voting for minority self-governments by all voters, some even say this is unconstitutional as there are „szimpátiaszavazatok” – which results in nothing else in practice than the fact that the self-government of a given minority is elected by people other than the members of that minority group. It happened that, after a bitter ethnic conflict in a municipality, the majority of the local voters helped a group of non-Roma to power. These issues clearly indicate that election rules should be urgently reformed.

To our great surprise, nearly half of the local Roma self-governments and municipal leaders were satisfied with the electoral system. The likely reasons may include the fact that, in many cases, Roma politicians find non-Roma electors easier to convince, i.e. to influence, than the members of their own community. They are afraid that they would have a worse chance if they had to rely on the votes of people whose expectations they cannot satisfy – even if only because of their lack of title to do so. The majority of reformers are of the position that only those should be eligible to become minority representatives who are certified by the given minority to belong to them. In other words, this means the introduction of the electoral register, the most important reform currently planned.

The same is true for who should be given the vote in minority elections. The vast majority of local Roma self-governments want the votes of the non-Roma population. We think this is where it becomes clear that they are afraid of their own community: it is easier to convince those who do not care who the Roma representatives will be.

The issue of the delegation of Roma MPs to Parliament stirred similar emotions. Though the Minorities Act contains a provision on this, it refers the method of implementation to another item of legislation.<sup>84</sup> This item of legislation has never been passed, even though the Constitutional Court has repeatedly declared that the failure to pass such an act is unconstitutional. Whether such a solution would fit into the current parliamentary structure is another issue – if not, another way of implementation should be found. Naturally – or, perhaps, not so naturally – there are Roma MPs in different parliamentary parties, but this does not satisfy the requirement set out in the said Act. As the results of

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<sup>84</sup> „Section (1) of Article 20: Minorities shall have the right to be represented in Parliament, in a manner to be defined in another item of legislation.”

our survey show, not only all local Roma self-governments agree that the Roma should be represented in Parliament but municipal self-governments share the same idea. We also asked how interviewees thought such MPs should be elected. 16 said such a person should be delegated by the National Roma Minority Self-Government (“OCÖ”) and nearly one third considered they should be elected by civil organisations. Naturally, the proposal that local Roma self-governments should elect the MP of the Roma community was supported by the vast majority.

*(Ernő Kállai)*