

THE INFLUENCE OF THE EUROPEAN UNION ON DOMESTIC ROMA POLICIES IN HUNGARY

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Submitted to
Central European University

Department of
International Relations and European Studies

In partial fulfilment of the requirements for the degree of Master of Arts

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(13626 words)

Budapest, Hungary
2007

ABSTRACT

After the political transformation of 1989, Hungary implemented one of the most comprehensive and full-fledged minority protection system among the Central and Eastern European countries. In the 1990s, the European Union exerted pressure on Hungary to further improve this minority rights regime with special regard to the Hungarian Roma. Given Hungary's strong commitment to EU accession, its frontrunner position in terms of minority protection, and the pressure the EU exerted on the country to improve the situation of Roma, it is puzzling that Hungary reversed its progress on this visible front since the accession negotiations and particularly since the accession itself. In the context of this puzzle, a number of questions emerge. Is the influence of membership conditionality and normative pressure traceable in the development of governmental Roma policies in Hungary? If so, to what extent? What influence does the EU have on governmental level Roma policies after the membership conditionality ceased to exist following Hungary's accession to the EU in 2004? The thesis argues that the change in, and the development of, domestic Roma policies were primarily due to domestic political factors, and the impact of the EU on these has been fairly limited.

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INTRODUCTION

Roma form the largest ethnic minority in Hungary. A recent official report published by the Hungarian Ministry of Foreign Affairs estimates the number of Roma residents in the country to be somewhere between 400 000 to 600 000. Given a total population of around 10 000 000, these figures represent 4 to 6 per cent of the populace. In light of current demographic changes, the numbers gain further significance: while the Hungarian population overall is aging and falling, the number of people of Roma origin is on the rise and the age composition of the Roma communities is much younger than that of the rest of the society.¹

Socially, economically, and politically marginalized, Roma live on the periphery of society. Zoltán Bárány simply contends that marginality is “the central theme in the Romani experience”.² A report by the Organization for Security and Cooperation in Europe finds discrimination and exclusion to be “fundamental features of the Roma experience”.³ The Roma communities of Hungary have not benefited much from either the prosperity of the Western European countries or the improvements of the post-communist transition period. In fact, the transition process from a centrally planned to a market economy and the ensuing competitive economic environment entailed serious negative changes for the Roma. Their socioeconomic conditions, which actually improved in the socialist period, began to deteriorate in the post-communist era.⁴ The building and mining industries, which employed most of the Roma, came to a crisis. The least educated, least skilled Roma workers were also the first to be laid off in the privatized enterprises. Many Roma families have reverted to the extreme poverty they experienced decades ago. In addition, anti-Roma

¹ "Fact Sheets on Hungary: Gypsies/Roma in Hungary," (Hungarian Ministry of Foreign Affairs, 2004).

² D. Zoltán Bárány, *The East European Gypsies : Regime Change, Marginality and Ethnopolitics* (Cambridge: Cambridge University Press, 2002).

³ Max van der Stoep, *Report on the Situation of Roma and Sinti in the OSCE Area* (The Hague: OSCE, 2000).

⁴ Ernő Kállai and Erika Törzsök, eds., *A Roma's Life in Hungary. Report 2000* (Budapest: Bureau for European Comparative Minority Research, 2000)., pp 8-16

prejudice, previously suppressed by the state, have found expression in overt and covert discrimination in education, employment, and housing. In several cases, Roma also became the target and victim of anti-democratic organizations, right-wing-violence, and police brutality.

Parallel to these processes, systemic change in Hungary opened the door for the activism of international governmental and non-governmental organizations (IGOs and INGOs, respectively). Attempting to contain the post-1989 exodus of Eastern European Roma towards the West, IGOs such as the Council of Europe, the Organization for Security and Cooperation in Europe, and the European Union have shown considerable interest in improving the living conditions of Roma communities in their home countries. Similarly, INGOs such as the Project on Ethnic Relations, the Human Rights Watch, and the European Roma Rights Center have also contributed to the political activism, education, health, and many other aspects of Roma life.

One set of tools available for international organizations to secure a pro-minority stance in a target country involves normative pressure and political conditionality. According to Judith Kelley, normative pressure occurs “when an institution advises a government on the direction a policy should take, offering no reward other than the approbation of the institution”⁵, whereas political conditionality involves “linking the change advocated to an incentive, a particular benefit provided by the institution”⁶. As research has shown, international organizations have successfully created incentives for the development of policies related to minorities in a number of Central and Eastern European (CEE) countries including Hungary.⁷

Among these international organizations, the European Union (EU) stands out as probably the most prominent external actor that has influenced Hungarian domestic minority policies after the

⁵ Judith Kelley, *Ethnic Politics in Europe: The Power of Norms and Incentives*. (Princeton, NJ: Princeton University Press, 2004), p 3

⁶ Ibid.

⁷ See, for example, Peter Vermeersch, "Advocacy Networks and Romani Politics in Central and Eastern Europe," *Journal on Ethnopolitics and Minority Issues in Europe* 2, no. 1 (2001), or Diane Ethier, "Is Democracy Promotion Effective? Comparing Conditionality and Incentives," *Democratization* 10, no. 1 (2003).

collapse of communism. Its particular importance derives from its power of attraction for the post-communist Hungary to join the organization. This attraction partly resulted from the fact that Hungary saw a window of opportunity to return to the West by entering the EU. Beyond this rather symbolic consideration, the EU was also the most promising among the international actors active in Europe in terms of economic and political benefits. Indeed, accession to the European Union soon became a first priority objective of Hungary after the regime change.⁸ However, when the EU finally decided in favour of Hungary's entry, it also created conditions for membership, including political conditions related to minority rights. In addition, the EU placed special emphasis on the case of Roma integration, and it regularly reported on the situation of the Roma in Hungary.

In terms of Roma policies, the case of Hungary is unique among the CEE countries for two main reasons. First, Hungary was among the first in CEE to build legal, social, and political frameworks for the promotion of Roma integration into society. Its Minorities Act, though widely criticized by minorities, is still unparalleled in the region. Second, since the political transformation, more policy and project activities around Roma issues have taken place in Hungary than in any other CEE country. These activities have included government measures, projects programmes, and research, but also involved the emergence of a great number of non-governmental organizations focusing on Roma affairs. As a result, Hungary implemented one of the most comprehensive and full-fledged minority protection system among the transition countries.

Given Hungary's strong commitment to EU accession, its frontrunner position in terms of minority protection, and the pressure the EU exerted on the country to further improve the situation of Roma, it is puzzling that Hungary reversed its progress on this visible front since the accession negotiations and particularly since the accession itself.

⁸ This is evidenced, *inter alia*, by the fact that Hungary was one of the first CEE countries, along with Poland, to sign an Association Agreement with the EU in December 1991. The Agreement came into force in February 1994. In April 1994, Hungary was the first to officially apply for membership in the Union.

In the context of this puzzle, a number of research questions relating the EU's enlargement strategy to domestic Roma policies guide this thesis. Is the influence of membership conditionality and normative pressure traceable in the development of governmental Roma policies in Hungary? If so, to what extent? What influence does the EU have on governmental level Roma policies after the membership conditionality ceased to exist following Hungary's accession to the EU in 2004?

In this dissertation I argue that the development of the minority protection regime in Hungary has primarily been shaped and influenced by domestic initiatives, and the impact of the EU on this development has been fairly limited, especially after Hungary became a member of the Union.

LITERATURE REVIEW

Following Brubaker's concept of "triadic nexus",⁹ there has been a tendency among scholars of ethnic minority issues to explain ethnic politics on the basis of the role of the ethnic minority, of the ethnic majority, and of the external homeland. Seen in this way, minority issues emerge from a complex interaction between three sets of actors: minority activists, state actors, and representatives of the external homeland. However, this approach poses at least two problems with regard to Roma minority issues. First, minority policies in CEE are no longer exclusively a matter of domestic politics. After the collapse of communism, normative and ideational concerns emerging at the international level considerably influenced domestic decision-makers in many of the countries in the region. This has been reflected in contemporary international relations theory. Some students of international relations have argued that by emphasizing international norms, international organizations are capable of influencing domestic minority politics and assisting minorities in the development of domestic movements demanding political change. Thus, for example, Kelley breaks with the triadic relational nexus and advocates the cause of international institutions as decisive

⁹ Rogers Brubaker, *Nationalism Reframed: Nationhood and the National Question in the New Europe* (Cambridge: Cambridge University Press, 1996).

factors in minority issues. Since these issues are inherently international, her argument goes, international institutions may well be able to deal with them. In addition, Kelley points out that international institutions can affect policy change in target countries even in the face of strong domestic opposition via normative pressure and membership conditionality.¹⁰

A second and related issue concerns the fact that as a pan-European minority, Roma do not have an external homeland to rely on for assistance. However, as Jenne points out, intervention by international organizations may mitigate this to some extent: in the absence of an external homeland, international organizations may act in the interest of Roma representing them *vis-à-vis* host states.¹¹ In particular, the EU has attempted to represent the interests of minorities, including Roma, by altering minority policies in CEE countries through explicitly linking normative pressure with membership conditionality. Interestingly, however, while the effects of EU membership conditionality have been recognized by a number of studies,¹² the impact of the EU's enlargement strategy on minority politics is scantily studied.

One exception to the rule is Peter Vermeersch. In an article exploring the influence of EU enlargement on Roma communities in Slovakia, Vermeersch concludes that the minority protection criterion of the EU triggered certain domestic legal and institutional changes, but its impact was not experienced by Roma activists as a clear point of support. Vermeersch relates this moderate result to four factors. First, double standards, whereby the minority criterion imposes requirements on candidate states which it does not impose on member states, impaired its effect. Second, Slovakia's case was characterized by political window-dressing: minority policies were designed not to remedy

¹⁰ Kelley.

¹¹ Erin K. Jenne, "The Roma of Central and Eastern Europe: Constructing a Stateless Nation," in *The Politics of National Minority Participation in Post-Communist Europe*, ed. Jonathan P. Stein (London: EastWest Institute, 2000).

¹² See, for example, Frank Schimmelfennig and Ulrich Sedelmeier, "Governance by Conditionality: EU Rule Transfer to the Candidate Countries of Central and Eastern Europe," *Journal of European Public Policy* 11, no. 4 (2004)., Antoaneta Dimitrova and Geoffrey Pridham, "International Actors and Democracy Promotion in Central and Eastern Europe: The Integration Model and its Limits," *Democratization* 11, no. 5 (2004)., Heather Grabbe, *The EU's Transformative Power* (Basingstoke: Palgrave Macmillan, 2006).

domestic Roma marginalization but to improve the country's international standing. Third, a lack of resources and of powerful allies in power also contributed to a reduced impact. And a fourth factor relates to negative stereotypes of Roma activists in which they are considered to harm Slovakia's relationship with the EU.¹³

In another article, Vermeersch sets out to explore the development of national minority policies and the impact of the EU's enlargement on it in three countries: the Czech Republic, Hungary, and Poland.¹⁴ The case selection is motivated by four main reasons. First, these countries were widely concerned to be strong candidates. Second, they have upheld democratic rules and freedoms at an equally high level since the 1990s. Therefore, and this is the third reason, these countries probably received similar amounts of pressure from the EU in order to meet the political criteria for accession. Fourth, these countries host various politically active national minorities, yet ethnic tension is little or insignificant. Thus, it may be assumed that the EU viewed them as similar cases in terms of minority politics. By comparing the three countries, Vermeersch finds that the EU's enlargement strategy was indeed one of the factors in the development of minority policies in the candidate countries, but also suggests that it was far from being the most important one. In fact, he demonstrates that three factors limited the effect of the strategy. First, candidate countries sometimes utilised the international expectation in order to implement their own short-term goals beside EU accession. Second, in the absence of a single approach to minority policy in current EU member states, candidate states had room for political manoeuvring. Third, there is insufficient evidence to conclude that the EU was successful in spreading norms.

¹³ Peter Vermeersch, "Ethnic Mobilisation and the Political Conditionality of European Union Accession: The Case of the Roma in Slovakia," *Journal of Ethnic and Migration Studies* 28, no. 1 (2002).

¹⁴ Peter Vermeersch, "Minority Policy in Central Europe: Exploring the Impact of the EU's Enlargement Strategy," *The Global Review of Ethnopolitics* 3, no. 2 (2004).

As can be seen from the literature review, although the impact of international organizations on domestic policies has been acknowledged by researchers, literature focusing specifically on the impact of membership conditionality and normative pressure on domestic minority policies is scarce. However, in the context of the present thesis, Vermeersch's second article (2004) is extremely relevant as his research project comes closest to the focus and objectives of the present paper. Vermeersch's article is logical and consistent, based on solid facts and thorough analysis. Therefore, I intend to draw on the article in two respects. First, I consider Vermeersch's article as a background against which I may contrast and verify my own findings. Second, I also propose to follow the methodology designed by Vermeersch, with slight modifications though. Nevertheless, I do not intend to reproduce Vermeersch's research. In fact, my research will be very different in many respects, and will hopefully complement Vermeersch's article rather than imitate it.

My contribution to the existing literature is threefold. First, while international relations literature concerning the EU's influence on domestic minority policies is scarce, literature exploring the impact of the EU on Roma policies specifically is even scarcer. By providing a detailed account on the development of Roma policies in Hungary, my work will contribute to filling this gap. Second, my single case study of Roma policies in Hungary complements the wider views offered by existing literature. By focusing on one country, I am able to offer a finer grained picture of EU influence on domestic Roma policies, and more solid conclusions. Third, as EU membership conditionality ceased to operate on Hungary following the EU's Eastern enlargement, it is especially important to explore how government Roma policies have changed since 2004.

ARGUMENT OF THE DISSERTATION

The Hungarian minority rights regime started to take shape in 1989 and was intended to be a system of model value for the neighbouring states in which kin Hungarians lived. By showing respect for the rights of the minorities living in the country, Hungary wished to ensure that ethnic Hungarians

would receive similar treatment in the neighbouring states. However, government Roma programmes did not exist before 1995. By that time, the socioeconomic situation of the Roma had deteriorated so much that the government launched programmes specifically related to the Roma. Thus, when the EU began to address Roma issues in terms of the Copenhagen criteria, the Hungarian minority rights regime had consolidated, and Roma programmes had been in operation. Although the EU did influence some aspects of the development of Roma policies in Hungary, its impact was limited for several reasons. First, designed to be a model system, the Hungarian minority protection regime already fulfilled the relevant political criteria. Second, in the absence of a unified stance on minority issues in the old member states, Hungary had ample room for accommodating domestic factors in shaping Roma policies. Thus, and this is the third reason, domestic factors such as power struggles and a lack of political will often worked against EU influence.

Although constructive and useful, Vermeersch's article primarily concentrates on whether or not the EU has influenced domestic minority policies in the three countries he scrutinizes. However, he does not reflect on how changes in domestic Roma policies occur and to what extent EU influence is responsible for them. Thus, he does not explain why Hungarian Roma policies started to lose momentum after 2002 and to what extent this has to do with the influence of the EU. In addition, as he wrote his article in 2004, he of course does not explain domestic minority policies development in Hungary after the accession.

METHODOLOGY AND RESEARCH DESIGN

In the research, I apply the following methodology. I primarily rely on the analysis of key EU and domestic government documents as well as relevant documents issued by Roma organizations. In order to explore what factors hindered or aided the impact of the EU's enlargement strategy at the domestic level, I also consider it essential to pay attention to domestic political processes surrounding the development of Roma policies. Since we can only have indirect evidence of the

motivations of governmental actions, by reflecting on domestic political issues I expect to gain further insight into the effectiveness of the EU factor. This is especially important in the scrutiny of the impact of the Union after the Hungarian accession in 2004. As for the chronological scope, the research covers the period from the political transformation of Hungary in 1989 until 2007.

THE STRUCTURE OF THE PAPER

The rest of the dissertation is organized as follows. In order to contextualize the subject, Chapter 1 presents a brief overview of the situation of Roma in Hungary and Chapter 2 discusses the EU's potential to influence Roma policies through its enlargement strategy. Chapter 3 analyzes the development of government Roma policies in Hungary and assesses the impact of the EU factor on it. A separate chapter then sums up the findings of the dissertation.

CHAPTER 1 - ROMA IN HUNGARY

National governments have a large stake in the welfare of Roma, for human rights and social justice concerns, but also for reasons of growth and competitiveness. In countries where Roma constitute a large and growing share of the working-age population, increasing marginalization of Roma in poverty and long-term unemployment threaten economic stability and social cohesion. Important priorities are understanding the nature and determinants of Roma poverty and taking policy action.¹⁵

In Hungary, the Roma population of some 600 000 people forms by far the largest and most marginalized ethnic minority. Historically, the Roma was always marginalized.¹⁶ Since 1989, their plight appears to have further deteriorated. Their living conditions are much worse than that of the Hungarian average. Most of the Roma people live under the subsistence level. Their mortality rate is higher than that of the non-Roma majority.

Numerous reports and studies by international organizations and independent scholars have noted that the Roma have been culturally, socially, economically, and politically marginalized by the non-Roma majority.¹⁷ Bárány defines marginality as “the condition of being subordinated to or excluded by others”.¹⁸ Indeed, in this respect, Roma marginality appears far more comprehensive than that of other minorities.¹⁹ The aim of this chapter is to present a brief overview of the situation of Roma in Hungary and illustrate some aspects of their marginalization. In doing so, it also briefly considers a problematic issue directly related to any kind of research on Roma: the scarcity of information on the Roma population.

¹⁵ Dena Ringold, Mitchell A. Orenstein, and Erika Wilkens, *Roma in an Expanding Europe: Breaking the Poverty Cycle* (Washington, D.C.: The World Bank, 2005), p xiv

¹⁶ See, for example, Kállai and Törzsök, eds., Ch 1

¹⁷ See, for example, *Avoiding the Dependency Trap. Regional Human Development Report*, (Bratislava: United Nations Development Programme, 2002)..

¹⁸ Bárány, p. 2

¹⁹ Pál Bánlaky and Bea Kevy, "Falusi cigányok 1998: Élethelyzetek, előítéletek, a 'többiekhez' való viszony. Kutatási zárójelentés. (Roma Villagers 1998: Lives, Stereotypes, Relations with the "Others". Final Report.)," ed. Szociális és Családügyi Minisztérium Család- Gyermek- és Ifjúságvédelmi Főosztály (1999).

1.1 DATA ON THE ROMA POPULATION IN HUNGARY

The exact number of Roma living in Hungary is unknown. Estimates are rough and often differ significantly, with numbers falling somewhere between 450 000 and 650 000.²⁰ Since the first special Roma census of 1893, there have only been three representative surveys on this minority. Conducted by Romologist István Kemény and his colleagues, the surveys of 1971, 1993 and 2003 still serve as the main sources of information on the Roma in Hungary. However, while the first two surveys rely on school statistics to estimate the number of Roma (counting as Roma anyone regarded as such by the surrounding community), the 2003 survey was based on census data (therefore counting as Roma only those who declared themselves to be such). This methodological change was necessitated by the parliamentary ratification of the Minorities Act of 1993.²¹ The Act states that it is the exclusive right of the individual to admit or acknowledge his or her belonging to a national or ethnic group or minority – thus, the Act effectively renders school statistics unconstitutional. A direct consequence of this change is that the survey of 2003 paints a less exact picture of the Roma. For a Roma person may think of himself as Roma, yet he may not necessarily avow himself to be such in a census. For example, Kemény shows that while in the 1990 census 143 000 people claimed to be of Roma nationality, school statistics indicated that the size of the Roma population in Hungary approximated 450 000 in that year. This means that only 32 per cent of the Roma population admitted to being Roma.²²

The lack of reliable statistical data is problematic because in the absence of relevant records discovering and fighting marginalization, exclusion, and discrimination, developing appropriate

²⁰ See, for example, István Kemény and Gábor Havas, "Cigánynak Lenni (A Roma's Life)," in *Társadalmi riport 1996*, ed. Rudolf Andorka, Tamás Kolosi, and György Vukovich (Budapest: TÁRKI, Századvég, 1996), István Kemény, Béla Janky, and Gabriella Lengyel, *A Magyarországi cigányság 1971-2003 (Hungarian Roma between 1971-2003)* (Budapest: Gondolat Kiadó, 2004).

²¹ "Act LXXVII of 1993 on the Rights of National and Ethnic Minorities," (Hungary).

²² István Kemény and Béla Janky, "A cigány nemzetiségi adatokról (On Roma Nationality Data)," *Kisebbségkutatás*, no. 2 (2003).

countermeasures, or designing Roma policies become an arduous and uncongenial task. In addition, the lack of data presents obstacles to researchers who wish to make Roma and their situation the subject of inquiry. Both policies and theoretical debates are based on estimations, rather than facts, about the Roma population. Small wonder, then, that the results of various research projects often differ significantly, presenting a skewed picture of reality.

1.2 CULTURE, EDUCATION, AND EMPLOYMENT

One feature that makes the Roma minority unique in terms of culture is that the Roma have always lived in different countries, leading a wandering, nomadic life. They have never established a Roma nation-state, nor have they developed strong ties to any particular land as their homeland. Having preserved their language, traditions, and cultures, they have usually successfully resisted assimilation. For example, the Hungarian Roma population is divided into three linguistic groups: the Hungarian speaking ‘Romungro’ Gypsies, the Hungarian and Romani (Gypsy language) speaking Vlach Gypsies, and a smaller group, the ‘Beas’ Gypsies, who speak Hungarian and an archaic variant of the Romanian language. While their unique customs, traditions, and languages are valuable cultural assets to Hungary, cultural differences can hinder their inclusion into Hungarian society. In this respect, one particularly important area where such differences may become a hindrance is education. For instance, Forray argues that “The bringing up and the education of children inside the family is a living part of Roma traditions today. On the other hand, the participation in the public education does not generally belong to these”.²³ As for our linguistic example, Forray also argues that one of the most important reasons for the poor performance of Roma children in education is that they do

²³ R. Katalin Forray, "The Situation of the Roma/Gypsy Community in Central and Eastern Europe," (2006), p 6.

not possess the necessary knowledge of the language of education and the culture of the majority population.²⁴

It is today received wisdom that the main impediment to Roma integration is their poor and insufficient schooling. To illustrate their low level of education, I refer to Kemény, Janky, and Lengyel's findings on Roma educational tendencies at the beginning of the new millennium. According to their report, while 80 per cent of the young Roma complete their primary education, 20 per cent do not. Many of them are sent into special schools or classes for children with developmental disabilities, where the bulk of the students are Roma, and the rest of them are also usually segregated into Roma classes. Merely 5 per cent of those who finish elementary school finish secondary school, and many of them often do not continue their studies because of the poor income and housing conditions of their families. As for tertiary education, hardly more than 1 per cent of the young Roma go to university or college, and even less graduate (around 0.3 per cent).²⁵ The consequences are clear. Without the necessary skills and qualifications, Roma are likely to become unemployed and live in poverty. Understandably, education plays a decisive role in employment opportunities and income, which suggests that education could be the starting point for breaking the poverty cycle. However, tendencies are not likely to change on their own. In many cases, Roma adults do not even recognize that their children fall victim of segregation or unequal treatment in education. In the majority of cases, they consider it normal to have their children sent to special schools or all-Roma classes. Whereas a non-Roma would protest against this situation, Roma take it for granted.²⁶ Therefore, in order to facilitate their integration, Roma need outside assistance.

²⁴ Ibid.

²⁵ Kemény, Janky, and Lengyel, *A Magyarországi cigányság 1971-2003 (Hungarian Roma between 1971-2003)*.

²⁶ Author interview with András Újlaky, President of the Chance For Children Foundation (CFCF), former Head of Phare Office, Ministry of Education. (10-05-2007)

1.3 LIVING AND SOCIAL CONDITIONS, HEALTH

The Roma are often segregated in the school system and so are they in their living environment. Kemény, Janky, and Lengyel show that although the number of Roma living in squatter settlements has decreased in the past three decades, around 6 per cent of the total Roma population, some 36 000 people, still live in such settlements.²⁷ The liquidation of several squatter areas has decreased, but not eliminated, Roma residential segregation. In addition, Gábor Havas finds that today two new types of tendencies trigger resegregation. First, the “gypsization” – an increase in the proportion of Roma in a given area – of low status, declining, slum-like quarters of cities. Second, the gypsization of wasting rural settlements.²⁸ One reason that explains these tendencies is that the Roma usually buy and move into flats and houses that are abandoned by their former, non-Roma owners due to the declining conditions of the buildings, a lack of employment opportunities in the neighbourhood, or simply because of the increasing number of Roma in the vicinity. Interestingly, Havas shows that when the proportion of Roma in a settlement reaches a critical threshold of 20 per cent, conflicts with non-Roma residents increase and the non-Roma families often decide to leave the settlement.²⁹ This migration logic contributes to the development of poor, segregated and marginalized settlements. Needless to say, spatial segregation has its natural concomitants such as, for instance, school segregation.

From a social point of view, it is important to note that approximately 20 per cent of the Roma population live in the economically developed regions of Hungary, while the vast majority inhabit areas that suffer from severe economic problems.³⁰ To be sure, the number of Roma who live in small villages has dropped in the last thirty years, but still around 61 percent continue to reside in

²⁷ Kemény, Janky, and Lengyel, *A Magyarországi cigányság 1971-2003 (Hungarian Roma between 1971-2003)*.

²⁸ Gábor Havas, "A kistelepülések és a cigányok (Small Settlements and the Roma)," in *A cigányok Magyarországon. Magyarország az ezredfordulón*, ed. István Kemény (Budapest: MTA, 1999), p165

²⁹ Ibid., pp 163-204.

³⁰ Kemény and Havas, "Cigánynak lenni (A Roma's Life).", p 253

small rural settlements that offer fewer employment opportunities as compared to towns and cities.³¹ It is common in these small villages for large Roma families to live in one- or two-room houses under very poor living conditions. According to a survey completed in 1998, almost two-thirds of Roma villager families did not have access to some of the most basic facilities such as electricity, running water, gas, and sewage.³² It goes without saying that living conditions leave their mark on the health and life expectancy of these people.

Although literature on the health conditions of the Roma population in Hungary is surprisingly scarce when compared to investigations into other aspects of their lives, experts seem to agree that two main factors determine the overall health and life expectancy of the Roma.³³ First, substandard living conditions make Roma communities particularly susceptible to communicable diseases such as tuberculosis. Second, many Roma suffer from the consequences of hard physical work performed in an unhealthy environment for years. On aggregate, mortality data indicate that health conditions for the Roma are much worse than for the rest of the population, resulting in a 10-15 years shorter life expectancy.³⁴

1.4 MAIN CONCLUSIONS OF CHAPTER 1

The aim of this chapter was to briefly introduce the present situation of the Roma in Hungary. In this short – and, admittedly, selective – analysis, a number of disadvantages have been shown to affect the Roma population. By nature, these are cultural, social, economical, and political shortcomings, which feed and reinforce each other, and create a vicious circle of poverty and

³¹ Ibid., p 254

³² Bánlaky and Kevy.

³³ See, for example, Katalin Pikk, "A halál nem válogat (Death Does Not Pick and Choose)," *Phralipe* 7 (1991).. For an overview of the literature, see Csaba Prónai, "A magyarországi cigányok egészségi állapota a XX. század utolsó évtizedében. (Health Conditions of the Hungarian Gypsies in the Last Decades of the 20th Century)," *Kisebbségkutatás* 4 (2000).. The report suggests that the health conditions of the gypsies is strongly connected to the overall poverty and social inequalities characterizing this population.

³⁴ Ringold, Orenstein, and Wilkens., p 48

isolation. As a result, the vast majority of Roma belong to the most disadvantaged societal group in Hungary.

The EU realized the worrying situation of the Roma in Hungary. In its country reports, the Commission repeatedly drew attention to the need for the Hungarian government to mitigate the plight of the Roma and promote their integration into society. The next chapter focuses on the potential of the EU to affect changes in governmental Roma policies in Hungary.

CHAPTER 2 - DOMESTIC POLICIES AND THE EU

Minority rights protection in the European Union is strongly connected to its Eastern enlargement. The issue of minority rights first emerged on the European agenda in relation to the admission of Eastern European countries. In fact, the EU had not had explicit provisions for democracy, human and minority rights before 1993. Mainly in response to the war in the former Yugoslavia, the Copenhagen European Council laid down specific criteria as political membership conditionality in 1993. The Council stipulated that the candidate countries were required to protect the minorities living in their territories by providing for the necessary legal and institutional background. The Council stated that “membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.”³⁵ Thus, the European Union effectively linked normative pressure to membership conditionality. Before we contemplate the impact of the EU on domestic Roma policies in Hungary, it seems appropriate to consider briefly what potential the EU had to influence such policies in the candidate countries.

2.1 ATTRACTION AND CREDIBILITY

With respect to the efficiency of membership conditionality, there are at least two factors that require attention. First, membership as such should be attractive to the candidate country. One of the fundamental attractions of EU membership for the CEE countries was symbolic: it represented a turn away from the Soviet past and towards a Western future. Beyond the symbolic value of membership lay utilitarian considerations. The EU was a highly attractive option as it offered security, economic prosperity, financial assistance, and certain influence over decisions that shaped the future of Europe. In 1994, Hungary was the first among the post-communist countries to apply

³⁵ *Copenhagen European Council: Bull. Ec 6-1993*, p 13.

for accession. In the following years, the cause of integration enjoyed permanent support by the majority of parties notwithstanding the intervening general election in 1994.

A second factor affecting the efficiency of membership conditionality is the credibility of the threats and promises involved in it. In this respect, the EU offered quite credible membership perspectives. Following the collapse of communism, diplomatic and economic relations between the EU and the CEE countries began to strengthen. The EU provided assistance to the creation of the new democracies, and actively used soft power instruments to help the post-communist states return to the West. In this sense, membership of the EU could be seen as the completion of this goal. Thus, when the Copenhagen European Council of 1993 declared that “the associated countries in Central and Eastern Europe that so desire shall become members of the European Union”, it was a credible promise for the countries in question.³⁶ On the other hand, the EU also demonstrated that it takes membership conditionality seriously. For example, Kelley claims that “The EU’s explicit linkage of political criteria, including minority rights, to admission was credible because it made sense from a security perspective. Candidate states knew that current member states had to address very real concerns stemming from the conflict in the former Yugoslavia”.³⁷ The mechanisms that the EU developed to evaluate the fulfilment of the Copenhagen criteria in the candidate states – annual reports and accession partnerships – further emphasized the EU’s concern about the political stability of the candidate states. A practical demonstration of the credibility of the political conditionality finally came when the EU decided to suspend the application of the politically offensive Slovakia until it met the political criteria.³⁸

³⁶ Ibid., p 1

³⁷ Kelley., p 19

³⁸ *Agenda 2000 - Commission Opinion on Slovakia's Application for Membership of the European Union* (Brussels: European Commission, 1997)..

2.2 MINORITY RIGHTS PROTECTION AS A NORM

It is also important to recall that in the 1990s the EU was not the only international actor promoting minority rights protection in Europe. In fact, there were at least three international organizations around whose involvement in this field had a longer, more impressive history. Hungary became a member of several such organizations well before its accession to the EU was initiated. One of the most prominent IGOs was the Council of Europe (CoE), which Hungary joined in 1990. The CoE was founded in 1949 in order to promote and consolidate political, social, legal, and cultural cooperation among its members, protect human values, and develop common and democratic principles throughout Europe. Any European country could apply for membership in the CoE on condition that it is a constitutional polity and provides human rights and fundamental freedoms for the people living under its jurisdiction. In 1995, Hungary ratified the Framework Convention for the Protection of National Minorities and the European Charter for Regional and Minority Languages. The two documents count among the most important European agreements developed in the field of minority protection as they set legally binding standards for minority protection.

Another prominent organization is the Organization for Security and Cooperation in Europe (OSCE), founded in 1975. It is a pan-European security organization, which Hungary joined as a founding member. It has no legally binding documents or treaties. The OSCE aims to provide early warning, conflict prevention, crisis management, post-conflict rehabilitation, minority rights protection. Activities of the OSCE in the area of minority rights include the identification and resolution of ethnic tensions, and setting standards for the personal rights of individuals belonging to minority groups. Having recognized “the particular problems of Roma”³⁹ in the context of racial and ethnic hatred, xenophobia, and discrimination, the OSCE established the Contact Point for Roma

³⁹ "Document of the Copenhagen Meeting," in *Conference on the Human Dimension of the CSCE* (Copenhagen: 1990). Paragraph 40.

and Sinti Issues in 1994, thereby placing special emphasis on improving the treatment of Roma in the OSCE area.

The third international organization active in Europe is the United Nations (UN), which was founded in 1945. The UN primarily seeks to preserve world peace and international security, but its activities also cover other areas such as promoting respect for human rights and reducing poverty. Membership of the UN is open to all states that accept the obligations laid down in the UN Charter and are able and willing to implement these obligations.⁴⁰ Hungary joined the UN in 1955.

The bottom line is that these organizations paved the way for the influence of the EU in Hungary. The EU was able to transfer its political criteria concerning minorities more effectively than it would have been possible for it in the absence of these organizations. For example, Checkel draws attention to the role of socialization in spreading norms. He defines socialization “as the process of inducting actors into the norms and rules of a given community”, and argues that international institutions can socialize states and state agents.⁴¹ Indeed, the diffusion of norms and principled ideas have recently received considerable attention. For instance, Risse and Sikkink suggest that international human rights ideas and norms contribute to domestic political change.⁴² This is also the central theme in Finnemore and Sikkink’s article.⁴³ Thus, we may presume that the diffusion of minority rights norms by international organizations of which Hungary was a member “prepared” the country for the reception of such norms put forth by the EU. In this sense, the activism of INGOs such as human and minority rights organizations focusing on the Roma probably also had a similar “preparatory” role for Hungary. Since the early 1990s, the activism of INGOs has

⁴⁰ "Charter of the United Nations," (San Francisco: 1945).

⁴¹ Jeffrey T. Checkel, "International Institutions and Socialization in Europe: Introduction and Framework," *International Organization* 59, no. 4 (2005), p 804

⁴² Thomas Risse and Kathryn Sikkink, "The Socialization of International Human Rights Norms into Domestic Practices: Introduction," in *The Power of Human Rights: Institutional Norms and Domestic Change*, ed. Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink (Cambridge: Cambridge University Press, 1999).

⁴³ Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," *International Organization* 52, no. 4 (1998).

particularly been strong in the country. Three of the most outstanding INGOs in the field, to name but a few, are the Project on Ethnic Relations, the Human Rights Watch, and the European Roma Rights Center. These (and many other) INGOs came to CEE after the collapse of communism and started to document minority rights abuses, lobby international organizations for intervention – and diffuse minority rights ideas.

2.3 MAIN CONCLUSIONS OF CHAPTER 2

In this chapter, we have set out to analyze some of the factors supporting the view that the European Union has influenced domestic Roma policies in Hungary. We have found that attraction of membership and credibility of threats and promises, two factors determining the effectiveness of membership conditionality, were present and effective after the collapse of communism. On the one hand, Hungary saw accession to the EU essential both in symbolic and utilitarian terms. On the other hand, the EU offered credible membership perspectives and demonstrated that it considers the political criteria very seriously.

One further reason supporting the assumption that the EU has influenced Hungarian domestic Roma policies is based on the fact that Hungary had already been member of several regional and global international organizations before it applied for EU membership. Through norm socialization, these international organizations contributed to Hungary's being susceptible to the EU's political criteria. In the next chapter, we embark on the actual analysis of the development of Roma policies in Hungary and the assessment of the EU's impact on it.

CHAPTER 3 - THE DEVELOPMENT OF ROMA POLICIES

After the political transformation in Hungary, Roma issues that had been swept under the carpet in the socialist regime were soon brought to light as living standards started to decline more sharply for the Roma than for the rest of the society. The political, economical, and social changes affected the Roma minority rather profoundly. The surge of unemployment resulting from the transition from planned to market economy had a stronger than average impact on the Roma population. The situation was further aggravated by the fact that the Roma were poorly positioned to take advantage of the new economic and civic opportunities. Low educational level, bad health status, a lack of information are among the factors that made the majority of unemployed Roma long-term unemployed. These conditions usually appeared collectively and contributed to the marginalization and exclusion of the Roma. In addition, Roma met intolerance and discrimination in all walks of life including employment, education, healthcare, and access to public services.⁴⁴ At the same time, a new system of laws and institutions was emerging in Hungary that would provide a framework for domestic minority policies. In addition, there was a growing recognition among decision-makers that the solution to Roma issues must involve the development of special, pro-integration government programmes for the Roma.

The post-communist development of domestic Roma policies in Hungary may be divided into three broad phases. The first phase between 1990 and 1994 was essential in terms of building the constitutional and legal background for a minority rights regime, but it lacked in measures related specifically to the Roma. The second phase between 1995 and 2004 saw the emergence of government level Roma policies and was characterised by increasing government activism aimed at improving the situation of the Roma. It is also the period in which the development of governmental

⁴⁴ Kemény, Janky, and Lengyel, *A Magyarországi cigányság 1971-2003 (Hungarian Roma between 1971-2003)*.

minority and Roma policies received the strongest influence from the EU. The third phase began in 2004, with the accession of Hungary to the EU. Since 2004, EU influence to shape Hungarian domestic Roma policies has been diminishing.

The rest of the chapter is organized to reflect the above division. The chapter explores the development of governmental Roma policies in Hungary and the potential the EU possessed to affect this development. It argues that although the political conditionality of the EU had an influence on the development of governmental Roma policies, this influence was only superficial and was hindered by domestic factors such as political power struggles and a lack of political will. The chapter also argues that the impact of the EU factor has diminished significantly since the accession of Hungary to the EU in 2004.

3.1 ROMA POLICIES IN HUNGARY BETWEEN 1990-1994

Following the political transformation, the new Hungarian democracy amended its old constitution to provide for the fundamental rights and obligations of its citizens. In 1989, an amendment to the Constitution added Article 68, which represented the first step towards the development of a minority rights policy in the new regime. The Article acknowledges the rights of national and ethnic minorities living in Hungary in the following terms:⁴⁵

(1) The national and ethnic minorities living in the Republic of Hungary share the power of the people; they are constituent factors in the State.

(2) The Republic of Hungary grants protection to national and ethnic minorities, it ensures the possibilities for their collective participation in public life, and enables them to foster their own culture, use the mother tongue, receive school instruction in the mother tongue, and freedom to use their names as spelled and pronounced in their own language.

⁴⁵ "Act XX of 1949 the Constitution of the Republic of Hungary," (Hungary: 1949). For the text of the Constitution of the Republic of Hungary see: http://www.mkogy.hu/parl_en.htm (Accessed in May 2005).

(3) The laws of the Republic of Hungary ensure representation for the national and ethnic minorities living in the territory of the country.

(4) National and ethnic minorities may set up their own local and national government organizations.

(5) The votes of two thirds of the MPs present are required to pass the law on the rights of national and ethnic minorities.

Two further provisions related to minority rights are Article 32/B, which creates the position of the Parliamentary Ombudsman for the Rights of National and Ethnic Minorities and defines his duty (only Paragraph 1 of Paragraphs 1-7 is quoted here):

(1) It is the duty of the Parliamentary Commissioner (Ombudsman) for Civil Rights to investigate, or to have investigated, any abuse of constitutional rights that has come to his attention, and to initiate general or particular measures for redress.

and Article 70/A, which pledges respect for human and civil rights, outlaws acts of discrimination, and guarantees the implementation of equal rights:⁴⁶

(1) The Republic of Hungary shall respect the human rights and civil rights of all persons in the country without discrimination on the basis of race, colour, gender, language, religion, political or other opinion, national or social origins, financial situation, birth or on any other grounds whatsoever.

(2) The law shall provide for strict punishment of discrimination on the basis of Paragraph (1).

(3) The Republic of Hungary shall endeavour to implement equal rights for everyone through measures that create fair opportunities for all.

Beyond the question of fundamental rights, however, the first democratically elected government led by Prime Minister József Antall, President of the Hungarian Democratic Forum, also had to face issues concerning ethnic minorities that had been deliberately ignored in the socialist period. In 1990, the Antall government established the Office for National and Ethnic Minorities (ONEM). The ONEM was set up as an autonomous unit with nationwide competence and was

⁴⁶ Articles 68, 32/B, and 70/A of the Constitution.

given the task to assist the government by setting out fundamental principles of minorities policy, preparing decisions, and monitoring the situation of ethnic minorities.

Arguably the most significant measure affecting ethnic minorities in Hungary was Act LXXVII of 1993 on the Rights of National and Ethnic Minorities (Minorities Act).⁴⁷ The Act defines national and ethnic minorities in Article 1 (1) as

a national or ethnic minority (hereinafter 'minority') is an ethnic group which has been living on the territory of the Republic of Hungary for at least one century, which represents a numerical minority among the citizens of the state, the members of which are Hungarian citizens, and are distinguished from the rest of the citizens by their own language, culture and traditions, and at the same time demonstrate a sense of belonging together, which is aimed at the preservation of all these, and at the expression and the protection of the interests of their historical communities.

Thirteen minorities are officially recognized by the Act: Bulgarian, Gypsy (Roma), Greek, Croatian, Polish, German, Armenian, Romanian, Ruthenian, Serbian, Slovakian, Slovenian, and Ukrainian.

The significance of the Minorities Act lies with the fact that it determined the institutional framework for further progress in minority policy development. Practically, the Act is a detailed exposition of the principles formulated in Articles 68 and 70/A of the Constitution. It also implements the provisions of Article 32/B to create the office of the minority ombudsman.⁴⁸

In the context of this dissertation, the Act has three important characteristics. First, it acknowledges not only individual but also collective rights of national and ethnic minorities, which makes the Act unique in CEE. The issue of collective rights is still controversial: many European countries such as France or Romania only acknowledge minority rights as individual human rights.⁴⁹ The provision of the Act for collective rights serves as the basis for minorities to establish minority

⁴⁷ "Act LXXVII of 1993 on the Rights of National and Ethnic Minorities."

⁴⁸ "Act LIX of 1993 on the Parliamentary Commissioner for National and Ethnic Minority Rights," (Hungary).

⁴⁹ Lynn M. Tesser, "The Geopolitics of Tolerance: Minority Rights under EU Expansion in East-Central Europe," *East European Politics and Societies* 17, no. 3 (2003), p 485

self-governments in Hungary, providing them with considerable autonomy in the fields of education and culture.

Second, the rights represented in the provisions of the Act apply to members of Hungarian national and ethnic minorities. With respect to belonging to a minority, however, the Act relies on the principle of voluntary identification. The principle is elaborated in Article 7 (1) of the Act as follows: “The admission and acknowledgement of the fact that one belongs to a national or ethnic minority is the exclusive and inalienable right of the individual”.⁵⁰ The principle, however, has caused a number of problems in recent years and contributed to the development of ethno business in Hungary. For example, during the minority self-government elections of 1998, a person with no ethnic ties by origin was elected a representative of a minority self-government. In addition, in the minority election, not only members of a given ethnic minority could vote for their candidates but also any non-minority member of the society.⁵¹ These reasons led to the development of a proposal to amend the Minorities Act. However, it did not become law, partly because the leaders of minority self-governments did not support it.⁵²

Third, the Act does not specifically speak of, or provides for, the Roma. It only mentions Roma as one of the officially recognized minority groups in Hungary. However, since this was the first time that Roma had been legally recognized as a Hungarian minority, the Act became a milestone in the history of Roma policies in Hungary.

With regard to the amendments of the Constitution, the establishment of the ONEM and the adoption of the Minorities Act, there is little evidence to suggest a significant impact of the EU on

⁵⁰ "Act LXXVII of 1993 on the Rights of National and Ethnic Minorities."

⁵¹ See, for example, András László Pap, "Etnikai-nemzetiségi identitás és választójogi korrupció (Ethnic and National Identity and Political Corruption in Elections)," in *Regisztrálható-e az identitás?*, ed. Iván Halász and Balázs Majtényi (Budapest: Gondolat-MTA Jogtudományi Intézet, 2003).

⁵² Ferenc Eiler, "Törekvések a kisebbségi önkormányzati választások reformjára: 1998-2004 (Efforts to Reform Minority Self-Government Elections)," in *Tér és terep. Tanulmányok az etnicitás és az identitás kérdésköréből III.*, ed. Nóra Kovács, Anna Osvát, and László Szarka (Budapest: Akadémiai Kiadó, 2004).

their development. In fact, several arguments undermining such an assumption may be pointed out. First of all, in this period the issue of minority rights protection was just emerging on the political agenda of the EU. As we have noted earlier in Chapter 2, the emergence of minority rights protection in the Union was closely related to the idea of Eastern enlargement, which only became a real prospect for the CEE countries after the conclusion of the Copenhagen European Council in June 1993. It is therefore unlikely that Hungary would have received significant political pressure from the EU as early as in the first half of the 1990s. If there was pressure from international actors, it might have had an overall effect on Hungary, inducing the country to create an internationally acceptable model – but the emerging minority rights regime was not a response to specific requirements put forth by the EU.

Second, there were signs already in 1988 of an increasing concern on the part of Hungarian policy-makers about the situation of kin-minority living abroad (ethnic Hungarians). In 1989, an amendment to the Constitution gave legal weight to this deeply felt responsibility.⁵³ The salience of the issue has not diminished ever since. In 1990, József Antall stated that by law he was Prime Minister of 10 million Hungarians, but in his soul he would like to be the premier of 15 million (referring to the 5 million Hungarians living abroad). After the election in 1998, the leader of the victorious Alliance of Young Democrats party, Viktor Orbán, spoke of a government for 15 million. In 2004, then Prime Minister Ferenc Gyurcsány also claimed that he was responsibility for 15 million Hungarians. Seen in this context, government measures providing rights to the minorities (including the Roma) in the early 1990s were probably fully domestically initiated political changes, which served to set an exemplary model for the neighbouring countries. In other words, the Hungarian political elite created generous protection for minorities in Hungary in the expectation of receiving similar protection for ethnic Hungarians in neighbouring states. Thus, although Hungarian politicians

⁵³ "Act XXXI of 1989 on the Amendment of the Constituion," (Hungary).. Article 2(3)

have often described the Minorities Act as conforming to the norms advocated by the EU, this conformity may merely reflect the existence of common European values, rather than the effect of normative pressure.

In the general election of 1994, the first post-communist government, the Hungarian Democratic Forum, was defeated by a coalition of the Hungarian Socialist Party and the Alliance of Free Democrats. Despite the change in the governing parties, 1994 did not bring significant changes in government policies focusing on minority issues. Minority related work largely concerned the practical implementation of the minority self-government system (which included the first election). Thus, the period between 1990 and 1994 was primarily characterized by the creation of the legal and institutional background for a new minority protection regime in Hungary. There is little evidence of EU influence on the development of Hungarian minorities policy before 1995. As for the Roma, the Minorities Act reflects a state of affairs when Roma issues had not yet emerged as a salient political factor. In the analyzed Acts, there is no reference to Roma as a special ethnic group or social stratum in need of further government support. However, there were signs of an awakening political awareness among the Roma. In the first democratically elected parliament after 1990, three representatives openly admitted their Roma origin, and the number of officially registered Roma civil organizations raised to 96 by the end of 1991. In 1994, the number of Roma self-government bodies reached 477. In comparison, the other 12 national minorities had established a total of 261 local bodies by this time.⁵⁴ Although government level Roma policies had yet to take shape, the minority protection regime gradually became consolidated and operational.

3.2 ROMA POLICIES IN HUNGARY BETWEEN 1995-2004

In the period between 1995 and 2004, assistance to the Roma was elevated to the level of governmental policy with the distinct aim of integrating the Roma communities into the society

⁵⁴ "Fact Sheets on Hungary: Gypsies/Roma in Hungary.", p 4

while preserving their identity and culture. Due to the structural, economic and political changes of the transition period, the living standards of the Roma had deteriorated markedly since 1989. Realizing the growing poverty and social exclusion of the Roma population, the government adopted various measures to mitigate the most serious socioeconomic problems affecting this minority. Short- and medium-term programmes were launched with a scope covering culture, education, child protection, prevention of educational segregation, employment, and living conditions.

1995 was a watershed in the development of governmental Roma policies in Hungary. We may consider Government Resolution 1120/1995. (XII.7.) the first important governmental measure that specifically targeted the problem of the Roma. The Resolution set up the Roma Affairs Coordination Council, a body with a nation wide scope of authority, whose task it was to coordinate the work of ministries and institutions. Strongly connected to this was Government Resolution 1125/1995. (XII.12.), which dealt with the most urgent Roma related tasks. The Resolution stipulated that action plans for ministries involved in Roma affairs should be developed in specific areas. Building on these Resolutions of 1995, Government Resolution 1093/1997. (VII.29.) presented the first comprehensive medium-term package of measures. The package was designed to help Roma overcome certain social disadvantages, and covered areas such as education, employment, social affairs, regional development, discrimination and communication. It must be emphasized that the first two Resolutions were introduced two years before the Commission first drew attention to the situation of the Roma in the Commission Opinion of 1997. Coincidentally, the Opinion and the Resolution of 1997 were adopted in the very same month.

Following the general elections of 1998, the coalition of the Socialist Party and the Alliance of Free Democrats was replaced by a coalition government of the Federation of Young Democrats, the Smallholder's Party, and the Hungarian Democratic Forum. The new government reckoned that in order to successfully implement the medium-term Roma programme, further measures were needed.

Thus, while acknowledging and following the principles of the 1997 Resolution, it shifted the focus of action towards education and culture. It also set out to introduce structural reorganizations, and dissolved the Roma Affairs Coordination Council, replacing it with the Inter-Ministerial Committee for Roma Affairs. The new Committee was given the task of coordinating the work of government agencies, monitoring the implementation of the medium-term programme, and supervising the development of a long-term strategy.

From the mid-1990s on, the ONEM had a decisive role in the development of short- and long-term Roma policies, and also embarked on the creation of a long-term Roma strategy. However, changes in the governing parties almost inevitably involve structural reorganizations in the state administration. Indeed, structural reorganizations after elections seem to have become a symbolic, almost obligatory, act in Hungary as a sign of the effectiveness and determination of a new government in office. The ONEM was also affected by the reorganizations. In 1998, it was transferred from under the direct control of the Office of the Prime Minister (which is considered the political head of state administration, that is, very influential) to the Ministry of Justice. The transfer was widely criticized by Roma representatives, who argued that the government weakened the ability of the ONEM to realize its objectives. Indeed, placing the ONEM under the control of the Ministry of Justice meant that the government shifted responsibility for minority issues to an institution that did not have appropriate competence any more. In addition, one might have the weird feeling that Roma issues became treated as a judicial problem – which, of course, was not the case.

In the meantime, the experience of previous years made it clear for decision-makers that although the Hungarian minority rights protection system was reasonably good, it was inadequate to cope with the problems of the Roma. It became clear that a successful solution had to involve further governmental measures guided by a consistent long-term strategy. The task of preparing the

long-term strategy was taken up by the ONEM. Taking account of the mistakes and drawbacks of previous medium-term programmes, the long-term strategy aimed at the social and economic integration of the Roma while preserving their identity. Further goals of the strategy also included the creation of work places and the promotion of social and political mobilization of the Roma. The ONEM presented the draft proposal of the strategy to the Parliament in 2001, but its adoption was delayed by protracted debates. In fact, the proposal has not been adopted as of today, despite the repeated warnings of the European Commission.⁵⁵

In 2001, the Anti-Discrimination Legal Advice Network was founded to provide free legal advice to Roma who suffer injustice because of their Roma origin. In 2003, the Parliament adopted Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities (anti-discrimination law), whereby Hungary fulfilled the norms set by the EU for equal treatment.

In 2002, the development of government Roma policies gained momentum and there was a positive change in the political participation of the Roma. In the general elections of 2002, both left and right wing parties included Roma issues on their political agenda and nominated politicians of Roma origin. Four of these candidates gained seats in the Parliament on the party tickets of the two largest parties (the Alliance of Young Democrats and the Hungarian Socialist Party). In autumn, 998 Gypsy self-governing bodies were elected (as opposed to the 447 in 1995), with some 4 000 Roma actively involved in their work.⁵⁶ It was perhaps inevitable that Roma policies at the national level should also be reformulated. The new government (formed by the Hungarian Socialist Party and the Alliance of Free Democrats) made it a priority task to ensure equal social opportunities for the Roma. The new government programme included a separate subchapter devoted to the necessary measures concerning Roma issues, and was developed with the active participation of Roma experts

⁵⁵ See the Commission reports.

⁵⁶ "Fact Sheets on Hungary: Gypsies/Roma in Hungary.", p 9

(of Roma origin). In order to implement the government objectives, major organizational changes were initiated. The responsibility for tackling Roma affairs was taken back by the Office of the Prime Minister. A political secretariat was set up with Office for Roma Affairs and, for the first time, a political secretary of Roma origin was appointed. All this pointed to a radical and promising turn in government Roma policies. While the ONEM continued to focus on issues related to the status of the Roma minority in general, issues related to their social integration were transferred to the undersecretary and the Office for Roma Affairs. A further body, the Council of Roma Affairs was brought to life as an advisory, consultative platform, comprising of outstanding Roma and non-Roma personalities. However, it gradually became a nominal body, and, together with the Inter-Ministerial Committee for Gypsy Affairs, eventually merged into the Council of Roma Integration in 2007. The Office for Roma Affairs was transferred from under the direct control of the Office of the Prime Minister to the Equal Opportunities Government Authority, and became a department with very little influence on Roma affairs.⁵⁷

After 2002, although further reorganization took place, government Roma policies have not shown many tangible successes. On the contrary. In 2003, the weaknesses of the Hungarian legislation on minority self-governance led to a series of scandals (similar in nature to those in 1998) around the Roma self-government elections.⁵⁸ The need for the amendment of the Minorities Act was more and more obvious. In 2004, the liquidation of Roma squatter settlements, which had been a recurring theme in the history of Roma policies, cropped up again on the political agenda. However, due to a lack of financial resources, the original large-scale project affecting hundreds of settlements was turned into a “model programme” of merely symbolic significance. The collapse of

⁵⁷ See, for example, the interview with Judit Berki, former Head of Office, Office for Roma Affairs, in AmaroDrom, 2004, február.

⁵⁸ See, for example, Anita Danko and Nicole Pallai, "The Gypsy Minority Self-Government in Jászládány," in *Roma Rights Quarterly*. Available at: <http://www.errc.org/cikk.php?cikk=1302>

the Roma scholarship system was also a heavy blow to government Roma policies. The scandal involved thousands of non-Roma students who claimed to be Roma in order to apply for Roma scholarship. Since the Roma scholarship system had been a pet project of successive governments, the scandal, blown up the media, significantly harmed the reputation and credibility of Roma related government programmes in general.

So far, this sub-section has focused on the development of government Roma policies between 1995-2004 from a domestic point of view. Before we turn to investigate the impact of the EU's enlargement strategy in this period, it is in order to sum up the main findings. As we have seen, government level Roma policies began to take shape in 1995. Primarily in response to the sharply deteriorating socioeconomic conditions of the Roma, the government introduced the first comprehensive medium-term package of measures in 1997, in order to remedy the most serious problems. After the general election in 1998, the new government followed the main principles set out in the package, but also embarked on structural changes that crippled Roma policies in some cases, notably in the case of the ONEM. Around 2002, an increase in Roma political mobilization could be perceived, which induced the (again) new government to introduce further vigorous structural changes. However, in the subsequent years, the development of government Roma policies slowed down and effectively came to a halt in 2004. In this respect, it is telling to quote the titles of the reports produced by the Bureau for European Comparative Minority Research on the Roma situation in Hungary: *A Year of Changes, Promises and Expectations* (2002); *Illusory Politics and Standing Still* (2003); and *Stagnation* (2004). Kállai and Törzsök describe the main problems of domestic Roma policies between 2002 and 2006 in the following terms:

The ministries wanted to continue the old practice in which [they] themselves decided what programmes [...] for the Roma they want to implement and how much money they would spend on them from their own budget. Finally this decade-old, unsuccessful but simple practice, whose 'efficiency' is well characterized by research results, received continued political support [...] No

one had the will to generate true changes in the lives of the Roma with targeted and concentrated steps. Rather the view [...] began to strike roots that “there is no such thing as a Roma issue”.

This political view [...] became more and more accepted also at public administration level⁵⁹

Thus, this period was characterised by a strong influence of domestic factors on the development of government Roma policies. The most prominent factors included an increasing Roma political mobilization, which was most apparent in the growing number of Roma self-governments, and political power struggles, which primarily manifested themselves in institutional reorganizations. As Kállai and Törzsök suggest, these political clashes of interests, the “decade-old” practice of running parallel programmes instead of concentrated and targeted efforts, could turn the promising beginning of 2002 into the failures of 2004. Let us now turn to the analysis of the period from the EU’s point of view.

In 1994, Hungary officially applied for membership of the EU. In 1995, the Council of Ministers decided to put into motion the accession procedure. In compliance with the pre-accession strategy of the EU, the European Commission set out to evaluate the merits of the Hungarian application, and summarized its findings in its 1997 Opinion on Hungary’s Application for EU Membership.⁶⁰ As we have seen in this chapter, Hungary had already achieved considerable success in the field of human rights protection by that time. For example, it ensured the constitutional protection of minorities; the Minorities Act of 1993 was unique in the CEE region. As member of the Council of Europe, Hungary also signed the Framework Convention for the Protection of National Minorities and the European Charter for Regional and Minority Languages, two legally binding documents, and officially accepted the Recommendation 1201 of the Parliamentary Assembly of the Council of Europe. Small wonder then that the Commission did not find much to

⁵⁹ Ernő Kállai and Erika Törzsök, eds., *A Roma’s Life in Hungary. Report between 2002 and 2006: The Age of Reorganization* (Budapest: Bureau for European Comparative Minority Research, 2006), p 158

⁶⁰ *Commission Opinion on Hungary’s Application for Membership of the European Union* (Brussels: European Commission, 1997), DOC/97/13.

criticise with regard to the rights of the minorities in Hungary. Indeed, it stated in the Opinion that “Hungary presents the characteristics of a democracy with stable institutions guaranteeing the rule of law, human rights and respect for and protection of minorities”.⁶¹

As a result of the positive Commission Opinion of 1997, the EU decided to sign an Accession Partnership with Hungary in 1998. A key element of the EU’s pre-accession strategy, the Accession Partnership set out priority areas for further work for Hungary. In response to the Partnership agreement, the Hungarian government accepted the National Programme for the Adoption of the Acquis. Yet the priorities of the National Programme did not exactly match those of the Accession Partnership: one particular priority area that was not covered in the National Programme was the situation of the Roma. In fact, despite the EU’s effort to prioritize the Roma issue, domestic Roma policies was becoming less and less a priority in Hungary.

Between 1998 and 2003, as part of the accession process, the European Commission issued annual reports on Hungary. The reports evaluated Hungary’s progress towards accession in light of the Copenhagen criteria. With regard to domestic Roma policies, a few recurring themes can be discerned in these reports. One theme concerns the development of a long-term strategy for the social integration of the Roma. Although a proposal for a long-term strategy was submitted to the Hungarian parliament in 2001, it has not been adopted as of today. A second and related theme warns that Roma policies is poorly integrated into general social development strategies and exists as a separate and parallel project. The adoption of the long-term strategy is expected to alleviate this situation. A third theme is the lack of a unified anti-discrimination law. At the time the reports were published, the anti-discrimination legislation was fragmented and defective: for instance, although Hungarian law prohibited discrimination, it did not define it. Unified legislation and an operational

⁶¹ Ibid.

definition of the term were only introduced in 2003.⁶² A fourth theme concerns securing parliamentary seats for the minorities. In fact, as early as in 1992, the Hungarian Constitutional Court already ruled that under the provisions of the Constitution, securing the parliamentary representation of the minorities is a constitutional obligation.⁶³ All in all, the observations of the reports suggest that the Commission felt unhappy with the progress achieved in Roma integration. All reports conclude that the situation of the Roma remains very difficult and needs further attention.

It is important to stress that these deficiencies of the Hungarian minorities policy did not occur just once, they were present year after year in the reports. In fact, some of the problems had been in existence for more than a decade. For example, the lack of a method securing parliamentary seats for minorities created an “unconstitutional situation” already in 1990 – and continues to do so even today. Yet all reports found that Hungary fulfilled the Copenhagen political criteria. Hungary’s development in the field of human rights protection apparently satisfied the evaluators of Hungary’s compliance with the political conditionality of the EU. Therefore, in cases such as the one described above, or the long-term strategy for the integration of the Roma, the pressure exerted by the EU was obviously not enough to affect changes in Hungary’s policies. These problems existed during the accession process and continue to do so after the accession.

3.3 ROMA POLICIES IN HUNGARY AFTER 2004

The third period is especially interesting for the analysis of the EU factor and its influence on the development of the domestic Roma policies in Hungary. It is interesting because in 2004 Hungary completed the accession process and became a member of the EU. As a result, the membership conditionality created by the Copenhagen European Council in 1993 ceased to exist. From 2003 on, the Commission no longer publishes regular reports on Hungary. Yet the EU may still induce the

⁶² "Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities," (Hungary).

⁶³ "Decision of 35/1992. (VI. 10.) of the Hungarian Constitutional Court," (Hungary).

government of the day to change its Roma policies in order to accommodate norms advocated by the EU. This is the topic of this section.

An important development in minority policy was the adoption of an amendment to the Minorities Act of 1993, which introduced changes in the election rules of minority self-governments. The ONEM started work on the improvement of the Minorities Act already in 1997, taking account of the experience that had accumulated since the first elections in 1994-1995. Originally, the planned changes would not affect the election rules. The corrupt practices during the minority self-government elections in 1998-1999 drew attention to the problem, but the debates on the content and extent of the modifications became protracted. In 2002-2003, the new minority election scandals finally gave the government a strong incentive to put across an amendment to the Minorities Act. As Dobos points out, the obligatory legal harmonization with the *acquis* of the EU provided another incentive: with the accession, the provision of the Constitution that allowed non-minority voters to vote in minority self-government elections was removed. It meant that there was a need to regulate who is entitled to vote in future self-government elections (who belongs to a minority).⁶⁴ In this sense, the EU had an indirect impact on the development of the Minorities Act.

However, a lack of political will to take a step further than absolutely necessary is also evident in this example. For instance, since its creation, one shortcoming of the Minorities Act has been that it does not assure positive discrimination for securing parliamentary representation of minorities as set forth in the Constitution.⁶⁵ As the minority self-government system came under severe criticism, the question of secured representation also became a salient issue. However, despite continuing

⁶⁴ Balázs Dobos, "A kisebbségi önkormányzati választójog kialakítása Magyarországon (Developing Voters' Rights for Minority Self-Government Elections)," *Kisebbségkutatás* 4 (2005).

⁶⁵ This is important because even democratic elections cannot guarantee the parliamentary representation of minorities in Hungary because of the 5 per cent threshold. In contrast, the Romanian law provides a positive discrimination system whereby minorities can gain parliamentary representation even if they fail to obtain it through the normal procedures.

domestic lobby and regular reminders in the accession reports issued by the European Commission, this provision of the Constitution has not been effectuated until today.

However, the approximation of the Hungarian legal system to that of the EU inevitably entails further tasks on the government:

After the accession Hungary's duty of harmonisation hasn't come to an end, since the Hungarian legal system still has the deadlines set by community law to take into account, and our legal system has to give fast and adequate responses to the community's legal challenges.⁶⁶

Nevertheless, as long as the EU does not develop its own unified *acquis* on minority protection, there will be little for Hungary to converge to. Although the EU has therefore little influence on domestic minority policy through the legal harmonization process, Hungary may have an effect on the EU. For example, the text of the Constitutional Treaty contains a reference to minority rights on the suggestion of the Hungarian government:

The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, *including the rights of persons belonging to minorities*. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.⁶⁷ (Emphasis added.)

As we have seen, since the early 1990s Hungary has placed special emphasis on providing for the rights of ethnic Hungarians. Therefore, the fact that the Hungarian government should carry through the insertion of a reference to minority protection into the text of the EU Constitution can be explained by Hungary's foreign, rather than minority or Roma, policy.

Although major improvements have not occurred since 2004, reorganizations have continued to be a decisive element in Hungarian minority policy. The Inter-Ministerial Committee for Gypsy Affairs (set up in 1997 to manage the medium-term Roma programme) and the Council of Roma

⁶⁶ Judit Fazekas, "Post-Accession Duties of Legal Harmonization," *European Integration Studies* 3, no. 1 (2004), p 9

⁶⁷ *Treaty Establishing a Constitution for Europe*, (Luxembourg: Office for Official Publications of the European Communities, 2005), Article I-2

Affairs (set up in 2002 to assist the Prime Minister's work) were eventually merged into the Council of Roma Integration. The Council held its statutory meeting in April, 2007. The merge is justifiable on two accounts. First, the coexistence of the two bodies was pointless and criticized by many. Second, the first body was made up of governmental experts, while the latter of civil experts. Their unification is therefore reasonable. Another prominent example of the reorganizations is the case of the ONEM, which was eventually dissolved in early 2007. Its task of carrying out governmental initiatives related to national and ethnic minorities was taken over by the new Department for National and Ethnic Minorities at the Office of the Prime Minister.

In the second half of the 1990s, the ONEM began to draw up a long-term strategy for improving the situation of Roma. At that time, a proposal was submitted to the parliament, but it was not adopted. As we have seen, the Commission repeatedly reflected on this deficiency of Roma policies, urging the Hungarian government to create and start implementing such a strategy. However, this has not been realized as of today. One initiative, however, is worth mentioning here. In the absence of a governmental long-term strategy, the Decade of Roma Inclusion 2005-2015 (DRI) may be seen as a quasi alternative. The DRI is an international initiative launched by the Open Society Institute and the World Bank. It aims to improve the welfare of Roma by bringing together governments, IGOs, INGOs, and Roma civil society. Nine countries committed themselves to the goals of the programme: Bulgaria, Croatia, the Czech Republic, Hungary, Macedonia, Montenegro, Romania, Serbia, and Slovakia. Each country has developed a national Decade Action Plan, in which they determine the specific goals to attain in the priority areas. At the time of writing, the DRI Strategic Plan is being debated in the Hungarian Parliament.

The Hungarian Socialist Party, the larger of the governing coalition, has been in office for two consecutive terms (from 2002 to 2006, and from 2006 on). As we have seen, domestic Roma policies during this period has often been characterised by what Kállai and Törzsök call “illusory politics”,

politics without substance.⁶⁸ Also, it speaks volumes that, as the same authors point out, the party did not nominate Roma candidates on important party lists neither in the European Parliamentary elections in 2004 nor in the 2006 parliamentary election in Hungary.. Kállai and Törzsök conclude that the governing party “does not think very important the Roma cause, not even at symbolic level.” Given the importance that the EU has attached to “the Roma cause” since its first report on Hungary in 1997, we may add that the party does not think very important the judgement of the EU either.

3.4 MAIN CONCLUSIONS OF CHAPTER 3

As we have seen, the development of Hungarian minority protection regime may be divided into three broad phases, each characterised by particular features. During the first phase, the constitutional, legal and institutional frameworks were created in the first half of the 1990s. The second phase was characterised by the emergence and upswing of government level Roma programmes and policies after 1995, then by their decline after 2002. The third phase has not improved minority policies considerably. There is little evidence to suggest that the EU had significant influence on domestic Roma policies in any of three phases. Instead, domestic factors appear to have been decisive.

⁶⁸ Ernő Kállai and Erika Törzsök, eds., *A Roma's Life in Hungary. Report 2003: Illusory Politics and Standing Still* (Budapest: Bureau for European Comparative Minority Research, 2003).

CONCLUSIONS

In this dissertation I have argued that the development of the minority protection regime in Hungary has primarily been shaped and influenced by domestic initiatives, and the impact of the EU on this development has been fairly limited, especially after Hungary became a member of the Union. To conclude the dissertation, it is in order to briefly review the main findings about the development of Hungarian minority protection and the factors that affected the impact of the EU on this development.

ROMA POLICIES IN HUNGARY BETWEEN 1990-1995

In the context of minority rights protection, the first half decade following the political transformation brought profound and far-reaching changes in Hungary. The period was primarily characterised by efforts to create a comprehensive constitutional and legal framework for the protection of minority rights and build the necessary institutions to implement legal provisions. In this respect, the Minorities Act and the Office for National and Ethnic Minorities proved to be key elements in determining Hungary's domestic minority policy. In particular, the Minorities Act was of model value. Its generous provisions for the collective rights of minorities made the Act unique in Central and Eastern Europe.

However, in securing such extensive minority rights, the Hungarian government was not motivated by a deep interest in the national and ethnic minorities living in Hungary. Ironically, the emerging minority rights regime was primarily intended to serve as a model for the neighbouring countries with ethnic Hungarians. In the hope of receiving similar treatment for the kin minorities, the Hungarian government pursued an exceptionally liberal minority policy. In sum, the development of the new minority rights regime was essentially characterised by a strong focus on the protection of ethnic Hungarians living near abroad. It is not surprising then that government minority policy did not distinguish between the various needs of the minorities in Hungary.

Although the Minorities Act opened a window of opportunity whereby minorities could form self-governments and influence educational and cultural matters, not all minorities could make use of this opening. In particular, the Hungarian Roma were very poorly positioned to do so. Yet, the political salience of the situation of the Roma was low in this period, there were no significant government level initiatives to better their social or political standing.

Seen in this way, the period between 1990 and 1995 offers little evidence to suggest that the EU factor played an important role in shaping and influencing domestic minority policy. On the contrary, it was Hungary that consciously endeavoured to make an impression on the development of minority rights protection in other CEE countries. In addition, minority issues were hardly on the political agenda of the EU, and the Copenhagen criteria were not formulated until 1993. Thus, it seems safe to assume that little direct influence from the European Union could shape the early development of minority policy in Hungary.

ROMA POLICIES IN HUNGARY BETWEEN 1995-2004

In June 1993, the Copenhagen European Council laid down criteria for the associated CEE countries concerning the membership of the European Union. The political criteria, *inter alia*, explicitly mentioned the protection of minorities. In order to gauge the progress of the candidate countries towards accession, the European Commission was required to prepare regular reports on the prospective members. As a candidate country, Hungary was subject to scrutiny from 1997 to the last report in 2003.

In terms of minority rights protection, all reports established that Hungary fulfilled the political criteria. However, a few issues kept cropping up year after year, for example, the need for unified anti-discrimination legislation or the lack of a long-term Roma programme. Indeed, a particular area that was repeatedly mentioned as one requiring attention was the situation of Roma. It is clear that although the Commission found Hungary a stable democracy, it was worried about some aspects of

Hungary's minority, and in particular Roma, policy. In the course of the accession process, some of the deficiencies mentioned by the Commission were remedied. Notably, the Hungarian government introduced comprehensive anti-discrimination legislation in 2003. However, most of the deficiencies the Commission drew attention to still continue to exist.

Consequently, it is far from self-evident that in this period the enlargement strategy of the European Union had a significant impact on government minority, and especially Roma, policy in Hungary. The case of the anti-discrimination legislation suggests that domestic policy changes were most successfully effectuated via Hungary's obligation to harmonize its legal system with that of the EU by adopting the *acquis*. However, the overall impact of the EU factor during this period seems to be confined to raising attention to the shortcomings of domestic minority policy, and making recommendations to improve it.

ROMA POLICIES IN HUNGARY AFTER 2004

Hungarian domestic Roma policies do not seem to have changed significantly since Hungary completed the accession process in 2004. There have been several changes, though. First, a long-due reform of the Minorities Act took place in 2005, partly because of scandals emerging around self-government elections, partly to accommodate legal changes resulting from the implementation of the *acquis*. In this respect, the EU continues to influence domestic minority and Roma policies because legal harmonisation goes on even after the accession.

Reorganizations remained a decisive element in domestic minority policy. In this respect, the creation of the Council of Roma Integration and the liquidation of the Office for National and Ethnic Minorities were two important events. The fact that the tasks of the ONEM were taken over by a department in the Office of the Prime Minister may indicate that Roma policies will receive greater emphasis in the future.

Long-existing problems have remained untouched. The secured parliamentary representation of the minorities is one of them. Notwithstanding the concerns expressed by the EU, domestic actors and the Hungarian Constitutional Court, this right of the minorities only exists in the Constitution. Another problem concerns the development of a long-term strategy for the integration of the Roma. Although a ten-year international level programme, the Decade of Roma Inclusion, has been launched, this cannot substitute for a domestic long-term strategy.

DEFICIENCIES OF THE EU FACTOR

While many would agree that the EU does have a potential to influence the domestic policies of its member states, there is less agreement on how and to what extent this potential manifests itself.⁶⁹ Therefore, in light of our findings, it is important to think over the potential factors that determined the low efficiency of the EU's pressure to influence domestic Roma policies in Hungary.

One important factor relates to the timing of the pressure. By the time the situation of the Roma emerged as an issue on the EU's political agenda in 1997, a fairly advanced, comprehensive and well functioning minority rights system had been developed in Hungary. What is more, government programmes aimed at alleviating the socioeconomic problems of the Roma had been launched as early as in 1995 – two years before the EU began to consider Roma issues in terms of the Copenhagen political criteria. Thus, we may assume that the minority rights system had become consolidated and the government Roma policies had taken shape by 1997. In addition, since Hungary fulfilled the political criteria from the beginning, it is unlikely that the EU presented sufficient incentives for Hungarian politicians to change their political stance on minority and Roma policies.

⁶⁹ See, for example, Grabbe., and Thomas Risse, Maria Green Cowles, and James Caporaso, "Europeanization and Domestic Change: Introduction," in *Transforming Europe: Europeanization and Domestic Change*, ed. Thomas Risse, Maria Green Cowles, and James Caporaso (New York: Cornell University Press, 2001).

A second factor concerns the lack of unified minority policy in the EU. The absence of a standardized approach in the field reflects the historical development of minority rights protection in post-cold war Europe. For example, Tesser argues that

On one hand, states like Germany and Hungary with significant numbers of “kin” abroad supported more extensive minority protections to foster their cultural and religious uniqueness. Such protections, they argued, would help improve the living standards and vitality of areas with minority concentrations and thus stem the tide of immigration to the mother state. On the other hand, countries such as France, Greece, Slovakia, Romania, and Bulgaria would only accept minority rights clothed in the individualistic language of human rights contained in cold war treaties (i.e., the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights)⁷⁰

The lack of a unified approach to minority protection had far-reaching consequences. First, many of the old member states considered minority issues an internal affair, not least because they did not wish the EU to intervene in their own affairs. Thus, candidate countries had considerable leeway to shape their domestic Roma policies as they thought best. Second, it created the problem of double standards, whereby the EU required much more effort from the candidate countries than from the old member states in the field of minority protection.⁷¹ This dichotomy raised doubts about why the candidate countries had to meet criteria that did not apply to the old member states.

Closely related to this is the third factor. Since the EU had no *acquis* concerning minority protection, the Commission evaluated the candidate countries on the basis of two Council of Europe documents: the Framework Convention for the Protection of National Minorities and the European Charter for Regional and Minority Languages. The candidate countries were expected (although were

⁷⁰ Tesser., pp 3-4

⁷¹ With regard to minority protection, the Amsterdam Treaty of 1997 (signed by the old member states) only contains the following reference: “The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States”. There is no reference to minorities in the text whatsoever. (*Treaty of Amsterdam Amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts*, (Luxembourg: Office for Official Publications of the European Communities, 1997)., Article F)

not officially required) to subscribe to these documents. This solution, however, was problematic for at least two reasons. First, these documents were not part of the legal corpus of the EU, and therefore law-breakers could not be brought to the European Court. Second, the documents provide minorities with rather moderate rights. As Kovács puts it, they pursue “shy minority protection”.⁷²

A fourth factor concerns the fact that government Roma policies has often fallen victim of domestic power struggles and political indifference. As we have seen, there is ample evidence for both in Hungary. It should hardly need stating that in the absence of the necessary political consensus and political will the international environment has very little opportunity to affect changes in domestic policies. For example, in an interview Márta Márczis, programme director of the Cserehát UNDP-MSAL project,⁷³ described the situation of the Cserehát Programme Office as “defenceless”. She noted that the UNDP initiative was often received with hostility on the part of government experts who were concerned about the “intervention” in their “competence”. By way of an anecdote, Márczis also mentioned that the Office was moved to a small place in a back corridor following a change in the management of the Ministry in which the Office was provided office place – merely as a result of an act of showing off power.⁷⁴

GENERAL CONCLUSIONS

The development of Hungarian Roma policies after the political transformation was primarily shaped by domestic factors such as Hungary’s concern for its ethnic minorities and political power struggles. The relative ineffectiveness of the EU to influence the development of Roma policies in Hungary was due to factors such as the timing of the EU pressure and the absence of a unified European stance on minority issues. Thus, the impact of the EU was mainly limited to drawing attention to

⁷² Péter Kovács, *Nemzetközi jog és kisebbségvédelem (International Law and Minority Protection)* (Budapest: Osiris, 1996).

⁷³ Launched in 2005, the exceptionally successful Cserehát programme is a project to assist the development of one of the most impoverished microregions in Hungary, Cserehát. It is a joint programme by the United Nations Development Programme (UNDP) and the Hungarian Ministry of Social Affairs and Labour (MSAL).

⁷⁴ Author interview with Márta Márczis, 03-05-2007.

various shortcomings of domestic Roma policies (such as the lack of a long-term programme) and of the legislative framework (such as the unconstitutional situation created by a lack of secured parliamentary seats for the minorities). There is little evidence to indicate that the EU has substantially determined the way in which Hungarian minority and Roma policies emerged. Indeed, as long as the EU does not develop Community level minority policies, its influence on domestic minority protection will probably remain limited.

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