

# **POLITICAL REPRESENTATION AND PATTERNS OF INEQUALITY OF THE ROMA MINORITY IN HUNGARY**

**WHY POLITICAL REPRESENTATION RIGHTS FAILED TO PROVIDE POLITICAL  
EQUALITY?**

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## **Abstract**

Even though special representation rights are provided for minorities, Roma political representation has not been fully realized over the last two decades in Hungary. The aim of this thesis is to provide insights into the issue of political representation of Roma minority on the national level. I compare the changing legal framework ensuring rights and options for Roma political representation. I pay special attention to normative and institutional arrangements being responsible for realizing minority representation. I focus on such controversial issues as the missing normative guidance of the first minority law, the lack of effective political institutions, and the unachievable electoral threshold for minority parties. Regarding the second law, I hypothesize that the newly introduced arrangements contribute to the lack of Roma political representation. Relying on secondary sources and expert interviews, I argue that normative guiding regulations were not provided facilitating Roma representation, instead, powerless institutions, lacking political impact and licenses, have been in charge of minority representation. Further problems can be found in the Hungarian electoral system that is not favoring Roma parties, the ideological diversification among Roma people, and the lack of longstanding legitimacy of Roma parties. For the current legal framework, the biggest dilemma is making Roma representation dependent on the preferences of the ruling party coupled with ineffective political institutions. Last but not least, I provide recommendations for how the question of Roma representation could be resolved.

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## 1 Introduction

In social sciences, many scholars deal with the issue of multiculturalism from different political, legal, cultural, economic, and social aspects. There are many of them who emphasize the intensified influence of multiculturalism across European countries.

Mododd and Werbner point out that multiculturalism has become a part of the European life:

*Europe has become a novel experiment in multiple, tiered and mediated multiculturalisms, a supranational community of cultures, subcultures and transcultures inserted differentially into radically different political and cultural traditions (1997, VII.).*

Another scholar emphasizes that multiculturalism has become dominant in the last few decades in Western societies (Berkes, 2010). However, I would say that not only in Western, but also in Eastern European countries multiculturalism has turned into a fact of everyday life taking into account the numerous group of minorities living here.

Will Kymlicka likewise considers the strengthening trend of multiculturalism as follows:

*Modern societies are increasingly confronted with minority groups demanding recognition of their identity, and accommodation of their cultural differences. This is often phrased as the challenge of multiculturalism (1995, 10.).*

Taking into account the main clusters of cultural diversity, I want to draw attention to a significant minority group, namely the Roma minority. There are several reasons why I consider it crucial to do so. According to different sources, the Roma are the largest ethnic minority in Europe (Mitchell, 2005). The determination of the exact number of Roma people living in Europe can be problematic (Mitchell, 2005), however, the estimated number is approximately 10-12 million. In Hungary, the Roma are the biggest minority. According to the Hungarian census data, more than 315,000 people identified themselves as Roma in 2011. However, non-official sources estimate this number as much higher. For instance, Chuck

Sudetic and Robert Koulisch contend that the number of Roma people living in Hungary is somewhere between 500,000-800,000 (2013; 2005).

Roma in Hungary are exposed to discrimination and exclusion from society in socioeconomic and political terms (Varadi and Virag, 2014). Schafft and Brown found that Roma people have been politically marginalized, economically and socially excluded from society, being the “*most socioeconomically disadvantaged minority in Hungary*” (2000, 202.). Furthermore, political marginalization of Roma is considered as one of the most longstanding phenomenon that they have been faced with. Rovid points out that Roma people have equal citizenship “*supposing the same claim in the distribution, control and exercise of political power as any other member of the political community.*” However, they lack the effective guarantees of the group-specific political participation and representation (Rovid, 2013). Roma people remain significantly “*underrepresented in the local, national and European level as well*” (Rovid, 2013).

To counteract political marginalization, group specific rights are given to minorities in order to guarantee equal chances and equality before the law (Kymlicka, 1995 [Young]). Within this right category, three main claims can be classified, including political representation rights, self-government rights and polyethnic rules. (Kymlicka, 1995). The Hungarian legal framework provides minorities living in Hungary with group-specific rights as well (Act LXXVII of 1993). However, in this thesis I am paying special attention only to special representation rights as they are the main focus of my topic.

Despite all the granted minority rights, exclusion, political and socioeconomic marginalization and discrimination of Roma people still persists in Europe and also in Hungary (Schafft and Brown, 2000; McGarry, 2009; Varadi and Virag, 2014). At this stage the question reasonably emerges: Why political representation rights failed to provide political equality for the Roma minority in Hungary? In order to answer this question, first I have to define what

equal political representation means. For the purposes of this thesis, it implies equal, independent, effective, professional and powerful political representation. I consider all these terms extremely important due to the following reasons. First, I strongly believe that equality is a crucial aspect for Roma people in order to achieve equal political representation. In other words, without the fulfillment of the principle of equality the realization of political balance is impossible. Second, political independence can be seen as another means of avoiding political biases and influences deriving from different mainstream political parties. I think that if a bigger, mainstream party has influence on or co-opts minority politics, the realization of Roma political agency is highly problematic. I argue that, in this case mainstream parties, having more political power, might over-politicize minority interests. Third, I also take into account effectiveness, professionalism and power as necessary factors for realizing minority politics. I definitely think that political power and professionalism are basic requirements for political representation. I cannot think of powerless institutions and unprofessional leaders achieving success in the field of politics.

I assume that political representation rights have not ensured effective political representation that would guarantee political equality for the members of the Roma people. This deficit could derive from two main set of problems. The first is the deficient and inappropriate legal framework. The second is the poor implementation and inaccurate institutional arrangements of the provided legal frameworks. Accordingly, I hypothesize that the provided legal frameworks are not appropriate either in normative<sup>1</sup> or in institutional terms that so as to contribute to the realization of minority political representation in Hungary.

The aim of this thesis is to gain and provide more insights into the national level of political representation of Roma minority in Hungary. I intend to investigate, analyze and

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<sup>1</sup> Normative implies those missing guidances in the law that would be responsible for the successful realization of minority representation. For instance specifying how, by which political tools and by which manner Roma political representation could be accomplished in an effective way.

compare the provided two successive legal frameworks for political representation for Roma in the Parliament<sup>2</sup>. At the same time, I would like to better understand the main problems of the realization of Roma political representation. At this stage, I am going to put greater emphasis on normative and institutional questions deriving from the two laws being considered as hindering factors of the full and successful realization of Roma political representation. I focus on such controversial issues as the normative missing guidance of the first minority law, the lack of effective political institutions, and the unachievable electoral threshold for minority parties. In the case of the second law there have been several new regulations such as the introduction of national registry, the institution of spokesperson and the role of the National Roma Self-Government. I consider all these decrees that raise questions about the realization of Roma political representation.

In order to understand what the main barriers of Roma political representation are, I am going to work through the following stages: This introduction identifies the central problem, hypothesis, and structure of the work. The *second chapter* of the thesis presents the Methodology. In this part, I am going to describe what methods I use and how I intend to examine the main problems of Roma political representation.

The *third chapter* is the theoretical framework that provides the backbone of the entire thesis consisting of two main concepts. I draw primarily on the works of Will Kymlicka and Jacob T. Levy, especially his typology of group-specific rights. I will also briefly explore the general idea of political representation.

The *fourth chapter* focuses on the political representation rights of Roma. Within this chapter there are two subchapters. The first subchapter deals with the first Hungarian minority law providing a descriptive analysis of the legal framework. This subchapter will have two

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<sup>2</sup> I refer here to the two laws regulating about the political representation of Roma. The first law is the minority law from 1993, the second is from 2011 having a separated section on minority's political representation in the Parliament.



additional sections. The first will deal with the missing normative guidance of the law resulting in unsuccessful representation. The second section will put emphasis on the institutional arrangements of the law being in charge of realizing minority politics. For instance, I will show how Roma parties performed since the transition at national elections and illustrate why they could not succeed in becoming true representative bodies. The next subchapter explores the second law (Act CCIII of 2011). In this part I have two section as well. First, I describe and analyze the role of the National Roma Self- Government and the introduction of a nationality registry. Second, I draw attention to the institution of the spokesperson as an alternative of realizing minority political representation.

The *fifth chapter* presents possible alternative solutions for minority political representation set up by the interviewees. I also bring relevant arguments related to these alternatives.

Finally, *the last chapter* as a conclusion is the evaluation and comparison of the two laws in terms of their effectiveness and contribution to the realization of Roma political representation.

## 2 Methodology

The thesis combines two methods. First, I am going to use legal framework analysis focusing on general and specific aspects of the two laws dealing with minority political representation. Along this line, I will pay special attention to whether these laws are appropriate in normative and institutional senses. I will focus on Parliament, political parties and the electoral system as institutions being relevant for political representation. After the legal analysis of the frameworks, I will be able to compare how the first and the second law intended to solve the question of Roma political representation and evaluate in what extent these have been successful.

The second method applied involves the analysis of primary data gathered through qualitative interviewing. I decided to conduct in-depth interviews due to several reasons. First, *“interviewing gives us access to the observations of others”* (Weiss, 1994, 1). Second, not only new information can be observed, but also different angles of opinions regarding the same issue (Weiss, 1994). Third, I hope to learn new facts or assumptions that have not been included either in the legal frameworks or in the literature. Furthermore, I expect that members of the Hungarian Roma community and Roma politicians – the most immediate and relevant stakeholders – will elucidate what they think of the legal framework, the practice of the implementation of the minority laws and in general about the question of Roma political representation. In this sense, what is crucial is not only their opinion, but also what they would propose as the solution of the problem.

In order to better understand the normative and institutional problems of the political representation, I conducted four interviews with politically relevant actors.<sup>3</sup> These are in-depth interviews focusing on the most controversial issues of Roma political representation in

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<sup>3</sup> I planned to conduct more interviews, but I was not successful in arranging them. Below, I present the reasons why it happened.

Hungary. Since there are two main laws dealing with minority political representation in Hungary, I set up my interview questions exclusively regarding them.<sup>4</sup> In the first block of the questions, I ask about the first minority law's regulations for realizing minority political representation. I also attempt to get greater insight into the developments and problems of minority representation when the first law was in force. Second, I specify my questions on the most controversial, important and much debated issues of the new law such as the issue of nationality registry, institution of spokesperson and the National Roma Self-Government. I use quotes from the interviewees in order to contextualize the central arguments found within the research literature.

Below, I present the main criteria based on I choose the interviewees.

*Criteria for sampling interviewees:*

- People involved in the political life during the period of time when the first minority law was in force. I gave preference to interviews with politicians who were representatives in the Parliament.
- People personally involved in the issue of Roma political representation, including involvement with different civil associations that were dealing with the issue of Roma political representation.
- Roma representatives who acquired their mandate by mainstream political parties.
- Leaders or representatives of those Roma political organizations which have had political agreement with mainstream political parties. Here, I especially think about representatives of Lungo Drom and MCF<sup>5</sup>.

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<sup>4</sup> The first minority law is the Act LXXVII of 1993 Rights of National and Ethnic Minorities. The second law is the Act CCIII of 2011 About the Election of Member of Parliaments. Both laws are going to be described in a great details below in the following chapters.

<sup>5</sup> Lungo Drom is a Roma advocacy association established in 1990. Its founding member and president is Florian Farkas. Since 2001, Lungo Drom has electoral agreement with FIDESZ (Official Curriculum Vitae of

- People taking part in the political life either on the local level such as member of local municipalities or on national level such as political activist.

I conducted four interviews with politically relevant actors. *The first interviewee* is a former Roma politician, who was a Member of Parliament between 2010 and 2014. Her name is Agnes Osztołykan, LMP (Politics Can be Different) party's member between the above mentioned time period. She deals with Roma politics since the middle-late 90s. In 2010, she acquired a mandate in the national legislature within the color of LMP (Politics Can be Different) party. Apart from this, she was the notary of the Parliament and the Vice-President of the Education Committee (Interview with Agnes Osztołykan, 2014). She is considered within the Roma community as a rather positive figure. I would say that she is a well-regarded person and significantly less criticized than other Roma politicians. The interview with her was successfully conducted that provided pivotal information being significantly relevant to the topic.

*The second interviewee* is Bela Racz who currently works at the Open Society Foundations- Making the Most from EU Fund for Roma as a program manager. He previously worked at the Ministry of Education being involved in the state administration. Furthermore, he was working for different international organizations. In 2014 at the local municipality elections he was elected as a local government representative in his own village in Nogradmegyer (Interview with Bela Racz, 2015).

*The third interviewee* is Jeno Setet who is a civil rights defender and activists. Since 1995, he has been working in this field and also as a social worker. In 1995-2010 he worked at the Roma Civil Rights Foundation (Roma Polgarjogi Alapitvány), then in 2011 he was actively

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Florian Farkas). MCF is a Roma political party established in 2005. The party has been considered to be one of the most relevant Roma political entity competing with Lungo Drom. While Lungo Drom is related to FIDESZ, MCF has collaborated with the Socialist-government in Hungary (Bozoki, et al. 2010).

involved in the census campaign. The aim of this campaign was to mobilize Roma people to self-identify as Roma.<sup>6</sup> Between 2010 and 2011 he was a colleague at the Hungarian Civil Liberties Union (Társaság a Szabadságjogokért). Since 2012 he has been a program staff member at the National and Ethnic Minorities Office. There are several Roma related demonstrations and movements that can be linked to his name. He is a well-known Roma activist in Hungary. Political parties and different associations have tried to convince him to be more directly involved in politics and to run for elected office (Interview with Jeno Setet, 2015).

*The fourth interviewee* is Laszlo Teleki, a Member of Parliament coming from MSZP (Hungarian Socialist Party) political party since 2002. In 1990, he was a Roma spokesperson, since 1995 he has served as the President of the Roma Nationality Self-Government in Nagykanizsa (Official website of MSZP). Between 1997 and 2006 he was a board member of the Hungarian Roma Public Foundation (Magyarországi Romakert Kozalapitvany). Between 1998 and 2002 he was a local government representative in Nagykanizsa and the Vice-President of the National Roma Self – Government. From 2002 until 2006 he was the State Secretary for Roma Issues of the Prime Minister's Office (Interview with Laszlo Teleki, 2015; Official website of MSZP).

As may be noted, there are no interviewees representing right-wing oriented political perspectives. I contacted Felix Farkas, who is the Roma spokesperson in the Parliament, in order to conduct an interview with him. I called him on the phone through the Parliament, but unfortunately there was no response. I even tried to get in touch with him by email, but all my attempts failed.

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<sup>6</sup> According to the census data from 2001, 205,720 was the number of Roma population in Hungary. This number significantly increased at the 2011 Census. 315,583 people identified themselves as Roma.

Through one of his advisors via email, I also tried to make contact with Florian Farkas. Unluckily, I still have not received any reply. However, an interview with him would have made significant contribution to my thesis, since he is the President of the Lungo Drom and Member of Parliament and a member of FIDESZ since 2002.

Furthermore, I intended to reach the National Roma Self-Government as well. I called on the phone the institution and asked about the possibility of an interview with the President. I was told that I should write an official email to ask for appointment. I acted accordingly, and the next day I received the answer stating that the President is busy and has no free time to conduct the interview.

I had hoped to conduct at least seven interviews for this thesis. Unfortunately, I faced with the problem of less willingness and responsiveness from the side of actors being directly involved in the issue of representation at the moment. I refer here to those stakeholders who are connected to the ruling party being in position for realizing minority political representation. Due to this fact, I did not have a chance to better understand and analyze their opinions. I consider this problem as a limitation of my thesis.

### 3 Theoretical Framework

The theoretical framework of the thesis focuses on the main concepts. The first is the theory of group specific rights and the second is political representation in general. In terms of group specific rights, I will shortly explore some of the relevant theories and classifications of these rights. While there are many different theoretical approaches to group specific rights, in this thesis I will rely on the theoretical frameworks provided by Jacob T. Levy and Will Kymlicka, since I think these theories provide an appropriate framework for the analysis of the political condition of the Roma minority in Hungary.

The second is the general idea of political representation that should be applicable for each and every citizen regardless their ethnicity, religion, gender, and other characteristics. I took into account these theoretical approaches, because both are vitally important for understanding to what extent political underrepresentation remains a serious problem.

#### 3.1 Group-specific rights

In the following, I begin with the theory of group – specific rights with a special focus on political representation claims. Iris Young states that *“Some forms of group difference can only be accommodated if their members have certain group-specific rights”* (Kymlicka, 1995, 25 [Young, 1989]). According to Young, group specific rights constitute guarantees for equal chances and for the equality before the law for minorities. Basically, this implies that these rights can provide insurance for minorities in order they to be treated in an equal manner. Consequently, by the scope of these rights minorities should be protected from discrimination, exclusion and marginalization in social and political terms as well. These rights include, among others, *“freedom of association, full political participation, equalizing protection of the disadvantaged, and fair adjustment to legal change”* (Pogge, 1997, 214-215).

I depart from the classification of group-specific rights by Jacob T. Levy (1997). He distinguishes eight classes of group specific rights: exemptions, assistance, self-government,

external rules, internal rules, recognition/enforcement, representation and symbolic claims (Levy, 1997). For the purpose of this thesis I will focus only on political representation rights.

Political representation is one of the most demanded rights by minorities:

*In order to secure protection of their interests or rights, in order to prevent discrimination or ensure certain privileges, in order to have a say in the actions of the state, ethnic minorities often seek some form of guaranteed representation in the state's decision making bodies, especially but not only legislatures.* (Levy, 1997, 43).

These rights provide a preventive tool against discrimination, exclusion and marginalization. According to Levy, there are different tools that help to realize minority representation: such as proportional electoral systems, cumulative voting, or reserved seats in the national legislature (1997). The author provides a few examples of straightforward quota systems such as the case of Zimbabwe during the black rule or Quebec in Canada where reserved seats were given to minorities in the Supreme Court. Furthermore, he mentions another important set up by which minorities can be represented. He demonstrates the option of African-American representation in the Congress in the United States based on the following alternative. In this case, minorities might form the majority in a certain single-member electoral district which results a minority member to be delegated to the legislature body. The supportive key lies in the importance of “majority-minority” arrangement. (Levy, 1997). Alternatively, mainstream parties may commit to the proportional minority representation. It implies that parties might launch a minority candidate at the elections offering a helping hand for realizing minority participation and representation.

According to Levy, there are several arguments for supporting and realizing minority representation. He mentions statements from different scholars such as Levine or Kukathas. Levine’s argument is concentrated around the principles of justice and democracy. The core assumption is that in democracy each group should be provided with the chance to be part of the winning coalition and to be involved in the decision-making process. However, it is pointed



out that minorities often face the problem of political exclusion (Levy, 1997). In other words, taking into account the idea of democracy and justice, it is not fair to leave out minorities from the political decision-making process. Moreover, if minorities are marginalized, it can result in conflicts along ethnic lines, leading possibly to repression of minorities. To summarize, political marginalization can easily represent a source of social tension within societies. (Levy, 1997).

Kukathas's argument takes a slightly different approach. He rather focuses on institutional arrangements, being in charge of minority representation, than on theoretical approaches. He argues that political institutions should be organized according to the structure and composition of society (Levy, 1997). Basically, the institutional design, which is set up in accordance with the social characteristics, is supposed to secure individual and group rights (Levy, 1997). I consider Kukathas's approach vitally important to my thesis, since among other things I intend to investigate how much political institutions are crucial in terms of realizing minority representation.

The next relevant theory that I take into account is Will Kymlicka's classification of group-differentiated rights. He states that

*These rights enable individuals to form and maintain the various groups and associations which constitute civil society, to adapt these groups to changing circumstances, and to promote their views and interests to the wider population* (Kymlicka, 1995, 26).

According to Kymlicka, there are three main categories of group-specific rights as follows: self-government rights, polyethnic rights and special representation rights. Since political representation of Roma is in the focus of this thesis, I will pay exclusively attention to special representation rights.

According to Kymlicka, the interest of minority groups towards special representation rights has been increasing. The right to political representation of minorities started to be considered more important due to the fact that historically disadvantaged minority groups have

been under-represented for a long time (Kymlicka, 1995). The intensifying demand towards political representation is reasonable, since the political proceeding is considered as under representative in terms of covering the interest of diverse societies (Kymlicka, 1995). As Kymlicka points out, the legislative bodies are mostly occupied by middle-class men, therefore, different disadvantaged groups are excluded from political representation. He provides the following examples of excluded groups: women, poor people, and people with disabilities, ethnic and racial minorities. The author states that these groups of people should be included in order to claim that a political process is more representative:

*Group representation rights are often defended as a response to some systemic disadvantage or barrier in the political process which makes it impossible for the group's views and interests to be effectively represented. (Kymlicka, 1995, 32).*

In other words, political representation rights are designed to overcome the problem of political marginalization and exclusion of minority groups in such a way when these disadvantaged groups receive advocacy in an effective manner. This is the fact that I would like to draw attention to, because it emphasizes effective representation and not some sort of symbolical agency dealing with advocacy.

Hungarian Roma people exactly fit in this category, since they are a minority group and their political representation has been pending for a long time (Bogdan, 2013). According to the election results from 1990 to 2010, candidates were running most of the time in individual constituencies since these Roma political parties could not set up party list. These Roma candidates gathered only between 1.5 and 5% of the votes, which was extremely low to have a mandate, because the electoral threshold is 5 %<sup>7</sup> in Hungary (Data source: Nemzeti Választási Iroda-National Election Office).

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<sup>7</sup> I strongly believe that not only the electoral threshold is a reason of Roma parties not getting mandate in the national legislature, but also other factors have to be taken into account. I will draw attention to these other elements in the following chapters in which I will analyze the first minority law and its barriers.

Kymlicka proposes different solutions to handle the question of representation of minorities. He points out that political parties should be more inclusive (Kymlicka, 1995) and to accept representatives from different minority groups. By this set up, the minority representation would be accomplished by non-minority parties. According to Kymlicka, the other potential solution is the proportional representation, because this electoral system is much more inclusive leaving room for minority candidates as well. The author also mentions the institution of reserved seats in the national Parliaments as another alternative solution for minority representation. Until 2011, there was no regulation in Hungary in terms of minority representation that would provide a well-developed, thorough plan including options for realizing disadvantaged groups' political representation. The 2011 Law introduced the institution of preferential mandate and spokesperson as an ultimate solution for realizing minority politics. (Act CCIII of 2011, Chapter 9, 18§ par. 1 and 2). I will analyze and point out the mains problems of these institutions in the second section of Chapter four.

### 3.2 The concept of political representation

Political representation is a crucial concept in democratic societies. However, the definition of this concept is not an easy task, since there is no commonly agreed-upon understanding (Ruedin, 2013 [Birch, 1971; Eulau and Wahlke, 1978; Blondel et al., 1997; Brennan and Hamlin, 1999; Miller et al., 1999; Pitkin, 1967]). According to Ruedin, the simplest way of defining the concept is “[being] present on behalf of someone else who is absent” (Ruedin, 2013, 9 [Britannica, 2006a]). Furthermore, the author applies this interpretation to politics when he says the following: “the idea that people, while not in person present at the seat of government are to be considered present by proxy” (Ruedin, 2013, 9 [Ford, 1925:3]). There are two crucial factors that have to be in present in order to talk about political representation. The first is the representative who presents the interest of other people or group of people. The second is the represented people (Ruedin, 2013). In case of Roma

people, both of the criteria are met, since there are elected representatives in the Parliament and there is a considerable size minority group waiting for representation.

According to Ruedin, the main requirement of political representation is the involvement of people in the decision making process by representatives (2013). The author further discusses the importance of political representation as a tool for expressing people's voice taking into account the sovereignty of citizens. Not only sovereignty as such, but also equality is crucial for political representation. Equality requires that each citizen should be enabled with right to vote and to participate at elections. If every citizen has right to all the above mentioned conditions, then women and ethnic groups cannot be ignored either (Ruedin, 2013). If the main principle of political representation is involvement in politics, then Roma people definitely lack this possibility, due to the fact that they are politically marginalized (Schafft and Brown, 2000; Varadi and Virag, 2014).

Hanna Pitkin points out the general importance of representation in the following manner:

*In modern time almost everyone wants to be governed by representatives; every political group or cause wants representation; every government claims to represent (Pitkin, 1967, 2).*

According to Pitkin's statement, everyone needs representation, meaning that nobody should be excluded. It clearly implies that Roma and any other minority group should be represented as well. As it has been presented through the theoretical framework minorities have special right to political representation and have right to be represented on the basis of citizenship. Thus in the followings, I am going to investigate why these given rights have not resulted political equality and representation for Roma minority in Hungary.

## 4 Political Representation Rights of Roma

Below, I provide a descriptive legal framework analysis of the two most important acts which deal with minority representation in Hungary. Namely these are the Act LXXVII of 1993 Rights of National and Ethnic Minorities and the Act CCIII of 2011 regulating the election of members of Parliament, including nationality minorities.

The first law that has to be taken into consideration is the Act LXXVII of 1993 Rights of National and Ethnic Minorities accepted in 1993, which was the first law ensuring group-specific rights for minorities after the regime transition. The Law contains regulations related to political representation, self-government and polyethnic rules as well. There is a significant overlap in the first law between self-governments and political representation, because in the beginning of the 1990s the realization of political representation of minorities was conceptualized at the self-government level. Due to the fact that political representation rights stand in the focus of my thesis, I will analyze only those parts of the Act that are related to this right category.

The second is the Act CCIII of 2011 regulating about the election of members of Parliament accepted in 2011. This law is a general Act having a section dealing with nationality<sup>8</sup> political representation.

In order to understand why political representation rights did not bring political equality with itself for Roma people, first I am going to describe the two laws. Second, I am going to analyze both of them and bring relevant arguments related to these Acts. Third, I will analyze the data that I gathered through the conducted interviews trying to identify what the main barriers that politicians consider to be hindering factors, regarding the realization of real political representation.

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<sup>8</sup> The nomination of minorities living in Hungary had been changed in 2011 by the modification of the first minority law. According to the new Act CLXXIX of 2011, Roma people are considered as nationality. The new law defines who belong to nationalities in its first Chapter 1§.

#### 4.1 The first minority law (Act LXXVII of 1993 Rights of National and Ethnic Minorities)

Act LXXVII of 1993 Rights of National and Ethnic Minorities was accepted by the Hungarian national Parliament on 7th of July 1993. According to Mr. Setet, the Act received almost 100 % support of the National Legislature. However, the legislation was revised and redesigned without the support of minorities who have been affected by the Act (Interview with Jenő Setet, 2015). It is worthy to mention that this was the first minority law that established group specific rights for minorities in Hungary including Roma people as well. The Act has been considered as a very important law in the light of the democratic transition. Interviewees affirmed the fact that the law was a significant step forward, especially after the transition in terms of minority politics. Mrs. Oszolykan, pointed out the importance of the law in the following manner. *“I think that after the post-transition period this law was very important”*<sup>9</sup> (Interview with Agnes Oszolykan, 2014). She also justified her statement claiming that the law was crucial in terms of providing minority rights and setting up obligations towards them for the first time. Mr. Racz brought similar arguments stating that

*...the Hungarian government made a very important step. It identified the thirteen minorities in Hungary. And it is a very important step, given that before minorities were not legally identified* (Interview with Bela Racz, 2015).

Furthermore, he considered the law crucial from the perspective of having right to practice Roma culture and identity.

Not only on the level of principles and ideas was the Law crucial, but also in the sense of real regulations providing room for equality. For instance the Act regulates free language usage of minorities in its second and third Chapter. Furthermore, the Act provides the right to establish minority self-governments, guarantees equality before the law and creates the

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<sup>9</sup> *“Én azt gondolom, hogy a rendszerváltás utáni időszakban ez a törvény nagyon fontos volt.”*

institution of minority Ombudsman. In addition, minorities are provided with the right to protect their own traditions, culture and identity (Act LXXVII of 1993 Rights of National and Ethnic Minorities Chapter III, 15§-20§). Additionally, the Act regulates the responsibility of public television and radio to regularly prepare and broadcast minority programs.

Moreover and most relevantly to my thesis, the Act regulates political representation rights of minorities. The Act claims that minorities living in Hungary have the right to be represented in the national legislature (Act LXXVII of 1993 Rights of National and Ethnic Minorities Chapter III, 20§). In terms of political representation the Act puts a great emphasise on the role of the Minority Self-Governments as well. Due to this measure, the Law is considered to be highly significant, because it provided room for setting up minority institutions in the framework of self-governments (Interview with Laszlo Teleki, 2015).

Furthermore, the law ensures right for minorities to establish political parties or organizations for representing their interests (Act LXXVII of 1993 Rights of National and Ethnic Minorities Chapter II, 10§). In the following, I am going to analyze the above mentioned options for minority representation within the framework of two additional subchapters, to find the answer why the Act failed to achieve political equality for Roma minority. The first section is related to the missing normative guidance of the law, while the second rather questions the institutional arrangements being responsible for minority representation.

#### *4.1.1 Missing Normative Guidance with Regard to Political Representation Rights*

In this section, I would like to draw attention to significant concerns regarding the first minority law's regulations with special focus on the missing normative guidance of minority representation. The law states that "*Minorities have rights to parliamentary representation – as specified in a separate act*" (Act LXXVII of 1993 Rights of National and Ethnic Minorities, Chapter III, 20§). The reading of the law seems to be suitable for minority representation, since it clearly claims the right to parliamentary representation. However, I do not fully consider this

passage of the law suitable for realizing representation because of a missing normative guidance in the law. In other words, the Act indeed ensures the right for national level political representation, however, it does not state *how* it should be achieved, in which manner, or what tools should be used to accomplish representation.

Mrs. Oszolykan similarly pointed out the missing guidance of the law stating that

*This law would have probably been useful and progressive in terms of its content if it had given a crutch (help or guidance) for the Roma community regarding how to do politics based on minority*<sup>10</sup> (Interview with Agnes Oszolykan, 2014).

Mrs. Oszolykan strongly pointed out the fact that the law does not provide real political directions in order to realize minority politics.

Arguably, the problem derives from the inaccurate word formulation and missing options within the Act. I mean by inaccurate word formulation the fact that there are no clear statements in the law that would create real area or space for the fulfillment of political representation rights. These space and area would provide different options, for instance reserved seats, preferential mandates, decreased electoral threshold or at least more proportional system, and so forth. However the Law is rather a general statement of the idea of minority representation leaving a huge space between the concept of representation and its implementation options. I expected to discover some preferential options in the law helping to achieve Roma representation. Mrs. Oszolykan, former Member of Parliament, was likewise concerned about the effectiveness of the law in terms of political representation. She basically stated that the Act “*did not create real political area for representation. Because if it had meant real era then it would have involved real competencies or power*”<sup>11</sup> (Interview with Agnes Oszolykan, 2014). In other words, she draws attention to the fact that the law does not

<sup>10</sup> “Ez a törvény, valószínűleg akkor lett volna igazából hasznos és tartalmában előremutató, ha valamilyen szinten mankót tudott volna adni a Roma közösségnek arra nézve, hogy hogyan kell kisebbségi alapon politikát csinálni.”

<sup>11</sup> “De igazából valós politikai teret nem teremtett a képviseletre én azt gondolom. Mert hogyha valós teret jelentett volna, akkor valós jogosítványokkal járt volna”.



legitimize minorities with real political power due to the lack of authorization and empowerment. I believe that her argument is fully reasonable, since I could neither imagine political representation without political potency and leverage. I consider the lack of these important factors as one of the barriers hindering the realization of Roma political representation.

Furthermore, Mrs. Osztołykan regarded the law having rather symbolic<sup>12</sup> than substantial power (Interview with Agnes Osztołykan, 2014). At this stage it is worthy to refer back to the part of the theoretical framework provided by Will Kymlicka. He claims that political representation rights are responsible for effective representation of minorities' interest (Kymlicka, 1995). On the contrary, Mrs. Osztołykan highlighted the problem of inefficiency. It can be inferred that the first minority law does not meet with the principle of effectiveness – and this can be understood as one of the reasons why Roma people are not represented adequately. Not only Mrs. Osztołykan, but also Mr. Racz drew attention to this problem. According to Racz, the Act is appropriate as a tool for cultural representation, however, it is far from being represented on the political level. He goes even further emphasizing that, there has been no political impact of the law (Interview with Bela Racz, 2015). Mrs. Osztołykan, shared almost the same opinion about the Law. She stated that the law rather had an anti-discriminatory profile than political, moreover she emphasized that the law focused on social and equal opportunity related issues<sup>13</sup> (Interview with Agnes Osztołykan, 2014). Basically, the

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<sup>12</sup> “És én azt gondolom, hogy ez sokkal inkább egy ilyen szimbolikus erővel bírt ez a bizonyos első kisebbségi törvény.”

<sup>13</sup> “I think that this 1993 law cannot be considered as a milestone that established the cornerstones of what means minority political participation. I think that it was rather focusing on social, equal opportunity and anti-discrimination things”. (“De én azt gondolom, hogy ezt a 93-as törvényt semmiképpen sem nevezhetjük egy olyan mérföldkönek ami megalkotta volna ... vagy lerakta volna az alapköveit annak, hogy mit jelent a kisebbségi politikai részvétel. Én azt gondolom, hogy ez sokkal inkább a szociális, az esélyegyenlőségi és a diszkrimináció elleni dolgokra fókuszált ez a 93-as törvény.”)

Law has been considered as an appropriate tool for social related problems but definitely not for realizing political representation.

According to Kymlicka, there are different options for realizing minority political representation, including proportional electoral systems, or by increasing the inclusiveness of political parties (Kymlicka, 1995).<sup>14</sup> Unfortunately, the first minority law does not define any opportunity related to proportionality or inclusiveness by which the political representation of minorities could be achieved. In the Hungarian case, it implies that the same electoral rules are applied to minorities as to the majority. This means that minority parties should achieve the five percent electoral threshold at the elections, should appoint candidates and set up party lists in the same manner as majority.<sup>15</sup> It can be interpreted that the first minority law does not meet with the original criteria of group specific rights, because it does not provide a chance for equality in a practical way. Given these conditions, minority representation could not be achieved during the last two decades after the transition in Hungary.

In sum, the main normative problem with the law is the fact that it does not provide any real guidance or preference how to realize Roma political interests on the national level. In the following, I am going to point out further problems with the law on the institutional level.

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<sup>14</sup> However, it is true that Roma politicians obtained mandates in the national legislature through membership in mainstream parties without any affirmative action. The first person was Aladar Horvath in 1990 supported by SZDSZ (Alliance of Free Democrats) (Pajic, 2012; McGarry, 2009). The other important date that I would like to mention is 2010, when four Roma representatives obtained mandates in the Parliament. Even though four Roma were in the Parliament as representatives, according to Pajic it is still questionable "*whether their presence actually heightens the attention paid to Roma issues*" (Pajic, 2012,35)

<sup>15</sup> In the next subchapter I will deal with these institutional issues in more details.

#### 4.1.2 The Problem of Institutional Arrangements for Minority Political Representation

At this point I would like to draw attention to another crucial point stated in the Act as follows:

*The basic duty of the minority self-governments is the protection and representation of the interest of minorities by practicing the limit of power and functions determined for these self-governments in this law. (Act LXXVII of 1993 Rights of National and Ethnic Minorities, Chapter I, 5§ par. 2).*

However, this statement still does not address the question of political representation at the national level. According to Bogdan, the state intended to solve the question of minority political representation by setting up minority self-governments. However, these entities have still remained on the local level and could not realize political representation on the national level (Bogdan, 2013). It can be noted that there are multiple problems with these institutions. The first is the question regarding the level of political representation. The second is related to the effectiveness of these local agencies. Rostas draws attention to this issue stating that:

*Even the minority self-government system in Hungary, which claims that it provides for self-administration of such problems, proves to be lacking the power to tackle problems faced by Roma efficiently, as minority self-governments are rather parallel structures to the local administration institutions... ” (Rostas, 2013).<sup>16</sup>*

Not only Rostas but also many other scholars argue on this issue such as Sobotka who asserts that

*...the present system of minority self-governments does not allow Roma to participate in the decision-making and policy-making process effectively. Romani needs remain inadequately represented and the Romani leaders remain powerless in responding to those needs” (Sobotka, 2001, 13).*

In order to better understand why Roma Minority Self-Governments are considered to be powerless and ineffective, I am going to describe their limit of powers based on the law.

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<sup>16</sup> Available at: <http://www.errc.org/article/roma-rights-2012-challenges-of-representation-voice-on-roma-politics-power-and-participation/4174/0>

According to the Act, these self-governments are responsible for enforcing the rights of minorities. Furthermore, these local agencies have the right to ask information from the leader of the local public administration body, or to initiate measures and to make proposals regarding minority issues. Roma Minority Self-Governments may object to practices of other institutions that violate the rights of minorities (Act LXXVII of 1993 Rights of National and Ethnic Minorities, Chapter IV, 26§ par.1). In addition, these self-governments can establish institutions for the purpose of preserving traditions and culture of minorities, can launch competitions and offer scholarships (Act LXXVII of 1993 Rights of National and Ethnic Minorities, Chapter IV, 27§ par.3). Mr. Setet likewise considered the limits of power of the self-governments problematic from the perspective of being inefficient institutions. He also emphasized that, Roma people usually appealed to these institutions with social nature-requests that Roma-Self-Governments could not fulfill due to the lack of resources and capacity (Interview with Jeno Setet, 2015).

To sum up, the idea of representing minorities through minority self-governments cannot be considered adequate due to two reasons. The first problem derives from the fact that these agencies are local-level institutions that are not designed for national level political representation. The second question is related to the limit of power of these self-governments. There are no specified competencies of minority self-governments in the law that are intended for the successful realization of minority political representation.

In the following, I would like to take into account another institutional problem of Roma political representation. The Law provides another option for minority representation. According to the second chapter 10§ of the Act,

*the minorities' participation in the public life cannot be restricted. In order to express their interest they have right to establish associations, parties and other social organizations. (Act LXXVII of 1993 Rights of National and Ethnic Minorities, Chapter II, 10§).*

In other words, Roma people have the right to establish political parties in order to represent their interests. In normative terms, this section of the law seems to offer a proper solution of the problem. However, the situation of creating and sustaining Roma political parties in the Hungarian electoral system is significantly more complex<sup>17</sup>. The question is whether minority parties can get into the National Legislature and be an effective body for representation. In order to gain deeper insights into the difficulty of Roma parties, I am going to briefly describe the electoral system.

The Hungarian electoral system is mixed or hybrid, because it contains elements from proportional and majoritarian structures. As such, it is considered as one of the most complicated systems<sup>18</sup> (Benoit, 2005). The number of seats in the National Legislature was 386. There are three main ways of getting a mandate through the elections. 176 mandates can be obtained by single-member districts, 152 by party lists and 58 by the national compensation list (Benoit, 2005; Act XXXIV of 1989 Chapter I, 4§ par.1). In order for a person to be registered as a candidate at the elections in a single-member district, 750 recommendation slips are needed to be gathered from the voters (Benoit, 2005; Act XXXIV of 1989 Chapter II, 5§ par.2). Furthermore, a political party can set up territorial list if the party could propose nominees in the quarter of the single-member districts or at least in two. National list can be established by those parties that could set up party list at least in seven electoral districts. (Benoit, 2005; Act XXXIV of 1989 Chapter II, 5§ par.3-4).

An additional point has to be noted regarding the election rounds. In case of single-member districts the “*candidate obtains mandate who received more than the half of the valid votes inasmuch more than the half of the electorate voted in the electoral district*” (Act XXXIV

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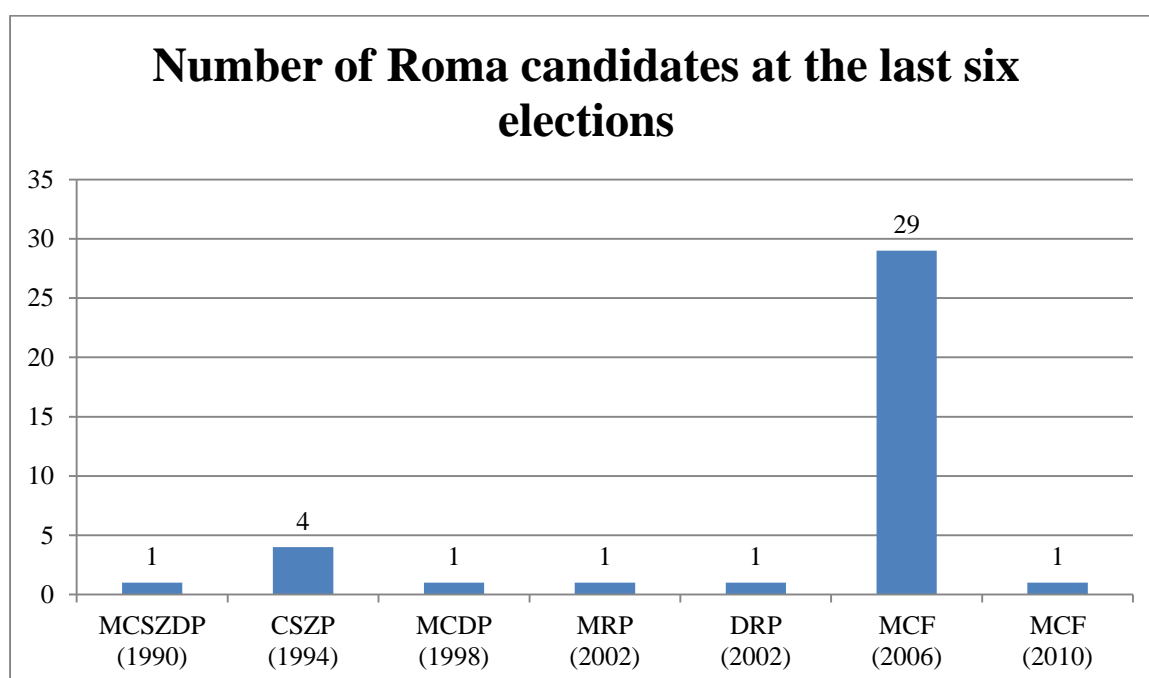
<sup>17</sup> The Hungarian electoral system was modified in 2011 by the new electoral law (Act CCIII of 2011). Despite of this, I am going to present the previous electoral system, because this was parallel in force with the first minority law.

<sup>18</sup> The electoral system being described in this Chapter is the previous one that was valid in the time when the first minority law was in force.

of 1989 Chapter III, 7§ par.1). If any of these conditions are not fulfilled the second round of the elections has to be held (Act XXXIV of 1989 Chapter III, 7§.). Another crucial feature of the electoral system is the five percent electoral threshold (Benoit, 2005). I consider it as one of the most important aspects in terms of the performance of Roma political parties. In other words, Roma political parties are supposed to perform in a very complicated electoral system having five percent electoral threshold.

According to Dobos, the number of ethnically-based political parties is relatively high in Hungary. There have been almost thirty minority parties registered over the last two decades, however, none of them could obtain a mandate in the Parliament (Dobos, 2014). These minority parties faced with the complexity of the Hungarian electoral system. Roma parties had difficulty to gather the 750 recommendation slips that are needed for setting a candidate a single-member district. The five percent electoral threshold proved to be a further problem, resulting no mandate in the Parliament (Dobos, 2014; Act XXXIV of 1989). Dobos, draws attention to the problem of institutional arrangements such as the electoral system that does not provide room for minority representation in the Parliament (2014). Moreover he points out the fact that, there is no preferential feature of the electoral system that would facilitate Roma political representation (Dobos, 2014). In order to illustrate the accomplishment of Roma minority parties at the elections, I provide data in the following discussion. First, I show how many Roma parties could set candidates in the single-member districts since 1990 (*Figure 1*). Second, I show how many votes these parties received cumulatively (*Figure 2*).

**Figure 1. The number of Roma candidates by Roma political parties from 1990-2010<sup>19</sup>**



Presented in Figure 1, we can see that only six Roma political parties were able to compete at the last six elections. It implies that only one fifth of the registered Roma political parties were able to gather 750 recommendation slips for running a candidate at the elections<sup>20</sup>. In every election except that held in 2006, parties could set only minimal number of candidates ranging from one to four in individual districts. This low percentage derives from the fact that Roma parties struggled to gather 750 recommendation slips (Dobos, 2014). Furthermore, there were no political parties – except MCF – that ran at the elections more than one time. Dobos also draws attention to this question stating that most of these parties

*...were established in the year of the elections or one year before that allows to suppose that these organizations are election featured, and rather position-oriented than program-oriented (Dobos, 2014, 157).*

Mr. Jeno Setet, shared almost the same opinion about the problem of establishment of Roma political parties. Moreover, he stated that these political parties seem to disappear after the

<sup>19</sup> Data source: Official Electoral Results from [www.valasztas.hu](http://www.valasztas.hu) and Dobos, 2014 excluding NF (National Forum) political party, because it is not specifically Roma party.

<sup>20</sup> It was noted above that thirty Roma political parties have been registered over the last two decades (Dobos, 2014).

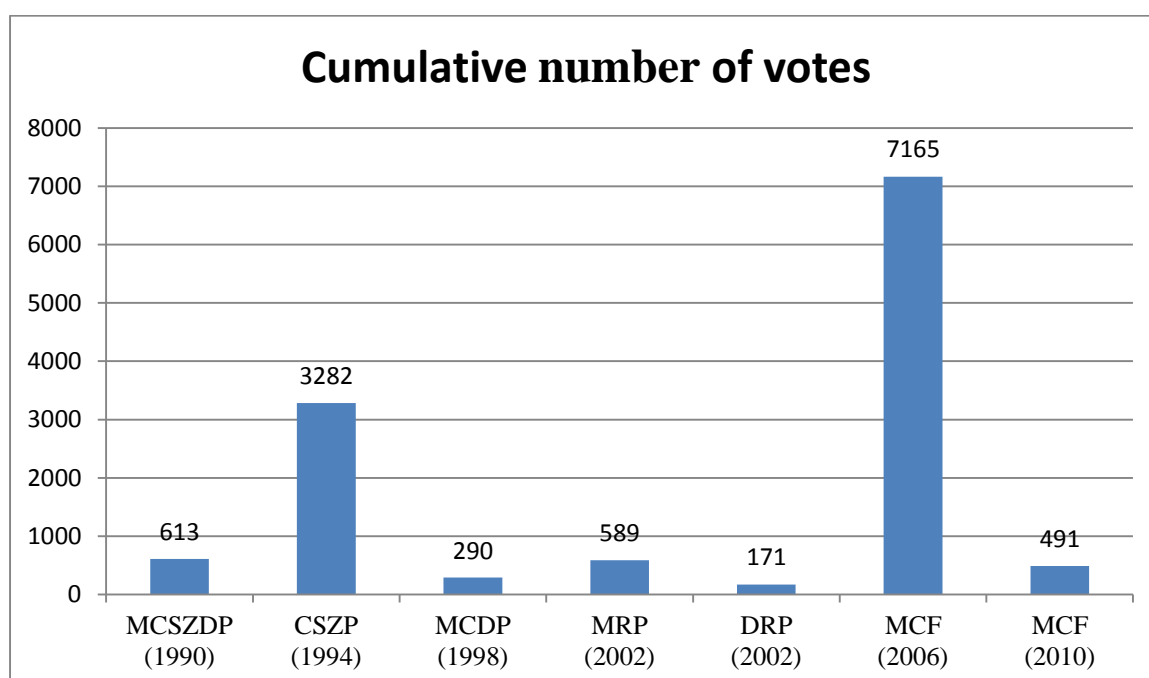
elections, having no real party program and being not well-organized. Furthermore, he claimed that these parties are not embedded in the local communities, because Roma parties are not preceded by long years of political work (Interview with Jenő Setet, 2015).

Due to the fact that Roma parties could run a minimal number of candidates in the single – member districts, these organizations could not set up – except MCF in 2006 - neither party list nor national compensation list (Official Electoral Data). Taking into account all these, I consider the performance of Roma political parties rather as an individual level political pilot initiative than an organized party led organizational performance.

Another important aspect, that I consider crucial to examine, is the number of votes that these parties received at the elections. According to Dobos and the Official Electoral Data, Roma candidates running in single-member districts have not received enough votes for obtaining a mandate (Dobos, 2014; Official Electoral Data 1990-2010). Figure 2 presents below the number of votes that candidates received cumulatively by parties. As the data show, the number of received votes is extremely low, in some cases even lower than the number of gathered recommendation slips being criteria for running at the elections (Dobos, 2014). In other words, in some cases even those constituents did not vote on the candidate who previously supported them with their recommendation slips. At this stage, it is crucial to take into consideration the dynamics of Roma people's votes. It can be reasonably asked why Roma voters have not voted overwhelmingly for Roma candidates and parties? In order to provide satisfactory response to these questions, a key argument by Jacob T. Levy has to be taken into account being presented below.



**Figure 2 Cumulative number of votes from 1990-2010<sup>21</sup>**



According to Levy, there are various arguments against special representation rights. One of the counter arguments states that it is inaccurate to suppose that minorities share the same “*unity of viewpoint based on ethnicity*” (Levy, 1997). Minorities like any other group, hold a diversity of political ideas, opinions and interests, even though they belong to the same disadvantaged group (Levy, 1997). Mr. Racz shared similar angle of arguments. He assumed that there is an ideological division among Roma voters. Besides, Roma people tend to have preference towards mainstream political parties instead of minority ones. He also claimed that Roma people consider more relevant and effective mainstream political parties than the Roma

<sup>21</sup> Dobos, Balazs. 2014. “Roma ethnic Parties and Electoral Support in Hungary” (Roma etnikai partok es valasztói támogatottság Magyarországon)” In *The geopolitics of Minorities*, edited by Andor Vegh, 155-162. University of Pecs, Department of Environmental Sciences.

Available at:

[http://www.academia.edu/9791692/Roma\\_etnikai\\_p%C3%A1rtok\\_%C3%A9s\\_v%C3%A1laszt%C3%B3i\\_t%C3%A1mogatotts%C3%A1g\\_Magyarorsz%C3%A1gon](http://www.academia.edu/9791692/Roma_etnikai_p%C3%A1rtok_%C3%A9s_v%C3%A1laszt%C3%B3i_t%C3%A1mogatotts%C3%A1g_Magyarorsz%C3%A1gon)

The numbers present the cumulative number of received votes of each candidates. For instance in 1994 four candidates got 3282 votes altogether.

minority self-governments. Consequently, Roma people often vote for non-ethnic political parties (Interview with Bela Racz, 2015).<sup>22</sup>

Furthermore, Mr. Racz continued to put a great emphasis on the ideological preferences that exist among Roma voters, implying that Roma people are not different from Hungarians in terms of political affiliation. According to Racz, all Roma people like and hate the same as Hungarians do so and it can be also stated regarding their political beliefs and opinion. He draws attention to a crucial aspect claiming that the ideological and party preferences depend on social class of people and not on ethnicity. Basically, he pointed out that political affiliation is not an ethnicity-dependent question (Interview with Bela Racz, 2015).<sup>23</sup> Mr. Setet shares the same opinion as Mr. Racz. According to Setet, if each and every Roma would vote on the same Roma party, then it was assumed that Roma people have no political beliefs and preferences. Instead, there are Roma people committed towards either left or right-wing oriented political parties (Interview with Jeno Setet, 2015). Based on the theoretical argument and the opinions of the interviewees, I partially argue that Roma candidates received small amount of votes through the last six elections, because Roma voters do not exclusively vote for Roma parties. Roma people might favor to vote for other mainstream political parties from left or right wing ideologies. However, I believe that there are other aspects behind this dynamics as well.

I think that Roma people also have group-specific interests that should be represented by minority parties. The statements or assumptions of the interviewees might derive from some previously mentioned problems regarding Roma parties and self-governments. For instance there might be a tendency that Mr. Racz hypothesized due to the low level effectiveness and

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<sup>22</sup> “They want to vote for mainstream parties. They do not believe that Roma minority self- government is more important than the mainstream parties.”

<sup>23</sup> “I think as I told you that we are not different from the mainstream Hungarians. I think we all like the Gulash soup, we all like the Hungarian bread, we all hate those what the Hungarians hate. So basically, our ideological preferences are very similar, almost the same. If you go to a concrete locality for instance my village, and you ask about the parties, you can have much more difference between ideology and also preference on parties by your social class and not on your ethnical background.”

performance of Roma political parties that they showed through the last two decades. Another factor that could contribute to the phenomenon of ideological preferences among Roma, is the fact that minority self-governments are quite powerless and lack adequate political competencies (Sobotka, 2011; Rostas, 2013). Put it in other way, Roma people might vote for mainstream parties, because it is likely that they do not consider Roma parties and self-governments effective enough as political entities.

However, I would argue if there was a legitimate Roma political party with a professional leadership embedded within the local community, Roma people would be more likely to vote for an ethnically-based party. All in all, I rather consider Roma people's voting tendency for mainstream parties as a constrained action, since they lack better alternatives for achieving representation. The dynamic that Mr. Racz presented above could be questioned in fact, if Roma people would be provided with a strong and legitimate Roma political party and also having a chance to decide at the side of mainstream parties.

Analyzing and evaluating the first minority law, it can be stated that the Act indeed has ensured the most important group specific rights that are necessary for guaranteeing equal chances and equality before the law. However, as I mentioned above the Roma political representation has not still been fully realized. By the analysis and the arguments of interviewees, I pointed out several factors that highly hinder effective Roma political representation on the national level.

First, there is a *normative missing guidance* problem in the law, implying absence of mechanisms such as preferential mandate, proportional electoral system or lowered electoral threshold for minority representation. Specifically, there is an overlap between normative and institutional problems, since the missing guidance results in further institutional contradictions. Second, there are various *institutional problems* such as the question of realizing Roma politics by minority self-governments. These local agencies seem to be unsuccessful at the national

level of representation, since these are local level institutions having no real political power. Third, the Hungarian electoral system was hindering the success of Roma parties, especially its strict rules for setting up a candidate at the election and the high electoral threshold played a significant negative role as well. Fourth, the ideological diversification among Roma voters has to be taken into account, since Roma parties have so far not received enough amount of votes for getting a mandate.<sup>24</sup> Fifth, I would like to draw attention to the problem of effectiveness and lack of presence of Roma parties in politics. It can be assumed that since there have not been active Roma party so far competing at the elections, Roma voters might avoid voting for minority parties.

#### **4.2 Act CCIII of 2011 about the Election of Members of Parliament<sup>25</sup>**

A new electoral law was accepted by the Parliament on the 23rd of December 2011 containing a specific section regulating minority political representation. There were many new measures and amendments regarding the election of the Members of the Parliament compared to the previous act. However, I do not intend to cover all of the modifications. Instead, I am going to specifically draw attention to the regulations that are related to minority representation.

The new law largely differs from the old one, specifying possible solutions for national minority political representation.<sup>26</sup> According to the Act, there are two main options aiming for the realization of representation. The first set up is designed through the active involvement of the National Roma Self-Government having the extraordinary right to launch a specific nationality list at the elections (Act CCIII of 2011). The second option provides the opportunity

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<sup>24</sup> Voting behavior of Roma people are not taken into account since my thesis topic is narrowed down on normative and institutional problems. Thus, voting behavior is out of the scope of my thesis.

<sup>25</sup> 2011. évi CCIII. Torvény az országgyűlési képviselők választásáról

<sup>26</sup> On the first place clarification is needed regarding the nomination of minorities in Hungary. The new minority law renames national minorities as nationalities (Act CLXXIX of 2011, About the Rights of Nationalities). I considered crucial to point it out, in order to avoid any kind of misunderstanding and confusion in this thesis. In the following I will use the term of national minority instead of minority or ethnic minority.

to delegate a spokesperson in the National Legislature if the first alternative does not reach a parliamentary mandate (Act CCIII of 2011). In normative sense, the new law can be considered as a legitimate step towards minority political representation, since it provides real political tools and alternatives. However, significant counter arguments have emerged since the law was passed. In the following discussion, I analyze the law and to identify relevant arguments related to both positions.

#### 4.2.1 *Exclusive Right of the National Roma Self-Government and the Nationality Registry*

Specific regulations regarding the first option is stated in the sixth chapter of the Act as follows: “*The National Minority Self-Government can set up nationality list*” (Act CCIII of 2011 about the Election of Member of Parliaments, Chapter 6, 9§ par. 1). It is important to note that this is the exclusive competence of the National Minority Self-Government. There are no other institutions mentioned in the law having this right. The National Roma Self-Government has the monopoly to appoint candidates at the national elections. This body is endowed with an exclusive right disqualifying other relevant Roma institutions that could set candidates in a professional manner.

The rules regarding the setup of the nationality list are as follows. One percent of the registered nationality voters must show support, or at least 1,500 recommendation slips are needed in order for the National Minority Self-Government to launch a candidate at the national elections. The law also sets up the procedure of obtaining a nationality mandate. If the candidate of the National Minority Self-Government obtains at least one-quarter of the necessary amount of votes for getting a mandate,<sup>27</sup> the candidate from the first place of the nationality list will get a preferential mandate into the national legislature (Act CCIII of 2011 about the Election of Member of Parliaments, Bogdan, 2013).

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<sup>27</sup> The votes have to be derived from voters registered in the nationality registry.

Furthermore, the Act regulates the introduction of the nationality registry form. There is a crucial relationship between the setup of the nationality list and the nationality registry form. According to the law, only those can vote on the nationality list who are registered as citizens belonging to a specific minority. On the other hand, only those citizens can be appointed as candidates on the nationality list who are also registered in the nationality registry (Act CCIII of 2011 about the Election of Member of Parliaments, Chapter 6, 9§ par.3; Chapter 7, 12§ par.2). The aim of the registry was to prevent the “*ethno business*” phenomena (Interview with Laszlo Teleki, 2015). According to Carstocea, ethno business is related to

*...any practice that seeks to take unfair advantage of the existing legal framework for the protection of national minorities in order to obtain material, financial or political gain* (Carstocea, 2011, 16).

In case of Hungary, it means that in some instances non-Roma people self-identified themselves as Roma in order to obtain political role and other government subsidies. For instance, in Jaszladany a non-Roma person identified himself as Roma and won the Roma self-government elections (Carstocea, 2011). However, Teleki argues that even the introduction of the nationality registry still does not solve the problem. Moreover, people not belonging to national minority group still can simply register themselves as member of a national minority (Interview with Laszlo Teleki, 2015). In other words, any person has the possibility to go to the local authorities and register as a member of national minority.

Both the nationality registry system and the fact that only the National Minority Self-Government can appoint candidate for the national elections have been widely criticized and much debated by several Roma civil associations. At this point I would like to draw attention to the most important arguments. First, if only the National Minority Self-Government has right to appoint candidate for the national elections, it implies that other Roma organizations or political parties are excluded from the process of candidate appointment on the nationality list

(Bogdan, 2013).<sup>28</sup> This violates the principle of equal chances which should be given to any political organization in the process of candidate appointment (Interview with Jenő Setet, 2015). László Teleki goes as far as to argue that the entire law is false. He points out the problem that only the National Roma Self-Government possess this right instead of having competitive situation. According to him, civil organizations should be provided by the right to appoint candidates that might give more room for political independency (Interview with László Teleki, 2015).

Continuing this reasoning, another argument against the measure is the question of political dependency. Mrs. Oszolykan stated that the National Roma Self-Government is politically dependent on the ruling party (FIDESZ), and not established by the state. In addition, Mrs. Oszolykan pointed to further dangers of this arrangement in terms of intervention of mainstream political party. She gave the example of the President of the National Roma Self-Government, Florian Farkas,<sup>29</sup> being simultaneously a Member of Parliament within the FIDESZ party (Interview with Agnes Oszolykan, 2014).<sup>30</sup> Thus, she was concerned that only those people have chance to get on the nationality list as a nominee who share the same political views and opinion being close to FIDESZ. However, the principle of political independency would be crucial in terms of national minority representation (Interview with Agnes Oszolykan, 2014).<sup>31</sup> Mr. Racz explored similar dynamics behind the question as to why only the National Roma Self Government can appoint candidates. Racz considered it as a

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<sup>28</sup> I am referring to setting a candidate on the national minority list at the elections.

<sup>29</sup> When the interview was conducted Florian Farkas was the President being in charge of setting up the nationality list for the elections. At the moment István Hegedus fulfills this post (Official Website of National Roma Self-Government, Available at : [http://oronk.hu/elnok/153-Hegedus\\_Istvan](http://oronk.hu/elnok/153-Hegedus_Istvan))

<sup>30</sup> “Consequently Florian Farkas, being the President of the National Roma Self-Government and Member of Parliament of the FIDESZ, and the presidential board set up this list. Those people get on the list whom they want to be”

<sup>31</sup> “In case of minority issues the National Roma Self-Government is the only one legitimate representative body established by law. That is why it has the right to set up – according to the law – this list. The fact that, it is not established by the state and it is not politically independent everybody knows. It should be established by the state as a politically independent body. The main problem is that the National Roma Self- Government is a politicized body being always the actual ruling party’s babes.”

reinforcement of FIDESZ and its close collaborator the Lungo Drom.<sup>32</sup> In other words, the importance of the principle of independence was significantly highlighted within the framework of politics. I consider it as a crucial part of a successful and equal political representation as well.

All in all, it seems that the principle of independence has failed in two instances: once, because the National Roma Self-Government is politically dependent, and second because the President of the same body is a member of the ruling political party. In other words, Roma political representation through this option will not be independent at all. It is questionable whether by this option it will be the representation of minorities or a sort of reinforcement of the ruling party. In a nutshell, the provisions of the law does not provide equality for Roma people regarding political representation.

The second big block of criticism regards the nationality registry. According to Bogdan, if a person registers on the nationality registry, it leads to an automatic exclusion from voting for mainstream parties, and more precisely to vote on the party list (Bogdan, 2013; Act CCIII of 2011). In other words, if someone is registered as Roma, he or she can vote only on Roma candidates running for elections on the nationality list and on the individual constituency candidate (Act CCIII of 2011). Mr. Setet even initiated a campaign against the registration called '*Do Not Register*', since he believes that the registry indeed excludes Roma people from the political life (Interview with Jenő Setet, 2015).

Mrs. Oszolykan identified several problems related to the nationality registry on various levels. First, she repeated the argument of other scholarly sources, that Roma people

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<sup>32</sup> “*Actually what they prepared, it is trying to support and trying to make much stronger position for the partner of FIDESZ for the Lungo Drom. To give them all the power.*”

The interviewee referred to the electoral collaboration of FIDESZ and Lungo Drom that was realized in 2001 (“Megallapodott a FIDESZ-MDF és a Lungo Drom [The FIDESZ-MDF agreed with Lungo Drom]” Magyar Hírlap 21 December 2001.).

<[http://archivum.magyarhirlap.hu/belfold/megallapodott\\_a\\_fideszmdf\\_es\\_a\\_lungo\\_drom.html](http://archivum.magyarhirlap.hu/belfold/megallapodott_a_fideszmdf_es_a_lungo_drom.html)>



are excluded from the mainstream political life by the introduction of national registry that increases the gap between being a member of Roma community and being a mainstream opinion former (Interview with Agnes Osztołykan, 2014).<sup>33</sup> She also implied that someone can be Roma and a full Hungarian citizen as well meaning that one should not exclude the other (Interview with Agnes Osztołykan, 2014) <sup>34</sup>. Mr. Racz considered the registry as a pure discrimination against Roma and other national minorities as well. He referred to the fact that every Hungarian citizen has right to vote on mainstream parties, however Roma people are going to be excluded by the new law (Interview with Bela Racz, 2015).<sup>35</sup>

Mrs. Osztołykan identified another angle of criticism regarding the nationality registry. She stated that the aim of the national registry was rather to reduce the support of left wing political parties deriving from Roma people by which the ruling party could take advantage at the elections. According to her, it has been supposed that Roma people will rather vote for the nationality list than for left wing political parties.<sup>36</sup> In my view, this statement can be easily questioned, since I do not have available data whether Roma people would have voted on left wing parties in case there was no nationality list.

I consider the provision of the nationality registry as a real exclusion from participating in political life and being an equal actor of the elections. This is because based on the principle of equal citizenship, each and every person should be provided with the chance of taking part in the political and public life on an equal manner. I do not argue for having two votes for

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<sup>33</sup> "... so it made a gap between belonging to a community and the big political opinion-forming. Because this was the registration saying that if you register yourself as minority voter then you cannot vote for political parties at the elections."

<sup>34</sup> "I think that it seriously limited the civil liberties from that point of view that even if I am a member of the Roma community I am still a full citizen of this country at the same time. It cannot be done by elimination."

<sup>35</sup> "... simply discriminatory. By the constitution and by our citizenship we are Hungarian citizens we have rights. One of the basic right is right to vote for mainstream parties. All other minority law and all other minority rights are just additions. Basically, it is a very clear discrimination against the minorities. Not only against Roma but against all the thirteen minorities in Hungary."

<sup>36</sup> "Its ulterior motive was that it will not be well known and many Roma will register. By this the left wing political parties will lose significant amount of votes if the liberal Roma people will consider more important the presence of spokesperson in the parliament."

Roma people at the elections. However, I definitely consider this measure as an ethnically-based differentiation resulting in even deeper cleavages between Roma and non-Roma. In my opinion, it is impossible to equalize by discernment and exclusion.

#### 4.2.2 *The institution of Spokesperson*

The second option for national minority representation provides a possibility to send a spokesperson into the Parliament in case the first option does not work out. According to Chapter 9, 18§ paragraph 1 and 2:

*A nationality spokesperson will represent the nationality in the Parliament which set up a nationality list but could not acquire a mandate. The candidate being on the first place of the nationality list will be the nationality spokesperson. (Act CCIII of 2011 about the Election of Member of Parliaments, Chapter 9, 18§, par. 1-2).*

As Bogdan points out, the spokesperson is a delegated person in the Parliament representing his/her nationality without the right to vote (Bogdan, 2013). According to some arguments, a spokesperson without right to vote is still better than if there was no person representing the interest of minorities at all. However, I think the institution of spokesperson is extremely problematic in case of Hungary. I consider the right to vote of the members of parliament as one of the most dominant way of expressing the interest of people s/he represents and the tool of being involved in the decision making process. In such cases, where the Member of Parliament is deprived of this right, he or she cannot perform as much as he or she is supposed to within standard circumstances. It is questionable whether a representative in the National Legislature who does not have right to vote can accomplish the interest of those people who delegated him or her.

Mrs. Osztołykan doubted the effectiveness of the spokesperson as well. She pointed out that this institution is rather a powerless and symbolic arrangement, by which political interests cannot be represented in appropriate way. In other words, the spokesperson has symbolic value, but cannot stand sufficiently for political representation (Interview with Agnes Osztołykan,

2014).<sup>37</sup> Mr. Racz shared similar views about the institution of spokesperson stating that there is no power to intervene in the decision making process due to the deprivation of right to vote (Interview with Bela Racz, 2015).<sup>38</sup> According to Mr. Racz, the problem does not regard only rights deprivation, but also political dependency. More precisely, he doubted that this institution would represent the interest of Roma people, because the spokesperson is closely related to the ruling party namely to FIDESZ (Interview with Bela Racz, 2015).<sup>39</sup> Mrs. Osztołykan likewise considered questionable the political willingness of the spokesperson to represent Roma interests in the National Legislature, since, in her view, this institution is over-politicized (Interview with Agnes Osztołykan, 2014).<sup>40</sup>

Taking into account the very fact that there were initiatives for resolving the question of minority political representation, I admit that there is development compared to the first minority law of Hungary, because in the new law two well-defined options were provided. Regarding the new law however, I see multiple problems. First of all, the provided legal framework does not give room for political equality for different political entities, because only the Minority Self-Government can appoint candidates for the national elections. Second, the nationality registry seems to me extremely problematic, because by this measure minorities are excluded from the mainstream political life based on their ethnicity in the case of Roma. Third, I found problematic the institution of spokesperson having no right to vote, because the

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<sup>37</sup> *"He cannot vote. These are symbolic institutions, never real. These institutions do not have real substance and changing power."*

<sup>38</sup> *"I think it is good but not enough. I mean if it is a real political participation, it should be with rights to vote and to intervene in the work of the Parliament directly. The key is here to influence the decision making process."*

<sup>39</sup> *"And I do not think that this spokesperson will represent the whole Roma community as he is from the party which is in cooperation with parties which are in power. So again, I do not see the position to reach anything."* According to the Official Electoral data, in 2014 Felix Farkas, who is the spokesperson in the Parliament, won a seat in the National Roma Self-Government nominated by Lungo Drom (Official Electoral Data, Minority Self – Government Elections, 2014). As it was mentioned above Lungo Drom has had electoral collaboration with FIDESZ since 2001 ("Megallapodott a FIDESZ-MDF és a Lungo Drom [The FIDESZ-MDF agreed with Lungo Drom]" Magyar Hírlap 21 December 2001.).

<[http://archivum.magyarhirnap.hu/belfold/megallapodott\\_a\\_fideszmdf\\_es\\_a\\_lungo\\_drom.html](http://archivum.magyarhirnap.hu/belfold/megallapodott_a_fideszmdf_es_a_lungo_drom.html)>

Thus, it can be inferred that the spokesperson is strongly related to the ruling party, since his appointing organization collaborates with FIDESZ. Mr. Racz was referring to these political interrelations.

<sup>40</sup> *"It is visible that... this post is an over politicized not a legitimate advocacy provider position."*

deprivation of this right implies exclusion from the decision making process. All these problems contribute to the unequal political circumstances that Roma people face with when the question comes to political representation.

## 5 Possible alternative solutions

There are many theorists who proposed various solutions for minority political representation such as Will Kymlicka and Jacob T. Levy (Kymlicka, 1995; Levy, 1997) and through the analysis the thesis the question of how to resolve the problem of Roma political representation emerged with several different possible solutions. In this chapter, I am going to present some of the ideas that have been discussed and bring relevant arguments related to them.

One institutional mechanism known from theory and mentioned by my interviewees as a possible solution for minority representation is the quota system. Quotas are designed to increase the representation of “*historically excluded or under-represented groups*” in politics. Usually the extent of representation is defined in percentages that could range from twenty to forty percent (Dahlerup, 2006, 19).

Mrs. Oszolykan proposed the introduction of quota system for Roma candidates in each and every political party implying that a required percentage of Roma candidates should be placed at party lists (Interview with Agnes Oszolykan, 2014).<sup>41</sup> While the idea is attractive, there are many factors that make it more difficult to apply it in reality and launch Roma quota. In my view, the problem derives from the fact that there is no exact determination of the number of Roma population in Hungary. As I indicated in the introduction, officially 315,583 people identified themselves as Roma in Hungary (Hungarian Census, 2011). According to unofficial and sociological estimates this number falls between 500,000-800,000 (Koulis, 2005). The determination of the number of Roma quotas or reserved seats, seems to be problematic if not impossible when we do not exactly know how many people are to be represented. However, if

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<sup>41</sup> “*Instead, in each and every party - now I am saying a very rough thing - should have quota. I mean how they list is composed. I mean in the list there would be a quota for the political representation of Roma. As we have women quota in the LMP.*”

the quota system is established in accordance with an officially agreed upon total number of Roma people within Hungary, even though it is not proportional still the representation of Roma might be increased. Moreover, if the quota system was introduced, it might stimulate more Roma at the next census to self-identify themselves as member of minority. This however, again raises the extremely complex issue of how ethnic identity is to be determined for institutional purposes, an issue with no clear solutions.

Not only the principle of proportionality has to be taken into account when it comes to Roma quota system, but also whether there is a host organization showing sensitivity towards Roma representation. This question might give reason for concerns. Mrs. Osztołykan argued that there is no such party in Hungarian politics that is strongly committed towards the realization of Roma political representation (Interview with Agnes Osztołykan, 2014)<sup>42</sup>. The real question is why mainstream political parties still have not introduced a voluntary Roma quota system. The less convincing argument is that the main reason is the indefinite number of Roma people that could not provide the basis for proportional allocation of reserved seats. An alternate and perhaps more compelling argument is that, this problem is used as an excuse from the side of mainstream parties to justify why they still have not had Roma quotas. This question requires further research and policy analysis.

Another interviewee, Mr. Setet stated that Roma political parties are not effective actors in realizing minority interest and politics because of their low level of performance at the national elections. He neither considered appropriate Roma politicization in the framework of mainstream parties since this option has been devalued in recent times (Interview with Jeno Setet, 2015). Consequently, he presented an alternative in the framework of establishing a

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<sup>42</sup> *Today for the Hungarian political parties neither for the LMP the realization of Roma political participation is not important. Not important for anyone. Before the elections it is somewhat important, but I cannot say a political party today in Hungary for which it would be fairly important.* ”

special party, but not as the solution for the realization of Roma political representation.<sup>43</sup> More precisely, he argued for a political party that was set up as non – ethnic party, however it would still be established and led by Roma people. Since it is not designed as a Roma party, it should demonstrate sharp voice in each social issue regardless ethnicity. In other words, he referred to such a political party which does not have ethnic profile, however, it is organized by Roma people. (Interview with Jenő Setet, 2015). ). Unfortunately, this solution seems to be unrealistic, as I have shown previously, the main weakness of Roma parties have been their inefficient organization.

The third possible solution for realizing Roma political representation was provided by Béla Racz. He argued that he did not believe in ethnic based political representation because it might result in isolation and exclusion from other aspects of politics. He argued that the common understanding, goals, aims, purposes, self-determination and interests of Roma people should be established and comprehended as minimum standards and baselines (Interview with Béla Racz, 2015). Furthermore, he stated that Roma political representation should start at local level as a grass root movement step by step (Interview with Béla Racz, 2015). I do not believe that ethnic based politics would cause political isolation in case the legal framework and political set up aim indeed to realize minority representation. Here, I refer to the importance of normative guidance, more specifically well-defined options in the law for minority representation. Furthermore, I consider proper, politically independent, powerful institutions indispensable for realizing Roma political representation.

Even though the above mentioned options are significantly different from each other, all of them aim to resolve the question of Roma political representation in Hungary. As I noted

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<sup>43</sup> Mr. Setet emphasized that he does not consider proper to formulate objective alternative solutions for realizing minority politics on his own. He stated that such a recommendations need a preceding social reconciliation.

above, I have some concerns regarding these alternatives, however, this does not imply that elements or parts of the proposals cannot be used in a profitable manner when thinking about means of Roma representation. I think, if these choices are merged together as a package their efficiency would be more significant. In the following, I am going to present some ideas aiming to contribute to developing our understanding of how one could achieve a more complete Roma political representation.

For instance, I believe Mrs. Oszolykan's suggestion could be successfully put in place if a campaign was organized regarding the introduction of Roma quota system. The main purpose of the campaign should be to notify Roma people about the possibility or the realization of introducing Roma quota system. By this movement I suppose that more people would self-identify themselves as Roma at the next census. As the effect the number of Roma people would be more precisely known contributing to the proportional determination of needed reserved seats in each party lists'.

Another alternative concerns the introduction of Roma quota system as a legal requirement at each political party. If a quota system was defined as a legal obligation, the problem of willingness of mainstream parties would be definitely resolved. However, I believe that only the quota system in itself would not guarantee real Roma political representation. I agree with Mr. Racz that Roma people should be politically organized along the same lines that could definitely facilitate the mobilization of Roma. In other words, I think that Roma self-organization and political movement would be the first step of realizing minority politics. As a result of organization, I further assume that Roma people would be more mobilized and showing more willingness for self-identification as Roma, and these factors are necessary for the successful introduction of Roma quota. Put another way, if Mrs. Oszolykan's and Mr. Racz's ideas would be combined the impact of these ideas could be much more effective.



Next, I am going to reflect on Mr. Setet's idea. He proposed on the level of ideas, to establish a political party by Roma people having non-ethnic profile (Interview with Jeno Setet, 2015). As I mentioned above, I consider it as a good alternative but more precise structure, aim and target group should be defined for such a party. I believe that such a political party should be established by educated Roma leaders in order to be legitimate and reliable. It is crucial to note that the founding members should be politically independent having no links to any existing political parties. I suppose that, if the founders have political connections to any mainstream or previous Roma party, the establishment of legitimacy and trust will be more problematic from the side of voters. Constituents might connect and identify the founders and the party as a descendant of a previous political organization having rather negative impression. So, I consider political independence and expertise as crucial requirements that should be fulfilled before establishing a political party. On the other hand, the target group has to be determined in a specific manner in order for both Roma and non-Roma people to be involved. In other words, overlapping social categories have to be addressed. For instance, this organization could be the party of youngsters, disadvantaged and discriminated people. Since these categories are quite broad it could include in itself Roma, Jewish, Woman, Youngsters, Migrants, Unemployed, Poor and many other group of people. Certainly, in order to gain political support from these people, a strong well-structured party leadership and party program are necessary.

Further combining the three ideas for Roma political representation, I would propose the following. Out of the above mentioned options a political package could be formed. First, as Racz stated, Roma people have to be politically organized and mobilized on the local level in order to be able to influence national level politics as well (Interview with Bela Racz, 2015). After having organized a significant amount of people possessing a right to vote, a political party that was proposed by Mr. Setet might succeed at the elections with the support of Roma

people.<sup>44</sup> In case the party cannot obtain mandate in the National Legislature, they still had a chance to push mainstream parties towards the introduction of Roma quota system.

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<sup>44</sup> Here, I think of not only the support of Roma people but also other groups that are mobilized by the same party. For instance, woman, Jewish people, disadvantaged people, youngsters etc.

## 6 Conclusion

Even though more than two decades have passed since regime transition and two laws were introduced to provide options for minority representation, the question of Roma political representation remains open in Hungary (Bogdan, 2013). Various options have been tried. For instance approximately thirty Roma parties were established over the last two decades aiming to represent minority interest (Dobos, 2014). On the other hand, Roma people attempted to accomplish political representation within mainstream parties (Interview with Laszlo Teleki, 2015; Interview with Jeno Setet, 2015).

Regarding the first law, there are multiple questions that made very difficult the realization of minority politics in Hungary. I identified two main source of problems namely normative and institutional. The normative problem appears in the form of missing guidance in the Act, more precisely there are no specified tools or real options for resolving Roma political representation.<sup>45</sup> The first law basically, does not ground basic elements such as reserved seats, quota system, possibility for obtaining preferential mandate etc. by which the minority political realization could be achieved. Since the law does not provide competitive position for minorities the principle of equality is not fulfilled and political representation of minorities as such remained on the level of ideas.

Unfortunately the problem does not stop at this stage. Due to the missing normative guidance for realizing minority politics, there are institutional problems emerging as well. The law specifies two institutional set ups that should be in charge of minority representation. The first is the minority self-government system as a representative of minorities' interest (Act LXXVII of 1993). Minority self-governments as national level political representation provider

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<sup>45</sup> Not only Roma, but also other minorities living in Hungary.

entities failed due to two reasons. First, these institutions are designed on the local level, implying that they have no role in national level politics (Bogdan, 2013; Rostas 2013). Second, these organizations do not possess real political licenses and competences being indispensable for accomplishing political representation (Sobotka, 2001; Rostas, 2013).

According to the second institutional arrangement minorities have right to establish political parties for representation (Act LXXVII of 1993). In this case the normative missing guidance in the law results additional problems. More precisely, since there is no preferential regulations for minority politics, the same institutional and electoral rules apply on minority politics. Several factors can be pointed out that hindered the performance of Roma parties at the elections. First, the Hungarian electoral system is mixed and considered to be one of the most complex having a five percent electoral threshold (Benoit, 2005)<sup>46</sup>. Roma parties have had difficulties with the strict rules of the system such as to set candidates at the elections and to reach the electoral threshold (Dobos, 2014). Furthermore, Roma parties were not seen to be a legitimate, well-based political power due to the following reasons: These parties usually are established before the elections having no real political program. Moreover, it was argued that they do not possess social basis and are not embedded in Roma communities (Dobos, 2014; Interview with Jenő Setet, 2015). Not only the electoral system and the deficit of Roma parties, but also Roma voters' ideological preferences contributed to the unsuccessful performance of these parties. According to Mr. Setet and Mr. Racz, Roma people rather prefer to vote on mainstream parties than on minority ones. They supposed that, Roma people have strong political preferences along different ideological lines (Interview with Jenő Setet, 2015; Interview with Béla Racz, 2015).

The second act dealing with national minority political representation seemed to be a significantly developed law compared to the first one. The law sets up a far precise vision of

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<sup>46</sup> I am referring to the previous electoral system that was valid parallel with the first minority law.

how to realize minority politics. By its notion the problem of missing normative guidance has been solved, since there are real and exact institutional options for minority politics. Indeed it is more specified, however, the tools and institutions that it provides as solution I consider highly problematic. There are three blocks of criticism that have been addressed.

The first is related to process of appointing national minority candidate at the national elections. The problem derives from the fact that only the National Roma Self-Government has right to set a nominee. It is not only exclusively given monopoly to one body, but also political bias since this institution is politically dependent on the ruling party (Bogdan, 2013; Interview with Agnes Osztołykan, 2014; Interview with Bela Racz, 2015; Interview with Jenő Setet, 2015;). As a result Roma political representation will obviously not be independent rather it will be the reinforcement of right wing parties.

The second problem regards the nationality registry that has been widely criticized. According to the regulation, registered members of national minorities can vote on the national minority candidate and on the candidate running in individual constituency (Act CCIII of 2011). By the registration, people are deprived from voting on mainstream party list that was argued as political exclusion from the common political life (Bogdan, 2013; Interview with Agnes Osztołykan, 2014; Interview with Bela Racz, 2015; Interview with Jenő Setet, 2015).

Last but not least, the third point is related to the institution of spokesperson. According to the Act, a spokesperson can be delegated in the National Legislature, if a national minority candidate does not receive enough vote to obtain a mandate (Act CCIII of 2011). The spokesperson as a representative body was not considered to be an effective manner of representation of Roma people, since he does not have right to vote. Instead his role was attributed rather as symbolic and powerless (Interview with Agnes Osztołykan, 2014; Interview with Bela Racz, 2015). I regard highly questionable the institution of spokesperson asking how

much can a person represent a big group of people without right to vote, being deprived from powerful and significant political licenses.

In my opinion, the most problematic point of the law is political dependency. I suppose that, the Act could result in a significantly advantageous political situation for Roma people, if there were various organizations appointing national minority candidates. I think, the law indeed provided better options for Roma representation, but not in a politically fair way.

Despite of the provided legal frameworks and their amendments, the realization of Roma political representation is still pending for twenty-five years after the democratic transition.

## **7 Appendix**

### **Interview Questions**

#### **Warm up phase**

- Could you please tell me a few sentences about your professional background?
- How did you get involved in politics?

#### **Main Phase**

##### **First minority law 1993**

- After the transition, the Act of LXXVII 1993 was the first minority law ensuring group specific rights for Roma people as well. More specifically, it also regulates about the political representation of minorities. What do you think this law helped to realize minority political representation? If yes, why? If no, why?
- According to you, what were the major weaknesses of the first law?
- On the basis of the application of the 1993 law, no Roma party got into Parliament. How do you explain that?
- What do you think about the 5% electoral threshold in the Hungarian electoral system? Do you consider it as an achievable requirement if there was a well-organized professional Roma party?

##### **New law 2011**

- In 2011 the Parliament accepted a new law regulating the election of MPs and minority representatives. Do you know anything about the history of this law?
- What do you think, what was the purpose of the government by accepting the new law?
- Was there any difference in the reaction of Roma people regarding the new law?
- According do you, did this law really offer better opportunities for the Roma minority?

### **Main concerns and problematic points**

- There are many new measures in the law that created debate regarding Roma political representation, such as the nationality registry, the appointment of candidates running for nationality representation and the institution of the spokesperson. Many people doubt that the introduction of nationality registry excludes Roma people from the mainstream politics, because if they are registered they cannot vote for ordinary parties. What is your view about it?
- How do you consider the fact that only the National Roma Self-government can appoint candidate for the elections?
- Do you think that there are any other people or organizations that would be appropriate for appointing a candidate? If yes, who are them?
- What do you think about the institution of spokesperson? How do you evaluate the effectiveness of the spokesperson in the national legislature?
- Could you please present your ideas, suggestions how Roma political representation could be achieved in Hungary?
- Is there any need for minority laws ensuring political representation?
- Do you think that mainstream political parties could represent minorities as well? If yes, how?

### **Cool down phase**

- Would you like to add anything else that you consider relevant to the topic?



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