

RIGHTS DENIED

The Roma of Hungary

Human Rights Watch/Helsinki

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Human Rights Watch/Helsinki

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CONTENTS

PREFACE	viii
I. SUMMARY	1
II. RECOMMENDATIONS	4
III. BACKGROUND: THE ROMA OF HUNGARY BEFORE THE ADVENT OF COMMUNISM	7
IV. VIOLENCE AND POLICE RESPONSE	11
VIOLENCE AGAINST ROMA DURING THE COMMUNIST PERIOD	11
THE SITUATION AFTER 1989	12
THE PRESENT SITUATION	12
V. COMMUNITY VIOLENCE AND POLICE RESPONSE	15
KALOCSA	15
GYÖNGYÖS	18
HATVAN	22
BÉRHIDA	22
VI. POLICE VIOLENCE AGAINST ROMA	25
FAJSZ AND NAGYFÜGED	27
ÖRKÉNY	28
VII. IDENTIFICATION CHECKING	31
PILISCSABA	31
KUNSZENTMIKLÓS	32
VIII. LACK OF LEGAL MECHANISMS TO PUNISH POLICE ABUSE	34
BUDAPEST, KÖZTÁRSASÁG TÉR (REPUBLIC SQUARE)	35
IX. ATTACKS ON ROMA BY THE CITIZENS' GUARDS	38
PÁPATESZÉR	38
ÓZD	39
KÁLÓZ	40
X. THE SKINHEAD MOVEMENT AND POLITICAL PARTIES	42
SKINHEAD ORGANIZATIONS	43

SUPPORT FOR SKINHEADS IN MAINSTREAM POLITICAL PARTIES	44
XI. FAILURE TO PROSECUTE VIOLENT HATE CRIMES – PARA- GRAPH 156 OF THE HUNGARIAN CRIMINAL CODE ...	50
BTK 156 AND LAWS PROHIBITING ETHNIC VIOLENCE TO 1989	51
BTK 156 IN THE POST-COMMUNIST PERIOD TO 1993.....	52
BTK 156 AND THE FAILURE TO PROSECUTE VIOLENT HATE CRIMES – THE PRESENT SITUATION	55
RECENT INITIATIVES.....	59
XII. DISCRIMINATION IN EDUCATION	61
DISCRIMINATION IN EDUCATION BEFORE 1989	61
THE PRESENT SITUATION	62
SEGREGATION IN THE SCHOOLS.....	63
INDIRECT DISCRIMINATORY EFFECTS	68
DISCRIMINATION IN CULTURAL AND LANGUAGE EDUCATION	69
RECENT INITIATIVES.....	73
XIII. DISCRIMINATION IN THE WORKPLACE	76
PATTERNS OF DISCRIMINATION TO 1989	76
ROMA IN THE WORKPLACE AFTER 1989.....	78
DISCRIMINATION IN EMPLOYMENT OFFICES	80
STATISTICAL EVIDENCE OF DISCRIMINATION.....	83
CONSEQUENCES OF DISCRIMINATION IN EMPLOYMENT....	87
XIV. DISCRIMINATION IN HOUSING.....	88
HOUSING POLICIES AND DISCRIMINATION TO 1989	88
DEVELOPMENTS AFTER 1989 AND THE PRESENT SITUATION	91
DIRECT DISCRIMINATION IN SALE, RENTAL, AND ALLOCATION OF HOUSING	93
FORCED EVICTIONS.....	96
REVOCATION AND DISCRIMINATORY DENIAL OF CREDIT	98
DISCRIMINATORY EFFECTS OF THE COMPENSATION PROGRAM.....	100
XV. DENIAL OF ACCESS TO PUBLIC ESTABLISHMENTS	

AND GOVERNMENT SERVICES	102
LIMITS ON PUBLIC ACCESS FOR ROMA BEFORE 1989	102
THE PRESENT SITUATION	102
OFFICIAL ATTITUDES	105
XVI. THE LEGAL SITUATION OF ROMA — FAILURE TO ENFORCE THE LAWS ON MINORITY AUTONOMY...	108
INTRODUCTION.....	108
THE LEGAL TREATMENT OF ROMA TO 1989.....	109
THE 1993 MINORITIES LAW	110
PROVISIONS OF THE PRESENT LAW	113
XVII. FAILURE TO IMPLEMENT THE MINORITIES LAW.....	115
INTERFERENCE IN THE NATIONAL MINORITY ELECTION	116
Biased Regulations and Logistics	116
Prejudicial Court Decisions	120
Financial Interference	122
INTERFERENCE IN LOCAL MINORITY ELECTIONS.....	122
INTERFERENCE WITH THE OPERATIONS OF THE MINORITY GOVERNMENTS.....	123
Obstruction of Funding	124
RELATIONS WITH THE COUNCILS IN GENERAL	129
EFFECTS OF THE FAILURE TO IMPLEMENT THE MINORITIES LAW.....	134
APPENDIX A: Government Financing of Roma Electoral Groups	137
APPENDIX B: Hungarian Law and International Law	138

PREFACE

This report is based on information gathered by Human Rights Watch/Helsinki in some 120 interviews conducted in more than forty cities, towns, villages, and settlements across Hungary, between June 1, 1995 and August 20, 1995. It follows the 1993 Human Rights Watch/Helsinki publication on discrimination against Gypsies in Hungary, titled *Struggling for Ethnic Identity: The Gypsies of Hungary*, which examined the discrimination that Gypsies, or Roma as they are called throughout this report, faced in the early post-communist period. The present report deals principally with events and developments since early 1993. The introduction to each section, however, covers, usually in two parts, discrimination against Roma up to 1989, and from 1989 to 1993, a period covered by the earlier report but in a somewhat different form.

Although the difficult social, political, and economic transition in Hungary and the other countries of Eastern Europe is continuing, the initial period of tumultuous change has passed. Hungary now faces a less dramatic, but equally critical, long-term period of change. Endemic discrimination against Roma appears to be growing, even as Hungary is transforming itself. This report therefore gives equal weight to events of immediate concern — attacks on Roma, open discrimination and abuse by government officials — and to broad social patterns of discrimination and marginalization which, unfortunately, seem likely to continue in Hungary well into the foreseeable future.

I. SUMMARY

We would be in a completely different situation if the majority would come to realize that we have been living together for many decades now, that their history is our history too.

— Ágnes Daróczi, *Magyar Narancs*, July 13, 1995, pp. 8-9.

As Hungary completes a fifth year of painful restructuring, the economic and social diagnosis for Roma is increasingly desperate. The most immediate and dramatic threat to Roma comes from attacks and harassment by racist hate groups. For the meantime, less visible patterns of endemic discrimination and increasing social marginalization pose an equally serious danger for Hungary's largest minority.

The major social and structural upheavals in Hungarian society since the collapse of communism, coupled with increasingly open discrimination, have had a disproportionately large and negative impact on Roma, whose low social status, lack of access to education, and isolation make them relatively unable to defend themselves and their interests. Reforms initiated by Hungarian politicians have often been undertaken without considering their devastating impact on the country's Roma. Roma suffer nearly total marginalization within Hungarian society: they are almost entirely absent from the visible political, academic, commercial, and social life of the country.

Roma have borne the heaviest burdens in the economic restructuring that has followed the transition to a market economy. They were the first to be fired from their jobs in 1989 and 1990, and many have been unemployed since. Unemployment among Roma is more than 60 percent; outside of relatively prosperous Budapest, areas with nearly 100 percent unemployment among Roma are not uncommon. Unemployment rates for the entire country, including the high figures for Roma, are about 13 percent. Roma comprise 5-6 percent of the current population of Hungary.

Roma suffer discrimination in schools and in the general community. Only a handful of Roma graduate from, or even attend, academic high schools. Barely half of all Roma finish primary school; a large percentage of those have received most of their education in "remedial" classes and schools in which very few Hungarian children are placed. Most urban Roma live in ghettoized slums, or in the worst housing projects; in the countryside, they live on "Gypsy rows," or

increasingly, in separate, all-Roma villages. Many public establishments exclude Roma, often quite openly.

Economic hardship and freedom of expression have led many Hungarians to become increasingly willing to voice negative opinions about Roma; people are less reluctant to state openly anti-Roma views and/or to support government policies or individual actions that directly or indirectly focus on “bringing the Roma into line.” Roma complain of an “everyday racism” that colors all of their relations with the majority Hungarian population.

Roma are frequently victims of community violence: many are routinely subjected to harassment and intimidation by skinheads and other extremist elements of society; many have been subjected to physical attack, or to the threat of physical attack. After peaking in 1991, skinhead attacks on Roma and other minorities declined; in the spring of 1995, however, local human rights monitoring groups reported a sudden jump in the number of attacks, perhaps signaling a renewed campaign of anti-Roma violence. Many of the attacks in recent years have involved not only the acquiescence of local police, but even their active involvement. The national government has consistently denied the existence of racial violence in the country.

There are areas of progress: Roma, like other Hungarian citizens, enjoy new political freedom to form groups and associations, and the number of Roma organizations has grown consistently since 1989. Open expression of Roma cultural and ethnic identity is no longer officially discouraged. President Árpád Göncz has proposed legislation that would specifically address discrimination against Roma, although only the portion dealing with the criminal code has as yet been adopted. Additionally, there have been several potentially important political initiatives by the government since the end of 1995 — including the formation of a Roma Program Commission in the Parliament, as well as a public foundation and a coordinating council to deal with the effects of the economic and political transition of the Roma community. However, these initiatives are not unambiguously positive developments, and to date, they have produced no concrete programs or results [see section on The Legal Situation of Roma — Abuses under the New Minority Law, below].

Perhaps the single most important development in the past two and one-half years is the establishment of a system of minority self-government for Hungary's thirteen recognized minorities, including the Roma. The Law on Rights of National and Ethnic Minorities, passed in July 1993, proposed an ambitious and progressive system of minority rights, including the election of local and national councils, or self-governments, with authority over the cultural, linguistic, and educational concerns of the respective minorities. Elections for the local self-

governments were held in late 1994, and the national assemblies were formed in early 1995.

However, the new minorities system has largely failed to deliver on its promise. The self-governments are only nominally funded and are completely dependent on the local Hungarian councils. There is strong evidence that the government interfered with the election of the national Roma self-government, effectively violating the autonomy it had just granted to its largest minority.

Many observers believe the law's real purpose was to bolster Hungary's foreign policy goals and image in the West and that there was never any real commitment to improving the situation of minorities, especially Roma, within the country. It is perhaps telling that, in the first draft of the legislation creating the new self-government system, Roma were not on the list of protected minorities; only after vociferous protests did the Parliament include them.

Many Roma feel that the promises of democratic political reform, so strong in 1989, have amounted to very little for them. The initial interest that some of the liberal, Western-oriented parties showed in minority affairs has largely been jettisoned in the face of widespread hostility from the majority Hungarian populace. Roma remain on the periphery — isolated, despised, and denied effective participation in the process that is shaping the new Hungary and the role of minorities within it.

II. RECOMMENDATIONS

Human Rights Watch/Helsinki urges the Hungarian government to:

- Abide by and fully implement its obligations under international law and the obligations towards its minority citizens that the nation has undertaken in its own laws. This should include:
 - (1) ensuring to all its citizens, whether Hungarian, Roma, or of another minority, equal protection of the laws;
 - (2) guaranteeing the security of all persons, regardless of ethnicity, religion, or background, from violent attack or bodily harm, whether inflicted by agents of the government or by individuals
 - (3) prohibiting all forms of discrimination against Roma or other minorities in the governmental, public, and commercial spheres; and
 - (4) enacting President Göncz's three legislative suggestions for improving the status of minorities.

- Deter and punish private violence against Roma. This will require that the government:
 - (1) prosecute any individuals or groups of individuals, including citizens' guards, who attack Roma or other minorities under Paragraph 156 or similar legislation;
 - (2) investigate reports of police failing to respond to attacks on Roma or other minorities, failing to investigate such attacks, or shielding assailants from prosecution; make public the findings of such investigations; and
 - (3) investigate the activities of skinhead groups or other groups that commit acts of violence against minorities and publish the results of any investigation.

- Deter and punish police violence against Roma. Of primary importance will be measures taken to:
 - (1) prosecute any policemen participating in attacks on Roma or other minorities under Paragraph 156 or similar legislation;
 - (2) investigate reports of beatings, forced interrogation, unlawful imprisonment, harassment during identity checks and other mistreatment during official procedures; make public the findings

of the investigation, including the number of complaints, their disposition, and the results of disciplinary actions.

- Establish a fully independent and permanent internal affairs review board, with a separate staff and budget, to investigate complaints against policemen. Make public any findings of such a review board.
- Ensure that the regional investigating prosecutors offices have sufficient staff, technical resources, and funding to carry out their own investigations independent of the police when they are inquiring into complaints against policemen.
- End large-scale raids by commando squads against Roma settlements; prosecute and punish and police or private citizens found to have taken part or authorized such raids.
- Create an effective independent channel for lodging citizen complaints against the police. Expand and enforce the authority of the newly created ombudsman's office, and give it adequate and independent financing.
- Require policemen to make a record of all identification checks and vehicle checks; make that record reviewable by members of the public or the ombudsman.
- Increase training in human and civil rights and limited use of force for policemen.
- Encourage the recruitment of Roma into the police force.
- In the field of education, it is of primary importance that steps are taken to:
 - (1) reform the selection process for remedial classes and schools. Investigate any remedial class or school in which Roma children make up a disproportionately large share of the students. Require objective standards for whom to test and how to test them;
 - (2) investigate and reform the admissions policies and practices of high schools to ensure they are not discriminatory against Roma students; and

- (3) allow local school authorities to keep confidential and 'blind' statistics on ethnicity for the purpose of monitoring compliance with the above-mentioned measures.
- To combat discrimination in the labor market, the government must:
 - (1) enforce and expand the existing prohibitions against discrimination in employment; and
 - (2) investigate reports of racial coding and discriminatory treatment of Roma applicants at government employment agencies. Establish disciplinary procedures for agency workers who fail to report a client's request for only non-Roma applicants.
 - To prevent continued discrimination against Roma in access to housing and land, the government should:
 - (1) prohibit, in statute and practice, discrimination against Roma or other minorities in the extension of credit for housing, and enforce such a prohibition;
 - (2) prohibit, in statute and practice, discrimination against Roma or other minorities in the sale or rental of housing, and enforce such a prohibition;
 - (3) prohibit the eviction of tenants and squatter tenants without due process; investigate cases in which a large number of Roma are being evicted; and
 - (4) investigate the operations of the coupon compensation program to determine if Roma who worked on collectives were denied equal access to compensation.
 - In order to combat a persistent pattern of discrimination against Roma in access to government services, the government should:
 - (1) prohibit discrimination against Roma or other minorities in public establishments, and provide substantive punishments — in the form of heavy fines, loss of license or closure — for owners or merchants who continue to bar Roma from their establishments;
 - (2) prohibit and punish criminal harassment of Roma or other minorities on public transportation and in public spaces; and
 - (3) ensure that Roma are accorded full and equal access to government offices and services.

III. BACKGROUND: THE ROMA OF HUNGARY BEFORE THE ADVENT OF COMMUNISM¹

The Roma have no written history of their own — but their past may be pieced together nonetheless through records kept by others. The common themes running through the Roma past are isolation from and marginalization by the societies in which they lived.

Roma arrived in Europe from northern India in successive waves of migration from the ninth to the fourteenth centuries. Europeans did not know where this new group had come from, and this confusion is reflected in the names they are known by today. “Gypsy” in English (gitano in Spanish) derives from the commonly held belief of the time that Gypsies were Islamic peoples; Gypsy derives from Egyptian. Similarly, tsiganes (French), cigány (Hungarian), zingaro (Italian), and zigeuner (German) all derive from the misapplied Greek term Atsingani, originally used to describe a heretical sect from Asia Minor, whose members were known as seers and magicians. Europeans mistakenly associated the mysterious newcomers with this sect.²

Today many Gypsies prefer to be called Rom/Roma (which means “man/men” in their language), because the terms employed by majority societies across Europe have come to be used in a pejorative manner. We have chosen to use the word “Roma” in this report since this is the term increasingly preferred by many in the Roma community.

¹ This section is drawn, with some modification, from the earlier Human Rights Watch/Helsinki report *Struggling for Ethnic Identity: the Gypsies of Hungary*, and from Rachel Guglielmo, *Milyen út vár rájuk?/The Gypsy Road*, Kanizsai Nyomda, Nagykanizsa, Hungary, pp. 50-54, with Introduction by Ferenc Orsós.

² Jean-Pierre Liégeois, *Gypsies and Travelers*, Council of Europe, Strasbourg, 1987, p. 14.

Although many Hungarians tend to view Roma as a single community, there are in fact a number of distinct Roma groups in Hungary, each possessing unique historical, cultural and linguistic traditions. Many of the earlier clan-based and trade-based distinctions have disappeared, and today language is the most apparent division among Hungary's Roma. Although there have been some efforts toward political and cultural cooperation, the different groups are united mainly by their common status as "outsiders."

About three fourths of Hungary's Roma are Hungarian speakers, known as "Romungro" — meaning literally "Hungarian man" in the Roma language, an indication of their more advanced degree of assimilation. Another one fifth are Olah, or Romany-speaking, and a smaller group of about 50,000 speak Beash, a dialect of Romanian. The Beash are concentrated in the southwest, and the Olah predominate in the northeast, although they and the Romungro are widely spread about the country. There are also small numbers of Sinti, who migrated to Hungary from Western Europe.

Estimates of the total Roma population in Hungary are traditionally very inaccurate. In the past, censuses classified individuals based on their use of language, a practice that effectively hid the majority of Roma who are native Hungarian speakers; in the 1980 census, only 27,000 people declared that they spoke Romany, and only 6,400 identified themselves as Roma. The 1990 census, by contrast, estimated the Roma population at 400,000. While there is still no consensus on the number of Roma in the country, most experts agree on an estimated Roma population of between 450,000 and 500,000.

The first major wave of Roma appeared in Hungary during the reign of King Zsigmond (Sigismund 1387-1437). Most of them continued on to western Europe. Over the course of the next century and a half, as they were systematically expelled from the western lands, Roma began to settle in the Carpathian Basin. During the Ottoman occupation of Hungary, spanning some 150 years until the late seventeenth century, Roma had a measure of autonomy and began to specialize in certain sedentary trades, working as blacksmiths, weapon-makers, horse traders, carpenters and barbers. Little is known of Roma culture of the period or of Roma relations with the non-Roma (the "gadzikane" in Romany or "gaje"³), though it appears that segregation into ghettos was widespread.

After defeating and expelling the Ottoman Turks, the Hapsburg monarchy initiated an aggressive assimilation campaign. This was based on a mixture of

³ Gaje (plural), gajo (sing., mas.) and gaji (sing. fem.).

rewards, such as residency and trade permits, and punishments, notably the prohibition of the itinerant lifestyle (1761 edict of Maria-Theresa), a ban of the use of Roma names (1761) and the Romany language (by Joseph II in 1783), and forced adoptions of Roma children by non-Roma families.

As a result of assimilation coupled with an upsurge in migration of Roma seeking to escape these policies, the Roma population fell into decline and did not recover until the mid-nineteenth century, when Hungary received an influx of Romanian Roma, or Beash.⁴

Following its defeat and loss of substantial territory in the Treaty of Trianon⁵ at the end of World War I, Hungary initiated a fierce “magyarization” policy, pressuring sedentary Roma to become fully assimilated and taking draconian police measures to deport Roma whose Hungarian citizenship could not be verified.

As a decree of the Ministry of Interior stated: “Special attention must be paid by the police and security organs to ensure that the wandering Gypsies, or other wandering groups, should not even be allowed near the cities.”⁶ Nonetheless, many Roma continued to migrate, and settled Roma remained isolated in small settlements.

The fate of Hungary’s Roma during the Holocaust (or “Porajmos”) has not been adequately documented, but it is believed that large numbers of Roma were deported to various concentration camps and exterminated after Germany’s 1944 invasion of Hungary. The total number of European and Hungarian Roma murdered remains unknown; some maintain that around a quarter of Europe’s one million Roma were exterminated while others estimate the figure to have been closer to 500,000. Estimates on the number of Hungarian Roma murdered vary

⁴See Miklos Tomka, *A cigányok története* (The History of the Gypsies), in László Szegő (ed.) *Cigányok: honnét jöttek, merre tartanak?* (Gypsies: Where Do They Come From, Where Are They Heading?), Budapest, Kozmosz Könyvek, 1983, pp. 36-52; B. Mezey et. al (eds.), *A magyarországi cigánykérdés dokumentumokban 1422-1985* (*The Hungarian Gypsy Question in Documents 1422-1985*), at 12-19, 75-76, Kossuth Könyvkiadó, Budapest 1986; József Vekerdi, “Earliest Arrival Evidence on Gypsies in Hungary,” 170-171, *Journal of the Gypsy Lore Society*, Vol. I, No. 2 (1971).

⁵ The 1918 Treaty which dismantled the Austro-Hungarian empire and created Hungary’s present-day borders.

⁶ BM Korrendelet 257.000/1928, reprinted in Mezey et. al. (eds.), *op cit.*, at 200-201.

from 60,000-70,000 to 20,000-30,000, though a recent study suggests that the number may have been lower, around 5,000.⁷

Roma remained extremely isolated from the majority society up through the second world war. After the war, they were the subject of intensive assimilation programs during the communist period, which set the patterns for treatment of and discrimination against Roma up into the post-communist transition. Developments during the communist regime and after are treated in the various sections of this report.

⁷The 500,000 estimate is by Henry R. Huttenbach, "The Romani Porajmos: The Nazi Genocide of Europe's Gypsies," at 373-391 in Henry R. Huttenbach (ed.) *op cit*; The 60,000-70,000 figure is supplied by the Roma Parliament (Human Rights Watch/Helsinki interview, January 6, 1993); 20,000-30,000 is by David Crowe *op. cit.* at 298 and Janos Szonyi, "A cigányok sorsa a fasizmus évei alatt," ("The fate of the Gypsies during the Fascist Years,") at 53-57 in László Szegő *op cit.* The 5,000 figure is by László Karsai, *A Cigánykérdés Magyarországon 1919-1945 (Út a cigány Holocausthoz), (The Gypsy Question in Hungary (The Road to the Gypsy Holocaust))* at 12-13, 85-112, *Scientia Hungariae*, Cserepfalvi, Budapest, 1992.

IV. VIOLENCE AND POLICE RESPONSE

Physical attacks against Roma are the most immediate and serious violations of their rights. Such attacks directly threaten individual Roma and cause fear and insecurity throughout the entire Roma community. Roma have suffered attacks on their persons, homes, possessions and property, and the racial nature of the majority of these attacks constitutes a challenge to their right to equal treatment as citizens of Hungary and to their identity as Roma.

Human Rights Watch/Helsinki is particularly concerned by reports of police failing to respond to or to investigate racially motivated attacks when they occur, and even accusations of active police participation in violent attacks on Roma. The continuing activity of skinhead and ultra-nationalist groups, and support for these groups by official state bodies and political parties, also remain a cause for concern.

VIOLENCE AGAINST ROMA DURING THE COMMUNIST PERIOD

Under the communist regime, open expression of nationalist and racist sentiments was discouraged. Violent attacks against Roma by individuals or groups from the community occurred only sporadically and generally were not covered in the press or countenanced by the authorities.

However, Roma were frequently subjected to harassment and intimidation by the police, who operated with relative impunity in their dealings with the Roma community. Police often engaged in arbitrary identification checks, arrests, and routine beatings during interrogations. Special commando squads were occasionally employed to intimidate and control entire Roma settlements. Each police district maintained a department dealing with "Gypsy crime," and kept statistics on "Gypsy modes of criminality." Such police activity was tolerated and

encouraged by the central authorities as a means of controlling the Roma population.⁸

As central authority weakened throughout the 1980s, public expression of intolerance and anti-Roma sentiments became increasingly common. By the mid-1980s, groups of skinheads began to form in Budapest and several provincial cities; Roma were increasingly subject to open harassment and to violent attacks.

THE SITUATION AFTER 1989

After 1989 there was a sharp rise in the number of violent attacks on Roma and foreigners, which peaked in 1991-1992. However, police and the courts were generally reluctant to acknowledge the racial character of these assaults, often failing to press charges or only bringing minor charges such as hooliganism; in one case, for example, a skinhead assault was pronounced by the court to be "a child's prank." The number of incidents abated somewhat after 1992 — a phenomenon some commentators have identified with the approaching 1994 elections and an attempt by extremist groups to gain seats in the parliament.

In the year after the change of government some reform measures were taken: the "Gypsy crime" departments were closed in 1990, and the police were barred from keeping statistics on the ethnicity of criminal suspects. However, there have been few comprehensive efforts to reform the actual behavior of police: no effective system of internal review exists, and many policemen continue to use intimidation, arbitrary arrest, and violence against Roma, who have little capacity to effect the political system which continues to give the police a relatively free hand.

THE PRESENT SITUATION

⁸ See also Human Rights Watch/Helsinki's earlier report, *Struggling for Ethnic Identity: the Gypsies of Hungary*, for a more extensive discussion of these activities.

Human Rights Watch/Helsinki has recently received reports of a renewed upsurge in the number of violent attacks against Roma, beginning in early 1995 with major and well-publicized incidents at Kalocsa, Kunszentmiklós, and Kálóz, as well as a large number of serious incidents that received less publicity. Many of these incidents apparently involve the active participation of uniformed and/or off-duty policemen. Incidents of violence against Roma in the past two years conform to a consistent pattern in which all violent acts are attributed to an isolated extremist element, the racial character of the attacks is denied, and the involvement of the community and/or police complicity in the attacks is ignored or tacitly sanctioned.

Human Rights Watch/Helsinki has found that, while some recent incidents have involved self-identified skinhead or extremist groups, in fact a significant number of incidents involve mixed skinhead/non-skinhead groups, individuals or community groups without any contact with skinhead organizations, and even elements of the police. The commonly held belief that attacks on Roma and foreigners are committed exclusively by an extremist minority is unsubstantiated, and despite a general impression that the more serious attacks have been confined to the economically depressed Northeast, Human Rights Watch/Helsinki has collected reports of violent attacks from all sections of the country.

Moreover, when attacks on Roma do occur, police and investigators generally deny any racist intent, even when the assailants themselves have admitted to such motivation. In other words, police and government authorities are reluctant to acknowledge either the presence of openly racist groups such as skinheads in Hungary, or the occurrence of racially motivated attacks, regardless of who commits them; hate crimes legislation has been incorporated into the Hungarian Criminal Code since the 1960s but has never been used, and has been invalidated by the Supreme Court [see section below on *Failure to Prosecute Violent Hate Crimes – Paragraph 156 of the Hungarian Criminal Code*]. Anti-Roma public opinion supports the belief that violence against Roma has nothing to do with racism but is instead a response to the supposed anti-social behavior of Roma or a result of their socio-economic status; violence against Roma is frequently seen as somehow distinct from violence against other groups.

This attitude has effectively granted the police license to intimidate and harass Roma and to themselves participate in violent attacks on Roma with relative impunity. Police units frequently stall investigations or fail to investigate adequately cases of assault against Roma; in many cases Roma who bring accusations against police officers find themselves accused.⁹ Recently formed

⁹ "Police Ill-Treatment in Hungary," Report of the Hungarian Helsinki Committee, p.1.

citizens' guards — a kind of unofficial police auxiliary — ostensibly patrol neighborhoods to control crime, but in fact often harass and intimidate Roma residents.

Human Rights Watch/Helsinki believes that the failure of the government and police to respond decisively to incidents of violence against Roma, especially to incidents committed by the police themselves, contributes to an atmosphere in which such violence is tolerated and tacitly encouraged, and thus is more likely to continue. As a human rights activist noted to Human Rights Watch/Helsinki:

Basically, [the authorities] are just sweeping things under the rug, refusing to identify the problem and admit to its seriousness. We are not facing this issue, and that's why the situation has grown more serious again in the past few months. We don't think this is happening by chance — it's a trend.¹⁰

¹⁰ Human Rights Watch/Helsinki interview with Márton Ill, Budapest, July 13, 1995.

V. COMMUNITY VIOLENCE AND POLICE RESPONSE

Skinheads remain active in Hungary despite frequent assertions to the contrary by the police. Moreover, elements of the community apparently not affiliated with skinhead groups also engage in violence against Roma.

KALOCSA

One of the most significant and well-publicized incidents occurred on May 1, 1995, in Kalocsa, located on the Danube in south-central Hungary. Katalin Sztojka, the president of the Kalocsa Gypsy minority council, who was present when the attack occurred, described what she saw:

Many people had gathered in the Bishop's Garden [*a park*] for the May Day celebrations. . . . Around 2:00 a fight broke out. A young guy poured a bottle of beer down the back of an elderly Gypsy man, József Kolompár. Then, when István Soltész (also a Gypsy) went over to help the older man, the young man broke that bottle over his head. Fragments from the bottle fell upon several people sitting nearby, wounding a little boy in the head. At that point, the young man and a bunch of his friends ran, and Soltész and three other Gypsies chased them into the woods next to the park. There they were set upon by a large group of skinheads who had steel rods, baseball bats, and some other weapons, too. Soltész was beaten so badly that he had to remain in the hospital for nearly a month. Back in the square smaller fights had broken out, and many young people grouped together and began to harass Gypsies — including women and children — who were attempting to leave the scene. All in all, seventeen people were beaten — even an expecting mother. They were shouting racist slogans, such as “We want a white Hungary!,” “Hungary for the Hungarians!” and “We’re going to exterminate all the ethnics!” The police arrived at 4:30 — two and a half

hours after the fighting began. This I can't understand, because I called them at 2:30.¹¹

Many Hungarians and Roma identified the perpetrators of the violence, since there were so many people on the square that day.¹² However, Sztojka herself heard a policeman telling one of the Hungarian assailants to go home:

I asked "Why are you sending him home? Why aren't you bringing him into the police station?" and he told me "There aren't any witnesses. There is no proof that he was involved." You see, in Hungary Gypsies aren't considered witnesses by the police.¹³

A number of Roma and Hungarians were taken into custody. István Németh was already handcuffed and in the custody of the police when, according to him, ". . . a skinhead came over and head-butted me in front of the police. I began to scream, because it hurt like hell, and at this one of the policemen came up to me, pressed my head against the wall, and, while blood was flowing from my eyebrow, told me it would be better for me to shut up, because I only fell on some stairs."¹⁴

¹¹Human Rights Watch/Helsinki interview with Katalin Sztojka, Budapest, June 20, 1995.

¹² See also videotaped footage from TV2 Cigány Patrín Magazin.

¹³Human Rights Watch/Helsinki interview with Katalin Sztojka, Budapest, June 20, 1995.

¹⁴ Magyar Hírlap, *Kalocsán rettegnek a cigányok* (The Gypsies in Kalocsa Are Trembling), János Bercsi, May 3, 1995, p. 4.

Fifteen Hungarians and two Roma were charged in connection with the incident.¹⁵ The Kalocsa police maintain that the youths arrested because of their involvement in the violence have no connection with the skinhead movement, and that there are no skinheads in Kalocsa. Roma in the town maintain that provocation by skinheads was the direct cause of the fighting and that racial slurs and threats are commonplace, a sentiment echoed by Márton Ill, the director of MEJOK (The Hungarian Human Rights Center), who investigated the incident:

¹⁵ Several Roma were taken into custody but, following protests outside the police station by a large number of Roma from the community, all but two were released.

One thing is for sure: in spite of police assertions to the contrary, there are skinheads in Kalocsa. This is a fact. And it is a fact that there are many witnesses — including Hungarians — who testify that there was a racially motivated element to the attack. They were attacking Gypsies, not X person or Y person: there were Gypsies on one side and ultra-right-wing Hungarians on the other.”¹⁶

Since May 1, tension in the town has been very high, and many Roma interviewed on television by the weekly Roma television program *Cigány Patrón Magazine* say that for several weeks following the incident they were afraid to go to work or let their children go to school; guards were organized to watch the neighborhoods at night. An older woman interviewed on the program, who works for the city as a street-cleaner, reported that someone driving by in a car yelled out the window at her:

You rotten Gypsy whore — how dare you show your face on the street — I'll cut the flesh off your body and make soap out of you!

Kalocsa Roma have also protested the investigation of the incident, saying that key witnesses were not questioned, and that many Roma who were prepared to act as witnesses have now been placed under suspicion. Márton Ill told Human Rights Watch/Helsinki that:

Many Gypsies who were prepared to act as witnesses have now been placed under suspicion for one thing or another. The man who was attacked first was in the hospital for a week, but the police never questioned him. Everyone else went there — reporters, minority leaders, Gypsies, human rights organizations — but not the police. Now, isn't that strange that your key

¹⁶ Human Rights Watch/Helsinki interview with Márton Ill, Budapest, July 13, 1995.

witness, who was the first victim, is not even questioned? Many witnesses were never allowed to make a statement.¹⁷

Local Roma leaders have made a formal request for Hungary to honor its national and international agreements to punish racial discrimination and racially motivated hate-crimes. However, the investigation has been closed, and no charges have been brought under Hungarian hate crimes statutes (see section below on *Failure to Prosecute Violent Hate Crimes – Paragraph 156 of the Hungarian Criminal Code*).

GYÖNGYÖS

Government officials and police frequently deny the racial nature of attacks, or characterize attacks that do occur as isolated incidents. Consequently, the authorities have made few efforts to employ hate crimes statutes to prosecute assailants. However, many of the publicized attacks, especially those committed by skinhead groups, have in fact been only the most visible flashpoints in a pattern of harassment and violence. A series of conflicts between the Roma and non-Roma populations in the town of Gyöngyös preceded a particularly violent skinhead attack on a Roma home with Molotov cocktails which attracted national attention.

¹⁷ Human Rights Watch/Helsinki interview with Márton Ill, Budapest, July 13, 1995.

On February 11, 1993, three young Roma women were attacked and injured by a group of twenty-five to thirty youths carrying “brass knuckles, cables, pipes, gas spray and baseball bats.”¹⁸ The eighteen young men who were accused had, according to the charges filed against them, set out with the intent of beating up “some Gypsies” (with no one targeted person in particular) and had come upon these three young women purely by chance. One prosecutor interviewed by Human Rights Watch/Helsinki characterized the incident as a *cigánymentesítés*, “a de-Gypsifying action,” and human rights activist Imre Furmann noted: “They did not have any particular preconception about the people they wanted to beat up; the only condition was that they had to be Gypsies.”¹⁹ All eighteen suspects were subsequently released and charged in September 1994 with hooliganism, a lesser charge that carries no overtones of the racial nature of the attack, and therefore the more serious penalties such a crime would have incurred under Hungary’s hate crimes law²⁰ were not levied.

On June 4, 1994, a young Roma was attacked near his home by a group of young men with shaven heads. When he fled inside, they threw stones through the windows and painted a Nazi swastika and the phrase “Gypsies, you are going to die!” on the side of the house. The county police captain reported that the police were not able to catch the attackers, and that:

Although witnesses reported that they saw young people who looked like skinheads on the streets of Gyöngyös that night, these accusations have not been substantiated by the police investigations.²¹

In July 1994, a group of twenty to thirty young men who had closely shaven heads and were wearing army boots, and other military gear, attacked a

¹⁸“Fehér Füzet — Kivonatok a Nemzeti és Etnikai Kisebbségi Jogvédő Iroda dokumentációjából” (White Booklet — Extracts from the Documentation of the Legal Defense Bureau for National and Ethnic Minorities), Imre Furmann, p. 29.

¹⁹ *Ibid.*

²⁰ Paragraph 156 of the Hungarian Criminal Code, discussed below.

²¹ “Fehér Füzet — Kivonatok a Nemzeti és Etnikai Kisebbségi Jogvédő Iroda dokumentációjából” (White Booklet — Extracts from the Documentation of the Legal Defense Bureau for National and Ethnic Minorities), Imre Furmann, p. 30.

family home with baseball bats, gas-pistols, cables, steel pipes and broken bottles. Several Roma were injured. Here again, although early reports by the press indicated a skinhead attack, the police denied the presence of skinheads, and referred to “personal conflicts” within the town.

Finally, in November 1994, the growing tensions came to a head when in two separate incidents, two Roma families were the victims of organized Molotov cocktail attacks. The alleged attackers in both incidents were the same individuals — a group of teen-aged young men. In the more serious attack a house was surrounded by fifteen to twenty youths, a shutter was torn off and several Molotov cocktails were thrown in the window, starting a fire in the house. A two-year-old child sleeping in the room narrowly escaped injury.

After extinguishing the fire, G. Farkas, the man of the house, set out after the attackers. He apprehended two young men and was beating them with a belt when the police arrived. The two young men maintain that they were not present at the attack; Farkas asserts that a baseball cap he found next to his house was reclaimed by one of the young men at the police station, and that he himself was beaten by the police when filing his complaint.

Farkas has now been accused with “taking the law into his own hands” and is under investigation for beating the young men. The local police insist that the conflict was a “private” one and that there are no skinheads and no “ethnic conflict” in the city, despite the fact that several of the suspects admitted upon questioning that they were skinheads and that they had been planning a series of attacks against the Roma population. House investigations carried out against the suspects turned up numerous weapons and Nazi paraphernalia (swastikas, fascist literature), and the county police later admitted that the incident indeed involved youths who were, by their own admission, skinheads.

Despite the recommendation of the prosecutor that the suspects, because of the serious nature of the crime, would constitute a public danger and that they should therefore be held in custody, they were released. Aladár Horváth, member of the Roma Civil Rights Foundation (*Roma Polgárjogi Alapítvány*) and a former MP, asked for an official accounting of the events from the police. At the meeting that followed, the principal of the school that many of the accused youths attend and the mayor of Gyöngyös were both present. Horváth reports that the principal asked for the release of the youths, saying that he possessed the “pedagogical tools necessary to inflict a proper punishment” while the mayor said that “people are irritated by the fact that the police don’t act decisively enough against the rich Gypsy families who are the principal criminals and tax-evaders in town.”²² The

²² Interview with Horváth Aladár, Budapest, June 19, 1995; Aladár Horváth, “Jelentés a

subsequent trial of the accused youths was closed to the press by the National Police Headquarters.

A protest against anti-Roma violence organized in Gyöngyös after the attack attracted many spectators who voiced varying degrees of support for the attacks, suggesting the depth of anti-Roma sentiment among the general populace. Reporter Judit Sárközi questioned one group of youths present at the demonstration, who said:

If people who hate Gypsies are going to be called skinheads, then everyone in Gyöngyös is a skinhead, because we don't like Gypsies here.²³

A flyer handed out around the city the day before the demonstration said:

The Gypsies are a noxious species of animal originating in India which spreads disease, and therefore they should be banished from the city.

Anna Csongor, a specialist on Roma education, was also present at the demonstration, and remarked in an interview with Human Rights Watch/Helsinki:

magyarországi Roma Parlament Konfliktusmegelőző és Jogvédő Iroda Tevékenységéről 1, 1994. November 1. - 1995. Április 30.," (Report on the Activities of the Office for Conflict Prevention and Legal Defense of the Hungarian Roma Parliament, November 1, 1994 - April 30, 1995), May 1995.

²³ Human Rights Watch/Helsinki interview with Judit Sárközi, Eger, July 25, 1995.

In Gyöngyös, for the first time, I was really afraid — the atmosphere created by the crowd and by the special forces police units surrounding the demonstrators was eerie, frightening. I felt that we must be afraid — that we have something to fear.²⁴

Human Rights Watch/Helsinki believes the failure of the police to address the racial nature of attacks in Gyöngyös has only exacerbated tension, increasing the confidence of those expressing anti-Roma sentiment, and discouraging Roma from even reporting crimes against them. A source at the Heves county prosecutor's office commented on this tendency in an interview with Human Rights Watch/Helsinki:

As far as the events in Gyöngyös are concerned, it is not just the attacks themselves which give cause for concern, but the fact that there is a tangible tension in the town, and the attacks — the cycle of beatings and reprisals — are only the “high points” or consequences of that tension. In fact, a good many such attacks are never recorded by the police or even reported to them . . . [P]artly, the police make a conscious decision not to treat these “background conflicts” as crimes — they allow a degree of “settling the score” and so the game goes: attack, reprisal, counter-reprisal and so on. Molotov cocktails are only thrown at the end of a long chain of events.²⁵

HATVAN

²⁴ Human Rights Watch/Helsinki interview with Anna Csongor, Budapest, June 21, 1995.

²⁵ Human Rights Watch/Helsinki interview, Heves county prosecutor's office, July 1995.

A similarly destructive skinhead attack took place in the spring of 1995 in Hatvan, when a group of youths leaving a pub one night decided to attack a Roma home. The youths used sledgehammers to demolish a house where they knew a Roma family lived. The family was not at home at the time of the attack, but because of the extent of the damage, they have been unable to occupy the house since the attack. During investigation of the crime, a core group of the accused admitted openly to investigators that they were skinheads and that they had attacked the house because they didn't like Gypsies. Others who also participated in the attack said they had just gone along for the fun after a night of drinking.²⁶

Court officials, human rights activists, and journalists interviewed by Human Rights Watch/Helsinki have suggested that the recent activity in Gyöngyös and Hatvan, situated relatively close to each other sixty kilometers east of Budapest, may mark the transfer of the acknowledged 'headquarters' of the skinhead movement from Eger, where it is been located since the 1980s, to other towns. Many commentators had viewed the decline in skinhead activity in Eger, which has been subjected to considerable national and international scrutiny, as proof of the declining influence of extremist elements. While it is undeniable that skinhead activity is less visible than it was in 1991, Human Rights Watch/Helsinki believes that the movement may in fact be reasserting itself in renewed attacks on Roma; several human rights monitoring organizations have noted an increase in the number of attacks on Roma and foreigners in the spring and summer of 1995.²⁷

BÉRHIDA

²⁶ Human Rights Watch/Helsinki interview, Heves county prosecutor's office, July 1995, and Judit Sárközi, Eger, July 25, 1995.

²⁷ Human Rights Watch/Helsinki interviews with Márton Ill, director of MEJOK, Budapest; Imre Furmann, director of NEKI, Budapest; and Heves county prosecutor's office.

Police frequently fail to respond or to conduct a thorough investigation of attacks that are reported to them. In some instances, there are suggestions that policemen either took part in assaults or acquiesced in covering them up. Many Roma families interviewed by Human Rights Watch/Helsinki consequently feel that they are “beyond the law” — that the protections of the law do not apply to them. In September 1993, Mrs. Gyula Illés and her family were attacked by a group of forty to fifty people in the small town of Bérhida:²⁸

We were at home — in fact, we were cleaning the house that day, and all of the furniture was outside in the yard so we could clean the floors. Some men pulled up in a car, and came up to the door asking for Mr. Illés. When I asked them on what business, they became angry and one of them struck me. Then I saw some cars coming down the street toward our house — I could see that some of the young men were wearing bomber-jackets. Some of them were skinheads, some of them had long hair. We locked ourselves in the house. Soon the house was surrounded. One of them threw a brick through a window, which hit our little girl in the head. All of us were so scared — they were shouting and destroying our furniture (in the yard), our car. We didn't know what was going on — why they were attacking us — who they were.

Human Rights Watch/Helsinki also interviewed I., a neighbor of the Illés family, who witnessed the attack:

I was sitting on a bench in the yard when I saw a Mercedes pull up slowly — a man yelled to me “Where does the Illés family live?” I didn't know what they wanted, so I said “Right here, in the neighboring house.” Then more cars came — at least thirty cars. The windows were rolled down, and I could see that the people inside were holding big sticks and bars. I ran into my house — but even before I could get inside I heard breaking, smashing sounds — they were attacking [my neighbor's] car,

²⁸ Human Rights Watch/Helsinki interview with the Illés family, Bérhida, July 20, 1995.

throwing bricks and stones at his house. There were between forty and fifty men. They were here for a good half hour, and I couldn't do anything. I was afraid to leave my house.

The police did not arrive for another half hour.

Some days later, the Illés family went to the police station to describe the crime and to participate in the identification of their assailants from a criminal lineup. Both Mrs. Illés and her daughter-in-law identified (separately) one man in the lineup as one of the men who initiated the attack. Mrs. Illés told Human Rights Watch/Helsinki that:

The policemen laughed at this. They said "this man is a gentleman — a well-known man in Veszprém [the county capital]. How could he have been there?" Later we saw that man drinking coffee with the other policemen, and since then we have seen him a number of times at the police station — it turns out he is a young investigator on the police force.

During the course of the police investigation, the Illés family surrendered all physical evidence — weapons (a baseball bat found in their destroyed car), photographs of the damage and even the doctor's certification of their injuries. The local police have told them that the investigation has been turned over to the Veszprém county police headquarters and that probably the attack was the result of a case of mistaken identity. Two years later, the family has received no notification of progress made on the investigation and has little hope of receiving financial compensation for their destroyed property or of hearing that those guilty of carrying out the attack have been apprehended and punished. I. (the neighbor) complained:

They didn't even put these people on trial — they managed to cover everything up. If I were to give someone a slap, you can be sure that they would put me away — but not them.

VI. POLICE VIOLENCE AGAINST ROMA

In addition to police indifference and failure to adequately investigate serious racially-motivated crimes, police are frequently actively involved in the mistreatment of Roma and foreigners residing in Hungary. Beatings and other “mistreatment during official procedures, forced interrogation and unlawful imprisonment. . . take place every day [in Hungary].”²⁹ Roma activist Ágnes Daróczi claims:

We have to confront the fact that the Hungarian police, far from being impartial, often actively collaborate against Roma in actions motivated by racial discrimination.³⁰

In many cases, this violence is not reported or punished, as victims are either not aware of their rights or convinced that they have little chance of exercising them successfully in the face of entrenched hostility within the police department, a lack of legal mechanisms to pursue their complaints, and indifference to or even support of abuse of Roma rights within the community.

Although the special “Gypsy crime” units that functioned within the police force during the Communist era have been shut down, and the government has

²⁹ “Police Ill-Treatment in Hungary,” Report of the Hungarian Helsinki Committee, p.1.

³⁰ “Nem tudom, mi vár ránk,” *Magyar Narancs*, July 13, 1995, p. 8. (Interview with Ágnes Daróczi, chief editor of *Patrin Magazin*, the weekly Roma magazine on Hungarian state television.)

publicly repudiated the concept of a category called “Gypsy crime,”³¹ the belief that Roma constitute a “criminal element” within Hungarian society is common. “In police circles it is a common and dangerous generalization that ‘Gypsy’ means criminal.”³²

Many policemen feel a lack of constraint as to the necessity of observing “correct” or “professional” behavior with Roma, perhaps because of their generally low social and economic position, their low level of education, their lack of power, and the low esteem in which they are held, an attitude at odds with some of the partial reforms initiated after 1989:

³¹ See Human Rights Watch/Helsinki’s previous report *Struggling for Ethnic Identity: Gypsies in Hungary*, pp. 27-30.

³² Human Rights Watch/Helsinki interview with reporter from one of Hungary’s major daily newspapers (name withheld on request), Budapest, July 17, 1995.

Some policemen just don't know that they can't tell a Gypsy: "Shut your mouth, you stinking Gypsy." — that they could say, for example, "Shut your mouth" in some situations, but that they should leave off the "you stinking Gypsy." They got used to the idea that they could do anything with impunity and now all of a sudden it turns out that they can't.³³

So-called "chicken-stealing" crimes (petty crimes) are often handled extra-legally:

Let's say a Gypsy steals a chicken. It's much simpler for [the policeman] to just slap him around a bit — at his leisure — than to launch an investigation. That would take a half-year, maybe even a year or two. It's much too complicated, and over what is after all just a small matter. The police force simply doesn't have the capacity to deal with hundreds of such "chicken trials", and so they try to take care of such problems through "short cuts" — threats or beatings.³⁴

The many policemen who do not support such methods, and who try to follow correct and neutral procedures may face peer and administrative opposition. The Illés family of Bérhida [see above] reported that one policeman attempted to protect the family in the immediate aftermath of a mob attack which apparently included off-duty police; he was subsequently transferred.

³³ Human Rights Watch/Helsinki interview with reporter from one of Hungary's major daily newspapers (name withheld on request), Budapest, July 17, 1995.

³⁴ Human Rights Watch/Helsinki interview with reporter from one of Hungary's major daily newspapers (name withheld on request), Budapest, July 17, 1995.

FAJSZ AND NAGYFÜGED

Two recent incidents illustrate the consequences of such police attitudes. In an interview conducted with TV2 Patrin Gypsy Magazine reporters and recorded on video, László Pánki from the village of Fajsz related the following story:

Between 10 and 11:00 I went out for cigarettes and to get some sweets for my kids. As I passed a telephone booth, the man inside told me to hang on a minute, because he wanted to talk to me. While I was waiting a white Ford pulled up and stopped, and two men got out. One of them was a policeman from Kalocsa. The other was also a policeman, from Fajsz — I know him. They were not in uniform. All of a sudden the Kalocsa policeman kicked me in the stomach, and I fell down. Then the other guy began to kick me, too — the first one warned him to kick me only in places where there wouldn't remain any trace. They started to ask me who stole some chickens. I had no idea what they were talking about, and I told them that. They said that only a Gypsy could have done it, and that, since I am a Gypsy, I must know about it. At one point I managed to break away, but they caught up with me and began to beat me even more, threatening to kill me and throw me in the Danube — far away so that no one would be able to find me.

Pánki suffered numerous cuts and bruises, and has since moved out of his home in Fajsz, claiming that he had received threats from the local police about reporting the above incident. A non-Roma man was later apprehended for the chicken theft.

On November 12, 1994, investigators of the Heves county police and local policemen from Nagyfüged subjected six Roma to a forced interrogation and beatings in the course of an official investigation concerning a petty theft. The local doctor made a record of the injuries of the men, and reported that “each of them says unequivocally that he was beaten in the police station.” One of the men reported that the investigator (in civilian dress):

. . . twisted my ear and told me to begin talking. [My friend] said “admit it — don't get yourself beaten up, we've already been beaten up — I can't even move from my seat, they've beaten me so badly.” I was supposed to admit whatever they said, that I was in this store, in that store, too. Whatever they said, we had to say

it. But I can't read or write — I didn't even know what I was signing. . . .

Another of the men reported similar treatment:

They called me into one of the rooms, and there four of them began to beat me. . . there was a bald man, an ensign, one with gloves and a bearded man with glasses. You couldn't say no to these policemen, only yes. And the bald man, quite frankly he is a Gypsy-hater, because he said slanderous things to me — he told me, for example, that they would bring me to a concentration camp, that my hands would be cut off if I had stolen, and other things like “you god-damned Gypsy son of a bitch.”

A third man was threatened with a gun:

They put a pistol in my mouth and told me to admit [that I had been at the scene of the crime]. I told him that he could go ahead and shoot, but I still wouldn't admit that I was there. Then he took the pistol out of my mouth and wiped it on my coat.

According to the information of the lead prosecutor from the investigator's office, Dr. Tibor Vékony, the case against seven policeman has been transferred to the municipal court of Heves county to be tried for infliction of light injuries. As of fall 1995 there has still been no decision in the case.³⁵

ÖRKÉNY

Aggressive police violence against Roma has on some occasions reached dramatic proportions, with large-scale raids being used to intimidate entire

³⁵ Preceding quotes and information from Dr. Gábor Noszkai, *Köznapi Események Krónikája* (Chronicle of Everyday Events), 1994, pp. 30-31.

communities. Roma who have attempted to protest against such violence, either while it is occurring or in its aftermath, often find themselves accused of crimes.

On May 21, 1993, at least sixty policemen³⁶ — among them members of the Budapest assault force — staged a large-scale raid on a Roma community in Örkény, southeast of Budapest. The events began when local police attempted to search a private home in connection with a suspected theft, and then called in massive reinforcements to put down the local residents' protest of the search. The reinforcement detachments beat members of the Roma community indiscriminately, including women and children, without regard to who had been involved in the initial house search:

Two policemen in civil dress came [to my house] and asked me to identify myself. I was giving them my papers when one twisted my arm behind my back and shoved me up against the police car. They shouted that they were investigators, and that I was being handcuffed in the course of an investigation. At this my wife ran out of the neighbor's house [to help me], but they slapped her. Her mouth was cut, some of her teeth were broken. . . [later] the special forces arrived, and without any discussion they began beating people with big sticks. All the while, the police were shouting that we will all be destroyed, because a great concentration camp is already being prepared for the Gypsies, where they will make soap out of us.³⁷

³⁶ This is the minimum number that Human Rights Watch/Helsinki believes to be reliable; there may have been as many as one hundred police present.

³⁷ "A pénz boldogít, a szegény ember meg ütve van: örkényi cigányok a májusi rendőráttakról (Money Makes You Happy, but the Poor Man Just Takes a Beating: The Gypsies of Örkény on the May Police Attack)," *Magyar Hírlap*, February 18, 1994, p. 19.

Several Roma were hospitalized for injuries suffered in the attack including a woman who had a miscarriage and one elderly woman on a respirator who had her breathing tube torn out. One man claimed that the commanding officer called the special forces together after the action and asked them “Well, did you enjoy yourselves?” The mayor of Örkény, furthermore, reportedly congratulated the assembled police force on the action, saying “this is what the Gypsies can expect in the future as well.”³⁸

³⁸ *Ibid.*

Proceedings were ordered against eight Roma in connection with the incident, and six were sentenced to prison in the first trial, a sentence confirmed at the trial on appeal. The regional investigating prosecutor's office dropped the charges brought against the police by local Roma, and no action of any kind has been taken against the police. NEKI [Nemzeti és Etnikai Kisebbségi Jogvédő Iroda, Office for the Defense of National and Ethnic Minority Rights] has protested the decision of the appeals court, citing serious inconsistencies and gaps in the investigation against the police and plans to bring the case before the Supreme Court.³⁹

³⁹ Human Rights Watch/Helsinki interview with Imre Furmann, Budapest, June 22, 1995; also István Marnitz, "A cigányokat jobban verik (Gypsies are Beaten More)," *Magyar Narancs*, May 18, 1995, p. 20.

VII. IDENTIFICATION CHECKING

Human Rights Watch/Helsinki has received numerous reports of arbitrary and repeated identification checks carried out on members of the Roma population. A. Kostics, the Hungarian wife of a Roma leader in Pécs, says “all you have to do is walk down the main street in Pécs to see it — Roma are stopped constantly to the point of being harassed — up and down the street, the only people being stopped for identification checks are Roma.” János Kozák, a representative of the Roma minority self-government in the western town of Pápa and a vice-president of the National Gypsy Self-Government, reported in an interview with Human Rights Watch/Helsinki:

The police do not treat the Gypsies correctly — they humiliate them, ask them for their identifications repeatedly, and look for ways to fine them. I have a Hungarian friend who is dark, like a Gypsy. He was stopped by the police once [at a roadside identification checkpoint] and they asked him ‘Are you a Gypsy?’ When he said no, they let him go. This is the way it always is — the Hungarian will get off with a warning, but Gypsies get fined. I think they want to get us off the road.⁴⁰

PILISCSABA

There are often allegations of brutality during identification checks. The Hungarian Gypsy Democratic Alliance has publicly taken exception to the conduct of police during routine checks of identification in Piliscsaba. Attila Horváth, working in the Sanco pub, reported on an identification check that took place in the pub one evening:

⁴⁰ Human Rights Watch/Helsinki interview with János Kozák, Pápa, July 11, 1995.

Around 10 o'clock five policemen came in and, without a word of greeting, demanded our identification. I didn't have mine on me — it was out in my car — right in front of the entrance. They put me up against the wall and kicked me in the leg. I asked them "What kind of an investigation is this?". . . at that they kicked me in the legs again. . . and one of them beat my head against the wall. They took me in handcuffs to the police station, and two hours later they let me go." According to the mayor of Piliscsaba, Péter Kasza, such "strict" police behavior is completely appropriate, because it is all in the interest of upright citizens.⁴¹

KUNSZENTMIKLÓS

Some Roma have reported that random or arbitrary identification checks often serve as the pretext for their harassment; they claim that they are made to pay excessive fines for minor violations or for not having their papers in order. The tension generated by this practice has on several occasions spilled over into violent conflict involving the whole community.

Roma in the town of Kunszentmiklós, where an altercation between police and Roma occurred in April 1995, claim that the local police have subjected them to repeated and unwarranted identification checking; more than ten Roma were stripped of their licenses in the months preceding the incident, and some Roma maintain this has been part of a larger police campaign to get Roma off the road. One elderly woman commented "the police deal with nothing else besides harassing Gypsies."

On April 30, 1995, J. Rupa and L. Rupa (both Roma) were driving their car when they were stopped by two policemen for an identification check. The police found one tire to be in bad condition and ordered the men to remove the license plates from the car. According to one of the men, the police began to beat him, whereupon he fled and the police pursued him. A bystander, Géza Farkas,

⁴¹ "Magyar Zsaruk Jenki Modra" (Hungarian Cops Yankee Style), *Reggeli Kurir*, February 9, 1995.

stepped in “because they had begun to beat J. Rupa” (the man who was fleeing). In the altercation that followed, both of the men who had originally been stopped escaped, while Farkas was handcuffed and brought into the police station.

Between fifty and sixty Roma gathered in front of the station to protest. The police, attempting to disperse the crowd, mistakenly identified a man driving a car as one of the original two men stopped and tried to apprehend him. The driver, Lajos Sarközi, attempted to flee in the car, slightly injuring a policeman in the process. The injured policeman and a colleague fired several shots at the car, which had three other women and two children inside. No one was hurt, but the driver was brought into the station and charged with assault on an official person. The Bács-Kiskun county police headquarters has ruled that the policemen acted within the bounds of their authority. Farkas and Sarközi have been charged with assault on an official. In response to the suggestion by a reporter that police in Kunszentmiklós came down hard on the Roma, police chief Mihály Rákosi asserted “We come down hard on criminals, because that’s our job. We can’t help it if there are more criminals among [the Roma] than among others.”⁴²

⁴² “Rendőrk és romák egymást vádolják Kunszentmiklóson (Policemen and Roma Accuse One Another in Kunszentmiklós),” Gábor Czene, *Népszabadság*, May 2, 1995; “Romák, Rendőrök, Rumli”, György Pilhál, *Esti Hírlap*, May 2, 1995, p. 7; “Kunszentmiklósi ellentétek romák és rendőrök között (Conflict Between Roma and Policemen in Kunszentmiklós),” Valentina Szabó, *Népszava*, May 11, 1995, p. 4; “Vikend Kunszentmiklóson (Weekend in Kunszentmiklós),” Margit Horváth, *Beszélő*, May 4, 1995, pp. 12-13.

VIII. LACK OF LEGAL MECHANISMS TO PUNISH POLICE ABUSE

The incidents related above underscore one of the most serious deficiencies in the Hungarian system: there is no effective independent mechanism for investigations of police violence. If someone makes a complaint against the police, it is investigated by a network of regional investigating prosecutor's offices.⁴³ However, according to attorney Imre Furmann:

. . . this is an investigation office in name only. It has no professional investigators, no trained employees, and no money to finance the investigations. Even in cases that involve the police, the initial investigation is carried out by the police. Against themselves! In a beating affecting an entire Roma community even the most basic investigatory activities are not carried out: for example, they fail to question the policemen involved. . . which is not surprising, since the police are not likely to collect evidence against themselves.⁴⁴

According to a report of the Hungarian Helsinki Committee,

Investigating authorities usually find every twentieth report unfounded, but every third report filed against police officers for such suspected crimes is dismissed as unfounded. [But] victims are kept from reporting crimes [committed by police] not only

⁴³ Human Rights Watch/Helsinki interview with Sándor Nyíri, Budapest, August 2, 1995.

⁴⁴ Imre Furmann, "Fajra, nemre, felekezetre. . . (On the Basis of Race, Sex, Religious Affiliation)," *Heti Világgazdaság*, May 20, 1995, pp. 104-105.

due to the small chances of success. They also have to take into account — in case they file a report — the possibility of the police filing a report against them for force against a public official or for hindering police procedure — where the rate of effectiveness of investigations is 90 percent.”⁴⁵

Following the attack in Örkény, for example, one human rights activist noted that:

⁴⁵ “Police Ill-Treatment in Hungary,” Report of the Hungarian Helsinki Committee, p. 1.

Gypsies who denounce the police don't appear as victims, but as suspects. . . One Gypsy told us that people hardly go in to give evidence, because either they are automatically treated as suspects, or the evidence is taken down in such a way that [Gypsies] feel it is turned against their relatives and friends, and not against the actions of the policemen.⁴⁶

BUDAPEST, KÖZTÁRSASÁG TÉR (REPUBLIC SQUARE)

Complaints by Roma against an abusive or racist officer seldom bring any response from the police authorities. In addition to feeling that official channels for complaint are effectively closed off to them, many Roma report that the police attempt to intimidate them into silence when an incident has occurred.

On May 18, 1995, S.C., a Roma teenager was walking through Republic Square in Budapest when he was attacked by dogs — Dobermans and a German shepherd — loosed on him by an off-duty policeman from that district and two of his friends who also were walking in the square. The boy was bitten on his leg and hand, and suffered a concussion from a blow to the head with a metal leash.

The policeman visited the boy's family that evening in uniform, and "advised" them not to report the incident or to obtain an official medical report. The family refused. Later that night, the policeman returned with some of his "friends" — all of them skinheads — broke into the apartment, and threatened the family with sticks, steel rods, bats, and other weapons. The family, and friends of theirs who

⁴⁶Fehér Füzet — Kivonatok a Nemzeti és Etnikai Kisebbségi Jogvédő Iroda dokumentációjából" (White Booklet — Extracts from the Documentation of the Legal Defense Bureau for National and Ethnic Minorities), Imre Furmann, pp. 9-11.

were visiting, were able to beat back the attack. A complaint has been filed by the family against the policeman, who is still on the job.⁴⁷

⁴⁷ Human Rights Watch/Helsinki interviews with Ferenc Kőszeg, Aladár Horváth, Márton Ill, Budapest; see also János Tódor, "Cigányok, jöttünk leszámolni! (Gypsies, We're Here to Settle the Score!)," *Magyar Narancs*, June 1, 1995, pp. 18-19; and "Baseballütő kontra sodrófa" (Baseball-bat against Broomstick), *Beszélő*, May 25, 1995, pp. 10-11.

Public scrutiny of police behavior is a relatively recent development in post-communist Hungarian society, and even now “the public is only informed by chance, and only in conspicuous cases. Guilty police officers are very rarely condemned, and the majority of the officers suspected of such crimes remain on duty.”⁴⁸ Police accountability is still a “paper concept,” especially in rural areas and among the poorer and less educated communities in which Roma are over-represented. As a consequence of this:

Many times. . . you can sense that the most important goal [of the police] is to “hush up” the incident instead of finding out the truth about what really happened. They don’t want to admit that they or one of their colleagues may have made a mistake — even a very serious mistake.⁴⁹

Hungarian human rights organizations consider the lack of decisive government action against allegations of police violence to be particularly troubling. It is important to note that police violence is not directed solely against Roma: foreigners have frequently suffered abuses, and there have been attacks on ethnic Hungarians. Human Rights Watch/Helsinki therefore believes that the violence Roma suffer is in part the result of a “vigilante” police force that is not subject to any effective outside controls.

Nevertheless, there is an additional element of aggressive racism in the actions of the police, and in the tolerance shown for such behavior by the public so long as it has been directed against Roma. As one human rights activist wrote in an article in May 1995:

Hungarians don’t realize that lawlessness and humiliating treatment can touch them too, at any time. Because in a society

⁴⁸ “Police Ill-treatment in Hungary,” Report of the Hungarian Helsinki Committee, p. 1.

⁴⁹ Human Rights Watch/Helsinki interview with reporter from one of Hungary’s top daily newspapers (name withheld on request), Budapest, July 17, 1995.

where [the police] can flout the law without punishment, no one can feel secure.

When, during one week in July 1995, a Hungarian man from Marcali in southwest Hungary was beaten severely by police and had to be hospitalized for his injuries, and in Pásztó, north of Budapest, a Hungarian man was beaten so badly during a police interrogation that he died the same day from internal injuries, the issue of police violence finally generated public outcry and major media coverage. However, previous attacks on Roma had never generated a similar reaction. With significant exceptions, most of the press has failed to give comparable attention to the pervasive nature of police abuse against Roma, a fact which, as one human rights activist concedes, the police themselves recognize:

The police have a very well-developed sense of social hierarchy. They know that no one will care if they beat Roma. It is beyond a doubt that Roma are the main target of police brutality.⁵⁰

⁵⁰ Human Rights Watch/Helsinki interview with Ferenc Kőszeg, Budapest, August 18, 1995.

IX. ATTACKS ON ROMA BY THE CITIZENS' GUARDS

A rise in the crime rate and a scarcity of policemen in Hungary has spurred the formation in many towns of *polgárőrség* (citizens' guard organizations). Officially, these are private social organizations, registered with the local court like any other organization. There is no law defining their responsibilities and actions; they establish their own working rules and agreements of cooperation with the local authorities separately from town to town. Their principal function is to cooperate with the local police in a strictly advisory or informative capacity: if they witness a crime or any suspicious behavior they must report it to the police.

Members of citizens' guard organizations do not have any special rights or powers beyond those of an ordinary citizen. They are not allowed to carry weapons, to carry out arrests, or to inflict punishment. The national organization of citizens' guards claims that crime rates have gone down in towns where citizens' guards operate. However, Human Rights Watch/Helsinki has received reports of citizens' guards attacking Roma families in their homes in an effort to exercise "preemptive justice" against perceived criminal elements in the Roma community.

PÁPATESZÉR

In March 1995, the citizens in the village of Pápateszér (1,500 inhabitants) elected to form a citizens' guard in order to respond to a perceived rise in petty street crime. In Pápateszér, the citizens' guard sends out two teams of three persons every night, patrolling the streets by car or on foot and carrying powerful flashlights and walkie-talkies. Human Rights Watch/Helsinki conducted an interview with the Birkas family, which was attacked by members of the Pápateszér citizens' guard (all Hungarians) on the night of April 15, 1995, following an argument between the son and a local Hungarian youth that afternoon:

There were nine of us at home that Saturday night — we had a few guests over. Suddenly the lights went out, and five men came into the house asking for our son, Kopi. I told them I didn't know where he was — but then I got scared because the men were carrying gas pistols and baseball bats — I put my two little girls out the back window and ran out of the house. Then I saw that there were at least fifty people outside. Of course I

recognized them — they were all members of the citizens' guard — the mayor was there, members of the local council, a local teacher, the vice-president of the guard, and many others. Somebody yelled "if you come out you'll be killed!"⁵¹

Meanwhile, the five men (all members of the citizens' guard known to the family) had shot off the gas pistol and beaten several of the people inside with baseball bats. However, after it became clear that the son was not at home, the men left the house and the crowd followed them down the street. Kópi was beaten severely later that night as he came out of a nightclub in a neighboring village.

When Human Rights Watch/Helsinki questioned the police captain who had just completed the investigation of the case, he insisted that the incident had had nothing to do with the citizens' guard, (although he admitted that "several" of the nine suspects are members of the citizens' guard), but was a "reaction to a personal disagreement carried out by private individuals." When asked why the mayor would have been there at the scene and whether he had been questioned, the police chief responded "the mayor was not questioned as a suspect because that would not be in the public interest."⁵² János Kozák, a local Roma leader, says:

It is scandalous that he has refused to question the mayor, who, according to more than ten witnesses, was a participant in the terrorization of an entire family. This action only strengthens the conception that many people share, that where Gypsies are concerned, they will not be held accountable for their actions.

ÓZD

In Ózd, a former steel-producing center in the impoverished north which has an unemployment rate that exceeds 80 percent for the Roma population, Human

⁵¹ Human Rights Watch/Helsinki interview with Birkas family, Pápateszér, July 11, 1995.

⁵² The mayor denies that he was present at the attack.

Rights Watch/Helsinki heard in several separate interviews with Roma residents that the citizens' guard routinely beats Roma scavenging wood for heating from the forest next to the town or illegally collecting scrap metal from the grounds of the closed steel mill:

A few members of the citizens' guard came up to us — they were armed with rubber sticks and pistols — and asked us what we were doing there [in the woods]. I said “We're looking for mushrooms — see — here's a mushroom, there's a mushroom — that's what we're doing.” Well, for saying that they dragged us over to their car and began beating us. My jaw was broken, and my son, who is only sixteen years old, was struck hard three or four times in the chest. These guys were members of the citizens' guard! — But when I went into the police station with my story they said we couldn't prove anything . . . that there wouldn't be any investigation. I didn't want to be stubborn — I said “OK, nobody bothered me” and that was the end of it.

Another man reported:

They brought me in and beat me with an iron rod, because I had been collecting these lousy scraps of metal that I'm reduced to scavenging for. This scrap metal is a chance for very poor families to make some money. They shouldn't prohibit this, they should allow it, so there would be some means of survival for these people — what else can we do? We don't have anything to eat.

Yet another resident commented that:

The citizens' guard is not any different from the police — they go out in patrols in three shifts covering the whole day, and they patrol the old factory area and the areas surrounding the city with a car. If they find someone they beat him up.⁵³

⁵³ Human Rights Watch/Helsinki interviews in the Roma community in Ózd, July 25, 1995.

KÁLÓZ

Human Rights Watch/Helsinki also collected reports of citizens' guards aggressively exceeding their mandate in the town of *Kálóz* in western Hungary. On April 6, 1995, about forty armed members of the local citizens' guard in *Kálóz* approached the house of a local Roma representative, asking that he accompany them to the Roma section of town to "create some order." When the representative said he wouldn't go, they attacked him, and then proceeded to the Roma area in a bus. In the fighting which followed, both Hungarians and Roma were injured. The police arrested four Roma — including a man who was not present at the time of the fight — at the direction of the citizens' guard. The police took these four men into the station, where they were beaten. One man's hand was broken, and the police also threatened the man's son. No charges have been brought against any of the citizens' guard members or the police, although an investigation of the incident has been initiated by the prosecutor's office.⁵⁴

⁵⁴ Human Rights Watch/Helsinki interview with Katalin Sztojka, Budapest, June 20, 1995; and Aladár Horváth, "Jelentés a magyarországi Roma Parlament Konfliktusmegelőző és Jogvédő Iroda Tevékenységéről, 1994. November 1. - 1995 április 30., (Report on the Activities of the Office for Conflict Prevention and Legal Defense of the Hungarian Roma Parliament, November 1, 1994 - April 30, 1995)," May 1995.

X. THE SKINHEAD MOVEMENT AND POLITICAL PARTIES

Skinhead attacks on Roma and foreigners reached a peak in 1991-92, when, according to MEJOK, "there were several skinhead attacks per week, whereas now [in 1995] there are only several skinhead attacks per month."⁵⁵ Most commentators agree that the number of skinhead attacks has in fact declined, and that the skinhead movement has largely failed to gain a substantial foothold in Hungary, beyond a very marginal fringe; efforts by far right politicians such as István Csurka to make gains at the polls in the 1994 parliamentary elections failed completely, and vocal supporters of skinheads lost virtually all representation in the parliament. The skinhead movement is seen by the majority of Hungarians as a radical, unwelcome element in their communities.

⁵⁵ Human Rights Watch/Helsinki interview with Márton Ill, Budapest, July 13, 1995.

However, several experts interviewed by Human Rights Watch/Helsinki suggest that although the number of physical attacks has decreased, the skinhead movement, far from disappearing, has instead made moves to consolidate its support in its own local, regional and national organizations.⁵⁶ While these groups themselves remain on the periphery of Hungarian politics, skinheads have also received substantial financial and organizational support from established Hungarian parties of the political mainstream. Moreover, while the general public does not support skinheads or the skinhead movement as such, many Hungarians identify with anti-Roma discrimination and demonstrate a tacit tolerance of violence committed against Roma by fringe groups.

SKINHEAD ORGANIZATIONS

Although skinheads seeking to establish themselves politically soon realized that it would be expedient to shed an overtly racist image, they have nonetheless successfully attracted a number of young adherents and a much larger number of sympathizers.

The group which was leading the attacks. . . in 1991-92, almost without exception, has “settled down.” They’ve gotten married, found jobs, begun to raise families, and now they’ve taken a step back from all the violence — the fighting in the streets. They’ve turned that over to “sympathizers” now much younger than they — the “new generation.” But I want to add that they are still around, in the background. Even if they deny it, they provide the

⁵⁶ Some experts suggest that, by any measure, skinhead activity has actually increased. Dr. György Gábel, former director of the Skinhead Criminality Office of Budapest, has stated in regard to the skinhead movement:

The [skinhead] movement has grown in the course of the past few years; the numbers have swelled to double, almost triple what they were four years ago. In the capital in the past four years, of an approximate skinhead population of 1500, more than 10 percent has been brought in for various crimes. There is no other youth group [in Hungary] among whom the incidence of crime is so high.” Dr. György Gábel, *Skinhead-bűnözés Rendészeti Szemle, 1994/6 59-62.o.*) Köznapi Események Krónikája (Daily Chronicle of Events), 1994, collected by Dr. Gábor Noszkai.

spiritual foundation and leadership for the younger ones. For example, after the Molotov cocktail attack in Gyöngyös, a group of skinheads from Eger went to Gyöngyös to demonstrate their support [for the attack], and precisely this “old guard” led the demonstration.⁵⁷

According to a study conducted by the Ministry of Welfare in 1994, approximately 40,000 youths between the ages of fourteen and seventeen identify with the skinhead ideology in its entirety (although they do not necessarily take active part in the movement); 160,000 identify “to some extent” with skinheads. Police estimates also show that there are roughly 4,000 youths who, on the basis of some past contact with the police, can be considered skinheads.⁵⁸ Moreover, many youths who would not identify themselves as skinheads have participated in anti-Roma attacks; an apparent decline in the number of skinheads does not necessarily indicate a decline in anti-Roma sentiment:

⁵⁷ Human Rights Watch/Helsinki interviews at the Heves county prosecutor’s office, July 1995.

⁵⁸ Reported in *Köznapi Események Krónikája* (Daily Chronicle of Events), 1994, collected by Dr. Gábor Noszkai; and *Népszabadság*, July 28, 1994.

I don't care if you call them "skinheads" or "young men with closely shaven heads" or "long-haired nationalists" or what have you — I'm more interested in what they are saying, thinking, and *doing*. If they are attacking and beating people because of their ethnic background or the color of their skin; if they are shouting racist slogans; if they propound a racist ideology, they are a problem.⁵⁹

SUPPORT FOR SKINHEADS IN MAINSTREAM POLITICAL PARTIES

Some very small political parties of the radical right have openly welcomed skinheads into their ranks. Izabella Király's Hungarian Interest Party (*Magyar Érdek Pártja*) gave high-level positions within the party to skinheads convicted of crimes; however, results at the polls show that this party was not taken seriously by the Hungarian population as a whole and was soundly defeated in the 1994 elections. It would seem that the Hungarian electorate is not inclined to support overtly racist parties or groups that openly embrace the skinhead movement.

However, the skinhead movement has received support from more mainstream political parties as well. Human Rights Watch/Helsinki has found that there has been a consistent pattern of contact and cooperation between the Independent Smallholders Party and various skinhead organizations. The Smallholders Party is a recognized, legitimate actor within Hungary's political process — the Smallholders were a member of Hungary's first post-communist coalition government and received 11 percent of the vote in the 1994 elections — and its leader, József Torgyán, is one of Hungary's most popular political figures. Support for skinhead organizations from one of Hungary's major political parties extends legitimacy and tacit approval to the overtly anti-Roma position of these organizations and their members.

Local and national leaders and branches within the Smallholders Party have provided various skinhead organizations with office space, technical support, administrative support, and financial support as well, although this is denied by

⁵⁹ Human Rights Watch/Helsinki interview with Márton Ill, Budapest, July 13, 1995.

Smallholder representatives. An observer of the skinhead movement in Eger comments:

The young men giving speeches in the name of the Smallholders, from the Smallholders' Eger office, were the same young men who lead the Eger skinhead movement. It's impossible to say that there is no connection between the two. They [Smallholders] still deny it — but it is the truth, and it's all there in black and white — in newspapers, journalists' photographs, and city records.⁶⁰

Known skinhead leaders from various parts of the country have, or have had, open connections to the Smallholders. One skinhead leader has stated that Hungarian skinheads chose to align themselves with the Smallholders because they felt that "the Smallholder mentality is the closest to our own."⁶¹ The president of the Eger "National Youth" (*Nemzeti Ifjak*) organization, Péter Fazekas, who, along with ten other members of the "National Youth," has been accused of a racist attack on Roma, had been entrusted with the following responsibilities in a letter signed by József Torgyán, president of the Smallholders:

The leadership of the [Smallholders] entrusts Péter Fazekas with organization and recruitment for the party, as well as the work of organizing the "youth" and "preservation of national tradition" sections. . . throughout the country.⁶²

⁶⁰ Human Rights Watch/Helsinki interviews at the Heves county prosecutor's office, July 1995.

⁶¹ László Bartus, "Születésnap ajándék a nemzetvezetőnek (Birthday Present for the National Leader)," *168 óra*, February 14, 1995, p. 8.

⁶² László Bartus, "Hecc (Joke)," *168 óra*, March 7, 1995, p. 9.

Vice-president of the Veszprém county Smallholders, Kornél Pintér, has a history of involvement with skinhead organizations. In June 1992 he was named leader of the Smallholders National Youth Association. He was forced to resign this position on October 29, 1992, amidst the scandal following his appearance at a national skinhead assembly in Budapest on October 23 (the anniversary of the 1956 Hungarian revolution and a national holiday since 1990) at which he read the “Skinheads’ twenty point program.”⁶³

One of the most notable instances in which continuing Smallholders’ support for skinhead youths was exposed occurred on January 6, 1995,⁶⁴ when two young men broke into a synagogue in Debrecen on January 6 and set the tabernacle on fire, burning the torah inside. These two young men were the nineteen-year-old president of “The Alliance of Comrades-in-Arms of the Eastern Front” (*Keleti Arcvonal Bajtársi Szövetség* — henceforth KABS) and another sixteen-year-old member of that organization. In police custody, the teenagers admitted that the attack had been motivated by anti-Semitism.

The name of this organization is identical to that of an ultra-nationalistic, fascist organization that operated in Hungary during the second world war, and the group incorporated traditional ultra-nationalist symbols into the coat of arms they adopted as their registered emblem. The official objectives of the organization were stated to be the “preservation of tradition” and “the creation of a pure and strong Hungary — absent from free-riders and traitors.” When the incident happened, the young president of the organization was already under investigation for breaking in the windows of several Roma homes. Despite a national ban on the incorporation of organizations using fascist names or symbols, KABS had been legally registered by the Hajdú-Bihar county court just two days before the attack, listing the city Smallholders’ headquarters as its base.

Debrecen police assert that “the young vandals weren’t really aware that they were committing the [attack on the synagogue] on the anniversary of the birthday of Ferenc Szálasi.” Other members of KABS say that their friends were

⁶³ Mr. Pintér claims that his appearance at the skinhead gathering was a “private appearance” and had no connection whatsoever with or influence on his official status as the leader of the Smallholders youth organization. He insists that in his present capacity as county party vice-president he no longer maintains contact with any youth groups or organizations.

⁶⁴ The anniversary of the birthday of Ferenc Szálasi, leader of the fascist Hungarian Arrow Cross Party, which briefly ruled Hungary towards the end of World War II.

“drunk, and didn’t know what they were doing. . .they probably didn’t even know they were in a synagogue. If there had been another building there, they would have gone into that one.”⁶⁵

⁶⁵ Information for this section drawn from Bartus László, “Születésnap ajándék a nemzetvezetőnek (Birthday Present for the National Leaders),” *168 óra*, February 14, 1995, and from Ármás János, Napló, “Skinheadek és Kisgazdak (Skinheads and Smallholders),” February 16, 1995.

The Smallholders county director, Mihály Kapronczy, who first met these young men at the Smallholders' national headquarters in Budapest, had offered them the use of Smallholders space in Debrecen for their "club meetings." In his own defense, Kapronczy said that the boys "were nicer then [when I met them in Budapest]." ⁶⁶ Kapronczy has been dismissed from the Smallholders by Torgyán, but continues to hold a seat as an independent MP.

József Torgyán has denied in his speeches and press conferences any connection with anti-Semitism, anti-Roma activity, and the far right, but a reporter from a large national paper told Human Rights Watch/Helsinki:

Even if [Torgyán] says that when skinhead bands were given permission to practice and perform in Smallholders national headquarters in Budapest, he didn't know about it, and that he kicked them out when he found out; even if he begs the pardon of those who have been offended by skinheads associated with Smallholders; even if he publicly distances himself from them, he continues to use skinheads and skinhead groups to further his own purposes. With my own eyes I saw some skinheads and neo-Nazis campaigning for him [before the national elections] in Borsod county — the skinheads were distributing Smallholders' pamphlets from a charter bus; later one of the papers carried a photo of Torgyán shaking hands with one of these young men. ⁶⁷

⁶⁶ László Bartus, "Születésnap ajándék a nemzetvezetőnek (Birthday Present for the National Leader)," *168 óra*, February 14, 1995, pp. 8-9.

⁶⁷ Human Rights Watch/Helsinki interview with reporter from one of Hungary's major newspapers (name withheld on request), Budapest, July 17, 1995.

According to a recent survey conducted by the *Szonda Ipsos* polling organization, the Smallholders are now the most popular political party in Hungary, having pulled ahead of the Socialist party, the leading party in the present government.⁶⁸

Thus, significant numbers of Hungarians support a political party which, although it has itself never made any racist declarations or incorporated any racist policies into its platform, has nonetheless given more or less open sympathy and support to extremist, anti-Roma and anti-foreigner nationalist groups. Although most Hungarians distance themselves from openly racist or skinhead organizations, many show sympathy for the anti-Roma sentiments that skinheads advocate and act upon:

There is a lot of sympathy [for the skinheads], because Gypsies live the way they want, and in all likelihood they'll never assimilate. . . It's not certain that everyone will take to the streets with [this feeling], but you certainly can't say that the average person is particularly tolerant.⁶⁹

Despite the common perception in the press and public opinion that violence directed against Roma is only committed by a relatively small fringe of extremist skinheads, Human Rights Watch/Helsinki believes that in fact much of the violence is committed by persons having no connection to the skinhead movement. Not all attacks are committed by teenagers or young men. On June 16, 1994, Dr.

⁶⁸ Those surveyed were asked "if the elections were to be held today, which party would you vote for?" Smallholders captured 24 percent of the overall vote and the governing MSZP (Socialist party) 23 percent; of those likely to vote, Smallholders captured 16 percent of the vote and MSZP 14 percent. *Magyar Narancs*, September 14, 1995, pp 10-11.

⁶⁹ Human Rights Watch/Helsinki interview with Judit Sárközi, Eger, July 25, 1995.

Khaled Hazimot, a Syrian doctor living in Hungary, was attacked by eighty-year-old Gyula Kocsis as he stood in a public telephone booth near the Astoria metro station in Budapest. Dr. Hazimot narrowly escaped injury only by grabbing the blade of the knife of his attacker. Kocsis later explained that he had mistakenly knifed the Syrian: "I thought I was knifing a Gypsy."⁷⁰

Individual citizens, members of citizens' guards, and policemen account for many of the attacks directed against Roma [see sections above on violence]. While the great majority of Hungary's citizens do not take part in such attacks or condone them, many do sanction and tacitly support a level of intolerance and discrimination that allows such attacks to continue.

⁷⁰ Dr. Gábor Noszkai, *Köznapi Események Krónikája* (Chronicle of Everyday Events), p. 22.

Even the other parties that do not have any meaningful links with skinhead organizations recognize that the general public is sensitive to policies that might be seen as too favorable to Roma. One former MP for the Free Democrats (*Szabad Demokraták Szövetsége* or *SzDSz*), a liberal party generally viewed as most closely conforming to Western political standards and now in coalition with the Socialists, told Human Rights Watch/Helsinki that MPs actively avoided being seen as 'favoring' Roma in their votes. He cited the recent debate over restricting the subsidy to families with children, part of a cost-cutting austerity package: an early proposal suggested that the subsidy only be given to families with four or more children, but leaders from several of the parties rejected that level, saying that it would be interpreted as a government subsidy to Roma, whose birth rates are higher than those of ethnic Hungarians.⁷¹

⁷¹ Human Rights Watch/Helsinki interview with a former MP of the Free Democrats (name withheld on request), Budapest, July 1995.

**XI. FAILURE TO PROSECUTE VIOLENT HATE CRIMES
— PARAGRAPH 156 OF THE HUNGARIAN CRIMINAL
CODE⁷²**

Hungary has a law on ethnic and racial hate crimes. Paragraph 156 of Hungary's Criminal Code (*Büntetési Törvénykönyv*, or BTK) states that:

[a] person causing grievous bodily or spiritual harm to another for belonging to a national, ethnic, racial, or religious group commits a criminal offense punishable by between two and eight years of incarceration.⁷³

⁷² Human Rights Watch/Helsinki interviews with Endre Bócz, Márton Ill, Gábor Noszkai, Budapest, Judit Sárközi, Eger, and at the Heves county prosecutor's offices.

⁷³ See also Human Rights Watch/Helsinki's previous report, *Struggling for Ethnic Identity — the Gypsies of Hungary*, pp. 20-21.

Hungary therefore has instituted a law that explicitly punishes assailants who express a racial motivation for their crimes, quite apart from any other law governing assault. However, while BTK 156 remains on the books, it was declared inoperable in November 1993. Hungarian courts during both the communist period and the post-1989 period have refused to enforce BTK 156 and have effectively invalidated any provisions under which ethnic hate crimes might be acknowledged and prosecuted. Many individuals who have committed assaults on Roma are only charged with lesser crimes, such as hooliganism, which deny the explicitly racist nature of their attacks.⁷⁴ In March 1996, new provisions of the criminal code were passed, which again recriminalize hate crimes as such; while too little time has passed to determine if this new law will provide effective protections, Human Rights Watch/Helsinki views the adoption of these new provisions as a positive step in reversing the neglect and denial which has characterized the legal system's response to hate crimes.

BTK 156 AND LAWS PROHIBITING ETHNIC VIOLENCE TO 1989

BTK 156 was drafted based on language used in the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide, but specifically focuses on acts committed by individuals. Although it has been Hungarian law since 1961, it was never used during the communist period. As one prosecutor explained, the communist authorities dealt with the infrequent incidents involving ethnic or racial motivations under different "political crimes" statutes:

Before the change of government, crimes were not classified under 156 — those things just didn't happen. Maybe they did, but it wasn't as intense, as public, or as sharply defined. If someone attacked another person, or insulted someone, because he was Roma, or Jewish. . .right away they punished that person for agitation and whitewashed the matter. . .When Roma were beaten

⁷⁴ Not only Roma are the targets of hate crimes: Jews have been targeted, and there have been a number of acts of desecration and vandalism directed against synagogues and Jewish cemeteries; in addition, foreigners living in Hungary — especially those from Asia, Africa and the Arab world — are frequently subjected to harassment and physical attacks, especially in Budapest.

in Budapest at the end of the 1950s, they didn't use BTK 156; instead, it was [classified as] a political crime.⁷⁵

During the 1980s, however, open expression of racist sentiments — especially anti-Roma sentiments — became increasingly common, and concurrently incidents of violence against non-Hungarians by skinheads increased in frequency.

In 1986, the Hungarian Supreme Court, acting on the instructions of the Communist Party leadership, declared Paragraph 156 to be invalid. Budapest's present Chief Prosecutor Endre Bócz described this decision as an attempt to deny the existence of racial or ethnic violence in Hungary by ensuring that no charges could be brought on the grounds that an attack was motivated by ethnic hatred. Instead, explained Bócz, assailants were charged with hooliganism, assault and battery or agitation.⁷⁶

BTK 156 IN THE POST-COMMUNIST PERIOD TO 1993

⁷⁵ Human Rights Watch/Helsinki interview at Heves county prosecutor's office, July 1995.

⁷⁶ Human Rights Watch/Helsinki interview with Budapest Chief Prosecutor Endre Bócz, Budapest, July 13, 1995. Also: prepublication of "A skinhead-ügyek és a BTK 156-os paragrafusa," (The Skinhead Affairs and Paragraph 156 of the Criminal Code), by Endre Bócz, published in *Magyar Jog*, June 1994.

Following the change of government in 1989, and in light of the political nature of the previous court's decision, new attempts were made to use BTK 156; most visibly, at a large trial referred to as the "Great Skinhead Trial," prosecutors attempted to indict a large number of skinheads under BTK 156. The hate crimes charges were eventually reduced to lesser charges⁷⁷ by the Capital City Court. Only a few of the defendants were given prison terms, albeit for short periods.⁷⁸ One prosecutor describes his experiences during this period in a trial involving alleged skinhead attacks on Roma in northeastern Hungary:

I had a case of this kind. I brought ten to twelve youths before the court, intending to hold them in preliminary custody under 156. They had gone to the Eger bus station and beaten Olah Gypsies — Gypsy musicians. It was obvious what their intentions were: . . . [they told them to] "go back to India." They hated Gypsies; it was quite clear. We initiated proceedings under 156. The court didn't have them put in detention; the case was sent up to national police (*Országos rendőrfőkapitányság*, or ORFK), who played with it at the national headquarters for a good long while before they sent it back to us as "hooliganism" — and that was it. Because 156 investigations belong to a special investigative authority. . . these cases have to be sent to Budapest. They didn't jail them, ultimately the county court punished two

⁷⁷Sections 271 and 174 of the BTK, dealing with hooliganism, breach of the peace, and slander.

⁷⁸ Human Rights Watch/Helsinki interview at Heves county prosecutor's office, July 1995. See also Human Rights Watch/Helsinki's earlier report, *Struggling for Ethnic Identity: the Gypsies of Hungary*.

[of them] — and these because they had prior convictions on their records.⁷⁹

⁷⁹ Human Rights Watch/Helsinki interview at Heves county prosecutor's office, July 1995.

In 1993, following this and other attempts by some prosecutors to bring charges against skinheads under the hate crimes law, the new Supreme Court again declared BTK 156 inoperable.⁸⁰ Ostensibly, the court invalidated 156 because it had been based on the text of the Genocide Convention, which the court interpreted as regulating only the activity of states, not individuals. A prosecutor in Heves county explains the court's rationale:

When [a number of attacks] occurred after 1989. . .this is where BTK 156 could have been used. But the Supreme Court said. . .that it wasn't applicable to these cases. . .because originally the form in international law only recognized genocide.

Hungary's law provides specific penalties for individuals who commit racially motivated crimes; nevertheless, the court determined that, as the Convention on Genocide which provides the framework for the language of BTK 156 refers to the actions of states, the latter law must also apply only to states and only in the same circumstances. Many human rights activists have challenged this interpretation:

The fact that they don't apply 156 is deceitful. If we look at certain incidents, and at the motivations behind them, then we simply have to admit that, yes, these incidents were motivated by racism, and saying that the racism described in 156 is somehow a different type of racism is ridiculous.⁸¹

⁸⁰ Supreme Court of The Hungarian Republic decision Bf.IV.1354/1993/12, issued on November 3, 1993, closing a nearly two-year-old trial procedure. The decision is cited and discussed in "A skinhead-ügyek és a BTK 156-os paragrafusa," (The Skinhead Affairs and Paragraph 156 of the Criminal Code), by Endre Bócz, published in *Magyar Jog*, June 1994.

⁸¹ Human Rights Watch/Helsinki interview with Márton Ill, Budapest, July 13, 1995.

In fact, the manner in which BTK 156 became law suggests that it was explicitly not intended to duplicate the Convention, as Dr. László Temesi of the chief prosecutor's office explained in Judit Sárközi's recent booklet *Kopaszok* (Skinheads):

It is well known that the Genocide Convention. . .provides the background for BTK 155⁸² and 156. However, when the Hungarian legislature created these two paragraphs, it split up the section of the Convention concerning acts of genocide. The Convention recognizes as acts of genocide serious physical or mental injuries, (which are included in paragraph 156). . .[but] created an independent legal category out of them, so that extraordinary or genocidal intent (such as is found in paragraph 155) would not be required. Instead, a special motive based on national origin or membership in a [protected] group is required in order for the action to fall under the category.⁸³

In an interview with Human Rights Watch/Helsinki, Budapest Chief Prosecutor Bócz stressed his belief that this second invalidation of the statute in 1993 was not politically motivated, but reflected a technically deficient reading of the law by the justices. However, in an article examining BTK 156, Bócz identifies elements of the court's decision that suggest an unwillingness to acknowledge the racially based nature of the attacks, noting that "the court determined that the perpetrators had not endangered humanity and peace, but rather the physical well-being of individuals."⁸⁴ Bócz also quotes a passage from the Supreme Court's decision which seems to voice sympathy for the motivations of the assailants:

The accused — who at the time of the crime were mostly fifteen and sixteen years of age — were not at all clear about the dangers

⁸² BTK 155 deals with state-sponsored genocide, whereas 156 deals with genocidal actions committed by individuals.

⁸³ Dr. László Temesi, quoted in *Kopaszok* (Skinheads), Judit Sárközi, in the series *Educatio Füzetek I*, edited by Gábor Kálmán, Budapest: Oktatókutató Intézet, 1994, pp. 61-62.

⁸⁴ "A skinhead-ügyek és a BTK 156-os paragrafusa" (The Skinhead Affairs and Paragraph 156), p. 4.

to society that their actions constituted; in fact, as many of them expressed, they imagined that they were helping to solve the real problems of society.⁸⁵

Others interviewed by Human Rights Watch/Helsinki suggested that in fact the 1993 invalidation, like the earlier one, was also politically motivated, and reflects a continuing desire on the part of the government to deny the existence of ethnically based violence against Roma and foreigners:

⁸⁵ Supreme Court of The Hungarian Republic decision Bf.IV.1354/1993/12, issued on November 3, 1993, quoted in "A skinhead-ügyek és a BTK 156-os paragrafusa," pp. 4-5.

Now, clearly it wouldn't put us in a good light if it came out that in Hungary people will burn Torah scrolls or beat you on the street just because you are black, or Arab, or Roma, or that foreign students are leaving the country because there are people here who will beat them to death. These kinds of facts don't really put the country in a good light — but unfortunately that's how it is.⁸⁶

BTK 156 AND THE FAILURE TO PROSECUTE VIOLENT HATE CRIMES — THE PRESENT SITUATION

Since the Supreme Court rejected the use of BTK 156 in the 1993 “skinhead trials” and declared the statute inoperable, prosecutors have been unable to bring any charges against those who commit violent crimes against Roma or foreigners that focus on the ethnic motives for the attack; only the general statutes governing assault have been employed. These other statutes are sometimes modified by a ruling that the assault was carried out “with malicious intent,” a standard that allows for an increased sentence, but which still does not acknowledge the specifically racist intent of the assault.⁸⁷ One official questions why this “malicious intent” standard is invoked in lieu of the hate crimes statutes:

⁸⁶ Human Rights Watch/Helsinki interview at Heves county prosecutor's office, July 1995.

⁸⁷ In effect, the malicious intent standard allows the court to introduce the racist motivations of the defendant as a background element or aggravating circumstance, but still does not incorporate those motives into the crime in the way that BTK 156 does. Human Rights Watch/Helsinki telephone interview with Ferenc Kőszeg, Budapest, April 20, 1996.

If this malicious intent happens to involve skin color, or membership in a particular group; if someone is beaten to death solely because he is a Gypsy — that crime can be interpreted under 156 without any further debate. Causing such “physical and mental harm” that someone dies — well, that can easily be interpreted under BTK 156.⁸⁸

Bócz believes that there is still a possibility to employ BTK 156 under the Supreme Court’s ruling, but identifies that possibility as very narrow and technical, and notes that to date no cases have arisen that would meet the very strict technical standard.⁸⁹

Although there have been numerous calls for reconsideration of the decision or for reform of the statute from human rights groups and voices within the political and legal community, neither the courts nor the Parliament proposed any change in the statute or in its implementation; the only proposals came from the office of President Árpád Göncz, and these ultimately were not acted upon until March 1996 [see below]. To journalist Judit Sárközi, this inaction casts doubt on the intention of the courts and government:

Now this is the question: if it really isn’t possible to apply [156], because it isn’t [active] in the BTK, then why hasn’t the law been modified during the past five or six years [since the change of

⁸⁸ Human Rights Watch/Helsinki interview at Heves county prosecutor’s office, July 1995.

⁸⁹ The possible technical exception would involve a case in which an adult assailant convicted under another statute received a sentence less than the two-year minimum mandated by the hate crimes provision in BTK 156. As many of the assaults against Roma and other foreigners are committed by minors, this clause would not apply to them.

government]? Why haven't they modified it so that it could be applied? . . . No one can answer that.⁹⁰

In a more recent development, Jenő Kaltenbach, the ombudsman for minority affairs (a newly created post), noted in an interview with Human Rights Watch/Helsinki that, in part due to President Göncz's urging, there will be a review of BTK 156: "there were problems with the original language [of 156], and that is why it returned to the Justice Ministry, which reviewed and corrected it; it now will go before the parliament again. . . in the near future."⁹¹

⁹⁰ Human Rights Watch/Helsinki interview with Judit Sárközi, Eger, July 25, 1995.

⁹¹ Human Rights Watch/Helsinki interview with Jenő Kaltenbach, October 31, 1995.

It is important to note that those who commit violent hate crimes in Hungary are generally punished, although under different statutes. As Sándor Nyíri, Assistant State Secretary at the Interior Ministry, noted to Human Rights Watch/Helsinki, "the absence of 156 does not mean that any crime is going unpunished." Indeed, Human Rights Watch/Helsinki has not uncovered any substantial evidence to suggest that the courts are failing to try and convict individuals who commit violent crimes against Roma, Jews, foreigners, or other non-Hungarians; rather, the courts convict such individuals, but for other, generally lesser, crimes.⁹²

Nonetheless, numerous incidents that have received broad publicity within the country — such as the incidents at Kalocsa and Gyöngyös [see section on *Violence and Police Response*] — as well as many smaller incidents in Eger, Pápateszér, and other cities appear to have an overtly racial element which the courts and police investigators have failed to acknowledge. Independent human rights monitoring groups and Roma organizations have in these instances presented evidence to the police investigative units of the racial nature of these attacks and have called for investigations to proceed under BTK 156; in none of these cases, however, have any charges been brought under the hate crimes legislation.

Many commentators speculate that the courts' inaction has encouraged extremist elements to believe they may attack Roma with relative impunity. As television anchor Ágnes Daróczi noted in an interview with the weekly *Magyar Narancs*:

⁹² Often such sentences are lesser, however, or are suspended.

The fact is that various racist groups have the opportunity to organize; they are like a hand raised to strike that no one moves against in time, or with any determination. When people wink and look the other way, the opportunity for these groups to continue to organize is strengthened. . . Yet there are certain lawful provisions, for example the BTK 156, which Hungarian courts do not apply. Even when two young men killed a Gypsy in Salgótarján⁹³ they didn't mention racial discrimination as a cause.⁹⁴

Human Rights Watch/Helsinki believes that the Hungarian courts' refusal to use BTK 156, which is existing Hungarian law, is troubling evidence that the courts and government do not wish to acknowledge the existence of ethnic tensions in the country, while maintaining to the international community that racist attacks are not tolerated. The message that the Hungarian courts and government send to the county's minorities by refusing to use the appropriate statutes to punish those who commit hate crimes is that such crimes and the motives behind them do not matter. This seems, in fact, to be the attitude of government officials interviewed by Human Rights Watch/Helsinki; Assistant State Secretary Sándor Nyíri of the Interior Ministry dismissed the racial component of violence against Roma by characterizing Roma-Hungarian conflict as "barroom brawls," adding that the use of ethnic slurs in such situations is insignificant and generally forgotten about the next

⁹³ See the previous Human Rights Watch/Helsinki, *Struggling for Ethnic Identity — the Gypsies of Hungary*, p. 51.

⁹⁴ "Nem tudom, mi vár ránk" (I Don't Know What Awaits Us), *Magyar Narancs*, July 13, 1995, p. 8. Human Rights Watch/Helsinki interview with Ágnes Daróczi, chief editor of *Patrin Cigány Magazin*, the weekly Roma magazine on Hungarian state television, July 17, 1995.

day. Not all public officials take this view, however; as prosecutor Nándor Horváth explained in an interview published in *Kopaszok* (Skinheads):

In these cases it is not necessarily the most important thing that someone is beaten on the streets, but rather, the reason *why* he is beaten. When the courts declare a symbolic equality between simple hooliganism in a bar and skinheads' beating Gypsies, they are making an enormous mistake. There is a qualitative difference between beating on a drinking buddy when you yourself are drunk, and harming another person because his skin is a different color or because he belongs to a different religion. If the judiciary cannot see this, then we may all become the victims of very serious errors.⁹⁵

RECENT INITIATIVES

The Hungarian government has recently taken some important steps to respond to this gap in the legal code and in enforcement. In 1994, President Árpád Göncz sent the Parliament a series of legislative recommendations on minority issues [see *Introduction*], which included proposals for a new law on hate speech

⁹⁵ Interview with prosecutor Nándor Horváth in *Kopaszok* (Skinheads), Judit Sárközi, in the series *Educatio Füzetek I*, edited by Kálmán Gábor, Budapest: Oktatókutató Intézet, 1994, pp. 54-55.

and incitement. These proposals, which were initially opposed by most of the political parties, were heavily modified before being adopted in March 1996 following sharp debate in Parliament. The new law replaces the text of BTK 155 and 156 with an accurate translation of the actual text of the Convention on Genocide;⁹⁶ moreover, it separately provides criminal penalties of up to five years' imprisonment for violent attacks motivated by ethnic hatred, and three years' imprisonment for inciting hatred against national, ethnic, religious or social groups.⁹⁷ The new provisions do not become effective until May 1996.⁹⁸

⁹⁶ Faxed communication from Dr. Endre Bócz, Chief Prosecutor for the City of Budapest, Budapest, April 22, 1996.

⁹⁷ Sharon Fischer, "Hungarian Parliament Approves Law Against Racial Incitement," OMRI Daily Digest, No. 53, Part II, March 14, 1996, on the internet at <<http://www.omri.cz/Index.html>>.

⁹⁸ Faxed communication from Marta Pardavi, Program Director of the Hungarian Helsinki Committee in Budapest, Budapest, April 22, 1996.

The new incitement law, BTK 269, which criminalizes not only hate speech resulting in violence, but also any hate speech directed at ethnic or religious minorities,⁹⁹ is seen by some observers as being too broad, and as compromising free speech rights in the name of protecting minorities.¹⁰⁰ The very broadness of the law, which brings into question the ability of the criminal justice system to implement the law effectively, suggests that the law may have more symbolic and public relations value than substantive impact when it becomes effective.¹⁰¹

⁹⁹ Previous legislation on incitement only provided penalties when the speech in questions created a clear and present danger to violence; the new standard does not require any threat of imminent violence. Human Rights Watch/Helsinki telephone interview with Ferenc Köszeg, MP, Budapest, April 20, 1996.

¹⁰⁰ MP Ferenc Köszeg noted that the law focuses more on those who write hate tracts than on skinheads and others who engage in violence; he faulted the new incitement law for punishing rhetoric rather than defending minorities. Human Rights Watch/Helsinki telephone interview, Budapest, April 20, 1996

¹⁰¹ Human Rights Watch has taken a position against measures that prohibit expression for its subject matter or content alone, no matter how offensive it may be to others. We are mindful of the fact that international human rights law provides different and conflicting standards in this area, and base our position on a strong commitment to freedom of expression as a core principle of human rights. We believe that freedom of speech and equal protection of the

laws are not incompatible, but are, rather, mutually reinforcing rights. (See Human Rights Watch Free Expression Project, "Hate Speech' and Freedom of Expression," A Human Rights Watch Policy Paper, vol. 4, issue 3, March 1992.)

XII. DISCRIMINATION IN EDUCATION

“Educate them? We ought to shoot them.” — Hungarian man from Nagykanizsa, giving his opinion on plans to open a private high school for Roma students.

Lack of access to education continues to be one the greatest barriers separating Roma from the larger Hungarian society. Almost no Roma complete high school or university; more than half effectively drop out of the school system before completing eighth grade. Throughout the country, Roma leaders and parents interviewed by Human Rights Watch/Helsinki cited improvement in the educational possibilities for Roma youth as one of their most pressing concerns.

Where Roma do attend school, they do not receive the same educational opportunities as Hungarians. Roma children are frequently isolated in segregated classes; in the larger cities, schools are increasingly divided into “Gypsified” and “Gypsy-free schools”, and the system of “remedial” schools is used as a means of warehousing Roma students.

Roma have historically been excluded from the parallel system of schools designed to teach minority children in their own language and culture; the post-communist governments have made only marginal efforts to improve this situation. Resistance to cultural education for Roma is very strong within the mainstream society, though there is broad acceptance of cultural education for Hungary’s other minorities.

DISCRIMINATION IN EDUCATION BEFORE 1989

Prior to the second world war, Roma did not attend school in any significant numbers, and their schooling rates remained very low through the first decades of communist rule. Roma attendance and graduation rates for primary school improved markedly through the 1970s and 1980s, as the government completed programs aimed at bringing Roma into the main workforce. However, very few went on to academic high schools or received more than a rudimentary education.

Under the communist system, Roma were excluded from the government program that provided limited language and cultural education for other minorities. All so-called "national minorities" had the right to be educated in their mother

language and culture; while this right was never fully realized in practice, most of the minorities did have grade schools and high schools that taught mostly or partly in the native language. The Roma, as an "ethnic minority," did not have the right to their own educational facilities. While a few grade schools for Roma were opened, they were designed as experiments in remedial education, rather than as ethnic educational facilities such as those established for the other minorities.

More widespread were separate Roma class forms, which were legalized for a period in the 1970s but then outlawed again. These separate forms did not actually teach Roma language or culture however, again being seen as a form of remedial education. Roma language and culture were not taught, either to Roma or to Hungarians, in the pre-1989 educational system.

THE PRESENT SITUATION

Formal educational possibilities for Roma changed dramatically following 1989, although educational practice has changed little. Recent laws have accorded Roma the same status before the law as other minorities, including the right to educational facilities that teach the minority language and culture.

However, the level of education among Roma in Hungary continues to be extremely low. As economist Gábor Kertesi notes, "[t]he participation of young Roma in higher education has always been marginal. In recent years, however, it has shrunk to the point of near invisibility." Despite a rise in the number of Roma children who finish primary school and a subsequent rise in the literacy rate (today between 60 to 75 percent of Roma children finish grade school), it is still extremely rare for these children to advance beyond this level. Although nearly half of all Hungarian children continue their studies beyond the eighth grade at a secondary school, only 3 percent of all Roma children are admitted to secondary school, and of these a mere .1 percent go on to university.¹⁰²

¹⁰²"Report of the Research on the Hungarian Roma Community between October 1993 and February 1994," conducted by István Kemény, Gábor Havas, and Gábor Kertesi for the Institute of Sociology of the Hungarian Academy of Sciences, p. 8.

Roma children experience endemic discrimination at every level of the school system. Most Roma children are already at a disadvantage when they enter school because of poverty, parents' lack of education, and direct prejudice. Roma parents interviewed by Human Rights Watch/Helsinki reported that their children were treated differently from others in school. József Bogdán of Kölked, where more than 50 percent of the primary school population is Roma, remarked:

Gypsy children enter school with a completely different background. They know different "rules." But when they don't behave the same way as Hungarian children, when they don't eat correctly or even speak correctly . . .the teacher doesn't understand — she just thinks they are stupid. I have had to teach my daughter to expect to work twice as hard to receive the same grade as her Hungarian classmates.¹⁰³

Most teachers do not expect Roma students to perform well, and view Roma children and good students as mutually exclusive categories. One primary school teacher interviewed by Human Rights Watch/Helsinki in the town of N. described a pair of twins, two of her best students:

Although they are half-Gypsy, their skin is very light and they are so well-behaved and clever that you would almost think they were Hungarians.¹⁰⁴

This kind of discrimination continues for those few Roma who do go on to high school or even university. Ernő Kala described the reaction of the examining board when he applied for university:

When I went to sit for the university examinations, I was the only Gypsy student there. When I entered the examinations room, the first thing they asked me was, "Excuse me, are you looking for someone?" They almost fainted when they realized I was there for an examination.¹⁰⁵

¹⁰³Human Rights Watch/Helsinki interview with József Bogdán, president of Gypsy minority council, Kölked, June 30, 1995.

¹⁰⁴Human Rights Watch/Helsinki interview with a teacher in town of N., June 29, 1995.

¹⁰⁵ Human Rights Watch/Helsinki interview with Ernő Kala, Miskolc, July 21, 1995.

SEGREGATION IN THE SCHOOLS

The difficulties faced by Roma children are rendered more intractable by the segregation of Roma children into different classes or even different schools as early as the first grades of primary school; this has created an increasingly polarized educational system in Hungary. Despite being a minority of only 5 percent of the total population, Roma are much more likely to study with other Roma than with Hungarians.

Roma children are routinely shifted into separate classes. While the formation of an 100 percent Roma class is relatively rare, it is quite common for a single class in a school to have a much higher percentage of Roma students than the other classes of the same age group, or than the population in the community as a whole.

In many communities, these concentrations of Roma are found in so-called remedial classes. These classes in theory provide students with extra help and aim to reintegrate them into the mainstream educational system at a later grade; in reality, such reintegration almost never takes place. In an interview with Human Rights Watch/Helsinki, the mayor and principal of the primary school in the town of Z. in Zala County, openly discussed these “separate forms:”

There is a need for separate classes, I admit. But there are reasons for this. The parents do not prepare their children for school, or help them or encourage them in their schoolwork. If we put the kids who aren't ready for school together with those who are, the better prepared kids suffer. We make separate classes so that the teacher will have the opportunity to spend more time with those children who can't keep up. If there is an outstanding Gypsy student we move him/her over to the “normal” class.¹⁰⁶

Roma families interviewed in the town insisted that their children were ignored in the “special class,” and that even the brighter, more prepared Roma children were

¹⁰⁶Human Rights Watch/Helsinki interview, principal and mayor of Z., July 9, 1995.

kept there. Tibor Szegedi, a Roma serving on the city council of the nearby city of Barcs, protested the formation of an all-Roma class at the local primary school in 1994:

Last September, the school organized a Gypsy class. It was a completely separate, completely Gypsy class. The parents were very upset — some tried to transfer their children to the only other primary school in town, but they were told it was already full. So I organized a meeting with the principal, at which he assured the parents that this class would benefit their children. I went to visit later in the year to observe the class, and I saw that the kids were not getting any special attention. The teacher simply wasn't dealing with them. I know all of the children in that Gypsy class; some of them are very intelligent. If my child had been that age, I wouldn't have let him go to school there. I would have kept him at home.¹⁰⁷

Human Rights Watch/Helsinki has also received reports of forms in which the letter "C" (for "*cigány*," i.e., Gypsy) was placed on the wall at the front of the "special class," as recently as 1993.

In many towns, one school has a remedial form serving all of the grade schools in the town; larger towns often have a completely separate remedial school. These schools are supposed to provide extra assistance for students who cannot keep the same pace as in the regular schools, and while in theory students graduating from such schools have the same right to go on to study in high school as any other student, in practice the remedial schools are dead end institutions, offering very little chance for placement to their graduates. A Roma parent in Ózd complained:

When our kids are ready for school, we go just hoping that they'll take them. Lots of times, though, before even seeing the child, they direct him/her to the "special school." What do they mean "special school?" In plain language, that means Gypsy school or remedial school. Why do they send our children there without even examining them? Even though my child knows as much as a Hungarian child, they still sent him to the "special school," and

¹⁰⁷ Human Rights Watch/Helsinki interview with Tibor Szegedi, Barcs, July 3, 1995.

that school isn't worth anything. That means that he'll attend nine forms and come out with only two forms worth of knowledge.¹⁰⁸

Students are sent to these remedial schools (or placed in the remedial form within a school) following the recommendation of a teacher and a test, usually administered during or immediately after the two years of nursery school. Roma parents often complain that their children are shunted off to segregated "remedial" classes and schools, and that they are helpless to prevent this from happening. Parents do have the right to refuse such a placement for their child; however, many Roma parents are not fully aware of their rights. One teacher in a remedial school in Ózd described the procedure by which children are evaluated:

¹⁰⁸ Human Rights Watch/Helsinki interviews in Roma settlement, Ózd, July 26, 1995.

There is an education committee in the town that examines children who seem to be having trouble in nursery school/kindergarten, to decide whether they should go to a regular school or come here. Gypsy parents, even though they have the right to challenge a decision by the committee, rarely do so. In fact, sometimes Gypsy parents bring a child directly here, because his brothers and sisters are already here. Hungarian parents, on the other hand, often refuse to send their children here even if the committee has recommended it. They just won't allow their children to study in a school that is "full of Gypsies."¹⁰⁹

One member of the education committee responsible for recommending children for remedial school in the same town, suggested in a newspaper interview that Roma may belong to a "weakened genetic type."¹¹⁰

In practice, very few Hungarian children are ever even tested, while effectively all Roma children are, with a sizable percentage eventually being recommended for remedial school or remedial classes. One parent told Human Rights Watch/Helsinki that in his town, where the remedial class is 100 percent Roma,¹¹¹ Roma children are automatically placed into the remedial class to ensure work for the remedial class teacher.

¹⁰⁹ Human Rights Watch/Helsinki interview with Szilvia Pusztai, Ózd, July 26, 1995.

¹¹⁰ György Kerényi and József Makai, "Csupa fekete" (Pure Black), *Magyar Narancs*, May 19, 1994, pp. 12-13.

¹¹¹ Roma make up 40 percent of the population in the village and 50 percent of the school population.

The effect of this practice is a marked isolation of Roma students from the rest of the population, and a further reduction in their opportunity to attend secondary school:

This is the first appearance of discrimination in the school system — that the children are separated into “special classes” and “special schools” — where, even if a child has excellent capabilities and would have the native ability to continue his studies, he is essentially off the playing field from day one.¹¹²

Even where there is not a remedial program in place, a similar process has developed in which certain schools are becoming “Gypsified,” while surrounding schools operate in an increasingly “Gypsy-free” environment, especially in the larger cities. In Budapest’s District VIII, where Roma make up about 15-20 percent of the population, certain schools have Roma populations approaching 90 percent, while others have much lower rates. One school that is in the district but run by the city government has almost no Roma students. Almost all the other schools in the district have Roma populations out of proportion to the Roma population in the district as a whole, because many Hungarian parents have moved their children to schools in other districts, in a local variant of “white flight.”

As education specialist and director of an VIII district Roma organization Judit Szőke commented, this tendency has been accelerated by the reforms enacted in the period since the change of government:

¹¹²Human Rights Watch/Helsinki interview with Judit Szőke, Budapest, June 20, 1995.

It is completely within the law for these schools to become established — schools which become Gypsy schools — not because someone explicitly wants or orders it, but because those who have the means to bring their children elsewhere will do so. This is a new trend — that parents are free to choose which school their children may attend, and thus the schools operating in poor material circumstances are becoming “Gypsified.” It is because there are parents who aren’t able to defend their interests and the interests of their children that these schools are coming into existence, and this is not good. It’s not good that “Gypsy schools” should be established in this way — they should be established with a goal, and a [pedagogical] conception, because these other schools, established out of necessity, don’t open any perspective before [Gypsy] children. Now, kids with problems are bunched in one place, and no one has any conception of how to deal with them — there is no extra money that could compensate for the terrible material conditions. Clearly this is a dysfunctional system, and before long it discriminates against these children.¹¹³

Some schools have converted themselves into “specialty schools” focusing on intensive education in one subject; these schools can then attract students from a wide geographic area, and often employ entrance examinations that further restrict access by Roma. Within a single school, a single grade is often divided into regular and specialized classes, with the Roma students concentrated in the regular classes, while Hungarian students take advanced courses.

Many of the decisions as to where a child shall study are made without any open discussion, disclosure of reasons, or right to appeal. One Roma parent registered this typical complaint:

They don’t accept our children to the school we would like. They simply say “no” — they don’t even explain why they won’t accept our children to the schools we would like them to attend. They don’t accept our children because we are Gypsies. They judge us by looking at us — they don’t want to increase the

¹¹³Human Rights Watch/Helsinki interview with Judit Szőke, Budapest, June 20, 1995.

numbers of Gypsy students studying at their school, and they turn us away.¹¹⁴

INDIRECT DISCRIMINATORY EFFECTS

There are also increasing economic barriers preventing Roma children from completing school. Following the removal or reduction of state subsidies for books, transportation, and dormitory space, the cost of equipping a child for school has risen dramatically; many Hungarians are finding it difficult to pay for books, and the generally poorer Roma have even less opportunity. One Roma parent from Baranya county lamented: "Either he'll have books or shoes. I can't afford both." A Hungarian teacher in the Northeast reported:

¹¹⁴Parental complaint at the District VIII city offices.

I have students who can't come to school because they have no shoes; many of my students have no winter clothes, and so in the winter they have to stay home.¹¹⁵

Many Hungarians send their children to large towns for secondary school, where they live in dormitories; increasingly, Hungarians are having their children commute to schools that offer stronger educational programs, and where Roma do not attend. The village of Nagyharsány in Baranya county, for example, is the seat for a grade school that also serves several surrounding villages, many of which have Roma majorities. Nagyharsány itself is majority Hungarian, but the school is almost entirely Roma; the Hungarian children of Nagyharsány almost all attend school in Siklos, a larger town nearby. Poorer Roma cannot afford to send their children away to school, and instead must rely on the nearest village school, where often the level of instruction is not as high.

DISCRIMINATION IN CULTURAL AND LANGUAGE EDUCATION

Ethnically segregated educational facilities are not illegal in Hungary, and in fact the state operates a number of schools specifically dedicated to the purpose of providing minority children with an education in their own culture and language; Roma, who are Hungary's largest minority, have no state-operated schools¹¹⁶ (see above section on *Discrimination in Education before 1989*). However, in the main body of schools, separation of students by ethnicity is illegal; since 1992, educators have been forbidden even to keep statistics on the ethnicity of students (such statistics were compulsory up to that time).

¹¹⁵ Human Rights Watch/Helsinki interview with Szilvia Pusztai, Ózd, July 26, 1995.

¹¹⁶ There is one private school which has received state funding for Roma students, the Gandhi secondary school. See below.

This ban on “ethnic statistics” has made it virtually impossible to monitor the administration of the normative allowance allocated by the government to schools where minority children study. This money is directed to schools according to the number of minority children who study there;¹¹⁷ however, “the ridiculous thing is that they are supposed to count the minority children to determine how much ‘minority money’ the school will receive, but they are forbidden from determining which children belong to minorities.”¹¹⁸ The normative allowance is theoretically to be spent on improving the cultural and educational opportunities of all minority children. However, education specialist Judit Szőke pointed out that the reality where Roma children are concerned is quite different. While many schools provide minority language and cultural classes for other minorities, many school administrators indicated that the money allocated for their Roma students was used to provide all students at the school with remedial classes, or to buy materials or equipment for the whole school:

The law specifies what this money is to be used for, but there is no accountability. Most of the money [allocated to a town] ends up being spent on other things, and never reaches those for whom it was intended. They give scraps to [Gypsy children], and then buy a video for a school which not even one Gypsy child attends. The remedial school — where the Gypsy children of the community are very neatly segregated — there the toilet is in the yard.”

Szőke explains that the problem can not be put down to a simple misallocation of funds; rather, the law itself treats Roma differently from other minorities:

The law itself is indicative of the general attitude towards Gypsies. The first point of the law says that all minority students are entitled to extra money for the purpose of minority education. The second point says that Gypsy students may receive extra money for remedial classes. So for the Armenian student, remedial classes are not allowed by the law, while the Gypsy

¹¹⁷A yearly allowance of 16,500 forints per Roma child in primary school and 5,500 forints per Roma child in kindergarten.

¹¹⁸Human Rights Watch/Helsinki interview with Judit Szőke, Budapest, June 20, 1995.

student is not entitled to extra classes or activities dealing with his history, culture, language, etc. The law itself is fundamentally flawed, because it specifies remedial classes only for Gypsy children. Not every Gypsy child needs remedial classes and not only Gypsy children need remedial classes.¹¹⁹

Anna Csongor, director of the Autonomy Foundation, adds that the law effectively equates "Roma identity" with "disadvantaged situation:"

¹¹⁹Human Rights Watch/Helsinki interview with Judit Szőke, Budapest, June 20, 1995.

The essence of the problem is that there exists a minority normative allowance, which may be used in one of two ways. First, there are “the other minorities” — in other words, not the Gypsies — the national minorities — for them there is normative money specifically for cultural activities. In their cases the normative money is distributed so they can study their mother tongue, preserve their own culture, etc. In the case of the Gypsies the language of the law specifies that the normative money is specifically for remedial classes.¹²⁰

There are at most a handful of primary schools in which Romany is taught, and only one school in which Beash¹²¹ is taught.¹²² Over the course of numerous interviews with school officials conducted throughout the country, Human Rights Watch/Helsinki did not find any instances of Romany language or cultural classes being organized by a school for the benefit of Roma students, despite the fact that many schools reported receiving the normative minority funds.

¹²⁰Human Rights Watch/Helsinki interview with Anna Csongor, Budapest, June 21, 1995.

¹²¹ Beash, a variant of Romanian, is spoken by a group of Roma who live in southwestern Hungary, northern Croatia and Vojvodina in Serbia.

¹²² These few instances of Romany language teaching all result from local or personal initiatives; they are not state organized programs.

Lots of Gypsy kids need remedial classes; but so do lots of kids who merely come from disadvantaged backgrounds. I don't know on what grounds it has been decided that Gypsy children should be shut out from the same possibilities available to children of any other nationality — they have a culture, too; they have a language, too. This money is for national minorities, but some children are accorded positive discrimination on the basis of their ethnicity — cultural classes, national song and dance, language classes — while others, the Gypsies, because of their socially disadvantaged situation, are determined to be in need of remedial classes — as if possessed of some special disadvantage on the basis of their ethnicity. In all the other cases the law is positive; the same law, however, treats Gypsies as a kind of “negative minority,” which has yet to be brought up to the level of all the others.¹²³

Other minorities most often consider their minority identity a positive value and willingly claim their minority membership, whereas many Roma are reluctant to admit to their minority identity, because, as one parent put it, “It's not so good to be a Gypsy here.” Roma suffer from an organizational disadvantage as well; the funds set aside for other minorities are generally funneled through well-established political and cultural organizations (often supported by the “mother country”) and spent effectively on language classes and cultural activities.

Roma, having no mother country, are completely reliant upon the Hungarian government, which has failed to provide the material support for Roma cultural education or to develop a curriculum that includes or even recognizes the existence of Roma: there is no state or county-level program for Romany language teaching, nor for the development of a corps of teachers capable of teaching Romany languages. Hungarian textbooks make no mention of Roma history, culture, folk-tales, music; they make no mention of Roma at all.

Not surprisingly, there is a total lack of information within the educational system about Roma and Roma culture; the word “Gypsy” has overwhelmingly negative associations. An informal survey conducted by a Roma social worker in a high school in northeastern Hungary revealed how little most students and teachers know about Roma and Gypsy culture:

¹²³Human Rights Watch/Helsinki interview with Anna Csongor, Budapest, June 21, 1995.

I asked them a series of questions — very simple questions about Gypsies, like “Where do Gypsies come from, and when did they arrive in Hungary?”; “Do Gypsies have their own language?”; “What are the traditional trades practiced by Gypsies?”; and “How many Gypsies live in Hungary?”. I was astounded by the answers, first, because the teacher knew no more than the students, and second, because they all knew more about North American Indians than about the Gypsies who live in their own country! They knew nothing about us.¹²⁴

¹²⁴Human Rights Watch/Helsinki interview with Jenő Sötét, Budapest, July 19, 1995.

Many school administrators and government officials assert that Roma do not want special schools or educational programs, claiming that Roma “don’t have a culture” or “just want to assimilate.” Human Rights Watch/Helsinki interviews with various Gypsy families revealed that there is in fact a wide range of opinion on this subject within the Roma community. Many Roma expressed a strong desire to see that their children learn their traditional language and maintain their culture. A Roma self-government representative, a young father, insisted that “we would like to have education in the Beash language, but we don’t have any money, and without money we can’t get a program off the ground.”¹²⁵

One Hungarian teacher explained that the relative lack of demand for education in the Romany language is itself a product of the former government’s policies towards educating Roma, and hardly justifies continuing that policy today. “Gypsy languages were prohibited and discouraged for so long that. . .it would be naive to think that there could be a lot of demand right now. . .when the language has been denigrated for so many years. This doesn’t mean that there couldn’t be a demand within a few years, if things changed.”¹²⁶

RECENT INITIATIVES

¹²⁵ Human Rights Watch/Helsinki interview with József Kosztics, Sikolosnagyfalu, July 31, 1995.

¹²⁶ Human Rights Watch/Helsinki interview with primary school teacher in Tolna County, August 1995.

There has been some evidence of limited improvement in the educational status of Roma since the change of government. Sociologist and editor Gábor Havas identifies grade schools as “the one area in which the situation for Roma has improved in the last fifteen years.” Basic literacy rates have risen, and more than half of all Roma now finish the eight grades of primary school. Havas goes on to note that “now, the real point of decision is between primary school and secondary school,”¹²⁷ with almost no Roma continuing on to ninth grade.¹²⁸

A major improvement has been the opening of Hungary's first high school for Roma. In February 1994, the Gandhi high school, a private high school with state funding, opened in Pécs in southwestern Hungary. The school is not exclusively for Roma — one fifth of its students are Hungarian — nor is it formally an ethnic Roma school, but it does focus on Roma cultural issues and teaches both the Romany and Beash languages. János Bogdán, the principal and himself a Beash Roma, spoke to Human Rights Watch/Helsinki about the significance of this new effort:

¹²⁷ Human Rights Watch/Helsinki interview with Gábor Havas, Budapest, July 14, 1995.

¹²⁸ The situation at the secondary school level has probably worsened since 1989. Up to that time, some Roma were able to continue their studies in apprentice programs with state companies, a system that has now all but collapsed.

. . . one of the school's greatest successes has been its effect outside of the school. By its very existence, it has stimulated local schools in the region to change, because more attention has been focused on them by our search for talented Gypsy students. Moreover, it has created a competitive atmosphere in which Gypsy students have some possibility held out to them — a focus for their ambitions.¹²⁹

As an example, Bogdán cites his own home village, Görgeteg, in Somogy County: “Gypsies have been in Görgeteg for 500 years, and only four have received high school diplomas in all that time; in the past two years, two students have begun studying in the Gandhi high school.”¹³⁰

At present, there are still no state-run high schools (or non-experimental grade schools) for Roma in Hungary, although the other minorities continue to maintain networks of schools with government funding.¹³¹ Many Roma leaders see the creation of more schools like the Gandhi as a step that needs to be taken to equalize the situation between Roma and other Hungarian minorities. The government presently has no plans to open any special Roma schools, however.

¹²⁹ Human Rights Watch/Helsinki interview with János Bogdán, Pécs, July 2, 1995.

¹³⁰ Human Rights Watch/Helsinki interview with János Bogdán, Pécs, July 2, 1995.

¹³¹ While Human Rights Watch/Helsinki was researching this report, the school's foundation and the government were negotiating to recreate the school as a state foundation.

According to Péter Radó, an official in the Ministry of Culture and Education responsible for minority programs, the state budget presently being prepared will include a proposal for a network of dormitories for high-school-aged Roma who have already been accepted to regular high schools. These students will receive additional tutoring and education related to Roma culture and history at the dormitory. Dormitories for high school students are quite common in Hungary; of the few Roma who are admitted to high schools, 90 percent drop out within a year, and according to one study most of these cited the dormitory, where they are almost certainly isolated from the Roma community, as one of the most difficult elements of their experience. Radó says that the proposed project will aim to reduce this dropout rate. As yet, however, no money has been allocated for this project.¹³²

It is frequently noted by Hungarian educators and politicians that, in the present economic transition, it is simply unreasonable to expect the state to find the funds to support new educational initiatives. Reservations about the high costs of such programs during times of economic hardship must also be set in context, however. Following 1990, the government embarked on a massive program to retrain Russian teachers as English teachers, with a goal of training 10,000 new teachers. The costs of the two-year program were paid for in full by the state. Additionally, although the system of minority schools was already built and paid for, the state recently allocated funds for the creation of a brand new high school following the split of the formerly unified Serb-Croat minority high school. There has been, or is planned to be, some financial outlay on Roma education projects since 1989 — the Gandhi secondary school and the proposed dormitory network — but not in sums proportional to their share of the population, nor reflecting a concerted desire to counterbalance previous government policies of repression and neglect.

¹³² Human Rights Watch/Helsinki interview with Péter Radó, Budapest, July 12, 1995.

XIII. DISCRIMINATION IN THE WORKPLACE

Many Roma in Hungary today feel that the decline of their economic possibilities during the protracted transition crisis is the most critical problem they face. Although Roma were employed at rates almost as high as those for Hungarians up until 1989, since that time they have been almost entirely removed from the labor market, in a process that was as much discriminatory as economic: at least 60 percent of working-age Roma are unemployed, and in many regions of the country Roma unemployment approaches 100 percent.¹³³

Recently passed laws banning discrimination in hiring and the workplace are almost universally unenforced and ignored. The reality for most Roma in Hungary today is that they have almost no expectation of gainful employment or possibility for advancement, in large part due to discrimination based on their ethnicity.

PATTERNS OF DISCRIMINATION TO 1989

Up to and after the second world war, the majority of Roma existed very much on the margins of Hungary's economy: living in isolated communities, their economic contacts with the Hungarians generally involved trading or work in specialized Roma-dominated crafts and services (woodworking, smithing). In the 1950s, government assimilation programs attempted to bring the Roma into the mainstream economy and work force, and Roma began to be employed in large numbers. The incorporation of Roma into the work force was so complete that by 1976, when István Kemény's influential report on the status of Roma was published, the author noted that "[i]n the last ten years tremendous changes have taken place in the life of Roma men of working age: where men are concerned, the Roma population has come close to full employment."¹³⁴

¹³³Total unemployment in the country is approximately 12-13 percent, a figure which, since it includes Roma, suggests an unemployment rate among ethnic Hungarians that is actually somewhat lower.

¹³⁴István Kemény's report, *Beszámoló a magyarországi cigányok helyzetével foglalkozó 1971-ben végzett kutatásról* (Report on a Survey of Gypsies in Hungary Conducted in 1971), Budapest 1976, quoted in "The Statistics of Deprivation — The Roma in Hungary," Gábor

Havas, Gábor Kertesi, and István Kemény in *The Hungarian Quarterly*, vol. 36, Summer 1995, p. 70. This article is an abbreviated version of "Report of the Research on the Hungarian Roma (gypsy) Community between October 1993 and February 1994," conducted by István Kemény, Gábor Havas, and Gábor Kertesi for the Institute of Sociology of the Hungarian Academy of Sciences, from which we also quote.

Laws prohibiting discrimination in employment were not of particular importance during this period, as full employment was mandated by the government. In fact, economist Gábor Kertesi explained to Human Rights Watch/Helsinki that, because of a system that calculated a company's total wage bill based upon the average wage of all workers, many Hungarian companies purposely hired large numbers of unskilled Roma workers at minimum wages as a way to inflate the wages of top management and Hungarian workers.¹³⁵ Many Roma who did not work served short prison sentences for "*munkakerülés*" or avoidance of work, a concept which, though now abandoned, continues to affect many Hungarians' thinking about the willingness of Roma to work. In interviews in the summer of 1995, Human Rights Watch/Helsinki heard many Hungarians refer to unemployed Roma as "*munkakerülők*," or shirkers.

The nature of these employment opportunities was very limited, however, and in general Roma worked in manual labor, in low-skill factory jobs, and in the booming construction industry. "Under the communist system, we were consciously put into the background, and got less money than non-Roma for the same work,"¹³⁶ recalled a Roma man from Baranya county. Large numbers of Roma men from the countryside were recruited to work in Budapest, living in factory-workers' hostels during the week and returning home on the weekends; sociologist Zsolt Csalog has referred to the Roma in this system as "the classic *Gastarbeiter* in Hungary."¹³⁷ As the Hungarian economy began to decline in the 1980s, construction came to halt, and factories began laying off workers. Roma in particular began losing jobs and leaving the work force, a process that accelerated after 1989.

¹³⁵ Human Rights Watch/Helsinki interview with Gábor Kertesi, Budapest, July 14, 1995.

¹³⁶ Human Rights Watch/Helsinki interview with József Bogdán, Kölked, June 30, 1995.

¹³⁷ Zsolt Csalog, "Gypsies in the Hungarian Labor Market," *Szociológiai Szemle*, no. 2, 1994, p. 78.

ROMA IN THE WORKPLACE AFTER 1989

By 1989, the ability of the government to control the labor market had collapsed, and laws mandating full employment were repealed. Roma suffered the brunt of the blow in the first period of mass firings. A statistical survey prepared between October 1993 and February 1994 by István Kemény, Gábor Havas, and Gábor Kertesi and published in the spring of 1995 by the Hungarian Academy of Science's Institute of Sociology¹³⁸ notes that "[t]he squeezing of the Roma out of the labor market began in the mid-1980s. More than 40 percent of today's inactive workers had lost their jobs before the end of 1990."¹³⁹

Although unemployment has increased for all groups in Hungary since 1989, the 1995 statistical survey notes that "the general fall in employment in the last few years has affected the Roma and non-Roma populations very differently. In the full male population, the employment rate for non-Roma men today is more than twice that of Roma men."¹⁴⁰

¹³⁸ The survey, "Report of the Research on the Hungarian Roma (gypsy) Community between October 1993 and February 1994," conducted by István Kemény, Gábor Havas, and Gábor Kertesi for the Institute of Sociology of the Hungarian Academy of Sciences, documented the social conditions of Hungary's Roma for the first time since István Kemény's 1971 survey. That report was first published in 1976: *Beszámoló a magyarországi cigányok helyzetével foglalkozó 1971-ben végzett kutatásról* (Report on a Survey of Gypsies in Hungary Conducted in 1971), Budapest, 1976.

¹³⁹ "The Statistics of Deprivation," p. 71.

¹⁴⁰ "The Statistics of Deprivation," p. 70.

Two years ago the greater part of the Roma population in Ózd had the opportunity to work. Most who didn't were given severance pay, or went to the employment office — and so everyone had some type of income. But all this has ended. Peoples' savings have run out. Employment offices can't find people jobs anymore — in fact the employment office here is going to be closed. There is, quite simply, no outlook — people have no hope for the future. There can't be any peace here until somehow opportunities are created — some means of survival — for several thousand people.¹⁴¹

Statistical evidence overwhelmingly suggests that the early wave of firings was used by many firms to remove Roma from the workplace, regardless of educational background and skills; only in the later rounds of firings did education level become the dominant factor, because all the “undesirable” workers had already been removed. Now that even Hungarians have been laid off in large numbers, Roma face a double hurdle in getting back into the work force: direct discrimination on ethnic grounds and a lack of education, which itself is related to historical and on-going patterns of discrimination in the schools [see section on *Discrimination in Education*].¹⁴²

Some formal legal guarantees have been developed in the period since 1990. A 1991 law forbids discrimination in the workplace, or in the hiring market, based on ethnic background.¹⁴³ A network of employment agencies has been developed, which also operate a program aimed at employing Roma. A 1992 law forbids the employment agencies from recording any information about an applicant's ethnic status, to accept requests for employees that include ethnic criteria or restrictions, or from practicing any negative discrimination based upon sex, age, nationality, ethnicity, birth, religion, political affiliation, or upon any grounds not related to the work opportunity.¹⁴⁴

¹⁴¹Human Rights Watch/Helsinki interview with Aladár Kotai, president of the Gypsy minority council in Ózd.

¹⁴²Zsolt Csalog, “Gypsies in the Hungarian Labor Market,” *Szociológiai Szemle*, no. 2, 1994, pp. 75-78; also unpublished study by Gábor Kertesi.

¹⁴³Law IV/1991.

¹⁴⁴Law XXII/1992.

However, Human Rights Watch/Helsinki has found that in practice Roma have been almost entirely removed from the labor market in the past five years in a pattern that can only be explained on the basis of ethnic discrimination. Despite formal legal guarantees, Roma — regardless of educational background or previous work experience — face widespread hostility and discrimination when they seek new employment.

DISCRIMINATION IN EMPLOYMENT OFFICES

During the communist period, there was no network of government employment agencies, since it was mandatory for all able-bodied people to hold jobs. Roma also were subject to these rules, and until the mid-1980s employment rates for Roma were only marginally lower than for the population as a whole. With the economic and political opening following 1989, the labor market entered a period of flux. The post-communist government established a series of employment offices to facilitate the workings of the developing labor market. These offices only handle about 20 percent of labor market transactions, according to the estimate of one employment agency director, with the majority conducted through private advertising and informal contacts.

No data exists on work found through informal and private contacts, and there is no government office that deals specifically with complaints arising from discrimination in this sphere. Likewise, the government employment agencies are banned from keeping records on the ethnicity of clients. Nonetheless, Human Rights Watch/Helsinki has received numerous credible reports that prospective employers routinely make requests to the employment agencies not to send Roma workers. Many of the employment agencies screen applicants based on ethnicity and maintain records noting the ethnicity of Roma clients. Roma are often not given information or job listings.

A spokesperson for an employment office in the southwestern city of Pécs interviewed by Human Rights Watch/Helsinki denied any such practice, saying that "the employment law precludes such activity;" when asked whether the office has ever received requests from employers not to send prospective workers of Roma origin, he declined to comment, but noted that "our workers are not allowed to register the ethnicity of applicants. But once a worker is sent, we have no authority [to report the case or punish the employer] if an employer refuses a worker on

ethnic grounds."¹⁴⁵ He said that he knew of no cases in which agents marked an applicant's ethnicity on the forms, and that there was monitoring at all levels of the process.

Nonetheless, Human Rights Watch/Helsinki has received credible reports that in fact such practices are widespread. Two reporters for Hungarian Radio report having seen such data files in computers at employment offices in Budapest; in some of these cases, the letter "C" (for "cigány," i.e., Gypsy) was used to mark the files of Roma applicants on the computer screen. Human Rights Watch/Helsinki asked the director of one employment office in Budapest whether there were specific types of work for which a Roma might not be considered:

¹⁴⁵ Human Rights Watch/Helsinki interview with employment officer in Pécs, August 14, 1995.

Any kind of work is like that, they are all like that. Employers don't even take them for unskilled labor, or for construction, because they say that they really have to watch it with Gypsies; if a Gypsy comes to work for one week, you have to supply him and his whole family with social security cards. And if he leaves his job a week later, whether we fire him or he gets himself fired, the card is still valid for 90 more days. Many Gypsies take advantage of this.¹⁴⁶

When asked about the operation of the office, the director responded that:

A company seeks us out and fills out an application indicating how many people they are looking for, for what kind of work, and with what kind of compensation. They can also indicate in the "notes" column that we shouldn't send them any Gypsies or alcoholics. . . . Gypsy and alcoholic appear the most often. . . . When we print out the information, the "notes" column does not appear.¹⁴⁷

According to the director, the agents decide whether someone is Roma or not by sight, and mark their file:

¹⁴⁶ Human Rights Watch/Helsinki interview with the director of an employment office in Budapest (name withheld on request), July 1995.

¹⁴⁷ Human Rights Watch/Helsinki interview with the director of an employment office in Budapest (name withheld on request), July 1995.

We use the letter “C,” but every office uses its own system of signs. In some offices the employment officer himself assesses whether the applicant is a Gypsy or not, and as a matter of course will not send a Gypsy to those places where Gypsies are not desired workers. . . . Look, this is a real problem — it would be foolish to behave as if it didn’t exist. Uncontrollable abuse is built into the whole system of unemployment offices. We can’t catch the employers, and yet we have to serve them. We have no other choice, because we don’t have the power to punish them.¹⁴⁸

Other human rights organizations confirm these and related reports; Imre Furmann also reports that:

. . . in many employment offices, a star is placed next to the name of those firms and companies that will not accept Gypsy workers — the message is “don’t even bother sending a Gypsy worker to us, because we won’t hire him.”¹⁴⁹

¹⁴⁸ Human Rights Watch/Helsinki interview with the director of an employment office in Budapest (name withheld on request), July 1995.

¹⁴⁹ Human Rights Watch/Helsinki interview with Imre Furmann, director of NEKI (Nemzeti és Etnikai Kisebbségi Jogvédő Iroda - Legal Defense Bureau for National and Ethnic Minorities), Budapest, July 1995; “A Másság Alapítvány jelentése,” *Népszava*, August 17, 1995, reporting on the press conference of the Másság Foundation regarding violations of the rights of Roma in Hungary).

The small number of Roma who do receive work through the agencies are generally shunted toward manual labor and unskilled jobs, even if they have a trade or vocational skill. A Roma leader notes:

Often these jobs are so poorly paid that by the time the worker pays for his transportation to and from work and for his lunch every day, he would make more if he were on welfare. And what's more, Gypsies are offered the most humiliating jobs you can imagine.¹⁵⁰

¹⁵⁰ Human Rights Watch/Helsinki interview with Áladár Kotai, president of the Gypsy minority council in Ózd.

Roma also report experiencing blatant discrimination when they apply in person to hiring firms, either on referral from an agency or on their own initiative; sometimes employers refuse to see someone who identifies himself as having a typical Roma name. "It is a well-known fact that if someone named 'Kolompár' [a typical Roma name] applies for a job, the chances are much higher that he will hear 'We're very sorry, but that job has been filled.'"¹⁵¹

One light-complected young Roma woman reported that she had been repeatedly turned down for jobs after revealing her name during inquiries on the phone; after having her name changed to a Hungarian name, she found a job immediately. Many Roma of a darker complexion reported to Human Rights Watch/Helsinki that they were told no job was available when they reported for work or for an interview, only to hear that the same job was still open later. In one case, a job was offered over the telephone, but the offer was rescinded when the worker, a Roma man, appeared in person.

Human rights advocates are often helpless in the face of this form of discrimination:

Within the bounds of Hungarian law, what can I do? Nothing. These cases get bogged down in the courts, and there is no statute that calls for a large fine or closure for a company that practices this kind of discrimination. There is simply no such thing.¹⁵²

STATISTICAL EVIDENCE OF DISCRIMINATION

¹⁵¹János Dési, "Cigányok vagyunk (We are Roma)," *Magyar Hirlap*, April 8, 1995, p. 7.

¹⁵²Human Rights Watch/Helsinki interview with Imre Furmann, director of NEKI (Nemzeti és Etnikai Kisebbségi Jogvédő Iroda - Legal Defense Bureau for National and Ethnic Minorities), Budapest, July 22, 1995

Although no specific data about possible discriminatory practices in the labor market as a whole exists, many observers believe that there is strong statistical evidence of a pervasive bias against hiring Roma, a bias that has both economic and racist rationales. A recent report on Roma and the labor market, prepared by economist Gábor Kertesi,¹⁵³ demonstrates that there is little statistical evidence to support many of the arguments used to dismiss the Roma as lazy or unreliable.

Commenting on the disparity in unemployment rates between Roma and Hungarians, Kertesi notes that "[n]o matter which definition is used, the gap is huge. . . the likelihood of unemployment for a Gypsy person is three times higher than for a non-Gypsy." A cross comparison of industry and regional unemployment rates shows "severe regional and industrial disadvantages of Gypsy people . . . Gypsies are strongly over represented *both* in industries severely hit by crisis and in regions with high unemployment rates."¹⁵⁴

Effects of differences in schooling and place of residence alone cannot explain all of the difference in rates of employment: "It is hard to avoid the conclusion not to see in the remaining large residuals signs of some kind of employment discrimination."¹⁵⁵ Sociologist Zsolt Csalog has observed that:

. . . the causes of Gypsy unemployment are two-fold: "objective" in that Hungary's economy in crisis really has no need for unskilled workers; but discrimination is palpably in the background — skilled Gypsy workers are just as likely to be

¹⁵³ "The Labour Market Situation of the Gypsy Minority in Hungary (An Empirical Analysis), Budapest, 1994, by Gabor Kertesi of the Institute of Economics of the Hungarian Academy of Sciences, Budapest. The paper, prepared for the ILO Project Employment Policies for Transition in Hungary, is based on the labor force survey of the Central Statistical Office, which included questions about ethnic origin in its September-November 1993 survey. These questions were only used once, and were dropped following complaints by various minority groups and concerns that they violated Hungary's new information protection laws. Kertesi notes that the data collected in the CSO's survey is in all likelihood "biased in a well-defined direction; it gives a more favorable picture on [sic] the labor market position of the Roma population that it has in reality. . . *Simply stated, no matter how bad the situation of Gypsies looks like from this paper, in reality it is even worse.*" [p. 3, emphasis original]

¹⁵⁴ Kertesi, pp. 20-22.

¹⁵⁵ Kertesi, p. 26.

unemployed as the unskilled majority, whereas young Gypsies approaching working age, regardless of qualifications, have virtually no hope of finding a job.¹⁵⁶

Roma leaders interviewed by Human Rights Watch/Helsinki confirm this picture; László Berényi, a Roma self-government representative from Babócsa and also a member of the national Roma self-government, described the mix of economic and prejudicial obstacles facing unemployed Roma:

¹⁵⁶ Zsolt Csalog, "Gypsies in the Hungarian Labor Market," *Szociológiai Szemle*, no. 2, 1994, p. 78.

A lot of Gypsies aren't looking for work anymore, because it isn't worth it; 80 percent of the unemployed people in the town are Gypsies. This is because of a lack of education, a certain degree of discrimination — they tell us “the position has already been filled” — and because there isn't any point, since all the factories have closed.¹⁵⁷

Kertesi's report notes that “[a] large amount of prejudice against Gypsies is based on belief that they have low propensity to work.”¹⁵⁸ Although many Hungarians told Human Rights Watch/Helsinki that Roma don't work because they are lazy or uninterested in “bettering themselves,” education level is demonstrably more important than ethnicity in determining Roma participation in the work force:

[T]he most important factor is schooling. . . People who have completed primary school are ten times more likely to be in the labor force; those who have completed vocational school are 43 times more likely, and those with a university diploma are 50 times more likely to be in the labor force.¹⁵⁹

Only 20 percent of Roma have any education beyond the eighth grade, while more than 50 percent of Hungarians have completed vocational school, secondary school, or university.

The survey also suggests that unemployed Roma are in fact more likely to be actively searching for work than unemployed Hungarians, a finding at odds with popular perceptions. Roma are generally much less successful in actually finding new jobs, however, in part because they live in the poorest settlements:

¹⁵⁷ Human Rights Watch/Helsinki interview with László Berényi, Babocsa, August 8, 1995.

¹⁵⁸ Kertesi, p. 4.

¹⁵⁹ Kertesi, pp. 13-14.

[Looking at] the distribution of the two groups with respect to local unemployment rates, the differences are striking. Gypsies are under represented by 50 percent in settlements with low unemployment rates, and over represented by 150 percent in communities with high unemployment rates. The typical residence of Gypsies are the economically crisis-ridden regions of the country.¹⁶⁰

When they do find employment, Roma frequently receive significantly less pay for the same work; according to the report, "the differential between the Gypsy and non-Gypsy groups in terms of hourly wage rates is about 20 percent of the non-Gypsy wage."¹⁶¹

The study explains that employers may advance an economic rationale for imposing blanket discrimination on Roma:

[I]n a country with a high unemployment rate. . .selection and screening of employees gets more and more important. It is obvious that most of this screening takes place when new workers are hired. If that country has at the same time a poorly educated minority, this will induce employers to use the cheapest screening device: statistical discrimination.

Employers find it rational to refuse to hire members of a poorly educated minority even if a particular member may not differ from those people who are employed, simply because employers

¹⁶⁰ Kertesi, p. 15.

¹⁶¹ Kertesi, pp. 4-5.

do not want to use costly individual screening devices. The result will be strong discrimination in hiring. . ."¹⁶²

One local Roma official who is on his village's council told Human Rights Watch/Helsinki that this rationale operates even at the local village level: "If a Hungarian and a Gypsy apply for the same job and have the same capabilities, the Hungarian will get the job."¹⁶³

Commenting on the results of his research, Kertesi notes that the social situation in which Roma live plays an important role in determining their chances of finding employment:

¹⁶²Kertesi, p. 32.

¹⁶³Human Rights Watch/Helsinki interview with Péter Bogdán, Vizvár, July 5, 1995.

[The results] seem to be at variance with the frequent prejudice about the low willingness of Gypsy people to work. . .Gypsies are more exposed to unemployment and earn less mainly because they are younger than the average worker, are far behind in education, live in depression-ridden parts of the country, and work — if they have a job — in industries that are unproportionally more exposed to risks of unemployment than other industries.¹⁶⁴

CONSEQUENCES OF DISCRIMINATION IN EMPLOYMENT

Along with discrimination in education, the widespread exclusion of Roma from gainful employment has both immediate and long-term consequences for their ability to integrate successfully into Hungary's economy and society. The massive layoffs of Roma men after 1989 — which Human Rights Watch/Helsinki believes had a discriminatory aspect as well as an economic one — have created a vicious circle of unemployment, impoverishment, disillusionment, "survival crime," and delinquency, which reinforces existing prejudices among Hungarians and ensures that work will be even harder to get in the future. Lacking jobs, many Roma are unable to provide for their families or to support their children's education, which in turn further restricts the younger generation's opportunities to find work.

Present Hungarian policy does not seem to be aimed at alleviating this burden of discrimination. Hungarian law and government policy provide only paper protections for the rights of Roma to equal access to the labor market, the constitutional and legal provisions banning discrimination are not enforced, and even the government network of employment agencies engages in exclusionary and discriminatory practices.

¹⁶⁴ Kertesi, pp. 31-32.

XIV. DISCRIMINATION IN HOUSING

The nearly complete isolation of Roma from the mainstream of Hungarian society is perhaps best seen in pervasive housing segregation. Most Roma live in ghettoized communities: slums in the cities, and “Gypsy rows” in the villages. Policies enacted during the communist period continue to have great impact on the opportunities Roma presently have to find adequate housing and to live where they choose.

These uniformly bad living conditions are not simply the results of past policies, however: Roma are presently actively discriminated against in the sale and rental of housing and in the supply of credit. The overwhelming number of forced evictions in Budapest and other large cities has been carried out against Roma families. The Hungarian government has taken no effective steps to combat housing discrimination; on the contrary, many of its policies — while not overtly or directly aimed at Roma — seem at a minimum to have been designed without any regard for their deleterious effects on the Roma population.

HOUSING POLICIES AND DISCRIMINATION TO 1989

Prior to the second world war, Roma lived almost entirely apart from Hungarians. Most Roma lived in isolated colonies and settlements well beyond the outskirts of the Hungarian-populated villages; access to Hungarian villages was often restricted and permits were often required for Roma to enter the villages. Many other Roma lived entirely separately in forest settlements, and a smaller number still lived as nomads.¹⁶⁵

¹⁶⁵ Programs were initiated during the interwar Horthy government to settle all Roma, but were only partially successful. At the end of the war, many Roma still lived a nomadic

lifestyle.

Following its consolidation of power in the late 1940s, the Communist Party outlawed the nomadic lifestyle that had been traditional for a segment of the Roma population. Formerly nomadic Roma were forced to settle in the existing Roma communities. The Communist Party also embarked on a series of land reforms that broke up the large estates of the nobles and religious orders and redistributed the land to the Hungarian peasantry. Roma were almost entirely excluded from this process, in part because of active discrimination, but also as an incidental effect of their continued great isolation from the majority.

Beginning in a few locations in the late 1950s, and increasingly after 1965, following the Communist Party Central Committee's 1961 resolution concerning the "Gypsy problem," the party initiated a program to relocate Roma from their isolated colonies to Hungarian towns and villages. Old colonies were razed, and Roma were given loans on favorable conditions to rebuild or relocate in villages. In some cases, authorities consciously attempted to mix Hungarians and Roma in the new apartment blocks which were built in large villages and smaller towns.

At roughly the same time that the government embarked on its program to relocate the Roma, it also began to centralize the services provided in smaller and more isolated villages, transferring the more important civic and commercial functions to larger settlements. Centralization of services created a class of villages that were "left out:" stores, clinics, and services were closed and relocated to selected larger villages and cities; many of the ethnic Hungarians soon followed. As sociologist and former MP Gábor Havas comments, the effect of these programs was that "the people who left were the people who could — that is, the Hungarians."¹⁶⁶

Havas explains that this centralization, combined with the government's loan and resettlement programs, acted to replicate the previous segregation in the new settlements. The loans provided were so small that they generally allowed Roma to build only so-called "Cs-lakás" (the Hungarian abbreviation for "reduced value dwelling" apartments or houses with no plumbing or utilities¹⁶⁷), or to buy

¹⁶⁶ Human Rights Watch/Helsinki interview with Gábor Havas, Budapest, July 14, 1995.

¹⁶⁷ Gábor Havas, Gábor Kertesi, and István Kemény, "The Statistics of Deprivation — The Roma in Hungary," in *The Hungarian Quarterly*, vol. 36, Summer 1995, p. 72.

only in the most depressed parts of the market, which generally meant the poorest villages that had lost services; in those villages, Hungarians were already leaving, and the arrival of Roma increased the speed of the departure in a process known in Hungarian as “Gypsification.”

The result, even in those cases where the government did not forcibly settle Roma in a specific location, was that most Roma gravitated to increasingly segregated and poorly serviced and isolated villages, recreating the conditions of separation that had marked the relationship between the two communities prior to the campaign.¹⁶⁸

Even by 1971, when the project was only a few years old, the evidence of the nation-wide survey pointed to the fact that eliminating the traditional settlements in such a manner, carried out often by the use of force by the authorities, did not do away with segregation in many places but simply created new forms for it.¹⁶⁹

There were additional negative effects: the credit programs and the attempts to mix forcibly Roma and Hungarians generated enormous resentment among members of the majority population, who saw the loans as “hand-outs” — giving free houses to Roma. Numerous Hungarians related to Human Rights Watch/Helsinki a similar story about Roma who moved into their new apartment for the first time and promptly tore up the floorboards to make a fire.

János Bodgán, headmaster of the Gandhi secondary school, suggests that it is misleading to label the campaigns of the 1960s “assimilation programs,” because they tore down the existing structure of Roma society without actually allowing Roma into the mainstream of Hungarian society: the government was primarily interested in bringing Roma into the active work force, an aim which it successfully met [see section on *Employment*], but was never interested in actually creating the conditions in schools, workplaces, and in town life that would have actually allowed the Roma to be integrated into Hungarian society in the face of continuing opposition and resentment from ethnic Hungarians.

Nonetheless, many Roma have positive memories of the relocations. The program achieved a greatly improved material level of comfort for most Roma, who

¹⁶⁸ Human Rights Watch/Helsinki interview with Gábor Havas, Budapest, July 14, 1995.

¹⁶⁹ “The Statistics of Deprivation — The Roma in Hungary,” p. 73.

gained access to electricity and running water for the first time. Many who moved into “Cs” apartments without utilities were able to add these on during the prosperous 1970s. By the mid-1980s, however, state-sponsored construction of new apartments had ceased almost entirely, and the favorable credit program was eliminated in the late 1980s; increasing levels of unemployment, though still low, in turn forced some people — almost all of them Roma — onto the streets.

DEVELOPMENTS AFTER 1989 AND THE PRESENT SITUATION

There is no doubt that Hungarian society is less segregated now than it was prior to completion of the relocation programs. Today, just under 14 percent of all Roma live in separate settlements, down from 65 percent in 1971. Almost all of these separate settlements are of recent construction dating from the 1960s and 1970s; the traditional colonies have almost entirely disappeared from the countryside, and in Budapest there are none.¹⁷⁰

However, Human Rights Watch/Helsinki has found that pervasive practical segregation continues to be the pattern of settlement, a practice maintained by economic factors, social custom, and active discrimination. Roma continue to live in isolated and segregated communities, both in the countryside and in the larger towns. In addition, the end of government-subsidized housing construction and loans, combined with newly open discrimination in the sale and rental of housing and in extension of credit, has barred many Roma from gaining any of the benefits of the new open market for housing.

In the countryside, the process of “Gypsification” continues to create more isolated, unserved majority Roma villages. Roma are more than twice as likely as Hungarians to live in the smallest villages. A 1987 survey revealed that, in Baranya county, 15 percent of the total population lived in so-called *társközségek* (“associate villages,” so called because they lack municipal services of their own and were therefore associated with a neighboring village), while 36 percent of the Roma

¹⁷⁰ *Ibid*, p. 74.

population does. Nationwide, 10 percent of all Hungarians live in villages of less than 1,000 people, while over 20 percent of Roma do.¹⁷¹

¹⁷¹ Human Rights Watch/Helsinki interview with Gábor Havas, Budapest, July 14, 1995. See also “The Statistics of Deprivation — The Roma in Hungary,” p. 74.

In the cities, Roma live in the worst slums, and increasingly are being evicted from squatters' apartments which they have occupied, sometimes for a number of years. The housing market has been as affected as the labor market by the changes since the fall of the communist government, contributing to increased segregation. Since 1989, a large segment of the apartment market has been privatized. Rents often increase as much as ten-fold when an apartment is privatized. While this process has affected Roma and Hungarians alike, Roma have tended to suffer more from its impact: Hungarians are often able to relocate to other quarters relatively easily, whereas Roma who are evicted during the privatization, or who can no longer afford the higher rents, are often unable to find new dwellings because of the widespread practice of refusing to rent to them.¹⁷²

In Budapest, the segregation of Roma from the Hungarian population is marked and increasing. A recent study found that there are no Roma living in five of the city's twenty-three districts¹⁷³ while just three contiguous districts in inner Pest house nearly half of the estimated 100,000 Roma in the city. Within individual districts, similar patterns of segregation prevail, with Roma concentrated in large, poorly maintained housing projects.¹⁷⁴ The same study, completed in 1994, notes that "in many areas of Budapest the Gypsy population forms a fairly closed community," especially in the inner sections of the city, which contain some of the worst slums:

[In] the inner districts [of Budapest] the process of spontaneous separation began long ago. It is common knowledge which houses, which streets, which blocks Gypsies live in. In these areas, the number of Gypsy residents is increasing.¹⁷⁵

¹⁷² Human Rights Watch/Helsinki interview with Jenő Sölét and József Göbölös, Budapest, July 19, 1995.

¹⁷³ The five districts are contiguous — three in Buda, and two directly across the Danube in downtown Pest. While it is impossible to state with certainty that there are *no* Roma living in these districts, the actual number must be very low.

¹⁷⁴ "Újratermelődhetnek a cigánytelepek (Gypsy Ghettos May Be Forming Again)," *Népszabadság*, August 30, 1994.

¹⁷⁵ "Újratermelődhetnek a cigánytelepek" (Gypsy Ghettos May Be Forming Again), *Népszabadság*, August 30, 1994.

A recently completed sociological survey — the first comprehensive survey of Hungarian Roma since 1971 — found statistical evidence of the widespread level of housing segregation in Hungary:

In nearly 30 percent of all cases, the neighborhood was inhabited exclusively by Roma families. Another 30 percent lived in neighborhoods where Roma and non-Roma lived in more or less equal proportions. With the Roma forming a mere 5 percent of the total population, such a position implies considerable segregation. This is even more obvious if one considers that in neighborhoods where the proportion of Roma has reached such a level, a major drop in real estate market value can be observed, along with the rapid moving out of the non-Roma population.¹⁷⁶

DIRECT DISCRIMINATION IN SALE, RENTAL, AND ALLOCATION OF HOUSING

Persistent prejudice plays a role in the housing market and contributes to the continued and increasing segregation of Roma, especially in the cities. Individual Hungarians frequently refuse to sell or rent to Roma, and neighbors often protest if a Roma moves into an apartment block. Ferenc Orsós, who works at the Gandhi secondary school in Pécs, told Human Rights Watch/Helsinki:

If I go to look for an apartment by myself, I will never find one. When the school needed an apartment for me, they had to send a white man to look for it. Every time I went to look at an apartment by myself, I was told that the apartment had already been rented.¹⁷⁷

Despite general provisions in the constitution banning all forms of discrimination based on race, ethnicity, or religion, there is no specific statute

¹⁷⁶ "The Statistics of Deprivation — The Roma in Hungary," p 76.

¹⁷⁷ Human Rights Watch/Helsinki interview with Ferenc Orsós, Nagykanizsa, June 15, 1995

prohibiting such discrimination in the sale or rental of housing. No legal mechanism exists for pursuing complaints of housing discrimination.¹⁷⁸

¹⁷⁸ The parliament has an ombudsman office, which includes an ombudsman for minority affairs; the minority law also provides for the creation of local ombudsmen. However, very few localities have appointed any officials to these posts.

Experienced real estate agents know that, even in a particularly nice part of a good neighborhood, if the news gets around that a Gypsy has moved in, the prices of the neighboring apartments begin to nose-dive. Of course, the neighbors don't even know yet if the new resident is a nuclear physicist or a mass murderer. He's a Gypsy. Liberal-minded people think this is terrible. [They think] "Gypsies are people too. They also need a place to live. Of course, it would be best if it weren't in our neighborhood."¹⁷⁹

Where Roma do attempt to move into an apartment, the local population often opposes the move or reacts with hostility. In P. village in Pest county, after council housing was assigned to a Roma family in October 1994, residents of the apartment block presented a petition to the vice-mayor:

It has come to the attention of the residents of Kossuth L. street, Number 16, that the flat of the deceased Mrs. Mihály Markus has been allocated to a Gypsy family!! This is unacceptable for the residents. We are not racist, but we know that our present neighbors can hardly wait to leave from here! He is selling his flat for 100,000 forints. . . we have enough with the three Gypsy families who are already living here! We request that the directors change their plans, and keep the promise they made to us two months ago — that there wouldn't be any question of a Gypsy family moving in. *[signed by 17 people]*

Following a meeting between the council, the family, and the protesting residents to which Imre Furmann's human rights legal defense group invited

¹⁷⁹ János Dési, "Cigányok vagyunk," (We are Gypsies), *Magyar Hírlap*, April 8, 1995, p. 8.

numerous members of the press, the council did not revoke the housing assignment. Following the decision, the vice-mayor received the following anonymous letter:

Take the lousy Gypsies to your own house, you peasant whore!
We'll hang you along with the Gypsies! Soon!¹⁸⁰

Another case on which the same legal defense group has been working invites parallels to the problems Roma face when they apply for jobs in person:

¹⁸⁰ The NEKI Foundation visited the family after it had moved in, and reported that they have established friendly relations with their neighbors. "Fehér Füzet — Kivonatok a Nemzeti és Etnikai Kisebbségi Jogvédő Iroda dokumentációjából" (White Booklet — Extracts from the Documentation of the Legal Defense Bureau for National and Ethnic Minorities), pp. 32-34.

There was a Gypsy family that bought a piece of land. They sold their house and [with that money] bought a piece of land in Miskolc from two owners. The land had two owners. The first one, however, did not see who he was selling his land to until the signing of the preliminary contract. When he saw that it was a Gypsy family, he said that he simply would not sell to a Gypsy. The Gypsy family, meanwhile — a working family with three children — had already sold its own apartment, received the money for it, and handed it over to the first owner. So now here's this Gypsy family which has sold its own house, a new owner is going to arrive, and they are left with no place to live and no place to build, because they won't give them the land. We are going to sue this man, but this takes time, and where will they live until then?¹⁸¹

Furmann notes a disturbing change in the degree to which people are willing to discriminate openly and to talk about their action:

¹⁸¹ Human Rights Watch/Helsinki interview with Imre Furmann, director of NEKI (*Nemzeti és Etnikai Kisebbségi Jogvédő Iroda*, the Legal Defense Bureau for National and Ethnic Minorities), Budapest, June 22, 1995.

There was a similar case last year — a Gypsy family was refused credit [see *Revocation and Discriminatory Denial of Credit*, below]— but at that time the other residents of the street didn't dare admit that they had spoken with the one owner about not selling because it would devalue the other houses if a Gypsy family moved in. They didn't dare admit to [their prejudice] then — now, people do. . . this whole question about ethnic discrimination didn't exist a few years ago, or at least it wasn't so openly expressed — that is to say, it is absolutely certain that [prejudices] did exist then, but now the way they are being openly expressed. . . suggests that somehow the problem has become more serious.¹⁸²

FORCED EVICTIONS

The combination of increased homelessness and the privatization of large segments of the housing market since 1989 has created a large population of squatters, who occupy empty apartments; many of these squatters are Roma, although there are some Hungarians. Local governments have increasingly taken action to evict these squatters. While Human Rights Watch/Helsinki does not believe that these evictions should be characterized as solely or even directly motivated by anti-Roma prejudice, there are suggestions that decisions to evict are made selectively and disproportionately target Roma.

Human Rights Watch/Helsinki has not found evidence of a consistent pattern of deliberate, wholesale expulsions of the kind that were attempted under the former communist authorities as recently as the late 1980s.¹⁸³ Instead, local

¹⁸² Human Rights Watch/Helsinki interview with Imre Furmann, director of NEKI (*Nemzeti és Etnikai Kisebbségi Jogvédő Iroda*, the Legal Defense Bureau for National and Ethnic Minorities), Budapest, June 22, 1995.

¹⁸³ Such methods have not been entirely abandoned, according to a report by Aladár Horváth: in the economically depressed northeastern town of Ózd, in mid-1994, families living in "Cs" apartments (apartments without running water or basic utilities) in the center of town who were unable to pay their bills were to be moved *en masse* to the edge of the town and into a "Gypsy ghetto" in nearby Sátoraljaújhely by agreement with that town's government. The affected families fled to other locations in Ózd and to nearby villages. (Human Rights Watch/Helsinki interview with Aladár Horváth, Budapest, June 19, 1995.)

authorities seem to be engaging in an opportunistic pattern of evicting those with the least ability to resist, which means that in practice the great majority of forcible evictions involve Roma, who constitute only 5 percent of the population. As Judit Nagy of SZETA (*Szegényeket Támogató Alapítvány*, or Foundation to Assist the Poor, a social assistance organization that operated underground during the 1980s) explained in an interview about evictions in the eastern city of Debrecen in the fall of 1993, the authorities who initiate or sanction such expulsions rely on widespread indifference to the fate of Roma:

There won't be any scandal on account of these campaign-like evictions. It may be that this action doesn't only affect Gypsies, but since it principally affects them, well what could be easier than to make a Gypsy-question out of the whole thing. That way, it's easy to get public opinion to favor a literal interpretation of the law.¹⁸⁴

Most of the city governments, and district governments within Budapest, that have initiated programs to evict squatters employ private agencies to actually carry out the evictions. The evictions crews are frequently accompanied by private security guards and policemen, and Human Rights Watch/Helsinki has received numerous reports suggesting that these firms frequently attempt to intimidate Roma into leaving their apartments, or fail to inform Roma — many of whom have limited reading proficiency — of their rights to appeal, preferring instead to remove them forcibly, immediately and without notice.

Although evictions are sometimes carried out on a case-by-case basis, they are more frequently carried out in waves that are generally acknowledged to be unnecessarily harsh and arbitrary. Commentators likened the actions of the Debrecen municipal government in evicting fifty-four people, almost all Roma, to a “campaign.”¹⁸⁵ Judit Nagy pointed out that, in the Debrecen case, the long decline of the public housing system had contributed to the problem of squatting: “It should not be allowed to proceed in such a brutal manner in a place where there have been no council apartments built since 1987.”¹⁸⁶

¹⁸⁴ Tünde Sándor, “Cigánysorsra ítéelve”(Condemned to a Gypsy's Fate), *Magyar Hírlap*, October 11, 1993, p. 4.

¹⁸⁵ *Ibid.*

¹⁸⁶ *Ibid.*

There have been some modifications to the process since it first became widespread in the early 1990s. Local Roma officials have brokered an agreement with city officials in Budapest, whereby evictions are not to take place during the winter months, but many commentators do not see this concession as sufficient: "Basically they are just getting a license to evict nine months of the year."¹⁸⁷

¹⁸⁷ Human Rights Watch/Helsinki interview with Aladár Horváth, Budapest, June 19, 1995.

Although some Hungarians have also been evicted, the great majority are Roma. Mrs. Éva Kmetty Bártha, director of the Debrecen Family Assistance Service notes that there are both economic and prejudicial reasons why Roma are more likely to squat in the first place, and less likely to find any alternative when they are evicted: “finding a sublet for under 6,000 forints a month is impossible, and even if it were possible, then being a Gypsy or having children would be grounds for refusal.”¹⁸⁸

Municipal government officials maintain that the evictions are necessary to free up apartments for those on waiting lists for subsidized housing. However, several social workers, journalists, and Roma activists with whom Human Rights Watch/Helsinki spoke said that in fact very few of the emptied apartments make it onto the market.

Roma families facing eviction echoed that view in interviews with Human Rights Watch/Helsinki. Mrs. Árpád Horváth and her husband, both Roma, were living with their two children in a “*szoba-konyha*” apartment (one room and a kitchen) from which they were scheduled to be evicted when Human Rights Watch/Helsinki interviewed them. Mrs. Horváth noted that there were other squatters in the apartment block, including Hungarians, as well as empty apartments, but that only Roma had been evicted so far:

They put people out on the street and the apartment stays empty.

Why do they need our apartment? I don't understand; there are other empty apartments in this building. Why do they need this one? Where can I go? I've been here for three years.¹⁸⁹

Mrs. Horváth said she had approached the district government about the problem; “they told me that if I didn't want the commandos to come, I should leave the

¹⁸⁸ Tünde Sándor, “Cigánysorsra ítéltve”(Condemned to a Gypsy's Fate), *Magyar Hírlap*, October 11, 1993, p. 4.

¹⁸⁹ Human Rights Watch/Helsinki interview with Mrs. Árpád Horváth, Budapest, July 19, 1995.

apartment myself." When asked the reason for the evictions, her husband replied, "because there are lots of Gypsies."

REVOCATION AND DISCRIMINATORY DENIAL OF CREDIT

Two problems related to the increase in squatting involve discriminatory refusal to extend credit and revocation of earlier favorable credit, which disproportionately affected Roma and forced many into foreclosure and eviction. From the 1960s until the late 1980s, Roma were eligible for loans on very favorable terms as part of the ongoing relocation effort [see *Housing Policies and Discrimination to 1989*, above]. Following the removal of subsidies, banks offered mortgagors the opportunity to buy out their loans with a one-time lump sum; those who did not do so could continue to pay off the loans, but would now have to pay market interest rates (well over 30 percent at the time). Many Hungarians bought out their loans at that time, but many Roma, who were unemployed in far greater numbers, were unable to make the lump sum payment and later defaulted on the high-interest loans.¹⁹⁰ Havas, Kertesi, and Kemény note that, for many Roma:

The main problem today is not unbearable housing conditions, but the difficulty of maintaining existing housing standards, employment, and depleting incomes. More than a quarter of [Gypsy] families still owe part of the favorable building (or house buying) loan they borrowed before 1988. The amount to be paid back monthly on debts of this type has been considerably raised in the meantime, and this in itself means an insurmountable problem for the families concerned.¹⁹¹

In many instances, however, Human Rights Watch/Helsinki found that banks were engaging in even more direct discrimination, refusing to loan money to Roma. Imre Furmann relates one such case on which he worked:

The husband has been an employee of the Hungarian State Railways for thirty years, the wife has worked as a nurse for

¹⁹⁰ Human Rights Watch/Helsinki interview with Gábor Havas, Budapest, July 14, 1995.

¹⁹¹ "The Statistics of Deprivation — The Roma in Hungary," pp. 77-78.

about twenty-five years. They haven't ever had any trouble at work or where they live. In 1994 they tried to buy a house, but the OTP (*Országos Takarékpénztár*, the National Savings Bank) rejected their application for a loan without even submitting it to the review committee. According to several sources, this happened because one of the sellers intervened at the OTP, saying that this family shouldn't get a loan, because the value of the other houses on the street would decrease in value if a Gypsy family moved in. The seller of the house had been persuaded of this by the other residents of the street.¹⁹²

In some cases, the reasons for refusal reinforce other evidence about the separation of Roma and Hungarians. A woman interviewed by Human Rights Watch/Helsinki in a small border village in Somogy county reported that "a friend of mine went to the OTP [bank] to apply for a loan; she was told to go ask the new Gypsy minority self-government for credit."

DISCRIMINATORY EFFECTS OF THE COMPENSATION PROGRAM

A program of compensation for land seized by the communists has been criticized by many observers as indirectly discriminatory against Roma.

Following the second world war, the new communist authorities nationalized the large estates and redistributed the land to Hungarian peasants. Roma, still living in isolated communities, were almost entirely excluded from this process. Later programs to collectivize agriculture removed most of this land from private cultivation, but Hungarians retained formal title or interest in a collective equal to the value of their land.

The first post-communist government in 1990 initiated a program of compensation for those who had lost property in the nationalization and collectivization campaigns of the 1940s and 1950s. Former property owners received "Gold Crown" coupons based on the value of their confiscated property.

Roma who had worked — in some cases, for decades — on collectives generally did not receive any opportunity to buy land, even though many

¹⁹² "Fehér Füzet — Kivonatok a Nemzeti és Etnikai Kisebbségi Jogvédő Iroda dokumentációjából" (White Booklet — Extracts from the Documentation of the Legal Defense Bureau for National and Ethnic Minorities), p. 46.

Hungarians who had not put land or property into the collective had been allowed to develop an equity stake based on their contribution of labor.

Several commentators have identified a kind of “mirror discrimination:”

Just as they had been left out in 1945-1946, Roma did not share in the “second distribution of land” of recent years either. Since, with few rare exceptions, they had owned no land earlier, they could not obtain land through the coupon compensation scheme.

But very few received entitlement as “part owners” either, even though in recent decades many had been long-term employees of various cooperatives or state farms, earning their living through agricultural labor.¹⁹³

While the compensation programs did not directly discriminate against Roma because they compensated anyone who had owned land, they nonetheless reflect a continuing neglect for the marginalized Roma community in Hungary. The compensation programs were designed to give justice to disenfranchised land owners who themselves, in many cases, had first received their land in a land distribution program that was directly discriminatory against Roma.

¹⁹³ “The Statistics of Deprivation — The Roma in Hungary,” p. 80.

XV. DENIAL OF ACCESS TO PUBLIC ESTABLISHMENTS AND GOVERNMENT SERVICES

LIMITS ON PUBLIC ACCESS FOR ROMA BEFORE 1989

Roma have historically been very isolated from the Hungarian population, and their movements have often been restricted. Prior to the second world war, Roma were often required to obtain passes to enter Hungarian villages. Following the communist campaigns to integrate Roma into the work force and resettle them in Hungarian villages [see the sections on *Discrimination Against Roma in the Workplace* and *Discrimination in Housing*], daily contact between Roma and Hungarians became more commonplace, but separation in the social sphere persisted.

Exclusion of Roma from bars and other public establishments was prohibited by law, but continued in common practice, largely as a matter of tacet social custom. The legal bans on education in the Roma languages translated into strong discouragement of any public expression of cultural identity. A Roma from Somogy county recalls that, during the communist period, Roma were discouraged from using their languages in public: "They used to tell us, 'Gypsy isn't spoken here.' We couldn't really speak it in the open."¹⁹⁴ While official communist doctrine denied the existence of a separate cultural identity, and called upon Roma to look and act like Hungarians, tradition and custom relegated Roma to a lower social status.

THE PRESENT SITUATION

Since 1989, the exclusion of Roma has become more public and more common. Privatization of shops, restaurants, and bars has led to increased

¹⁹⁴ Human Rights Watch/Helsinki interview with Tibor Szegedi, Barcs, July 3, 1995.

willingness to exclude Roma patrons as “undesirables.” Human Rights Watch/Helsinki has received numerous and consistent reports from throughout the country of restricted access to public facilities for Roma. Many Roma activists are concerned that the barring of Roma from public places indicates a general rise in intolerance and a wider acceptance of its expression. Even owners of prominent establishments, such as the nightclub at the Economics University in Budapest, have openly admitted their policy of turning all Roma away at the door.

Roma are routinely refused entrance to discos, bars, restaurants and other public places on the basis of their ethnicity. A social worker in Budapest describes the conditions in his hometown of Sarospatak, in northeastern Hungary:

In Sarospatak and all of the surrounding towns Gypsies are not allowed into nightclubs and discos. If we ask the owners why we can't come in, they say “Gypsies aren't welcome — we can't let you in because you are a Gypsy.” In April of 1993 one of the representatives from our local council had the bouncer of one of these nightclubs sign a statement confirming that the owner refuses entrance to all Gypsies because they are Gypsies. This paper was brought to the mayor and eventually even to the Hungarian parliament, but there was no reaction. In October of 1994 I wanted to go to a club in Sarospatak with my wife (who is Hungarian). The bouncer told us that club membership was required to enter, but when we asked other people outside if they had club membership they didn't know what we were talking about and proceeded to enter the club without it. When other Gypsies in the community complain to me about this situation, all I can say to them is that we should be thankful that this is all we have to deal with and not the situation that exists in other parts of the country, where Gypsies have been beaten to death. But inside I am afraid, too, because I used to think the same thing about Gypsies being refused entrance to nightclubs in other parts of the country, and now that is happening here.¹⁹⁵

While many Hungarians insist that any tensions between Hungarians and Roma are largely confined to the economically depressed northeast, Human Rights Watch/Helsinki has recorded consistent reports of Roma being denied access to

¹⁹⁵ Human Rights Watch/Helsinki interview with Jenő Sötét, Budapest, July 19, 1995.

public accommodations in all parts of the country. In Mohács, near the Yugoslav border, community activist Ibolya Mihálovics confronted the bouncers at the local disco about their policy of excluding Roma:

The kids have been kept out of the Graffiti Disco for two years now, so I decided to go there myself to find out what was going on. I asked to speak to the owner. I went there three times, but they always told me the owner wasn't there, and eventually they told me to get the fuck out of there. There's no place else for these kids to go, so I've been organizing discos for them in my own house.¹⁹⁶

In larger towns where there are numerous establishments, teenagers interviewed by Human Rights Watch/Helsinki claimed that they are effectively segregated — refused entry to all of the discos except one: One teenager from Pécs, a city of nearly 200,000, complained that “for the past few years, most of the discos in Pécs have been refusing to let Roma in. There's only one that does — the ‘Gypsy disco.’”¹⁹⁷

Roma are often only able to gain access to public establishments if they are in the company of Hungarians. Even then, proprietors are often unwilling to serve them. Dezsó Simon, a teacher of Hungarian origin at the Gandhi secondary school reports the following incident:

The “Black Hat” Gypsy musical group had given a performance for our students. Afterwards we invited them to a neighborhood cafe where teachers from our school often go during the week. It was about 9:15 on a Saturday night, and the cafe was crowded. When the waiter came to our table he said that it was closing time, even though it is written on a sign on the wall that the cafe is open until midnight. He insisted that he couldn't serve us. I went up to the woman behind the counter and said “What is this all about? We come here from the school during the day and we're waited on, but at night we are refused service?” She responded that her boss had told her not to serve us. When I

¹⁹⁶ Human Rights Watch/Helsinki interview with Ibolya Mihálovics, Mohács, June 30, 1995.

¹⁹⁷ Human Rights Watch/Helsinki interview with Roma teenagers in Pécs, August 1995.

insisted, we finally received our drinks, but it was very embarrassing. The next day I went back alone and demanded to know what had happened. The waiter told me that the owner doesn't like Gypsies — that Gypsies have other places they can go to, but not this one. Then he said that in the future as long as they (Gypsies) come in with me, it's OK, he can serve them.

When in mixed groups, Roma are frequently singled out and excluded, while their Hungarian companions are served. Árpád Nagy, age 20, lives in a Red Cross shelter in Nagykanizsa in western Hungary. Nagy relates an incident that occurred in August 1994, when he was serving in the army:

There were seven of us, on our first leave — four Gypsies and three Hungarians. We went to the Skala disco, but were told by the bouncer that “Gypsies who have been drinking can't come in, and they can't drink, because they just fight and use knives.” The whole group left after that.

Roma experience discrimination outside of bars and other private establishments as well. While Roma are not barred from using public transportation, they are frequently subject to harassment and intimidation. Mrs. G. of Ózd related the following story:

I was riding on the tram in Budapest along with my sister and her daughter, who is seventeen years old. A group of skinheads got on and began to threaten us, asking “what are you stinking Gypsies doing on this tram?” I looked around for help, but the other passengers were smiling. . . We got off at the next stop, terrified that they would follow us, but they didn't.

OFFICIAL ATTITUDES

Roma are frequently an unwelcome presence in public buildings and government offices; it is generally assumed that they are there only for welfare assistance. Jenő Sötét, a social worker in Budapest, went into the district government offices on his first day of work:

The doorman of the building asked me what I was doing there — and told me that the welfare office was already closed for the day. When I began to protest he told me to get lost. Then I told him I was coming to work — that I worked there. He called upstairs to make sure — only when they told him it was true would he let me in.

Prejudices detectable in the general population reappear in treatment of Roma at the hands of government officials. A woman in Ózd reported on the reception she receives when she applies for welfare aid:

[The welfare worker] told me “You Gypsies always come here — why don’t you try working?” What can I say to that? They wouldn’t listen to me anyway. Then she tells me to get lost. Lately I have been asking for help in writing and mailing it in, so I won’t have to see the way they look at me, hear how they speak to me, because it’s so humiliating — because I, as a Gypsy, am not a person, because I go there to beg. They don’t appreciate that I have no other choice, that I am forced to go there. This isn’t just my situation — this is the situation of hundreds of people here.

The sum effect of separating Roma and Hungarians in the public sphere is that mutual distrust is reinforced, and the communities remain largely isolated from each other. Hungarians, having little contact with Roma, have little opportunity to change their negative opinions.¹⁹⁸ Roma remain, for most Hungarians, a pariah

¹⁹⁸ News reporting on Roma frequently does little to dispel prejudices and misperceptions. Much of the reporting that is done focuses on political infighting among Roma groups and crime. One reporter at a major newspaper acknowledged that many news outlets look for stories that conform to existing images about the Roma, and noted that his paper does not run too many substantive stories on Roma (or other minorities) because “people just wouldn’t be interested.” (Human Rights Watch/Helsinki interview with a journalist who requested anonymity, Budapest, July 1995.) This may be changing, however: during the summer of 1995, Human Rights Watch/Helsinki found a number of articles addressing the economic and social issues affecting the Roma and in December 1995, a privately organized news agency covering issues affecting the Roma community was established in Budapest. The organization, National Roma Press, reports that Roma-related stories in the Hungarian press tripled after it began operations (Alaina Lemon, “Roma Wire Service Begins Operations in Hungary,” OMRI Daily digest, no. 236, Part II, December 6, 1995, on the

minority. As József Orsós, another resident of the homeless shelter in Nagykanizsa explains, the cumulative effect of this unchallenged prejudice has become a part of everyday life for Roma in Hungary and sets the context for all relations between Hungarians and Roma:

In Zalaegerszeg [the county capital], it matters what race you are . . . there are lots of places where Gypsies aren't welcome. . . there is always a letter "C" [for "cigány," meaning Gypsy] on your back. . . if out of five Gypsies, one is bad, then all five are bad, according to the Hungarians. . . They teach their little kids this; it ruins them, it has a terrible effect on the kids — and on the Gypsies.

XVI. THE LEGAL SITUATION OF ROMA — FAILURE TO ENFORCE THE LAWS ON MINORITY AUTONOMY

Before the law, we played music; now we have a law that says we can play music. — *János Balogh, director of the Amalipe Gypsy Cultural Organization*

INTRODUCTION

On July 7, 1993, Act LXXVII/1993 on the Rights of National and Ethnic Minorities in Hungary was signed into law, promising to reverse a decades-long history of discrimination against and neglect of minorities in Hungarian law. The system that Hungary proposed to develop with The Minorities Law (LXXVII/1993) appears to be a promising advance in developing norms for the treatment of minorities; as such Human Rights Watch/Helsinki feels that the law is worthy of particularly close examination.

The Minorities Law contains, on paper, some of the most sweeping and extensive provisions for minorities in Europe. Moreover, the law and its preamble provide a legal and philosophical rationale for the protection and integration of minorities that not only fulfills the requirements of international human rights law, but also identifies the survival and prosperity of minority nations as an essential element of the modern Hungarian state. Although the document addresses the rights of all minorities, it also notes the special situation and needs of Roma, who have been subjected to formal discrimination under recent Hungarian law. The debate around the passage of the law also centered principally around the Roma, and it was widely acknowledged that they would be the principal object of any minority law.

Hungary was not required by the International Covenant on Civil and Political Rights to develop a law granting minorities a measure of political autonomy over cultural affairs and subsidizing minority education. However, having done so, it has an obligation to enforce the law. In fact, the Hungarian state and its local governments have not only disregarded the provisions of their own law, they have in many instances — most especially where Roma are involved — actively worked to undermine the minority rights recognized in international law and to deny Roma even those basic human rights that Hungarian law accords to all its citizens, minority or not.

THE LEGAL TREATMENT OF ROMA TO 1989

In the aftermath of the second world war, the existence of a Roma nationality or ethnicity, or of a “Gypsy problem” was generally ignored in Hungary. The ascendant communist ideology did not willingly recognize the existence of national minorities, and until 1989, as in the other socialist countries in the region, open expressions of a separate national identity by any minority were actively discouraged. In 1961, however, a resolution of the Central Committee¹⁹⁹ found that the Roma population of Hungary was in fact much larger than noted in the 1960 census (250,000 instead of 25,000) and declared that there existed a “Gypsy problem.” Roma were classified as a “disadvantaged social stratum,” further subdivided according to level of assimilation. Indeed, the “Gypsy problem” was formulated as a failure to assimilate into the larger Hungarian society: the Party declared its aim of fighting discrimination against Roma, but with the goal of “tak[ing] up the gauntlet against the prevailing prejudices which impeded the Gypsies’ assimilation.”²⁰⁰

Roma were later classified as an “ethnic minority,” as opposed to the “national minority” status given to Hungary’s other minority groups. This distinction carried with it substantive differences in the treatment and support received from the government and party; for example, while other minorities had the right to protect and nurture their cultures and languages, the Roma as an “ethnic” minority enjoyed no such right.

In the system of minority schools and cultural organizations that developed in Hungary from the late 1960s on, Roma received only minimal attention or were excluded outright. Roma culture and languages were not given the same status as

¹⁹⁹ See the previous Human Rights Watch/Helsinki report, *Struggling for Ethnic Identity — The Gypsies of Hungary*, pp. 5-6; also B. Mezey, et al. (eds.), *A magyarországi cigánykérdés dokumentumokban 1422-1985*, (Budapest: Kossuth Könyvkiadó, 1986).

²⁰⁰ Mezey, pp. 240-242.

those of groups that had a mother country. The state supported some expressions of Roma culture, especially song and dance, but any efforts to emphasize a separate Roma ethnic identity were discouraged. Throughout the 1970s and 1980s, there were sporadic efforts within the party to foster Roma cultural organizations, but most survived for only a few years and then were shut down.

Beginning in the mid-1980s, some informal groups began to form around issues affecting Roma; these groups met with increased success, especially in preventing the resettlement of Roma from the center of Miskolc in 1988.²⁰¹ In response, the government began a policy of encouraging and funding various Roma cultural groups which some commentators have described as *divide et impera*; by creating a number of groups dependent on the government for their budget, the government hoped to weaken and divide the growing movement to assert Roma identity and address issues facing Roma.²⁰² Most of these organizations existed only on paper, however, and the legal distinctions regarding “ethnic” and “national” minorities remained in force. Up through 1989, and even into the transition period, Roma in Hungary had a split legal identity: they were formally equal to and identical with all other Hungarians, while at the same time they had a separate legal status as a minority distinct from and inferior to all other minorities in Hungary.

THE 1993 MINORITIES LAW

Following the political transformations of 1988 and 1989 and the free elections of early 1990, increasing attention was focused on the question of Hungary’s minorities. The amended constitution recognizes, in Article 68, “the equality of all national and ethnic minorities, and guarantees their use of national

²⁰¹ Human Rights Watch/Helsinki interviews with Aladár Horváth, Budapest, June 19, 1995, and with János Bársony, July 17, 1995.

²⁰² Human Rights Watch/Helsinki interview with János Bársony, Budapest, July 17, 1995.

and ethnic cultures and languages." Article 70 authorizes the election of minority representatives to the parliament. These general constitutional guarantees were in practice ignored during the early transition period, and serious attempts were made both by the then coalition government and by the other parliamentary parties to sidestep constitutional guarantees, particularly for minorities.²⁰³

²⁰³ Constitution of the Republic of Hungary; Human Rights Watch/Helsinki interview with Gábor Noszkai, Budapest, June 22, 1995.

After 1989, minority groups were free to form and operate associations, and the number of Roma cultural and political organizations increased rapidly, to more than 200. Some commentators suggest that part of this increase was due to a continuation by the post-1989 coalition government of the same divide-and-conquer policies of the last communist governments, including what one commentator has referred to as the "use of both political and non-political tools" to neutralize groups.²⁰⁴ However, it is certain that much of the new activity in the Roma community must be attributed to the new freedom to organize in the political sphere.

In this atmosphere of renewed and increased activity among all the minorities in Hungary, and especially among the Roma, negotiations began among the government, the six parliamentary parties and representatives of minority groups on the formulation of a major law on the status of minorities in Hungary.

Beginning in 1990, negotiations were conducted between the coalition government (and later all parliamentary parties) and the Minority Roundtable, authorized to represent the country's minority groups,²⁰⁵ to draft a new law on the protection of minority rights. According to participants in the negotiations, including a lawyer for the Minority Roundtable, the government and parliamentary parties negotiated in bad faith on numerous issues, ignoring Roundtable suggestions. The February 1992 draft was negotiated among the six parliamentary parties alone, without Roundtable participation.

The February draft met with significant and vocal opposition from Roma groups and other minority groups, however. One of the most significant complaints was that the February draft, in violation of Article 68 of the constitution, maintained the substantive distinction between "ethnic" and "national" minorities from the

²⁰⁴ Human Rights Watch/Helsinki interview with János Bársony, Budapest, July 17, 1995.

²⁰⁵ The Minority Roundtable and the negotiation formula were modeled on the Opposition Roundtable, a collection of underground anti-communist and dissident movements that negotiated the transition to a multiparty system with the communist party and the government in 1989.

communist period, with different rights and protections given to each type of minority. Roma were the only one of the thirteen minorities assigned to the category of “ethnic,” a surprisingly open indication of the dismissive attitude of the Hungarian government towards its largest minority.

In the face of strong opposition from Roma and other minority groups, the February draft was withdrawn. On June 3, 1992, the constitutional court called on parliament to pass minority legislation by December 1, 1992, in order to bring statutory law into compliance with the amended constitution. A new draft was produced later that same month, and following protracted debate, was signed into law on July 7, 1993.²⁰⁶

It has been widely recognized by a number of commentators that Hungary’s motivation for the creation of a sweeping law on minority rights was based more on an interest in the large Hungarian minorities in neighboring countries than on a particular interest in the country’s own minorities. Hungary’s first post-communist government hoped to both provide a model for neighboring countries in their treatment of Hungarians and to put pressure on those countries by demonstrating to Western countries that Hungary was willing, not only to tolerate its minorities, but to foster their growth and well-being and to positively integrate them into society.

In effect, Roma are considered the only serious minority problem within the country. János Kozák, a prominent Roma politician, notes that:

The other twelve minorities don't have social problems of the same magnitude — for them the support [they receive] is enough to develop their cultural institutions. . . [but] as Gypsies, we have been marginalized for 600 years, and the cultural support we are being offered is just not enough to address our lack of education, meaningful employment and isolation.

The other twelve minorities in Hungary simply are not viewed as posing any threat to the state or to the integrity of Hungarian society; as the other minorities are much more assimilated, granting them cultural autonomy is not viewed as problematic. Roma identity, however, is seen as an implicit threat:

²⁰⁶ See the previous Human Rights Watch/Helsinki report, *Struggling for Ethnic Identity — The Gypsies of Hungary*, p. 15.

As regards minority rights there is seemingly democracy — a nice, quiet system built on democratic principles such as free and fair elections. But I'd like you to know that there is a single time bomb waiting to go off in this country: it's called the "Gypsy question."²⁰⁷

Many Hungarians voiced concern to Human Rights Watch/Helsinki about the rapid growth of the Roma population, and speculated that Roma would soon form a majority. One school principal in a small town with a present Roma population of 30 percent remarked on the importance of assimilating Roma: "Everyone would be better off if they would just assimilate. We Hungarians will be a minority in our own country soon enough, so it is important to assimilate them now." While such concerns are not objectively realistic — Roma constitute, at most, 6 percent of the population — they indicate a high level of anxiety about perceived cultural incursions by Roma.

²⁰⁷ Human Rights Watch/Helsinki interview with Ágnes Daróczi, Budapest, July 17, 1995.

An argument voiced by Hungarian government officials in favor of the new law creating minority governments was the desire to have a single competent negotiating partner for the government. With more than 200 registered Roma groups, it was argued, the government could not efficiently decide which groups should be contacted and consulted on various issues, or what these groups' constituencies really were.²⁰⁸ There were no groups "capable of negotiating" with the government; Dr. György Mohay, an official at the Budapest city government who acts as a liaison with minority groups, identified one of the principal purposes of the law as the creation of "one clear, competent representative for Gypsies," and although he criticizes the law for lacking guarantees and enforcement mechanisms, he does on that count call the law "a success, because it put an end to the multi-group chaos."²⁰⁹

PROVISIONS OF THE PRESENT LAW

On paper, LXXVII/1993 "Law on the Rights of National and Ethnic Minorities," or "Minorities Law,"²¹⁰ lays out an ambitious program for the

²⁰⁸ Human Rights Watch/Helsinki interview with Flórián Farkas, President of the National Gypsy Minority Self-Government, Szolnok, July 18, 1995.

²⁰⁹ Human Rights Watch/Helsinki interview with Dr. György Mohay, Budapest, June 20, 1995.

²¹⁰ The phrasing "national and ethnic" minorities was retained in the constitution, and even in later laws, such as the Minorities Law, principally because of the need to make the law include groups previously identified with those names. The Minorities Law notes, however, that there is no legal distinction between the two types of minorities.

simultaneous protection of minority rights and positive integration of minorities into the operations and existence of the state.

The law decrees extensive provisions for minority rights in education, culture, personal and political association, as well as voting rights. Further, it outlines a cultural autonomy for minorities by creating a system of local and national self-governments that have a territorial basis and their own democratic constituencies distinct from and independent of the regular system of elected local councils and the national legislature. This is potentially one of the most important new elements of the law from a human rights standpoint; as Gábor Noszkai points out, "previously there were laws dealing with minority rights, but this law is new because of the local and national minority self-governments it sets up."²¹¹

The law defines at length two separate categories of minority rights: those of the individual who belongs to a minority and those of the minority as a collective. The Minorities Law affirms the rights of minorities to use and develop their language and culture in their private life and in their private associations. To this end the law also reaffirms the general right of association as particularly applying to minorities, both as individuals and as a group. Minorities may form social and political organizations, may operate private schools and clubs, may form political parties. In short, the law affirms the right of minorities to participate in the developing civil society as a group.

Beyond these basic rights to be "left alone" and to associate, The Minorities Law enjoins the government to provide a variety of services and to secure an extensive array of rights for minorities; these rights principally involve culture and education. State-supported and financed education in the native language and culture is guaranteed; the state is required to provide training for teachers proficient in the language if none are available.

The law declares a right of cultural autonomy for minorities, expressed through the creation of a system of self-governments at the local and national level.

Each local self-government is established alongside the regular local governments, which were given increased powers in the decentralizing reforms of 1990. However, each minority self-government is supposed to be legally separate from the local governments. The local governments are required by the law to provide funding for the local minority self-governments, which have control over their own budgets, meetings, and activities. The law requires the local governments to extend

²¹¹ Human Rights Watch/Helsinki interview with Gábor Noszkai, Budapest, June 22, 1995.

a standing invitation to all council meetings to the president of the local minority self-government.

XVII. FAILURE TO IMPLEMENT THE MINORITIES LAW

Despite the many progressive provisions contained in the text of the Minorities Law, the law in fact includes very few substantial guarantees. Human Rights Watch/Helsinki has conducted interviews with several dozen representatives of local Roma self-governments and has identified a pattern of under funded and isolated Roma groups, which in many instances are even being denied access to information about their responsibilities and rights as elected council members. Furthermore, these minority self-governments have, in some cases, become a tool for perpetrating discrimination against Roma and frustrating the rule of law with respect to minorities.

No substantive financial guarantees are included in the law, and requirements that local governments finance the minority self-governments are couched in the phrase “within the limits of its available resources.”²¹² The total guaranteed participation of the minority self-governments in the decisions of the local council regarding educational and cultural matters is the right to consult at council meetings, even when these matters directly affect the minority community.²¹³ Actual funding has been minimal, which has severely handicapped the operation of the minority self-governments.

Moreover, Human Rights Watch/Helsinki has received numerous and substantial reports of irregularities in the financing and conduct of the elections to the minority councils at the national level. These irregularities suggest a pattern of willful intervention by the Hungarian government, which is attempting to marginalize the recently-granted cultural autonomy of its minorities, and most

²¹² See, for example, the Minorities Law, section 27 § 3 and 4.

²¹³ The law allows minority self-governments to operate schools and cultural facilities, using state funds, but to date no school or facility has been handed over to a minority self-government.

especially of the Roma. Because these new self-governments are promoted as the principal means for protecting and fostering minority communities in Hungary, Human Rights Watch/Helsinki views their marginalization as a serious threat to the protection of minority rights.

INTERFERENCE IN THE NATIONAL MINORITY ELECTION

Human Rights Watch/Helsinki has catalogued signs of active government interference in the elections for the national Roma self-government. Government officials responsible for the organization of the election made efforts to discourage participation by electors and to bias the proceedings to favor the election of one party's slate of candidates. Pre-election funding allocated by the government seems also to have been designed to predetermine the outcome of an election which was to have created a sovereign and autonomous minority government for Hungary's Roma.

Biased Regulations and Logistics

Although the other twelve minorities had their elections in Budapest, in the meeting hall of the city council, the national elections board chose to put the Roma election in Szolnok, a provincial town that is also the headquarters of Lungo Drom, the lead group in the campaign coalition that swept all 53 seats.

Electors lived in every section of the country, and connections to a provincial town like Szolnok are much more difficult than to Budapest. Numerous critics have charged that this was an attempt to give the Lungo Drom coalition a "home field advantage" in the election.²¹⁴ Others suggest that the purpose was to reduce the number of electors who would actually choose to, or be able to, attend the election, with the hope that, if a quorum were not attained, the election would be canceled. *Magyar Narancs*, a prominent political journal, noted:

²¹⁴ "A Lungo Drom tarolt" (Lungo Drom Saved), *Magyar Hírlap*, April 11, 1995.

The national elections board came under heavy criticism when it announced that the elections would be [in Szolnok]. It isn't easy to get to Szolnok from the more distant parts of the countryside; considering that the 75 percent quorum — which in Hungarian practice is rather high — required that the Roma turn out in greater numbers than they customarily do, and that for professional reasons the administrative experts at the Ministry of the Interior aren't very enthusiastic about the minority self-governments, many people have been of the opinion that there would not be the required number, and to its shame the most populous minority would be shown to be unable to govern itself.²¹⁵

The elections board did provide buses from collection points around the country, but in many cases the journey to the site was a half-day trip, with the return trip that same night. Zoltán Tóth, the director of the Interior Ministry's elections office, maintained in a press interview that there were no available sites large enough in the capital,²¹⁶ apparently due to a Spring Festival; however, Human Rights Watch/Helsinki found that the festival and the elections did not in fact coincide.²¹⁷ Flórián Farkas, the head of Lungo Drom and President of the National Gypsy Minority Self-government, insisted in an interview with Human Rights Watch/Helsinki that he was not consulted in the selection of Szolnok as the election site, and that he even begged the board not to choose Szolnok:

The national elections committee has sovereign authority to decide where to organize the elections; it looked for stadiums in several cities, but didn't find anything. . .they told us nothing about it. I had no influence over the decision.²¹⁸

²¹⁵ "Fegyelmezett többség" (Disciplined Majority), *Magyar Narancs*, April 13, 1995, p. 18.

²¹⁶ Human Rights Watch/Helsinki interview with Dr. Ferenc Salamon, July 6, 1995.

²¹⁷ Human Rights Watch/Helsinki interview with Gábor Noskai, Budapest, June 22, 1995.

²¹⁸ Human Rights Watch/Helsinki interview with Flórián Farkas, President of the National Gypsy Minority Self-Government, Szolnok, July 18, 1995.

Farkas acknowledged that he was consulted, at a meeting between Roma groups and the government, regarding the site, and that the selection of Szolnok was discussed; he also said that the other Roma groups agreed with him. However, he acknowledged that other groups had very little choice in the matter: "[the groups] were called together and told that a place had been found in Szolnok, and the elections committee wanted their opinion as to whether the elections should take place or be canceled."

In fact, a member of the national elections board, Dr. Ferenc Salamon, reported to Human Rights Watch/Helsinki that Farkas had been closely consulted, as early as February 1995, fully nine months before the elections:

The elections office of the Interior Ministry asked the then national representatives of the minorities for their suggestions as to the location and time [of the election]," and that "the future head of the Gypsy minority self-government, Flórián Farkas represented the Gypsy minority at the national elections board meeting. . . alone."²¹⁹

Moreover the Roma elections were scheduled for the last day allowed by the law; had they been canceled for any reason, the Roma minority would not have had the right to form a national self-government for another four years, a possibility that some commentators suggest was used to strong-arm the various groups involved in the campaign.²²⁰

The political and cultural weekly *Beszélő* summarized the circumstantial evidence regarding the selection of Szolnok:

However, this election — to which it was hardest to call together the electors, which demanded the most time, in which the sharpest conflicts between the competing organizations could be expected, in which the proportion of electors arriving from different parts of the country, and even the time of their arrival, could have decisive significance — was taken out of the capital,

²¹⁹ Human Rights Watch/Helsinki interview with Dr. Ferenc Salamon, July 6, 1995.

²²⁰ Human Rights Watch/Helsinki interviews with Dr. Gábor Noszkai, Budapest, June 22, 1995, János Bogdán, Pécs, July 1, 1995, Dr. János Bársony, Budapest, July 17, 1995, and Flórián Farkas, Szolnok, July 18, 1995.

which has the best communications, the greatest number of reception halls and the most hotel space, and was put in Szolnok, the seat of Lungo Drom (The Long Road), the only large Roma organization not run from the capital.

The national elections board, with the comic excuse that it couldn't find a single available venue in the capital, took Lungo Drom's suggestion that the elections be held at its home base in the municipal sport hall, and made it their own.²²¹

The rules adopted by the elections board, the logistical preparations and the conduct of officials at the polling site itself suggest at the least a casual indifference regarding the standards of democratic participation and the particular importance of this election and, in the opinion of many observers, actually points to a willful interference by members of the government.

²²¹ Révész Sándor, "Hosszú útról visszatérni. . .(Returning from a Long Journey. . .)," *Beszélő*, April 13, 1995.

The regulations developed for the minority elections call for the use of the “small list” system of voting, in which votes are cast for as many individual names as there are seats, rather than for parties or blocs. In Hungary, this system is generally only used in very small communities, not in electoral voting. “Small list” voting results in a winner-take-all system; many commentators have maintained that in fact the government’s aim was to create a unitary “negotiating partner.”²²²

Although the voting was supposed to be conducted in secret, a total of six booths were provided for over 1,600 electors, each of whom had to vote for fifty-three separate names from a list of 278 candidates. By some calculations, the voting would have taken several days if it had in fact been conducted as a secret vote with only six booths. Films taken during the voting show clearly that electors filled their ballots out at their seats, often jointly. The films also show at least one elector receiving five ballots; during the preliminary nominating process, done by a show of hands, electors are shown voting with two hands.²²³ One member of the second-place coalition was not included on the ballots, though this was later corrected. The free buses provided also departed from Szolnok before the balloting was complete, allowing only local electors to stay for the conclusion and the tabulation of results.

²²² Human Rights Watch/Helsinki interviews with Ágnes Daróczi and Dr. János Bársony, Budapest, July 17, 1995, Dr. György Mohay, Budapest, June 20, 1995, Dr. Gábor Noszkai, Budapest, June 22, 1995, and János Bogdán, Pécs, July 1, 1995.

²²³ Footage shot by Patrín Cigány Magazin, the weekly Roma news and culture magazine of Magyar Televízió.

Other activities also suggest a disregard for the standards of a democratic election. Beer was on sale in the stadium during voting; one monitor noted to Human Rights Watch/Helsinki that when he approached the beer stand with a camera, the workers shut down the operation. *Magyar Narancs* called this and other elements of the logistics a “delicate paternalism.”²²⁴ Asked to respond to these allegations in an interview, Flórian, head of the winning coalition Lungo Drom, called the election for the Gypsy National Minority Self-Government “perfectly organized” and “the most democratic election possible.”

Prejudicial Court Decisions

Despite receiving protests and evidence regarding the above-mentioned violations, the national elections board certified the election. A protest requesting the invalidation of the election that was lodged with the Supreme Court was rejected on April 19, even though the Court acknowledged that several of the more important violations had in fact occurred:

The plaintiffs were not able to prove that during the voting the invitations of such electors as were not present were also used. It is nonetheless true that before the secret ballot began one elector was able to receive several ballots if he showed several stamped registration cards. The videotape proves without doubt that several ballots were distributed in this manner. However, neither the plaintiffs nor the videotape proved that the ballots received by the elector in question were actually filled out by that same elector. . . The irregular conduct of the electors is unambiguously evident on the tape, but this in itself does not call into question the correctness of the election committee’s conduct, since. . . considering the large number of electors, the members of the elections committee could not be everywhere. . . The plaintiffs also alleged that the elections committee failed to ensure the conditions necessary for a secret ballot. Without a doubt, the circumstances were not unobjectionable, but if we consider the number of electors and polling booths, there was in theory the opportunity for the electors to cast their ballots in the booths. The videotape shows that some electors violated the rules of secret ballot, but the plaintiffs have been able to prove only a few

²²⁴ “Fegyelmezett többség” (Disciplined Majority), *Magyar Narancs*, April 13, 1995, p. 18.

such instances; the election committees cannot be found responsible because of the electors' own undisciplined behavior.²²⁵

²²⁵ Supreme Court of the Hungarian Republic, Kfv.I.27.392/1995/5, pp. 4-5., decision handed down on April 19, 1995.

The court noted but did not address the complaint that 304 ballots may not have been counted at all in the final official tally, a charge supported by *Beszélő*.²²⁶ The court concluded that “considering their nature, weight, and demonstrated number, the listed violations did not influence the final result of the national Roma self-government election, and therefore there are no grounds to invalidate the results of the election.”²²⁷

However, just two weeks before, on March 29, the Capital City Court had voted to invalidate the Budapest City Roma minority self-government election when

²²⁶ Numerous commentators speculated in interviews with Human Rights Watch/Helsinki that there had been active efforts by the national elections board to forge the results of the Szolnok election, but Human Rights Watch/Helsinki has found no evidence to support these claims.

²²⁷ Supreme Court of the Hungarian Republic, Kfv.I.27.392/1995/5, p. 5., decision handed down on April 19, 1995.

a single candidate's name was misspelled, specifically refuting the ruling of a vote-counting committee that the error, which had been discovered during the voting, did not affect the final result.²²⁸ That decision was upheld by the Supreme Court, eleven days before rejecting the request to invalidate the national elections.²²⁹

Commentators suggest that the court's decision to overturn the city election for a single infraction while refusing to invalidate the national election despite a long list of serious violations demonstrates that pressure was brought to bear on the court, or that the court agreed, to produce a decision that would compromise the independence and integrity of the Roma self-government elections. Human

²²⁸ "Taking all this into account, the speculative finding of the Capital City Elections Board stated that '[the misspelled name] did not considerably influence the result of the election.' There can be no question but that this finding has no merit, since one can only speculate as to how many votes the plaintiff would have received if the voting had been according to form. The [law] does not recognize any factors or circumstances that 'considerably affect' or 'do not considerably affect' the results; only an exact and legal finding of the results is recognized." Capital City Court, 4. Kpk. 32 917/1995/2. decision handed down on March 29, 1995.

²²⁹ The Supreme Court refused to consider an appeal of the Capital City Court's ruling on the grounds that Hungarian law does not allow for appeals to the Supreme Court of county or Capital City court decisions regarding the validity of election board certifications. Also, the appeal was filed after the three-day period allowed for appeals of election decisions had expired. Supreme Court of the Hungarian Republic, Kfv. III. 27366/1995/3. decision handed down on April 7, 1995.

Rights Watch/Helsinki believes that the pervasiveness of the pattern of disregard for the correct forms and procedures of a democratic election, and the refusal of the courts to address serious questions regarding irregularities in the elections, strongly points to an intrusive government policy that seeks to influence the formation of the first independent Roma self-government, in which the courts have acquiesced.

Financial Interference

Even more serious are signs that the government may have taken an active role in trying to decide the outcome of the election itself by selectively financing the candidate coalitions. The lead group of the winning coalition was the recipient of far more government money than any other Roma political party in the three years preceding the election, and the government appropriations for 1995 were moved forward by several months, in a move that many commentators see as indirect and unequal campaign financing aimed at 'buying' the election. [*See Appendix A.*]

In total, Lungo Drom received nearly twice as much as any other Roma organization over the three years preceding the election; in 1994, it received twice as much money as Phralipe, which was its principal rival in the elections. Moreover, funding for 1995 was distributed early in the year, before the elections, in contrast to standard practice in previous years.

These facts suggest that the government's decision to fund Lungo Drom may indeed have been based on a desire to influence the elections. Certainly, the government's stated position that money was distributed based solely on an organization's membership strength, prior accomplishments, and — in 1995 — strength in the local elections is inconsistent: several organizations received very large grants despite having very few candidates, or even none, while other groups that fielded large lists received no government support. In any event, there is good evidence that the uneven funding provided by the government was a factor in the outcome of the elections.

INTERFERENCE IN LOCAL MINORITY ELECTIONS

The elections for the local minority self-governments took place on December 11, 1994, at the same time as the state-wide local elections. On the basis of those elections, more than 600 local minority governments were formed, including more than 400 Roma governments. Human Rights Watch/Helsinki has received only scattered reports of irregularities in these local elections, and there seems to have been no significant pattern of interference, although in some instances local government officials failed to provide information regarding the

elections. Numerous local officials interviewed by Human Rights Watch/Helsinki expressed the opinion that there was no need to have a Roma council, but there seem to have been relatively few instances in which officials actively discouraged the formation of minority self-governments.

General ignorance seems to have played the most important part in the failure to provide information to Roma organizations and candidates. In Human Rights Watch/Helsinki interviews, many town officials revealed a scarce knowledge of their Roma communities and contempt for the idea of Roma minority councils. In the southwestern village of Szedres, the registrar questioned the need for a minority council, noting that the local Roma leaders could not even read Romany:

We received information on the elections in the Gypsy language, and when I showed it to Imre [a candidate for the minority self-government], he couldn't even read it.²³⁰

The information was written in Romany and the Roma of Szedres speak Beash, a language related to Romanian.

INTERFERENCE WITH THE OPERATIONS OF THE MINORITY GOVERNMENTS

While the Minorities Law contains few solid guarantees and has been widely criticized by both Roma leaders and those of other minority communities in Hungary, even those substantive provisions that it does contain have been widely ignored or circumvented by local Hungarian leaders responsible for their implementation.

Human Rights Watch/Helsinki interviewed numerous local minority self-government officials, Hungarian local council officials, and individual citizens who have had dealings with both forms of councils in the months since the minority self-governments were formed. Based on these interviews and documents submitted by some of the self-governments, Human Rights Watch/Helsinki has concluded that

²³⁰ Human Rights Watch/Helsinki interview with Sándor Honti, Szedres registrar, August 1, 1995.

there is widespread refusal by Hungarian local council officials to comply with the provisions of The Minorities Law, including both passive non-compliance with the provisions of the law and active violations.

Specifically, officials have refused to fund the self-governments or to provide them with required office space and facilities; have denied minority self-government representatives their legal access to local council meetings; have failed to provide, and even actively blocked provision of, information necessary to the minority self-governments.²³¹

Obstruction of Funding

Following the elections in December 1994, local Roma self-governments were formed in 422 communities.²³² The law provides that the local minority self-

²³¹ Human Rights Watch/Helsinki has not found any evidence of active interference with the operations of the national self-government itself. A considerable sum, 72 million forints, has been allocated for the operational budget of the national council. However, the promised monies have not yet been transferred, according to President Flórián Farkas, and the national-level organization has yet to initiate any significant activity or program.

²³² 436 Roma self-governments were elected, but fourteen were declared invalid; approximately ten more have since folded. Gábor Czene, "Lesz-e egység a cigány közéletben?" (Will There Be Unity in the Gypsy Community?), *Népszabadság*, April 3, 1995. Also, figures from the National Gypsy Minority Self-Government based in Szolnok, and from Dr. György Mohay. An additional sixty-one Roma self-governments were formed in a second round of elections held in November 1995. MTI News Agency, Budapest, in

governments be funded both by direct grants from the government and by the local councils, which are enjoined to ensure the ability of the minority self-governments to function:

English: "Hungary: Preliminary Results of Minority Local Government Elections Given," November 20, 1995; on Reuters Textline/BBC Monitoring Service, November 21, 1995, available on Lexis/Nexis.

On the initiative of the minority local government, the body of representatives of the local government of the settlement is bound to determine the assets to be provided for use by the minority local government to ensure its proper functioning as defined by the related legal measures. These assets and funds shall be specified in detail.²³³

The national government has in fact made a grant of 114,000 forints to each local minority self-government, regardless of size, for the first fiscal year. An additional 43 million forints is supposed to be allocated to individual local Roma minority self-governments based on criteria determined by the Interior Ministry, a formula which seems to encourage intervention in the activities of the local self-governments.²³⁴ One member of the former Minority Roundtable, noting that there

²³³ The Minorities Law, section 27 § 2.

²³⁴ The original plan called for the national councils themselves to determine how to distribute this money, but that was later revised. The Interior Ministry has in any event sought the advice of the national council in deciding which councils get the money. A total of 70 million forints is being distributed to all of Hungary's minorities, from which a 43 million forint share goes to the Roma.

is no guarantee as to which local minority governments will receive this additional payment, characterized it as a "reward for faithfulness."²³⁵ To date, none of this additional money has been distributed.²³⁶

In fact, the actual amount of money received from the national government is fairly small — amounting to roughly one-half year's salary for one person — and is certainly insufficient actually to fund any programs or activities. One local self-government reported: "We got 114,000 forints, but this is such a small amount that it will only be enough to pay for heating, electricity, and the telephone bill until December."²³⁷ Several representatives who spoke to Human Rights Watch/Helsinki said that the funding they have received from the national government has already run out.

The law stipulates that the main source of funding for each minority self-government is its corresponding local council, which represents all the citizens in a given territory. However, Human Rights Watch/Helsinki has found that most of the Roma self-governments are in fact receiving no more than token funding from the local councils; in many towns and villages, Roma self-governments simply have not received any funding or office space at all from the local council.

²³⁵ Human Rights Watch/Helsinki Interview with Ágnes Daróczy, anchor for the weekly 'Patrin Cigány Magazin' Roma television program, and Dr. János Bársony, lawyer and former member of the Minority Roundtable, in Budapest on July 17, 1995.

²³⁶ The central government did recently authorize two million forints for the extant Roma art and cultural museum in Pécs. Alaina Lemon, "Romani Museum in Pécs in Hungary," OMRI Daily Digest, no. 40, Part II, February 26, 1996. Also on WWW at: <http://www.omri.cz/Publications/Analytical.Index.html>.

²³⁷ Report from the Roma self-government of Ónod, in Borsod County.

Reports submitted to the national Roma minority self-government by the local Roma self-governments show that the local councils are largely refusing to provide funding to their Roma counterparts:

- Szabadszállás, Bács-Kiskun County: “We get very little material support, hardly enough for our operational expenses. . . They offered us an empty, broken-down office, which was completely unacceptable. We don’t have any supplies or equipment. They won’t even let us use the telephone in the local council office.”
- Arnóti, Borsod County: “The local council has a building in its possession, but they have refused to release it for our use. We’re working with absolutely nothing.”
- Csaholcs, Szabolcs-Szatmár County: “We can’t carry out any of our plans because we don’t have any money.”
- Bák, Zala County: “We don’t have anything: no telephone, no office.”
- Tarpa, Szabolcs-Szatmár County: “The local council does not want the Gypsy council to function. . . We don’t have any office; they haven’t given us anything.”

State Ombudsman Jenő Kaltenbach acknowledged that his office, which was formed only in the summer of 1995 and deals with violations of minority rights, has received the great majority of its complaints from Roma, including many Roma self-governments, which principally complain, that “[they] do not receive the necessary support; the local authorities — mayors, registrars, etc. — if not directly opposing them, do not make any effort to help them, or try to treat them in accordance with their rights.”²³⁸

Local councils are themselves struggling under the financial cuts they have sustained in the government austerity program; this, combined with traditional attitudes toward Roma, has made funding the minority self-governments a low priority. A report from Ónod, Borsod County, acknowledges this dual difficulty:

²³⁸ Human Rights Watch/Helsinki Interview with Jenő Kaltenbach, October 31, 1995.

Unfortunately, there are lots of walls, which are not easy to tear down. We come from another world, and it's hard to make ourselves accepted. The local council is in a difficult position, and they can't help us materially, and so our work isn't really going so smoothly. . . With time, they will come to realize that we're really working for their benefit.

Many Roma self-governments have been vocal in demanding the financial support that the law guarantees them. Most notably, the self-government for the large northeastern city of Miskolc has brought suit against the city's local council for failing to provide the financial support mandated under the law. Their suit is being supported by Roma rights activists in Budapest.

Each of Miskolc's three minorities has in fact received 500,000 forints from the city council for the 1995 fiscal year, but Ernő Kala, the self-government president, notes that this distribution is inequitable and does not reflect either the proportions in the population or the problems facing each minority: the other two minorities in Miskolc, Greeks and Slovaks, number only a few hundred individuals, while Miskolc is home to 16,000 Roma.²³⁹ Kala is presently running the self-government out of his own apartment.

Kala adds that the economic and social problems facing Roma are also very different than those facing the other minorities.

True, social programs are not the self-government's responsibility, but an office is a minimum. . . Education and culture are the main issues this council is supposed to deal with, but how can I support education without money?

Even when funding has been provided, the local councils generally retain practical control of the budget, keeping the minority self-governments in a dependent position. The town of Ózd in the depressed industrial northeast is frequently cited as an example of the possibility for cooperation between local councils and Roma minority self-governments. Ózd, with a population of 47,000, has a Roma population of approximately 14,000, making it one of the largest concentrations of Roma in the country. With the closure of the only principal

²³⁹ The total population of Miskolc is about 194,000.

industry, a steel plant, unemployment has soared; most of the town lives on government assistance. In this situation, the local council voted to appropriate 3.5 million forints for the establishment and first year operating costs of the new Ózd Roma self-government, including an office, a move widely seen as a positive attempt to create change in an environment in which tensions between the two communities has been growing.

Human Rights Watch/Helsinki interviewed members of the minority self-government, the vice mayor, a policeman, and numerous citizens in the town, both Hungarians and Roma, as well as examining some of the minority self-government's financial records, and found that even here the self-government remains effectively subordinate to the local council.

The 3.5 million forint grant is administered by the local council, and the members of the Roma minority government must request access to these funds, although the law expressly gives self-governments the right to administer their own budgets.²⁴⁰ Moreover, in their original allocation the local council earmarked almost all the funds for specific purposes (including salaries, honoraria, office supplies and equipment, rent and utilities); the actual amount that may be available to the self-government for discretionary spending on programs of its own choice is less than 400,000 forints. When members of the self-government recently requested 20,000 forints to bestow an honorary award on a teacher who had worked with Roma students, the local council refused the request.²⁴¹

²⁴⁰ The Minorities Law section 27 § 1 (b), and elsewhere. However, two members of the Ózd Roma self-government interviewed by Human Rights Watch/Helsinki insisted that they favored the present arrangement, since "we don't yet have the experience to manage such a budget. In the future, we hope it will be different."

²⁴¹ Human Rights Watch/Helsinki interview with Aladár Kotai and András Györi in Ózd, July 23, 1995.

Most of the Roma minority councils interviewed by Human Rights Watch/Helsinki expressed great frustration with a law that promised much but has delivered little. János Kozák, president of the Roma council in Pápa, likens the minimal support his self-government has received to "bones thrown to hungry lions."²⁴²

RELATIONS WITH THE COUNCILS IN GENERAL

²⁴² Human Rights Watch/Helsinki interview with János Kozák, July 11, 1995.

Many Roma leaders interviewed by Human Rights Watch/Helsinki suggest that even apparently good relations between local councils and Roma self-governments mask a very tense situation. "Our relations with the local council are quite good," asserted one minority self-government representative from Somogy County, but added, "of course, that's because we haven't asked them for anything yet."²⁴³

Some Roma leaders describe their situation as a "Catch-22:" at present, Roma are effectively excluded from schools, political life, and much of commerce, but outward relations with their Hungarian neighbors are fairly amicable. If, however, the Roma councils begin to agitate for improvements, elements of the Hungarian populace are likely to respond negatively, and the situation may very well deteriorate.²⁴⁴ Attorney Gábor Noszkai explains that tensions have already increased due to the very presence of minority self-governments:

Essentially, the problem is that the minority self-governments are not going to be able to realize the hopes kindled by this law. The Gypsies believed that there would be a minority self-government and that then all their problems would be solved. Instead, along with all the old conflicts, now there are a lot of new ones. These minority self-governments now find themselves between a rock and a hard place. On the one hand the local Gypsies are expecting a lot from them, and on the other hand the city council sees them as a burden — something else upon which money has

²⁴³ Human Rights Watch/Helsinki interview with Roma self-government representatives, Somogy County, August 1995.

²⁴⁴ Human Rights Watch/Helsinki with János Balogh, Budapest, August 16, 1995; also interviews with Roma self-government representatives in Somogy County, July and August 1995; Tolna and Zala Counties, July 1995, and Borsod County, July 1995.

to be spent out of an ever-shrinking budget. And something which they are mandated by law to spend money on, to provide offices for, to provide with a budget, and this is definitely going to be a source of new conflicts. The situation is bad.²⁴⁵

The rising expectations of Roma are countered by resistance on the part of Hungarian administrators and the Hungarian population in general. The local Roma self-government in Szedres, a village with a sizable Roma minority in Tolna County in western Hungary, has received a sparsely furnished office but no funds for its operating budget or for other programs from the local council. Imre Konr d, president of the minority self-government, describes the relations between the two councils:

²⁴⁵ Human Rights Watch/Helsinki interview with G bor Noszkai, Budapest, June 22, 1995.

Somewhere along the line the connection turned sour. There is opposition in the country to all the money that Gypsies are supposed to be getting, and here in Szedres there has been a reaction to this on the part of the local council. . . We can't even get money to cover our operating expenses. They don't see the point of the minority self-government.²⁴⁶

The registrar of the Szedres local council, Sándor Honti, characterized the level of assistance and the tensions between the two bodies differently:

They received maximum support from the local council. They relied on money from the council, but their [the minority self-government's] planned sphere of activity was very large. The council also has a budget; if we had additional sources, we could find money for them besides the 114,000 [from the government]. . . There is a lot of misunderstanding about what rights the self-governments have.”

At present, Honti acknowledged, the Szedres council is not giving the Roma government any money. Asked about the possibility for cooperation between the two bodies, Honti responded: “They should have to initiate it, not us. . . They are inflexible; they demand too much. . . If the Roma say that there is tension, they are just creating it themselves.”

Many local council members demonstrate a disdain for the new self-governments, and a belief that there is no need to cooperate with the self-governments or to provide them with information that the law mandates, as demonstrated in reports collected at the national Roma self-government headquarters:

- Arnóti, Borsod County: “We have the worst relationship possible with the local council. They don't help us in our work, they don't support us materially, they pay no attention to our suggestions, they don't place the requests and suggestions that we submit onto the agenda [of the council meetings].”

²⁴⁶ Human Rights Watch/Helsinki interview with Imre Konrád, Szedres, August 1, 1995.

- Heves, Heves County: “As usual, people are afraid of new things. They don’t understand why [the minority self-government] was established. That’s why public opinion is so divided: some are pleased that it’s working, and they’re asking for our help, while others take a very negative stance.”
- Hernádpetri, Borsod County: “Our little community is completely closed off from the larger community — from the town. We don’t get help or information from anywhere, and so we have to solve all of our problems ourselves, and we have to convince the local council that we have rights.”
- Szabadszállás, Bacs-Kiskun County: “The local council refuses to recognize us; we feel that the local council is anti-Gypsy. It would never occur to them to give some support to such a disadvantaged people.”

Ernő Kala reported that the city councilors in Miskolc are vocally unwilling to work with the new Roma council:

Most people are filled with prejudice. During a break in a meeting of the local council, I heard one of the representatives say to another, “What is a Gypsy doing, coming here to negotiate with us?” I was sitting no more than three meters away.²⁴⁷

²⁴⁷ Human Rights Watch/Helsinki interview with Ernő Kala, Miskolc, July 21, 1995.

Some of the government's symbolic gestures seemed designed to embarrass or even insult the Roma councils. The government initially offered the Roma national self-government a large building on the main boulevard of Budapest for use as its headquarters; until 1989, the building, 60 Andrássy Boulevard, served as the headquarters of the AVH, the communist-era secret police, and is the most notorious address in Hungary. Following protests from Roma organizations, the government withdrew the offer and arranged for another site.²⁴⁸

Negative reaction to the new minority self-governments has not been confined to opposition within the local councils, but has also manifested itself in the general populace. In some cases, people have turned to aggressive and violent expressions of their disagreement with the idea of minority self-government. In Jászberény, the Roma minority office has had its windows broken in and its sign vandalized.

The marginalization and isolation of the minority self-governments has reached extremes in certain cases. In Fonó, a small village in western Hungary, the self-government has already closed down. Human Rights Watch/Helsinki conducted interviews with all three members of the former body, one of whom is Hungarian. It is certain that a number of ethnic Hungarians voted in the election as well, since there were more votes cast than there are voting Roma in the village.²⁴⁹ A few months after the elections, due to extremely poor relations with the local council, the minority self-government collapsed when two of its members, including the Hungarian, resigned.

József Orsós, the former president of the defunct self-government — the sole member who did not resign — described the resistance to the new body that the local council mounted:

²⁴⁸ Human Rights Watch/Helsinki interview with Flórián Farkas, Budapest, July 18, 1995.

²⁴⁹ The law allows anyone to vote in the minority elections; although there are no statistics kept, the number of voters nationwide suggests that many Hungarians must also have voted in the minority elections, which were held simultaneously with the regular elections.

The local council absolutely did not want a minority self-government to be established here. . . They never invited us to the council meetings; we didn't even know when they were. I went to one uninvited, but they never asked me for my opinion about anything. . . I only found out that we had a budget of 114,000 forints by mistake; after I tried to gain access to the money, I was told I would have to go through the registrar to get it. With the registrar, though, I always had to beg for the money. . . and when I asked the mayor for help in setting up our own budget, he told me "It's impossible. It's too complicated, and it shouldn't be done that way." Instead they suggested that they control the money, and I bring them bills.²⁵⁰

Local townspeople were hostile to the new minority self-government as well: "Some people in the village didn't even want to talk to me; they thought that we were taking money that belonged to the village." The intensity of the opposition in Fonó made it effectively impossible for the minority self-government to continue functioning.

Orsós remains positive about the potential of the minority self-governments, despite his own experience. "I don't know how the other Gypsy self-governments are working, but I think it's a very good thing that we are allowed to organize them."

Another disturbing trend is the increasing isolation of Roma from government services on the false premise that the new minority self-governments are now responsible for providing such services. The law states quite clearly that social services and public works are in fact the domain of the local councils.²⁵¹ Nonetheless, in many communities Roma report that government officials have turned them away when they have asked for services, saying that they should ask their Roma government instead. Some Roma governments are overwhelmed by redirected requests for assistance from their communities which they have no means of satisfying. One Roma self-government in Szabolcs-Szatmár County reported that:

²⁵⁰ Human Rights Watch/Helsinki interview with József Orsós, Fonó, July 30, 1995.

²⁵¹ The exceptions are schools and cultural facilities, which may be handed over to minority self-governments, along with their operating budgets. Human Rights Watch/Helsinki has found no cases where a school has in fact been handed over, and only a few instances where even nominal control of an existing cultural facility has been handed over.

The atmosphere here is getting progressively worse, because we can't offer anything to the Gypsies here. And ever since the minority council was established, the local council has been refusing to help Gypsies — they're not getting social assistance."²⁵²

The mayor in Fonó made an attempt to relieve the local government of the responsibility of providing social assistance to its Roma population: "He suggested that we take over all the distribution of social services for Roma, but I knew that that wasn't our job, and I turned it down," reported the self-government president.

²⁵² Report of the Roma self-government from Tarpa, Szabolcs-Szatmár county, to the national Roma self-government.

The law provides that social services shall be handled by the local councils; Human Rights Watch/Helsinki believes that these efforts to transfer social services without transferring control over the accompanying budgets in effect represents an effort to reduce such services and further isolate Roma from the Hungarian community.²⁵³

²⁵³ To be sure, not every local council has engaged in this behavior; in fact, most have continued to provide the same level of services as before the new minority governments came into effect.

The national Hungarian government's own initiatives regarding funding and its response to the dramatic downturn in the well-being of most Roma since the transition have been ambiguous and contradictory. Although it has evidently engaged in efforts to coopt the minority self-government, the national government also announce a program to improve the standard of living among Roma, with initiatives in agriculture, education, and social services, as well as an affirmative action program, in December 1995. Additionally, a "Coordination Council for Roma Affairs" and a "Public Foundation for Gypsies in Hungary" are to be created to coordinate government funding for the Roma community. The 1996 budget contains 150 million forints for these two organizations. (Alaina Lemon, "Hungarian Government to Fund Programs for Roma," OMRI Daily Digest, no. 235, Part II, December 5, 1995, on the internet at <<http://www.omri.cz/Index.html>>.) The Parliament also established a Roma Program Commission in April 1996, which is to coordinate with the national Roma self-government and the various ministries. The chairman of the commission is Gyula Horn, the Prime Minister. (Alaina Lemon, "New Parliamentary Commission on

EFFECTS OF THE FAILURE TO IMPLEMENT THE MINORITIES LAW

The Act on the Rights of National and Ethnic Minorities promised to create a comprehensive system of minority rights in which Hungary's minority populations would assume responsibility for their own affairs. The Hungarian government has touted the law as an important step both in its own democratic transition and as an example to surrounding countries.

Instead, there has been a paper transfer of authority that has only succeeded in raising expectations on the part of the Roma and increasing resentment on the part of Hungarian councils already strapped for cash. This has resulted in escalating tensions in the towns and countryside, as Roma increasingly look to their own leaders for social and political assistance which they are not able to provide, and as some Hungarian councils increasingly attempt to divest themselves of their mandated responsibility to provide services to Roma as citizens.

By interfering in the elections of the self-governments, and failing to fund the self-governments after they were created, the government and the local councils have demonstrated opposition to any real transfer of authority or the creation of any meaningful autonomy for Roma. One Roma leader summed up the real effects of the law:

Gypsies find themselves not only strapped with impotent minority councils, but worse off for having the whole system. Tensions have increased between Hungarians and Gypsies, while the Gypsies' expectations have been raised. The local council is ridding itself of the responsibility for its Gypsy community, and the minority leaders' relationship of trust with the Gypsy community is being shattered because they are supposed to help, but can't. And, above all, the law has satisfied Western demands on Hungary, but for us, this law means nothing. . .²⁵⁴

Many observers see a troubling connection between the government's and councils' resistance to fully implementing the Minorities Law and larger issues of democratic change in Hungary:

²⁵⁴ Human Rights Watch/Helsinki interview with János Balogh, Budapest, August 16, 1995.

They don't take the self-governments seriously. . . The law says that the self-government is the partner of the local council, but the council simply decides in Gypsy matters without us. The law says that any time the council is considering an initiative that would affect the Gypsy population, they must sit down with us and give us the opportunity to register our opinions — our ideas about how to solve the problem. Unfortunately, it doesn't work like this. Instead, they simply decide matters that concern Gypsies without us . . . To decide the fate of a people without that people's input isn't democracy . . . This democracy, this change of regime, doesn't belong to the Gypsies.²⁵⁵

²⁵⁵ Human Rights Watch/Helsinki interview with Ernő Kala, Miskolc, July 21, 1995.

APPENDIX A: Government Financing of Roma Electoral Groups

Roma Organization	number of candidates in election	budgetary support from the government (in millions of forints)			
		1992	1993	1994	Total
Lungo Drom	453	4.3	8.13	9.0	21.43
Phralipe	447	4.0	1.0	4.5	9.5
Democratic Alliance of Hungarian Gypsies	91	1.8	-	-	1.8
National Alliance of Roma	84	0.73	0.08	0.2	1.01
The Alliance for Justice for Hungarian Gypsies	6	4.0	3.3	5.3	12.6

Source: "A szerencse jön is, megy is" ("Fortune Comes and Goes"), *Beszélő*, January 12, 1995, p. 14.

APPENDIX B: Hungarian Law and International Law

Constitutional provisions banning discrimination

Constitution of the Republic of Hungary, Law XX/1949,²⁵⁶ Section 68:²⁵⁷

- (1) “The national and ethnic minorities dwelling in the Hungarian Republic form parts of the power of the people; they are constituent elements of the state.
- (2) “The Republic of Hungary assures the national and ethnic minorities its protection, and guarantees their collective participation in public life, the maintenance of their own cultures, the use of their native languages, education in their native languages, and the right to use names in their own languages.
- (3) “The laws of the Republic of Hungary guarantee the representatives of the national and ethnic minorities living on the territory of the country.
- (4)²⁵⁸ “The national and ethnic minorities may create local and national self-governments.
- (5)²⁵⁹ “A two-thirds vote of the members of Parliament present is required to adopt laws concerning the rights of national and ethnic minorities.²⁶⁰”

²⁵⁶With numerous modifications.

²⁵⁷Established by Law XL/1990, Section 45; effective from 25 July 1990.

²⁵⁸Enacted by Law LXIII/1990, Section 5; effective from 30 September 1990.

²⁵⁹Numbering modified by Law LXIII/1990, Section 5.

Constitution of the Republic of Hungary, Section 70:

(1)²⁶¹ “Every adult Hungarian citizen residing on the territory of the Republic of the Hungary has the right to vote in Parliamentary and local council elections, as well as in minority self-government elections, and, if on the day of the elections or referendum he is present on the territory of the country, to vote in said elections, and to take part in national or local referenda and popular initiatives.”

²⁶⁰See Law LXXVII/1993.

²⁶¹Established by Law LXI/1994, Section 2, Paragraph 1; effective from 7 October 1994.

*Constitution of the Republic of Hungary, Section 70/A.*²⁶²

(1) "The Republic of Hungary guarantees the human and civil rights of all persons on its territory, with discrimination as to race, color, gender, language, religion, political or other opinion, national or social origin, or any condition of distinction based on wealth, birth or other circumstances.

(2) "Any form of negative discrimination against persons under Paragraph (1) is strictly prohibited and punishable by law.

(3) "The Republic of Hungary shall take measures to realize equality before the law and the elimination of unequal opportunity."

*Constitution of the Republic of Hungary, Section 70/B,*²⁶³ *Paragraph (2):* "Everyone has the right to equal pay for equal work, without discrimination of any kind."

Hate crimes provisions

Penal Code of the Republic of Hungary, Paragraph 156 (BTK 156): "A person causing grievous bodily or spiritual harm to another for belonging to a national, ethnic, racial, or religious groups commits a criminal offense punishable by between two and eight years of incarceration." [Presently ruled inoperative — eds.]

Penal Code of the Republic of Hungary, Paragraph 174/B (BTK 174/B): "Whoever insults someone else, or by force or threats compels someone else to do or to refrain from doing or to suffer something — if the act is committed for the victim's real or supposed belonging to some national, ethnic, racial, or religious group — on conviction shall be punished by imprisonment for up to five years."²⁶⁴

²⁶²Enacted by Law XXXI/1989; effective from 23 October 1989.

²⁶³Enacted by Law XXXI/1989, Section 34; effective from 23 October 1989.

²⁶⁴Effective May 1996. Unofficial translation provided by Dr. Endre Bócz, Chief Prosecutor for the City of Budapest, in faxed communication dated Budapest, 22 April 1996.

Penal Code of the Republic of Hungary, Paragraph 269, Section 1 (BTK 269): "If someone incites hatred in front of a large audience, or commits another act tending to incite hatred:

- a) against the Hungarian nation,
- b) against a national, ethnic, racial, religious group or certain groups of the population, he commits a criminal act and is punishable by up to three years' imprisonment."²⁶⁵

Law against discrimination in employment

Law IV/1991, 'Concerning the Promotion of Employment and Provision for the Unemployed,' Chapter I, Paragraph 2: "In the promotion of employment and provision for the unemployed, it shall be unlawful to engage in harmful discrimination against employees or the unemployed on the basis of race, age, ethnicity, origin, religion, political persuasion, or membership in any organization representing the interests of employees. This directive shall not be construed as preventing the authorization of additional measures designed to assist disadvantaged persons in the labor market."

Law on the rights of national and ethnic minorities

Law LXXVII/1993:

(From the Preamble)

"The Hungarian National Assembly. . . declares that it considers the right of national and ethnic identity as a part of universal and human rights, and recognizes the specific individual and collective rights of national and ethnic minorities as fundamental civil rights and will assert these rights in the Republic of Hungary.

"The totality of these rights is neither an endowment by the majority nation nor a privilege of minorities; the source of these rights does not derive merely from the numerical proportion of national and ethnic minorities, but on the basis of the respect for the freedom of the individual and, for the sake of social peace, his right to be different.

. . .

²⁶⁵Effective May 1996.

“The language, material and intellectual culture and historical traditions of the national and ethnic minorities, living on the territory of the Republic of Hungary and holding Hungarian citizenship, as well as any other particularity connected with their being minorities constitute a part of their individual and collective identity.

“These are all aptricular values, the preservation, cultivation, and enrichment of which do not only form a fundamental right of national and ethnic minorities, but are in the interest of the Hungarian nationa and, ultimately, of the community of states and nations as well.

“Considering that self-government constitutes the basis of a democratic social system, the National Assembly treats the establishment of minority self-governments, their activities, and thereby the accomplishment of cultural autonomy, as one of the most important preconditions for the enforcement of specific minority rights.

...

“In order to achieve the above-mentioned purposes. . . the National Assembly — paying due attention to the principles laid down in the relevant provisions of international law, in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant of Civil and Political Rights, the Paris Charter for a New Europe, the European Convention on Human Rights, as well as in the Constitution of the Republic of Hungary — passes the following law:

Chapter I — Fundamental Provisions

Section 1:

(2) “. . .all those ethnic groups having been living on the territory of Hungary for at least one century are to be regarded as national and ethnic minorities (henceforth minorities) who constitute a numerical minority within the population of the ocuntry, whose members hold Hungarian citizenship and who differ from the rest of the population in terms of their own mother tongue, cultures and traditions, and who prove to be aware of the cohesion, national or ethnic, which is to aim at preserving all these and at articulating and safeguarding the interests of their respective historically developed communities.

Section 3:

(1) “Minorities living in the Republic of Hungary share alike in the power of the people, that is, they are state-forming constituent elements. . . Their cultures form part of the culture of Hungary.

(2) “The right to national or ethnic identity is a basic human right which individuals and communities are equally entitled to.

(5) “Any negative discrimination against minorities is prohibited by law.

Section 4:

(1) The Republic of Hungary prohibits any policy which:

- aims at or results in the assimilation of a minority to the majority nation;
- is directed to alter the national or ethnic conditions or territories inhabited by minorities to the disadvantage of the community in question;
- is to harass a national or ethnic minority or persons belonging thereto, to aggravate their living conditions or to prevent them from exercising their rights;
- aims at any forceful expulsion or resettlement of a national or ethnic minority.

Section 5:

(1) "Minorities living in the Republic of Hungary have a constitutional right to organize self-government at both the local and national levels.

Chapter II — Individual Minority Rights

Section 7:

(1) "The acceptance and confession of belonging to a certain national or ethnic minority. . . is an exclusive and inalienable right of the individual. However, .no one shall be obliged or forced to make a declaration of belonging to a minority group.

Section 10: "The participation of minority persons in public life shall not be restricted. Under provisions of the Constitution, they have the right to establish associations, parties and other social organizations to articulate and safeguard their particular interests.

Section 12:

(1) "Anyone belonging to a minority has the right to freely choose one's own name and one's own children's first name, to have one's family name and first name registered according to the grammatical rules of one's mother tongue, and to have them so recorded in official documents within the bounds of the effective legal regulations. . .

(2) "Upon request, registration and the issuing of other personal documents may also be bilingual — in pursuance with subsection (1).

Chapter III — Collective Rights of Minorities

Section 15: "It is an inalienable collective right of minorities to preserve, cultivate, strengthen and transmit their identity as a minority.

Section 16: "Minorities have the right to cultivate and enrich their historical traditions and vernacular language, to preserve and increase their national culture, both material and spiritual.

Section 18:

(1) "In pursuance of a separate Act, the Hungarian Radio and Television, as public services, are to provide for the regular production and broadcasting of programs for national and ethnic minorities.

(3) "Minority communities have the right:

a) to take the initiative in creating conditions for education at kindergartens, primary and secondary schools, as well as in higher education in the vernacular, or in both their vernacular and the Hungarian language;

b) to develop their national networks of educational, training, cultural, and scientific institutions — within the bounds of the relevant laws.

Section 20:

(1) "In a manner determined by a separate law, minorities have the right to be represented within the National Assembly.

(2) "The National Assembly is to elect an ombudsman for the rights of national and ethnic minorities. . .

(3) "the Minority Ombudsman is to take measures in issues coming under the ruling of the present Act.

Chapter IV — Self-Governments of Minorities

Section 21:

(1) "Under the terms of the present Act, the individual minorities can organize minority self-governments, other municipal minority self-governments, established directly or indirectly. . .and also minority self-governments at the national level.

Section 25:

(1) "A minority local government is a legal entity. . .

Section 26:

(1) In any matter concerning the conditions of the minority, local governments of minority settlements and minority self- government may lodge an application with the head of the competent administrative agency or body, in which it may:

a) request information;

b) make proposals;

c) initiate measures to be taken;

d) raise objections to any practice or individual decision affecting the functioning of institutions and violating the rights of minorities, and may also initiate the alteration or withdrawal of the decision in question.

Section 27:

(1) "Within its own sphere of authority and within the bounds of decrees of the local council of the settlement, the local minority local self-government is to make decisions in the following matters:

a) its organization and rules of procedure;

b) its budget. . .and the use of resources placed at its disposal by the local council;
c) use of assets which are separated for this purpose from assets of the local council. . .

d) its name and symbols. . .

e) local celebrations of the minority represented by it. . .

(2) “On the initiative of the minority self-government, the body of representatives of the local council of the settlement is bound to determine the assets to be provided for use by the local minority self-government to ensure its proper functioning as defined by the related legal measures. These assets and funds shall be specified in detail.

(3) “Within its sphere of authority the local minority self-government — within the limits of its available resources — may establish and maintain institutions, especially in such fields as:

a) local public education;

b) local print or electronic media;

c) cultivating traditions;

d) culture and general education.

Section 28: “The Mayor’s Office. . .is bound — in a way defined by the organizational and operational rules — to help the local minority self-governments with their work.

Section 29:

(1) “Local council decrees on issues concerning local public education, local mass media, cultivation of local traditions, culture, and the collective use of language which affect the minority population as such, shall only be passed by the body of representatives [the local council — eds.] in agreement with the local minority self-government representing the population concerned.

(2) “The appointment of leaders in minority institutions and local government decisions affecting also the education of people belonging to minorities, require the consent of the local minority self-government concerned. . .

Section 31:

(2) “The national-level self-government is elected by minority electors. Minority electors are: every representative of a local government, provided he or she was elected as a minority representative, representatives of the local minority self-governments, and the minority ombudsmen. . .

Section 34: “Members of the General Meeting of the national self-government [the governing body of the national self-government — eds.] are elected, by secret ballot, by the electors from among themselves, applying the relevant rules for the local

“small-list” elections²⁶⁶ as laid down by the Act on Election of Local Government Representatives and Mayors. All candidates who have been supported by at least ten per cent of the electors have to be entered into the ticket. . .

Section 36:

(1) “The national self-government is to represent and safeguard the interests of minorities represented by it at both national and local levels. In the interest of creating the cultural autonomy of minorities, it may organize institutions and coordinate their functioning.

(2) “The national-level self-government is a legal entity.

Section 37: “The national self-government — within the bounds of the pertinent Acts — is to decide independently in such issues as:

a) its seat and procedures;

b) its budget. . .

g) principles and manner of using the public service radio and television channels placed at its disposal;

h) principles of using the public service radio and television program time placed at its disposal;

j) establishment of its institutions, and the organizational and operational rules of their maintenance and operation;

k) maintenance of a theatre;

l) creation of exhibition facilities in museums, formation and maintenance of public collections with nationwide coverage;

m) maintenance of a special minority library;

o) maintenance of secondary schools and higher educational institutions with nationwide coverage. . .

Section 38:

(1) “The national self-government:

a) is to express its opinion on drafts of legal measures affecting the minorities as such that it represents. . .

²⁶⁶A footnote provided in *Kisebbségi értesít* /Bulletin of National and Ethnic Minorities in Hungary defines local “small-list” elections as: “a kind of local government elections based on a sort of ‘straight ticket,’ when all candidates are listed in alphabetical order, and the voter is supposed to vote for only as many candidates as can be representatives in the given settlement. The number of possible representatives is fixed by law.” This system is only used in small settlements, however, in which the number of seats is correspondingly small. Here, at a national-level election, while the number of actual voters is small, they are electors for a wider population, and the number of seats available — 53 — is quite large.

c) along with the competent and authorized state bodies, is to participate in the professional supervision of the first, second, and third level education of minorities represented by it.

Chapter VI — Cultural and Educational Self-Government of Minorities

Section 42: “According to the present Act languages used by minorities in Hungary are as follows: Armenian, Bulgarian, Croatian, German, Gypsy (Romany and Beash), Greek, Polish, Romanian, Ruthenian, Serb, Slovak, Slovene, Ukranian.

Section 43:

(1) “The state considers the respective mother tongues of minorities living in Hungary as a factor increasing the cohesion of communities, and — wherever so required by the latter — supports the teaching of the vernacular in public educational institutions not belonging to the local government of a minority settlement. . .

(2) “A child belonging to a minority — depending on the related decision of the parents. . . — can be instructed in the vernacular, partly in the vernacular and partly in Hungarian, or only in the Hungarian language.

(4) “If so requested by the parents. . . of at least eight (8) school children belonging to one and the same minority, it is mandatory to organize and maintain a minority class or study group.

Section 44: Additional costs incurred in the vernacular instruction as outlined in Section 43 are to be covered by the state or by the local government.

Section 45:

(2) “To decrease the handicaps arising from the educational level and opportunities of the Gypsy minority population, special conditions for their schooling may be created.

(3) “Educational institutions of minorities. . . have to provide for the teaching of the respective ethnographic rudiments and the history of the given minority. . . as well as for the proper knowledge of its cultural values and traditions.

Section 46:

(1) “The local and minority governments are to cooperate in surveying the demands for minority education and also in the organization of education.

(2) “Training vernacular teachers for the fully or partly vernacular education of minorities is a responsibility of the state.

Section 47: “Local governments of minority settlements and minority local governments may only take over educational institutions from another body or agency on condition that the quality level of education thus far attained is upheld.

The extent of state support allocated to the affected institution cannot be decreased in view of this change.

Section 50:

- (1) "It is the responsibility of the state to provide for the publication of text-books and for the production of educational material.
- (2) "The state is to support such activities as:
 - b) publishing of books and periodicals of minorities;
 - c) publication of laws and communications of public interest in the minority languages. . .

Chapter VII — Use of Minority Languages

Section 51:

- (2) "The free use of the mother tongue in the course of civil, penal, as well as administrative proceedings is guaranteed. . .

Section 53: "In compliance with the requests of the local minority self-government working within its competence, the local council is bound to see that:

- a) its decrees are proclaimed and its announcements are made public — in addition to the Hungarian — in the minority language as well;
- b) forms used in administrative proceedings are also made available in the minority language;
- c) the given minority language is also used — in a form and content identical with the Hungarian — on plates indicating place and street names, sign-boards of public offices, public service agencies and in communications about their functioning.

Section 54: "In settlements where persons belonging to a minority are also living, in the course of filling the posts in local public service offices and in the appointment of local public officials, it is to be ensured that a person who has — in addition to the necessary professional qualifications — a proficiency in the given minority language be employed.

Chapter VIII — Financial Support of Minorities. . .

Section 55:

- (2) "To the extent as defined by the Budgetary Act in force, the state will:
 - a) provide additional normative support to the maintenance of minority education in kindergartens and in schools with fully or partly vernacular language of instruction;
 - b) according to a distributive scheme defined by the National Assembly, provide support to the functioning of the national or ethnic minority local governments and of the organizations of national or ethnic minorities.

Section 59:

(1) "Of the total assets possessed by the local council within its competence, those necessary to the local minority self-government to perform its duties within its sphere of tasks and authority shall be made available. . . This transfer, however, must not prevent the local council from carrying out its normal duties.

Section 62:

(3) "At least once in every two years, the government is to review the conditions of minorities living in the Republic of Hungary and to submit a report on its findings to the National Assembly.

Section 63:

(4) "To cover their operational costs, the national-level self-governments are to be allotted a non-recurrent grant according to the following distribution:

Gypsies	60 million forints (Fts.)
Germans	30 million Fts.
Croats	30 million Fts.
Slovaks	30 million Fts.
Romanians	30 million Fts.
Bulgarians	15 million Fts.
Greeks	15 million Fts.
Poles	15 million Fts.
Armenians	15 million Fts.
Ruthenians	15 million Fts.
Serbs	15 million Fts."