

Insiders and Outsiders: Migrant, Non-recognized Minority Communities and the Minority Protection System in Hungary

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Although Hungary is not among the target countries of large-scale migration within the EU, in recent years, two crucial tendencies, the growing out-migration of the population to Western European countries and the continuous and increasing influx of immigrants and refugees to the Schengen-zone country have pushed the issue of migration on to the political agenda in Hungary. In the discussions related to both inward and outward migration processes, however, the question of how migration has changed the composition of the country's recognized thirteen minorities and its potential impact on minorities and the legal-institutional framework of minority protection have not been broadly studied. As to the term 'minority', especially since the interwar period, there have been a number of attempts both within the international organizations and in the academic literature to give a precise and universal definition to enumerate the key elements that potentially constitute a minority.¹ Citizenship is usually one of these proposed conceptual prerequisites, thereby distinguishing the challenges of protecting 'new' minorities (such as refugees, migrant workers) as opposed to 'old' (autochthonous) minorities. In this context, the one-hundred-year residence requirement is applied in the Hungarian approach as a necessary legal precondition to recognize a group officially. However, the present case study illustrates that in many cases it is difficult and often hardly feasible to draw a sharp and simplistic distinction between old and new communities from both political and practical considerations.² Especially when 'new' groups, be they with or without citizenship but lacking access to minority rights and institutions, tend to gradually emerge within the 'old' ones,

1 See in this regard: Jennifer Jackson-Preece: *National Minorities and the European Nation-States System*, Clarendon Press, Oxford, 1998. 14–29.

2 See, among others: Asbjorn Eide: *The Rights of 'Old' Versus 'New' Minorities* In: *European Yearbook of Minority Issues*, Vol. 2. 2002/2003, Eds. Arie Bloed et al. Leiden and Boston: Brill Nijhoff, 2004. 365–379; Perry Keller: *Re-Thinking Ethnic and Cultural Rights in Europe*, *Oxford Journal of Legal Studies*, 1998/1. 29–59; Will Kymlicka: *The evolving basis of European norms of minority rights. Rights to culture, participation and autonomy* In: *European Integration and the Nationalities Question*. Eds. John McGarry, Michael Keating. Routledge, London and New York, 2006. 35–63; Roberta Medda-Windischer: *Old and New Minorities: Reconciling Diversity and Cohesion*, Nomos, Baden-Baden, 2009; John Packer: *Problems in Defining Minorities* In: *Minority and Group Rights in the New Millennium*, Eds. Deirdre Fottrell, Bill Bowring. Martinus Nijhoff, The Hague, 1999. 223–274.

the traditional holders of minority rights, which comply with the criteria specified in the minority law.

By addressing the issues above, the paper has multiple albeit complementary aims. First, it is concerned with how the reconfiguration of traditional minority communities fits into wider debates on the nature of Hungary's domestic minority policies. Second, it seeks to explore the changes in the composition of recognized minorities as a result of recent migration under which significant number of such persons have arrived in Hungary who belong to recognized minorities but were born abroad and are non-Hungarian citizens (or possess dual citizenship). This explains why 'old' minorities have long sought to extend the application of the minority law to foreign citizens established in the country. It also concentrates on how the most affected communities and official policies have tackled and responded to the emergence of 'new' groups within the 'old' ones. Lastly, it focuses on the attempts of various non-recognized minority groups (including Russians, Italians, and Bunjevci most notably) that aimed at the extension of the personal scope of the minority law in the past two decades.

The Ambiguous Nature of the Minority Policy in Hungary

Despite Hungary's relatively homogeneous ethnic composition, on the country's minority policy and minority rights regime a rather contradictory picture emerges from the literature findings. The interpretations of the minority policy, the relevant provisions of the previous constitution and the 1993 minority law, their implementation, as well as the everyday functioning of the elected system of non-territorial autonomy embodied by the so-called minority self-governments (MSGs) have been the subject of recurrent debates in politics and academia ever since the late 1980s in at least four, interrelated respects.

First and foremost, defining the basis of the political community, reconciling the different approaches of the civic and ethno-cultural definitions of the nation covering either Hungarian nationals or ethnic Hungarians irrespective of their place of residence, has always been a crucial issue for each post-communist government to address, especially in the broader Central and Eastern European context, where the tradition of defining communities in ethno-cultural terms has been prevalent ever since the rise of nationalism and modern nation-states. Similarly, ever since the 19th century there has been an enduring discussion in Hungarian political thought on the boundaries and potential characteristics of the Hungarian nation. In this regard, the overall assessment of the relatively small and dispersed domestic minorities is an exciting issue, since most of them are at an advanced stage of linguistic assimilation: several minorities have dominantly Hungarian-speaking subgroups (Roma, Armenians most prominently) and their identities usually involve cultural ties and less often linguistic affiliations, therefore clear-cut ethnic boundaries can hardly be defined. The vague nature of ethnic identity has often given rise to debates over the complexity of belonging and the so-called 'ethno-business'. The latter refers to electoral abuses at the elections of minority self-governments, meaning that some candidates elected

were presumably or obviously non-members of the specific community. The contestation of group boundaries played a role not just in defining the political community, the Hungarian nation, and at the minority elections, but within certain communities a recent phenomenon, to be discussed in the further sections, has reignited the debate: the arrival of a significant number of persons who belong to recognized minorities but were born abroad and are non-Hungarian citizens (or possess dual citizenship).

Another disputed issue regarding the nature of the Hungarian minority policy is that of the consistency between the domestic minority policy and the kin-state activities targeting the more numerous Hungarian communities abroad. In this respect, Hungary with its minority law has been widely considered exemplary in granting extended minority rights and non-territorial cultural autonomy in international comparative terms.³ Moreover, in this context there has been a rather rhetoric claim especially by domestic actors and politicians for the Hungarian case to be exemplary and inspirational on the continent. On the other hand, a growing number of scholars have accepted the argument that it has been especially motivated by the concern to set an example abroad and to put pressure on neighbouring countries with considerable Hungarian minorities.⁴ Not just because the Hungarians abroad, one might further expect that, as noted above, in a country where minorities are relatively small in numbers, live dispersed, feel themselves closely attached to the state and the overwhelming Hungarian ethnic majority, and with the exception of Roma are well integrated into the society in socio-economic terms, official policies are more interested in creating above-standard arrangements of minority protection, and would be more capable of empowering minorities, solving their situation and satisfying their needs. In many cases, however, domestic minority objectives could not be fully achieved, or could not be realized at all, as in the well-known issue of the lack of preferential parliamentary representation for more than two decades, and in certain cases even minority participation was constrained in the decision-making processes affecting their lives. Further, one might also observe and interpret that within the relevant legal framework there seems to be both signs of overextension and institutional deficiencies.

Third, the question of to what extent the cultural autonomy and minority rights are in accordance with the needs of the Roma, by far the country's largest ethnic group, facing crucial socio-economic disadvantages and discrimination, continually brought the issue to the forefront.

More recently, the discussions around the nature of minority policies have been revived and have become more intense since the 2010 parliamentary elections, as the new right-wing government has adopted a new constitution (Fundamental Law), representing a shift toward the ethno-cultural understanding of the nation, and in accordance with the new constitutional provisions a new law on the rights of minorities. As a consequence, some claim that the country not only runs the risk of democratic

3 Christoph Pan; Beate Sibylle Pfeil (hrsg.): *Minderheitenrechte in Europa. Handbuch der europäischen Volksgruppen, Band 2*. Braumüller, Wien, 2002.

4 See, for instance: Lynn M. Tesser: *The Geopolitics of Tolerance: Minority Rights Under EU Expansion in East-Central Europe*, East European Politics and Societies, 2003/3. 506.

backsliding,⁵ but also the recent changes can be considered a setback in the level of minority protection a few years after the EU accession, too.

The Socio-Demographic Features of Minorities and In-Group Migrants

According to census data and methodology, between 2001 and 2011, the percentage of persons belonging to the recognized minorities grew from 5 percent to 6.5 percent of the population (ca. 650 thousands of people) covering automatically those who responded to at least one of the relevant questions with multiple answers (see Table 1).

Table 1: the censuses of 2001 and 2011 regarding national and ethnic minorities, and the number of registered minority voters at the latest 2010 and 2014 MSG elections⁶

Minority	Nationality (ethnicity)		Native language		Language used among friends, in family		Affinity with cultural values, traditions	Persons		Registered MSG voters	
	2001	2011	2001	2011	2001	2011		2001	2011	2010	2014
Bulgarian	1.358	3.556	1.299	2.899	1.118	2.756	1.693	2.316	6.272	2.088	654
Roma	189.984	308.957	48.438	54.339	53.323	61.143	129.259	205.720	315.583	133.492	57.824
Greek	2.509	3.916	1.921	1.872	1.974	2.346	6.140	6.619	4.642	2.267	675
Croat	15.597	23.561	14.326	13.716	14.788	16.053	19.715	25.730	26.774	11.571	7.231
Polish	2.962	5.730	2.580	3.049	2.659	3.815	3.983	5.144	7.001	3.052	1.148
German	62.105	131.951	33.774	38.248	53.040	95.661	88.416	120.344	185.696	46.629	30.526
Armenian	620	3.293	294	444	300	496	836	1.165	3.571	2.357	615
Romanian	7.995	26.345	8.482	13.886	8.215	17.983	9.162	14.781	35.641	5.277	2.350
Ruthene	1.098	3.323	1.113	999	1.068	1.131	1.292	2.079	3.882	4.228	1.213
Serb	3.816	7.210	3.388	3.078	4.186	5.713	5.279	7.350	10.038	2.432	840
Slovak	17.693	29.647	11.817	9.888	18.057	16.266	26.631	39.266	35.208	12.282	8.248
Slovene	3.025	2.385	3.180	1.723	3.119	1.745	3.442	4.832	2.820	1.025	519
Ukrainian	5.070	5.633	4.885	3.384	4.519	3.245	4.779	7.393	7.396	1.338	671

5 Ulrich SedelmEier: *Anchoring Democracy from Above? The European Union and Democratic Backsliding in Hungary and Romania after Accession*, *Journal of Common Market Studies*, 2014/1. 105–121.

6 Csordás Gábor (ed.): *2011. évi népszámlálás. 9. Nemzetiségi adatok*, Központi Statisztikai Hivatal, Budapest, 2014. 16–18. For minority elections: www.valasztas.hu

The fact alone that the estimated number is sometimes twice as high reveals the relatively high level of uncertainty surrounding minority identities in Hungary. At first glance the census results show a growing level of minority consciousness but others remain sceptical, mostly because the vast majority declared themselves to be Hungarian, too. Further, some imply their doubts whether the question on language use in family and among friends is an appropriate tool to assess ethnic belonging.⁷ In this respect Tátrai convincingly argues that the case of minorities in Hungary cannot be simply explained on a continuum varying from assimilation to dissimilation⁸, their identities are rather dual or hybrid and symbolic ethnicity, a term coined by Herbert J. Gans, referring to “*a nostalgic allegiance (...), a love for and a pride in a tradition that can be felt without having to be incorporated in everyday behavior*”⁹, plays an important role. Overall, probably with the exception of the Roma and Germans, it is questionable whether any real dissimilation occurred between the two censuses.

The main focus is, however, on those increasing number of persons who belong to recognized minorities but were born abroad, especially in the kin-state of the respective minority, and are non-Hungarian citizens (or possess dual citizenship). According to the results of the 2001 census, the proportion of the latter group was much above the national average: their ratio exceeded 25% among those who declared Bulgarian, Polish, Armenian, Romania, Ruthene, Serb, and Ukrainian nationality and native language, but their number was more than 4.000 within the larger German community. They constituted majority, however, only within the Polish and Armenian native speakers (see Table 2-3). When comparing these results with those of the latest 2011 census (see Table 4), one can observe a sharp increase in the number of Romanian and Slovak citizens in particular, partly as a result of the economic crisis, Romania’s EU accession, and also as an effect of trans-border suburbanization of larger urban centres, such as Bratislava, Kosice in Slovakia or Arad, Oradea in Romania.¹⁰ As a consequence of the latter complex, yet understudied phenomena, in the 2000s thousands of foreign citizens moved to cheaper apartments on the Hungarian side, while maintaining their jobs abroad and still sending their children to school there. What is interesting in their case is that, especially alongside the Romanian border, they have settled in the towns and villages where local Romanian minority groups are present, and the relations between the two groups of Romanians need further analysis.¹¹

7 Morauszki András, Papp Z. Attila: *Nemzetiségi revival? Magyarország nemzetiségei a 2011. évi népszámlálás megváltozott módszertana tükrében*, Kisebbségkutatás, 2014/ 3. 73–98.

8 Tátrai Patrik: *Etnikai folyamatok Magyarországon az ezredforduló után*, Területi Statisztika, 2014/5. 517.

9 Herbert J. Gans: *Symbolic ethnicity: The future of ethnic groups and cultures in America*, Ethnic and Racial Studies, 1979/1. 9.

10 See, for instance, Hardi Tamás, Lados Mihály, Tóth Károly (eds): *Magyar-szlovák agglomeráció Pozsony környékén*, MTA Regionális Kutatások Központja, Nyugat-magyarországi Tudományos Intézet, Fórum Kisebbségkutató Intézet, Győr-Samorin, 2010.

11 See, for instance, Martin Emilia: *Honos és betelepült románok a mai Magyarországon = Româniî din Ungaria. Studii de etnologie*, Magyarországi Románok Kutatóintézete, Gyula, 2013. 152–171.

Table 2: The 2001 census results by citizenship¹²

Minority	Nationality (ethnicity) total	Hungarian citizens			Stateless	Non-Hungarian citizens	
		total	only Hungarian	Hungarian and other		number	percentage
Bulgarian	1.358	834	692	142	-	524	38.79%
Roma	189.984	189.701	189.675	26	5	278	0.15%
Greek	2.509	2030	1.775	255	-	479	19.09%
Croat	15.597	14.884	14.777	107	2	711	4.56%
Polish	2.962	1.519	1.252	267	-	1.443	48.72%
German	62.105	57.662	56.652	1.010	3	4.440	7.15%
Armenian	620	462	452	10	1	157	25.32%
Romanian	7.995	5.314	5.082	232	-	2.681	33.53%
Ruthene	1.098	715	692	23	2	381	34.70%
Serb	3.816	2.795	2.723	72	1	1.020	26.73%
Slovak	17.693	16.998	16.929	69	-	695	3.93%
Slovene	3.025	2.955	2943	12	1	69	2.28%
Ukrainian	5.070	3.358	3.296	62	8	1.704	33.61%
Total	313.832	299.227	296.940	2.287	23	14.582	4.65%

12 Mayer Éva (ed.): *Kisebbségek Magyarországon, 2004-2005*. Nemzeti és Etnikai Kisebbségi Hivatal, Budapest, 2005. 177.

Table 3: The 2001 census results by citizenship¹³

Minority	Native language total	Hungarian citizens			Stateless	Non-Hungarian citizens	
		total	only Hungarian	Hungarian and other		number	percentage
Bulgarian	1.299	739	615	124	-	560	43.11%
Roma	48.438	48.150	48.137	13	5	283	0.58%
Greek	1.921	1.459	1.232	227	-	462	24.05%
Croat	14.326	13.566	13.469	97	2	758	5.29%
Polish	2.580	1.117	840	277	-	1.463	56.71%
German	33.774	29.051	28.111	940	4	4.719	13.97%
Armenian	294	129	125	4	-	165	56.12%
Romanian	8.482	5.602	5.383	219	1	2.879	33.94%
Ruthene	1.113	682	652	30	3	428	38.45%
Serb	3.388	2.281	2.205	76	1	1.106	32.64%
Slovak	11.817	11.160	11.090	70	-	657	5.56%
Slovene	3.180	3.116	3.097	19	-	64	2.01%
Ukrainian	4.885	3.183	3.127	56	14	1.688	34.55%
Total	135.497	120.235	118.083	2.152	30	15.232	11.24%

13 Mayer É.: *Kisebbségek*, i. m.

Table 4: The 2011 census results by citizenship¹⁴

Minority persons according to at least one response	Hungarian	Croatian	Austrian	Romanian	Serbian	Slovak	Slovene	Ukrainian	Citizen of other country	Total
	citizen									
Bulgarian	5 794	–	4	11	–	3	–	2	458	6 272
Roma	314 738	1	2	649	12	65	–	32	84	315 583
Greek	4 176	2	8	6	–	2	–	2	446	4 642
Croat	26 054	446	21	1	93	8	3	2	146	26 774
Polish	5 523	1	7	2	–	7	–	18	1 443	7 001
German	174 553	31	1 556	199	68	85	6	28	9 170	185 696
Armenian	3 383	–	2	14	1	–	–	9	162	3 571
Romanian	25 318	–	8	10 192	1	–	–	14	108	35 641
Ruthene	3 695	–	–	15	2	3	–	142	25	3 882
Serb	8 524	53	7	10	1 294	5	7	4	134	10 038
Slovak	31 457	–	5	7	3	3 674	1	7	54	35 208
Slovene	2 700	1	2	1	5	13	86	1	11	2 820
Ukrainian	4 638	–	1	11	–	6	–	2 670	70	7 396

In this respect, when it comes to examining those who were born abroad, one gets a more nuanced and complex picture: in 2001 their proportion reached 55% among Ruthenes, almost 50% among Romanians and Ukrainians, 42% among Bulgarians and Poles, 38% among Serbs, 31% among Armenians, while 19% among Greeks. Their number, however, exceeded 1.000 individuals among the larger communities, namely among Croats, Germans, and Slovaks, too (*see Table 5*).

14 Population Census 2011. www.ksh.hu/nepszamlalas/docs/tablak/teruleti/00/00_2_1_6_3.xls (accessed 19 June 2015).

Table 5: The number and proportion of foreign-born persons belonging to minorities, 200115

Minority	Total	Persons born abroad	Proportion of persons born abroad (percent)	Share in the total number of persons born abroad (percent)
Bulgarian	2.316	977	42.18	2.78
Roma	205.720	932	0.45	2.65
Greek	6.619	1.290	19.49	3.67
Croatian	25.730	2.050	7.97	5.84
Polish	5.144	2.162	42.03	6.16
German	120.344	9.756	8.11	27.79
Armenian	1.165	366	31.42	1.04
Romanian	14.781	7.286	49.29	20.76
Ruthene	2.079	1.142	54.93	3.25
Serbian	7.350	2.808	38.20	8.00
Slovak	39.266	2.360	6.01	6.72
Slovene	4.832	307	6.35	0.87
Ukrainian	7.393	3.668	49.61	10.45
Total	442.739	35.104	7.93	100.00

These people have close ties to their kin-states: in 2001 98% of the foreign-born Romanians were born in Romania, 91% of the Poles and Bulgarians in Poland and Bulgaria respectively, 88% of the Serbs in Serbia and Montenegro, and 85% of the Ukrainians in Ukraine. By contrast, only 38.5% of the Armenians were born in Armenia and almost 30% of them in Romania, while 45% of the Ruthenes were born in Russia and 36% in Ukraine. As to the larger communities, 54% of the Germans were born in Germany, 8.5% in Austria, 2% in Switzerland, 76% of the Slovaks in Slovakia, 41% of the Croats in Croatia, while the relative majority, 29% of the Slovenes in Slovenia.¹⁶

15 TÓTH Ágnes, VÉKÁS János: A 2001. évi népszámlálási adatok rövid összefoglalása. *Barátság*, 2004. november 15. 4428-4429.

16 Tóth Ágnes, Vékás János: *Mit hoz a jövő?* Kisebbségkutatás, 2004/4. 543-545.

Main Stages in the Development of the Legal Framework

The formulation of the 1993 minority law already began in the late 1980s, during the communist era.¹⁷ In November 1988 the Central Committee of the Hungarian Socialist Workers' Party issued a resolution on "the improvement of the minority policy and the policies of the minority law", which document committed itself to covering only Hungarian citizens and granting the freedom to choose identity.¹⁸ However, a year later, in October 1989 "The basic principles of the draft law on the rights of national and ethnic minorities" elaborated by the government, did not require the existence of Hungarian citizenship as a precondition.

A few months after the first democratic parliamentary elections, in December 1990, the draft law of the Ministry of Justice would have included refugees and non-citizens holding a permit of residence in addition to Hungarian citizens who had affiliations to the recognized and enumerated minority communities.¹⁹ The Ministry consistently insisted that non-citizens shall also be included in the law.²⁰ Likewise, the 1991 draft law of the Minority Roundtable, an umbrella organization representing thirteen minorities, would have included those resident non-citizens who had been living in Hungary for at least five years on a permanent basis – a crucial demand which has become increasingly articulated by minority representatives. To the contrary, the draft on the basic principles of the law that was elaborated in late 1990 by the competent division of the government, the Office for National and Ethnic Minorities, would have excluded foreigners, in accordance with the relevant documents of the OSCE and CoE from the first half of the 1990s.²¹ The negotiations between the Office and the Roundtable resulted in a compromise; the draft would have covered only those resident non-citizens whose communities had been living in the country for at least thirty years.²² A later draft during the autumn of 1991 stipulated that non-Hungarian citizens shall not be elected to the anticipated MSGs.²³

Regardless of the above efforts, and in contrast to earlier claims, the draft law of the Ministry of Interior in early 1992 included only Hungarian citizens belonging to

17 On the formulation of the 1993 minority law and its overall amendment in 2005, see DOBOS Balázs: *A kisebbség joga. Kisebbségi törvénykezés Magyarországon (1988-2006)*. Argumentum, Budapest, 2011.

18 Balogh Sándor (ed.): *A magyar állam és a nemzetiségek. A magyarországi nemzetiségi kérdés történetének jogforrásai 1848-1993*, Napvilág, Budapest, 2002. 735–740.

19 Draft law on the rights of national and ethnic minorities (Ministry of Justice, 22 December 1990).

20 Letter from Péter Vágvölgyi, the Head of the Public Law Department of the Ministry of Justice to Károly Manherz Honorary State Secretary (Budapest, 18 September 1991). National Archives of Hungary XXVII-A-1-II 2. d. 70.036/1991. IM VII. Letter from Tibor Bogdán, Administrative State Secretary of the Ministry of Justice to Károly Manherz Honorary State Secretary (Budapest, 18 November 1991). Ibid.

21 Jackson-Preece: National Minorities, 28.

22 Draft law on the rights of national and ethnic minorities (adopted jointly by the Office for National and Ethnic Minorities and the Roundtable of National and Ethnic Minorities of Hungary on 30 August 1991).

23 Draft law on the rights of national and ethnic minorities (October-November 1991).

the recognized minority groups.²⁴ Accordingly, the finally adopted Act 77 of 1993 on the rights of national and ethnic minorities was to be applied to “*all persons of Hungarian citizenship residing in the territory of the Republic of Hungary, who consider themselves members of any national or ethnic minority and to the communities of these people.*”²⁵ In a later part of the law it stated that “*the following groups qualify as autochthonous national or ethnic groups of Hungary: Bulgarian, Gypsy, Greek, Croatian, Polish, German, Armenian, Romanian, Ruthenian, Serbian, Slovak, Slovenian and Ukrainian*”²⁶, and also gave a list of the fourteen minority languages used by these minorities.²⁷ In addition, there is a mechanism to expand the legal subjects of the law: “*if a minority other than those listed in paragraph (1) wishes to prove that they meet the requirements specified in this Act, they may submit sheets of signatures related to this petition to the President of the National Electoral Committee if supported by at least 1,000 voters who declare themselves members of this minority.*”²⁸ Ultimately, the Parliament shall decide on the inclusion while the President of the Hungarian Academy of Sciences shall also give an opinion on whether the respective group meets the necessary legal conditions.

Creating non-territorial autonomy for the domestic minority groups, as envisioned by the Minority Act, was closely associated with the challenging issue of defining community boundaries in Hungary. Since minorities originally refused any kind of registration of persons with minority affiliation, and given the uncertainties around identities and the differences between census results and estimates, at the elections of MSGs there were difficulties in implementing and enforcing those provisions that declared the minorities’ right to establish MSGs and that minority rights could be applied only to Hungarian citizens. As a consequence, between 1994 and 2006, every adult Hungarian citizen had the right to vote and be elected at MSGs²⁹ and as an unintended side-effect, non-citizens established in Hungary thereby also could vote since minority elections took place on the same days and at the same polling stations as local elections; however, they could not be elected.

24 Draft law on the rights of national and ethnic minorities (Ministry of Interior, January 1992). Draft law on the rights of national and ethnic minorities (6 February 1992).

25 Article 1 (1). The term ‘national or ethnic minority’ was defined as “*an ethnic group which has been living on the territory of the Republic of Hungary for at least one century, which represents a numerical minority among the citizens of the state, the members of which are Hungarian citizens, and are distinguished from the rest of the citizens by their own language, culture and traditions, and at the same time demonstrate a sense of belonging together, which is aimed at the preservation of all these, and at the expression and the protection of the interests of their historical communities.*” See Act 77 of 1993 on the rights of national and ethnic minorities (as of November 2005). <http://www.kisebbségiombudsman.hu/data/files/128317683.pdf> (accessed 19 June 2015).

26 Article 61 (1).

27 Article 42.

28 Article 61 (2).

29 Act 61 of 1994 on the amendment of Act of 1949 on the constitution of Republic of Hungary. Article 2 (1).

In order to reduce the incidence of electoral abuses (commonly referred as ‘ethno-business’) and to strengthen the autonomy system, a long-term modification process began in 1997 and eventually resulted in the 2005 law on the elections of MSGs and the overall amendment of the 1993 minority law. The question was also about whether non-Hungarian citizens belonging to recognized communities had to be incorporated into the scope of the law, or in accord with the law, only citizens with minority affiliations were eligible to enjoy minority rights.

The latter idea was supported by the draft law of the Ministry of Interior during the amendment process in 2000³⁰, while minorities strongly opposed this reduction.³¹ As noted above, the thirteen communities were differently affected by migration: for some, the issue was not of prime importance but they accepted that for others to ensure the possibility of exercising minority rights including the institutional access to MSGs for non-citizens established in the country proved to be a crucial issue to solve.

The 2002 amendment of the constitution, generated by the prospective EU accession, brought important changes in the legal framework, whereby the major electoral rules were harmonised with the relevant provision of the EU Treaty, stipulating that every EU citizen has the right to vote for and stand as a candidate in local and European Parliament elections in whichever EU country the citizen resides. Another implication of the amendment was that it repealed the constitutional provision that declared it the right of every Hungarian citizen to vote and be elected at the minority elections, thereby allowing the parliament to decide on the future rules.³²

The preliminary concept of the Office for National and Ethnic Minorities found it necessary to limit the scope of the law to Hungarian citizens.³³ The head of the Polish national self-government summarized the position of minorities as follows: “*we found it unacceptable that the law would grant the right to participate at the minority elections only for Hungarian citizens. Thereby we would exclude those minority people who are officially resided in Hungary and who otherwise can participate at the local elections. But they would only be excluded from their own elections.*”³⁴

30 Summary about the draft law on the parliamentary representation of national and ethnic minorities and the elections of their self-governments (Budapest, 29 March 2000). Archive of the Parliament of Hungary (hereinafter MOIL) 1998-2002. EMB Ad hoc committee meetings 2000–2001. 59. d.

31 Letter from the presidents of the thirteen national minority self-governments to István Daróczy, Head of the Legal Department of the Ministry of Interior (Budapest, 26 July 2000). MOIL 1998–2002. EMB Letters 2000. 22. d. Letter from János Fuzik, Head of the Slovak National Self-Government to István Daróczy (Budapest, 28 July 2000).

32 Act 61 of 2002 on the amendment of the Act 20 of 1949 on the constitution of the Republic of Hungary. Article 7. 9. At the municipal elections migrants, refugees, and resided persons also have the right to vote.

33 Preliminary concept about the electoral rights of national and ethnic minorities (Budapest, 21 October 2002).

34 Letter from Konrad Sutarski to István Daróczy, Head of the Legal Department of the Ministry of Interior (15 January 2004). See also Letter from the presidents of the Bulgarian, Greek, Polish, Armenian, Romanian, Serb, and Ukrainian national self-governments to László Szászfalvi, Chairman of Parliamentary Committee on Human Rights, Minority and Religious Affairs (Budapest, 20 January 2004). MOIL 2002–2006. EMB Files 2004. 6. d.

As a result, the law proposal, which was submitted to the Parliament in March 2004, would have covered such EU citizens, refugees, migrants and resided persons as well who belong to the recognized national and ethnic minorities.³⁵ Initially, all the four parliamentary parties agreed to extend the personal scope of the minority law but in October 2004 there was a serious shift in the position of the larger opposition party, Fidesz, claiming that the issue of 'traditional minorities' must not be confused with the question of migrants. In response, leaders of the four largest minorities stated that "*we cannot understand that, while in 2006 EU citizens will have the right to vote at local elections, why should they be excluded from the elections of MSGs.*"³⁶

By the end of May 2005, the negotiations between the opposition Fidesz and the ruling Socialist Party ended in a compromise which, as regards the subjects of the law, returned to Hungarian citizens, not allowing foreign citizens to vote for MSGs. The adopted law therefore was to be applied only to those Hungarian citizens who belonged to recognized minority communities.³⁷

The new 2011 law on the rights of minorities³⁸ extends its personal scope to non-Hungarian citizens belonging to minorities, including EU citizens, refugees, and immigrants residing in Hungary. This was indeed an old minority demand. As a result of the changes, in 2014 these groups also had the right to vote for, and be elected at the latest elections of MSGs. However, this state of affairs will only last for one term, as the law will later cover only Hungarian citizens – on the ground that a distinction in the long run shall be made between 'traditional' and migrant communities.

The Attempts of Non-Recognized Minorities

When assessing the existence of national, ethnic minority groups, the most common definitions usually underscore the necessity of both the distinct 'objective' features and the 'subjective' criterion of self-identification, while not only the relations between them but in practice, their application to particular cases often leads to difficulties, too. Especially in the Central and Eastern European context, where, in addition to the rich tradition of multi-ethnic diversity, there are numerous examples of top-down manipulation and intervention into group boundaries by the rival and often assimilatory state- and nation-building projects.³⁹ The 1991 CSCE meeting of experts on

35 Law proposal no. 9126 on the election of the representatives of minority self-governments and the amendment of certain Acts concerning national and ethnic minorities (March 2004).

36 Letter from Ottó Heinek, the president of German National Self-Government in Hungary on behalf of presidents of national Roma, Croat, and Slovak self-governments to János Áder, chairman of the Fidesz parliamentary fraction (Budapest, 19 October 2004). Source: <http://www.nemzetisegek.hu/etnonet>

37 Act 114 of 2005 on the election of the representatives of minority self-governments and the amendment of certain Acts concerning national and ethnic minorities.

38 Act 179 of 2011 on the Rights of Minorities. <http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF%282012%29014-e>

39 See, for instance, Jan Muš, Mirella Korzeniewska-Wiszniewska: *Divide et impera principle. Minority oriented state policy in the Balkans*, New Balkan Politics, 2013/13. 73–89.

national minorities further complicates the matter of assessing the emergence of new applicants claiming official minority status as they noted: “*not all ethnic, cultural, linguistic or religious differences necessarily lead to the creation of national minorities.*”⁴⁰

In Hungary, the communist regime recognized Germans, Romanians, Slovaks, and ‘Southern Slavs’ as official nationalities until 1989 – the latter was rather an umbrella term that covered three groups: Croats, Serbs and Slovenes whose kin-state was Yugoslavia. Roma – officially referred to as Gypsies in that era – received some recognition only in the end of the 1970s as an ‘ethnic group’. Other communities, namely Bulgarians, Greeks and Poles had their own associations but they did not have as much minority rights as the larger officially recognized ones. Evidently, during the transition and the formulation of the country’s new constitutional provisions and minority law in particular, there was a crucial need especially by Roma and Jewish communities for the clarification of the personal scope of minority rights. In May 1992 an agreement was reached between the government and the Minority Roundtable on the expandable list of the recognized groups which were basically the ones that were represented in the umbrella organization with one important exception. Although a Jewish association claiming that Jews had to be recognized as national minority contributed to the preparation of the law, soon it became obvious that the majority of the Jewish community in Hungary rather considered themselves as a religious denomination, contrary to the situation in the neighbouring countries. As a result, Ukrainians became recognized as the thirteenth official minority⁴¹, probably with an eye on the signed basic treaty and joint declaration on minority protection with Ukraine a year earlier, because at that time only a joint Ruthenian-Ukrainian association existed.

This did not mean that there were not any attempts by other groups even before the adoption of the 1993 minority law to become subjects of the law. Within the less intense initiations of the early 1990s, interestingly, the representatives of Szeklers and Lithuanians made enquiries at the Office for National and Ethnic Minorities about the prospects of an official status and a month before it was passed a local Bunjevci association protested against the law, saying that it failed to include the Bunjevci minority. More important was the lobbying of the Italian Alliance of Hungary from 1991: the organization had extensive goals for “*one of the oldest autochthonous groups*” with more than 700 years of history behind them, and claimed that it had around 800 members. According to their own estimates, the number of both Italians and people with Italian origins was between 10 and 300 thousands⁴², while the 1990 census registered only 164 persons whose native language was Italian. After several meetings, the Office concluded that the Italians in Hungary were not more than a circle of friends. In 1992 the Alliance of Wends of Hungary recalled the idea that the Wends are not

40 <http://www.osce.org/hcnm/14588?download=true> (accessed 19 June 2015).

41 Dobos: *A kisebbség joga*, 155.

42 Letter from János Angió-Auth, the president of the Italian Alliance of Hungary to Gábor Fodor, Chairman of the Parliamentary Committee on Human Rights, Minority and Religious Affairs (Budapest, 25 March 1992). MOIL 90-94. EJKVB 8. d.

Slovenes⁴³ and demanded official status for the “*concealed, suppressed and forgotten*” minority which was “*the oldest, yet not assimilated ethnic group*” in Hungary.⁴⁴ Eventually, both initiations failed and both associations ceased their activities in the 2000s.

The number of recognized minorities has remained constant since the adoption of the 1993 minority law but there also have been a number of attempts to extend the personal scope of the law: most of them failed to collect at least 1000 signatures and those that could manage, the initiations of the Huns and Bunjevci were both rejected by the Parliament (*see Table 6*). The former claiming descent from the ancient Hun tribes essentially failed to demonstrate any of the objective elements of the Hungarian minority definition.⁴⁵ The status of the Bunjevci, a Roman Catholic Southern Slav group living in north-western Vojvodina alongside the Hungarian-Serbian border, is far less obvious and has been long disputed and politicized ever since it was caught among the modern Croat, Hungarian and Serb nation-building processes.⁴⁶ In the 1990s there were various approaches in the light of the violent breakup of Yugoslavia: some argued that Bunjevci belonged to the Croat nation, others considered them as Serbs, and still others claimed that they constituted a distinct Southern Slav ethnic group. In Hungary, after 1989 most of the local representatives and organizations of the respective population apparently favoured the Croat idea and later created a bunch of local Croat MSGs. As noted above, one local association objected the minority law and some Bunjevci rather opted to establish Serb MSGs in the region. In the 2000s, partly by the impact of the Yugoslav minority policies, the creation of the Bunjevci National Council in Vojvodina, some local activists tended to support the Serb arguments and attempted to include the Bunjevci in the minority law but both initiatives failed. Nevertheless, the opinion delivered by the President of the Academy concluded that neither the academic nor the political discussions about the origin and identity of Bunjevci can be considered as being completed.⁴⁷

43 The Hungarian historical term ‘Wend’ was traditionally used to describe Slovenes living in Hungary while it often aimed to distinguish them from other Slovenes. See in this regard: Tom Priestly: *Denial of Ethnic Identity: The Political Manipulation of Beliefs about Language in Slovene Minority Areas of Austria and Hungary*, *Slavic Review*, 1996/2. 389–392. The Alliance of Slovenes of Hungary claimed that the advocates of the ‘Wend’ minority in the early 1990s were in fact assimilated local Slovene people from the Hungarian-Slovene border region.

44 Letter from László Zsámpár, the president of Alliance of Wends of Hungary to Gábor Fodor, Chairman of the Parliamentary Committee on Human Rights, Minority and Religious Affairs (Kétvölgy, 17 February 1993). MOIL 90–94. EJKVB 25. d.

45 See, for instance, Hungary blocks Hun minority bid (BBC News, 12 April 2005). <http://news.bbc.co.uk/2/hi/europe/4435181.stm> (accessed 19 June 2015).

46 Bojan Todosijević: *Why Bunjevci did not Become a Nation: A Case Study*, *East Central Europe*, 2002/1-2. 59–72.

47 Letter from Szilveszter Vizi E., the President of the Hungarian Academy of Sciences to Péter Szige-ti, President of the National Election Committee (Budapest, 11 April 2006). <http://www.parlament.hu/irom38/00960/00960.pdf> (accessed 19 June 2015).

Table 6: Most significant attempts aiming at the extension of the minority law after its 1993 adoption

Years	Minority	Result
1999	Transylvanian Hungarians	Discussed by the ad hoc parliamentary sub-committee on the modification of the minority law.
2001	Aegean Macedonians	Failed to collect the required number of signatures.
2004-2005	Huns	April 2005: rejected by the Parliament.
2005-2006	Jews	Failed to collect the required number of signatures.
	Russians	Failed to collect the required number of signatures.
	Bunjevcsis	December 2006: rejected by the Parliament.
2007-2008	Italians	Failed to collect the required number of signatures.
	Jász (Jassy)	Could not be placed on the agenda of the Central Election Committee.
2010-2011	Bunjevcsis	May 2011: rejected by the Parliament.

Conclusions

The key question for the future prospects of the Hungarian model of minority protection is whether it has the potential to slow down and possibly reverse the major socio-demographic tendencies among the recognized minority communities, the gradual linguistic assimilation most prominently, as shown by the relevant census data on the decline of minority language use. To put it differently, whether the recent shift towards a more ethno-cultural understanding of the nation in the new constitution, the extension of the cultural autonomy or the transnational migration processes will eventually be such factors that will strengthen the Hungarian components of minority identities, the ‘symbolic ethnicity’, or on the other hand, will result in more conscious, ‘dissimilated’ groups – this latter is not supported by the latest 2014 data of the minority elections. As a consequence of the struggle against electoral abuses, however, the recent legislation seems to have an opposite effect, by discouraging registration and participation in minority public life. In this context, as seen in the analysis of preceding sections, representatives of the recognized minorities long sought to extend the application of minority law to non-Hungarian citizens who are established in the country and have favourable socioeconomic positions, better native language

skills, close ties to the kin-states, and stronger ethnic identities.⁴⁸ However, the newcomers' attempts to complement the 'old' communities, to contribute to minority public life and to the work of MSGs have caused tensions in certain cases. The new 2011 minority law extends temporarily its personal scope to non-Hungarian citizens belonging to recognized minorities, including EU citizens, refugees, and immigrants residing in Hungary, and in 2014, these groups also had the right to vote for, and be elected to MSGs. However, another key question for the future is whether there will be an enormous need among the minorities for maintaining this recent extension or it will be more reasonable again to restrict the protection to 'old' minorities, since, as demonstrated in the last section, none of the non-recognized groups in Hungary managed to be included in the minority law in the past two decades partly because of failing to meet fully the legal requirements.

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