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Xenophobia in Hungary: A regional comparison: Systemic sources and possible solutions

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Xenophobia in Hungary: A Regional Comparison

Systemic Sources and Possible Solutions

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EXECUTIVE SUMMARY

This paper provides a detailed comparison of both the institutional frameworks and the societal manifestation of xenophobic sentiments in Central and Eastern Europe. Arguing that xenophobia is co-produced at the institutional, discursive, and social levels, the paper analyzes a multitude of variables – including national legal frameworks, administrative practices, available scientific data and media discourses – and points out the differences between the country-specific operationalizations of the core concepts. Its primary goal is to examine the possible roots of xenophobia, and to identify the main reasons behind the associated commonalities and differences.

The analysis stresses that sociological surveys prove false the simplistic notion that the region is homogeneously xenophobic: while ethnic intolerance increased in countries such as Poland, Russia, Belarus, and Hungary between 1990 and 1999, it decreased in the Czech Republic, Slovenia, Romania, and Slovakia. Given that xenophobia levels don't seem to be correlated to living standards, cultural-historical experience, education, civil society patterns, or even the number of immigrants, the paper suggests that more attention should be paid to the role of political communication and public discourse.

In Poland, the Czech Republic and Slovenia, a pro-immigrant discourse has been introduced into the mainstream media by political elites and NGO activists, and in most countries the nationalistic or ethnocentric discourse appear to have been tied to particular leaders. Conversely, in Hungary the public debate on foreigners has been dominated by negative and stereotypical imagery, and the rhetorical de-territorialization of “the nation” has become widely accepted across the political spectrum. These factors have contributed to the development and preservation in Hungary of a more monolithically xenophobic public discourse than in other countries.

Even though the results of comparative international surveys diverge in many aspects – and sometimes even contradict each other – one of the shared conclusions has been that Hungary has developed the most negative overall indicators over the past decade. In one international study, 45% of Hungarian respondents were classed as “strongly xenophobic”, and local surveys show that most Hungarians are concerned about immigration from both the “East” and the “West”. At the same time, Hungary has lost its front-runner position in finding a legal solution to the growing problem. The paper warns that the Hungarian government's failure to embark on the adoption of a comprehensive immigration policy will place it in a weaker position than the Czechs or the Poles, in influencing the design of the EU's emerging legal framework.

Until recently, most countries in the region have treated immigration on an *ad hoc* basis, determined by economic pressure, “national” or ethnic solidarity, or EU requirements. However, largely due to the preparation for European accession, immigration legislation has gradually become both more restrictive and more coherent. At the same time, most countries have not yet recognized the need to adopt comprehensive immigration policies (the notable exceptions are Russia, the Czech Republic and Poland). The paper argues that despite the low number of immigrants and refugees, the national legislations and the dominant political discourse on foreigners has generated an institutional spirit which exceeds the legal limits of discrimination between citizens and non-citizens.

The paper details country-specific findings ranging from the Russian perceptions of the Chinese, to Polish perceptions of Romanians and Ukrainians, and Hungarian perceptions of ethnic Hungarian migrants from neighboring countries. It analyzes the variations on the status of foreigners, reviews the definitions of minorities, compares the diverse forms of anti-discrimination and hate-speech legislation, and studies the treatment of refugees, asylum-seekers and legal foreign residents. Among the many weaknesses of national legal frameworks, the paper identifies as their basic flaws their contradictory nature, the lacking of integration provisions, and the fact that their structure and language largely reflects a conception of non-citizens as a group to be “controlled”.

The analysis concludes with the interpretation of data collected through xenophobia measurement surveys in various countries. In a separate recommendations section, it argues that it is the respective governments' responsibility to work toward changing public discourse to de-criminalize migration, to enforce media ethics codes, as well as to extend the enforcement of anti-discrimination laws and other instruments of minority protection to foreign citizens. Among others, the paper also recommends the development of comprehensive migration policies and the redesigning of education and cultural policy, in particular the teaching of history, to recognize diversity.

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1. The Underpinnings of Xenophobia in the Region

Xenophobia – the hatred or non-acceptance of otherness in the broad sense, or of foreigners in the narrower sense – in Eastern Europe (defined here as the former state socialist countries of Europe) is usually attributed to cultural traditions or the economic and social shocks of transition. However, xenophobic practices and discourses in society not just inform but also are informed by (1) political and media discourses on otherness and (2) legally based and institutionally practiced exclusion of immigrants.

While intolerance toward minorities is regarded as a key social, political and indeed security problem in the region, unlike in Western Europe or North America, it is rarely linked to migration. The division between “immigrant” and “indigenous” or “historical” minorities recognizes - at least on paper - the need to support the latter but excludes the former from debates on social and cultural issues, reducing them to an issue of policing. This division has enabled the institutionalization and amplification of xenophobic political agendas in Eastern Europe and thereby contributed to a more general climate of intolerance, which has hit indigenous minorities as well.

With this thesis as a starting point, the Center for Policy Studies and the Humanities Center of Central European University held a workshop, “Understanding Xenophobia in Eastern Europe,” on 21-22 June 2002. The workshop revealed both commonalities and substantial differences in the trends of xenophobia in the region and raised questions of data interpretation. Based on contributions to the workshop as well as a review of previously available studies and information, this report compares the institutionalization and practice of intolerance primarily of immigrant minorities (and foreigners in general) in Hungary to the situation in other countries the region, and attempts to point to possible reasons behind commonalities and differences. In so doing, it wishes to add to existing studies of intolerance toward indigenous minorities (e.g. *Ethnic Relations* 2001) another important policy dimension that must be addressed in any approach to the wider issue of intolerance in society.

With increasing flows of migration, investment, and tourism in the region, xenophobia is becoming an important phenomenon and policy issue. The nation-state in Eastern Europe, as everywhere else, defines its sovereignty through a legal framework that institutionally discriminates against and excludes foreigners. Restrictions on entry, residence, employment, investment, social welfare etc. constitute institutional exclusion justified in terms of the nation-state. Such exclusion creates a double standard not only in the political, economic and social rights of individuals and in their administrative treatment but also in the dominant discourse. Mobility, activity, readiness to move to find a better job or to create jobs for others are encouraged in developed and democratic societies, but only for citizens of the country in question and of a few other similarly developed countries. In the meantime, when citizens of the “third world,” or an often arbitrarily defined list of countries, follow the same patterns of social behavior they are condemned, punished, and discursively criminalized.

Yet while the double standard may make legal sense, society at large has difficulties reconciling these anti-migration policies with the generally declared universal principles of equality and acceptance of diversity. For “common people,” affiliation with another state and different citizenship are not the crucial factors. Rather, immigrants are perceived as “others” in a cultural and linguistic sense. The rhetoric of migration control, which portrays these “others” as a threat to society, counteracts and undermines lofty ideals of universal equality.

While legal exclusion is universal, there are two substantive issues that differentiate, first, countries of Western and Eastern Europe in general, and, second, Eastern European countries between each other. The first issue is the existence or absence of a managed program of immigration. Several Western European countries, recognizing their need for labor, have recently begun such programs, and European Union efforts to develop a common immigration policy (as outlined in the

European Commission's Communication "Toward a Community Immigration Policy", COM(2000)757 of 22 November 2000) include the recognition of a need for such. By contrast, in Eastern Europe, only Russian and, in part, Czech policy recognizes the need for managed immigration. The second issue is to what extent legal exclusion of immigrants informs public discourse and social behavior. This issue has to do, among other factors, with the inclusion or exclusion of immigrants from social integration policies and programs.

In light of the above, xenophobia must be seen as co-produced at the institutional, discursive, and social levels, and its treatment requires an examination of legal frameworks as well as administrative practices alongside with media discourses, sociological surveys, and data on ethnic violence.

1.1 Legal Basis

Approach to minority ethnic groups in Eastern Europe, as in Western Europe, is determined by a strong dichotomy between "indigenous" and "immigrant". While the historical origins and sizes of groups classified as "immigrant" varies widely – from ethnic Russians in Estonia and Latvia who have not been granted local citizenship, to Chinese in Hungary – the legal and discursive justification of discrimination against these groups is similar. This dichotomy allows for a politically directed institutionalization of xenophobia that obfuscates common problems of minorities and creates a basis of xenophobic discourse and practice.

An examination of the legal basis of xenophobia includes, therefore, three elements: (1) Immigration legislation and related laws that institutionalize discrimination between citizens and non-citizens; (2) Legislation defining titular and indigenous ethnic groups that institutionalize discrimination between ethnic groups (in some countries); and (3) Anti-discrimination legislation and possible legislation on minorities or diasporas (in the case of immigrants of the same ethnicity as the main population of the accepting country) that may counteract such discrimination.

1.1.1 Immigration and Asylum Legislation and Related Laws

Russia

The legal framework regulating the status of foreigners shows considerable variation across Eastern Europe. Nonetheless, certain common features can be identified.

Russia stands out among Eastern European countries as the state with a comprehensive migration policy, which, however, operates in parallel with an ambitious, but disjointed and dysfunctional, legislative framework. Russia created a Federal Migration Service to cope primarily with ethnic Russian refugees and forced migrants from the other successor states, but also with huge numbers of other, particularly Afghan, refugees. (It was, however, dissolved in 2000.) A Federal Migration Program was also enacted in 1992 and has been periodically reviewed (the latest version is for the period from 2002 to 2004). Demographers have participated in the work on these programs, which, beyond dealing with refugees, have addressed migration processes holistically, accepting it a necessary phenomenon. The successive programs note both opportunities and difficulties brought about by migration; they review emigration, immigration, internal migration, the demographic and labor situation, social and economic integration, and issues of intolerance and welfare. They provide for yearly quotas on refugees as well as ensuring their non-refoulement (Voronina 1998:48).

The government formed a Commission on Migration Policy in 1998 and adopted a new White paper (*kontseptsiia*) on migration policy in 2001. The document issued by the Minister of Federation Affairs, Nationalities and Migration Policy (Blokhin 2001) notes the need to develop a selective, quota-based immigration policy (pp. 8-9). Likewise, Russia's Nationalities Minister said "Russia needs

an influx of foreign labor but wants it to be an organized process" (Migration News 2002). Laws have been enacted "On the process of leaving and entering the Russian Federation," "On the legal status of foreign citizens in the Russian Federation," "On displaced persons," "On refugees", and "On citizenship of the Russian Federation". A 1993 presidential Statute "On the recruitment and utilization of foreign labor in the Russian Federation" enabled regional administrations to set quotas for the use of foreign labor, which particularly those in Siberia and the Russian Far East have used. There is a quota for employment of foreign workers (583,000 in 2003). Overall, this legislation privileges Russian citizens: either "forced migrants" or persons displaced from their residence in other post-Soviet countries or internal migrants. Russia has ratified a CIS Agreement on cooperation in the area of labor migration and on the social protection of labor migration and signed bilateral agreements on labor migration with a number of countries including Ukraine, China, and Vietnam (Voronina 1998:42-49).

These laws, however, are not always consistent with the federal migration policy, with Article 62 of the Russian constitution, which declares that "foreign citizens and stateless persons in the Russian Federation enjoy the same rights and carry the same obligations as citizens of the Russian Federation, except cases defined in federal laws or international treaties," or with international conventions. Thus, the 1997 Law "On refugees" states that illegally leaving his or her country of habitual residence can disqualify an asylum applicant from receiving a substantive evaluation of his or her application (Yastrebova 1998:81).

In addition, the actual status of foreigners is largely defined by federal and regional regulations on entry, entrepreneurship, labor, and household registration outside the purview of these laws. Federal and regional regulations - these include not only laws but also decrees and even unpublished circulars by the President, regional administration heads, and the central and regional governments – often clash. In particular, a number of regional administrations, including Moscow, have issued decrees limiting the recognition of refugees, their freedom of movement and of choice of residence, or issuing quotas for their number (Khoperskaya 1998:137-38). For example, Law 9-K3 of 1995 of the Krasnodar Region (invalidated by a federal court, but still applied) stipulates that the region's Migration Service recognizes an asylum applicant as a refugee only if he or she has immediate relatives who have resided in the region for at least ten years. The law makes residential registration compulsory for everyone. Permanent registration is granted only to those accorded refugee status, and they are allowed to reside only at the residence of their relatives. Asylum applicants are given temporary registration for one year. All other foreign citizens are entitled to register only for 45 days, once a year, which can be extended by another 45 days (Osipov 1998:144-50, International Helsinki Federation 2001:127). In some resort areas, registration must be authorized by a regional commission. On the other hand, persons without local registration are not allowed to purchase real estate (Osipov 1998:155). In some regions, including Moscow, there is a fee for the registration, and in some, asylum applicants of certain ethnic backgrounds are exempted from the fee while others are not (Khoperskaya 1998:130-38, Osipov 1988:153).

Other Countries

Until very recently, other Eastern European states had not developed concepts of migration policy, but, following the Western European example, treated immigration on an ad hoc basis, determined by short-term pressures of public opinion, "national" or ethnic solidarity, the economy, and lately accession to the European Union. On the other hand, the legislative framework on the status of foreign citizens is relatively more comprehensive and more consistently implemented than in Russia.

In 2002, the Czech Republic published the principles of its immigration policy, which stresses cracking down on illegal migration but "supports immigration that is an asset for the state and

society” (Drbohlav 2003). Furthermore, in 2003, the Czech government launched a pilot project monitoring the integration of foreign workers from three countries who volunteered for the program and scored at least 25 points on a 66-point scale that takes into account age, occupation, education, and experience. After 30 months, qualifying participants will be recommended for permanent residence. This project is intended to be a pilot for an active immigration policy¹. The Polish government began work on the concept of a migration policy in 2002 (Iglicka et al. 2003:396). Other countries have made no moves yet to develop a comprehensive migration policy.

In most of the countries permanent residents enjoy the same access to work, welfare benefits, education, and health care as citizens do. But the legal security of permanent residents varies by country. In Hungary, permanent residence permits – despite being so called – must be renewed every five years and “a change in the conditions of residence” (for example if the holder’s taxed income falls below a certain level) can result in a revocation. This means that, for fear of their permanent residence permit being cancelled, many foreigners do not have access to most of the welfare benefits they are entitled to. Poland, on the other hand, permanent resident status can only be revoked for criminal convictions of over three years in prison, or for reasons of “national security” (Iglicka et al. 2003:425).

Most Eastern European countries have ratified the 1951 Convention on refugees and other international legal instruments pertaining to the treatment of refugees and asylum seekers. Recognized refugees in these countries enjoy similar rights to citizens. The rights of rejected asylum applicants who cannot be returned to their countries for humanitarian reasons (due to the principle of non-refoulement) vary across countries, although they have much more limited rights to medical care, welfare, and employment than refugees do. They enjoy some access to financial aid in the Czech Republic, access to free education up to secondary level; to a simplified work permit approval procedure in Hungary; and to all of the above in Bulgaria; but there are no instruments to protect them in Estonia (Potisepp and Adamson 2001:176, Tychtl 2001:156-158, Marincheska 2001:57).

1.1.2 Legislation Defining Titular and Indigenous Ethnic Groups

Laws of some Eastern European countries (Latvia, Slovakia) declare one particular ethnic group as the “nation-forming” one. Some countries (Romania, Slovakia, Latvia, Bulgaria, Estonia) have laws on the national language that limit the use of other languages. Personal identification documents issued for citizens of several post-Soviet countries, including Latvia, carry a mandatory identification of ethnicity, which is determined by the state based on the ethnicity of the parents, rather than by the individual him/herself.

Some countries (Hungary, Slovenia, Estonia,) legally define “historical” ethnic minorities. Only the groups listed enjoy minority rights. In Hungary, the list can be expanded by approval of the President if a sufficient number of citizens declare themselves as belonging to an ethnic group which they can prove has been present in Hungary for at least one hundred years. The Council of Europe's commissioner for human rights noted in 2003 that Slovenia should do more for those minorities it did not consider “autochthonous” (RFE/RL Newline Vol. 7, No. 91, Part II, 15 May 2003).

States that only recently became independent faced a special legislative task: determining the criteria upon which citizenship of the new state was to be granted to residents. Most states accepted residence at time of independence as the dominant criterion, but Estonia and Latvia used residence at the time of annexation by the Soviet Union in 1940 instead. This created large groups of residents, mostly ethnic Russians, to whom citizenship was denied. Laws adopted in the mid-1990s “practically legalized the connection of naturalization to ethnicity”. In 1994, one-third of the residents of Latvia and Estonia did not have local citizenship, which, apart from denying them the right to political

¹ See <http://www.mpsv.cz/files/clanky/2983/english.pdf>.

representation, also deprived them from economic opportunities, such as participating in land privatization (Tishkov 1996:106-107).

Many countries, as well as some regions within the Russian Federation, discriminate between foreign citizens based on their “ethnic closeness” to their own titular population. (There are numerous Western European examples of such legislation as well.) A more extreme version of such discrimination is present in a number of regional laws in Russia, which establish a special status of “repatriates” for migrants belonging to the dominant ethnic group (not necessarily Russian). This status offers privileges in registration, ownership of real estate etc., regardless of the “repatriate”’s citizenship (Khoperskaia 1998:130-38).

A less extreme version of such discrimination exists in legislation in the Czech Republic, Slovakia, Slovenia, Romania, Poland, Croatia, and Hungary. Most of these laws provide positive discrimination of co-ethnics in the immigration and naturalization process as well as employment and other benefits. In Romania, Moldovans, who are considered to be ethnic Romanians, enjoy special rights in employment and education. The best-known and probably most comprehensive of such laws is Hungary’s so-called “status law” (Law LXII of 2001), which establishes “Hungarian National Identity Cards” for citizens of neighboring countries (except Austria) who are judged to be ethnic Hungarians and apply for them. Holders of such cards are entitled to apply for work permits in Hungary for three months each year under a simplified procedure, which means that Employment Offices need not certify the availability of qualified Hungarian citizens for the jobs they are applying for. (This clause caused objections by governments of neighboring countries, which stated that Hungary cannot discriminate between the citizens of another country based on their ethnicity. As a result, Hungary extended the same provision to all Romanian citizens in a separate treaty, but not to citizens of other countries.) In addition, holders of the card enjoy access to scholarships and discounted travel, and the government tabling the bill foresaw that they would enjoy positive discrimination if a visa requirement is imposed on them after Hungary’s entry into the EU (*Népszabadság*, 15 June 2001). Apart from this law, there are some 150 legal texts that explicitly or implicitly contain the possibility of positive discrimination of ethnic Hungarians over other foreigners in entry, employment, residence, and naturalisation (Tóth 2001).

Finally, the Stavropol and Krasnodar Regions in Russia, have unconstitutional legislation that discriminate between local residents and all others, regardless of citizenship, in the right to residence and ownership of real estate (Mukomel 2000:272, Osipov 1998:155).

1.1.3 Anti-Discrimination Legislation

The constitutions of a number of Eastern European countries (including those that define “titular” ethnic groups, such as Latvia and Estonia) contain clauses prohibiting discrimination on the basis of ethnicity. Some countries have anti-discrimination clauses contained in other laws. In Hungary, the ban on discrimination is repeated in the laws on education and the Labor Code: the latter puts the burden of proof on the employer accused of discrimination. Slovenian law appears to have the strictest provisions in this respect. In addition to enshrining the ban on discrimination in the Constitution, it makes “infringing on equality” – meaning denying someone basic rights or freedoms guaranteed by law on the basis of nationality, race, or religion – as well as harassing an individual or organization because it supports the equality of people crimes punishable by up to one year in prison, or three years if the perpetrator is an official (Article 141 of the Penal Code; Školikay 2002). By contrast, in Hungary and Bulgaria, there is no legal recourse against violations of non-discrimination provisions (Tóth 2002, Ilieva 2003).

Most Eastern European states have ratified the major international instruments of human rights protection, such as the UN Covenant on Civil and Political Rights, Protocol 12 of the European

Convention on Human Rights, the UN Convention on the Rights of the Child, and the International Convention on the Elimination of All Forms of Racial Discrimination. For example, Hungary has a decree prohibiting discrimination in public education. Russia's Federal Migration Program contains the principle of non-discrimination of migrants based on race, creed, citizenship, belonging to a particular social group, or political convictions (Voronina 1998:47). Romania sanctions discrimination on grounds of race, sex, language, origin, social origin, ethnic identity, or nationality in commercial advertising (Iordache and Tabacu 2003).

A related body of legislation is that penalizing "hate crime" and "hate speech". In Slovenia, "incitement to national, racial, religious, or other inequality" and "encouragement of national, racial, religious, or other hatred and intolerance" are prohibited by the Constitution (Article 36). In addition, the Mass Media Act prohibits programming that encourages national, racial, religious, gender or any other inequality (Article 8) or incites discrimination on the grounds of race, sex, or ethnicity (Article 47) and establishes fines of up to the equivalent of \$10,000 for publishers and individuals who violate these articles (Article 129; Školcak 2002). The Slovak penal code prohibits "defamation of a nation, race, or groups of people based on their political ideology, religion, or atheism" (Article 198). Encouragement of national or racial hatred is punishable by a year in prison or a fine (Article 198a). Supporting movements that promote "national, racial, religious, or class hatred" can be punished by one to eight years in prison (Article 260; Školcak 2002). Article 317 of the Romanian Criminal Code prohibits "incitement to racial or national hatred" and punishes it with up to 5 years imprisonment, while Emergency Ordinance 31/2002 criminalizes "the dissemination, selling or manufacturing of fascist, racist, or xenophobic symbols" (Iordache and Tabacu 2003). Similarly, in Hungary, "violence or incitement against an national or religious group" is a crime. However, in all of these countries, these clauses are interpreted in a very restrictive fashion, and very few convictions have been made on their base. No one in any of these countries has yet been accused of "incitement" against a migrant group. The same is true for Latvia, where the law prohibits "incitement or propagation of hate speech" but requires "the demonstration of an intent to promote national or racial hatred" (Open Society Institute 2002:339).

Russia has one of the broadest legal definitions of hate speech. The Constitution as well as Article 282 of the criminal code prohibits "incit[ement] of ethnic, racial, or religious hostility, humiliation of ethnic dignity, as well as the promotion of the ideas of exclusiveness, superiority or inferiority resulting from religious, ethnic or racial affiliation". If such offences are committed publicly or through the mass media they carry a punishment of up to four years in prison (Lokshina 2002:99). Article 63 makes the motive of ethnic, racial, or religious hostility an aggravating circumstance of a crime. Here too, however, the articles are rarely used in practice (Lokshina 2002:102), although in the summer of 2003, a case was being prosecuted against several newspapers for accused of calling to exile or exterminate Jews and insulting "Christians and peoples from Asia and the Caucasus" (RFE/RL Newline, Vol. 7, No. 93, Part I, 19 May 2003).

1.1.4 Summary

With relatively minor differences, Hungary shares with other Central Eastern European states (1) a lack of comprehensive immigration legislation (although a few states are moving toward creating it); (2) lack of coordination between migration regulations and labor, civil, investment legislation; and (3) sweeping discretionary rights granted to authorities in processing applications for visas and residence permits. These conditions constitute the legal basis of xenophobia. In Russia, the situation is different: while there is legal acceptance of migration in general, it does not function in practice since local laws that actually govern access of migrants to residence, housing, and other entitlements are inconsistent with it and in part unconstitutional and openly discriminative.

While legal provisions for refugees and asylum seekers are broadly in line with those in other countries in the region (though asylum seekers can be detained longer), the status of permanent residents is subject to a legal insecurity not found in other countries.

More strongly than other countries in the region, Hungary discriminates between foreigners of Hungarian ethnicity and all others.

As elsewhere in the region, anti-discrimination legislation in Hungary exists, and more is in preparation, but it has not been applied to migrants.

1.2 Administrative Practices

The practices of institutions and individual officials are determined not only by how they apply legal and procedural regulations (or their violation) but also by the internal culture of the institutions. Although such institutional cultures are in turn influenced by dominant political and societal discourses, they can be highly idiosyncratic and resistant to the environment, including the legal environment. The more procedural discretion legal regulations allow institutions, the more their cultures influence the level of exclusion foreigners encounter.

1.2.1 Treatment of Refugees and Asylum Applicants

In Russia, asylum applicants must present a registration from the local Visa and Registrations Department (UVIR), which in turn usually refuses to register them in absence of a legal claim to stay and accommodation. Therefore many more asylum seekers register with the United Nations High Commissioner for Refugees than with Russian migration authorities, which they do not trust (Forced Migration Monitor 1996a). Even those asylum applicants who have managed to register with the Russian authorities are usually denied residential registration, which prevents them from renting accommodation outside of the refugee accommodation centers. Refugees without residential registration have no access to education, legal employment, and social security, regardless of legal provisions to the contrary governing refugee status (International Helsinki Federation 2001:445). Moreover, registered asylum applicants, and even recognized refugees, are subject to harassment, fines, detention, and threats of deportation by the police. Police claim that their documents are not valid and frequently use threats to extort money and “confiscate” merchandize; they often use violence, destroy the documents, or arrest refugees for several days. In the Krasnodar Region, refugees can be denied registration on the basis that they do not have sufficient living space, arbitrarily defined by the local branch of the migration authority. This is sometimes used to ferret out “ethnically alien” migrants such as Turks and Armenians. The lengthy process of obtaining registration prevents asylum applicants and refugees from working, although they would be legally entitled to do so. Russian authorities admit that they are unable to satisfy their Convention obligations in providing for refugees because of a lack of funding (Yastrebova 1998: 94-95, 101, Osipov 1998:148, 152). So-called Meskheti Turks, who had been deported from Georgia to Uzbekistan by Stalin and then fled Uzbekistan for the Krasnodar Region in the early 1990s, are denied marriage registration, welfare benefits, and education; and regional authorities, in alliance with Cossacks, have successfully pressed them to emigrate to Turkey (International Helsinki Federation 2001:128). Refugees from the Caucasus countries face discrimination in receiving accommodation in Moscow (Forced Migration Monitor 1997a).

While the condition of recognized refugees is more favorable in Central Eastern Europe than in Russia, the protection of asylum seekers varies across the countries. In Estonia, the review of asylum applications is made by a body subordinated to the Ministry of Interior rather than by an independent body (Potisepp and Adamson 2001:166-69, 175). In Hungary, Poland, and Bulgaria,

asylum applicants can be deported before the application procedure ends if authorities decide that they come from “manifestly” safe country of origin or transit. Immigration officials sometimes simply tell migrants not to bother applying for asylum (Hungarian Helsinki Committee 2002, Izing 2003, Kaczmarczyk 2001:216, 225, Marincheshka 2001:53). In Poland, rulings on applications from some countries are made in one day (Kaczmarczyk 2001:218).

In Poland, Hungary, and Slovenia, an arbitrarily selected minority of asylum seekers without a legal title is detained in closed reception centers. In Hungary, such detention can last up to 12 months, and there have been reports of brutal and degrading treatment (Hungarian Helsinki Committee 2002a,b). In Poland, detention is limited to 30 days.

Asylum applicants have the right to work in some countries (e.g. Bulgaria, Czech Republic) but not in others (Hungary). Refugees are entitled to most benefits citizens enjoy, but in most countries, their access to employment is hindered by the lack of an effective integration program. For that reason, most refugees in Hungary are unable to pay for accommodation of their own and, after their release from refugee camps, become homeless if they cannot find accommodation with acquaintances (Menedék 2003).

1.2.2 Treatment of Legal Foreign Residents

In most Eastern European countries, foreigners who are not refugees and – where there is such legislation – not members of the dominant local ethnic group are seen as simply a policing issue. Although the Czech Republic developed a concept of immigrant integration in 2002, Poland began working on such a concept in the same year, and Hungary in the following year, in practice migrants continue to fall in the gap between the system charged with the protection of the rights and cultures of “indigenous” ethnic minorities and the integration provisions of the refugee protection system, with no state bureaucracy concerned with them. Responding to a foreign researcher’s question on whether Hungary has a policy of integration of legal immigrants, the head of Hungary’s Office of Immigration and Nationality’s Residence Department – the top official in charge of non-permanent residents – said, “When someone has found a job, that’s integration.”

In Russia, Hungary, Romania, and the Czech Republic, there have been reports of police harassment of foreigners, particularly those with visibly different physical traits (International Helsinki Federation 2001:432, Forschungsgemeinschaft 2001). This includes checks by police, border guard, customs, tax and employment office agents and public land superintendents in public places, often accompanied by bribe-taking. Some researchers claim that Czech police are particularly keen to keep tourist areas “clean” of Eastern European migrants (Forschungsgemeinschaft 2001). According to the Czech Helsinki Committee, “the way the Aliens Police ... functions is still similar to ... before ... 1989” (Czech Helsinki Committee 2001:33). In Hungary in particular, harassment by customs and tax officers has elicited complaints from large Western-invested companies and, in 2003, a Bavarian government minister, who warned that Hungary risked losing investment (*Népszabadság*, 3 June, p. 1).

In Hungary, Border Guard and immigration officials (Article 61 of 2001 Alien Policing Law) are entitled to enter homes of foreigners to check their documents. Foreigners are particularly often subjected to police brutality, a point noted in the European Commission’s 2001 Regular Report on Hungary (SEC(2001) 1748), as well as to extortion by police. Solicitors and foreigners complain that the procedure of applying for temporary and permanent residence permits at the Office of Immigration and Nationality (OIN) is arbitrary, lengthy, and humiliating. A solicitor who served as Head of the Administration Division of the national police (in charge of immigration matters) until 1996 says that “foreigners and their attorneys are humiliated in every single case. ... The Interior Ministry continues to behave like a state within a state, painting an enemy image of the foreigners,

regardless of their color”.² A former Head of the Immigration Department of the police who has been practicing as an immigration solicitor since 1997 described the conditions as “violating human dignity”.³ The Parliamentary Commissioner for Citizens’ Rights stated that the OIN’s non-compliance with procedural deadlines was unconstitutional.⁴

Some countries practice extralegal discrimination by citizenship. In Hungary, solicitors report that residence permit applications by ethnic Hungarians or citizens of a Western country are more frequently approved than those by others who report the same income or proof of accommodation.⁵ Permanent residence permit applications by citizens of certain countries including China and Vietnam are screened for the authenticity of applicants’ visas. Several countries maintain “blacklists” that discriminate citizens of certain countries for immigration purposes. These “blacklists” are not publicly released nor regulated by law. In the Czech Republic, some nationalities, including Chinese, are classified as “problem nationalities” in terms of immigration risk; issuance of residence permits to them is stricter (Forschungsgemeinschaft 2001:42; Moore and Tubilewicz 2001).⁶

Such discrimination encourages corruption. Chinese informants in Hungary maintain that between 2000 and 2002, persons with private passports have been unable to obtain Hungarian visas of any title without paying a middleman claiming to have access to the Interior Ministry. Middle-ranking Interior Ministry officials in charge of approving visas and permanent residence permits have been arrested on corruption charges.

In the welfare and education system, migrants are often marginalized. Even though permanent residents in most countries are entitled to the same access to these systems as citizens, the systems are not equipped to deal with individuals who do not speak the local language. Overworked and underfinanced Hungarian hospitals and schools sometimes simply try to drive migrants away. Many schools simply certify the attendance of those children whose knowledge of Hungarian is insufficient, and do not try to educate, let alone evaluate them. Often, such pupils are placed in classes with younger children. This inevitably results in poor performance and dropping out. Some local governments have ordered schools to implement illegal fees for foreign children.

The treatment of “racially motivated” crimes differs rather significantly between the countries. In Russia, according to Human Rights Watch (2003), police generally “deny racial motivation unless presented with strong supporting evidence such as video footage of the crime”. In some cases, police refuse to arrest skinheads attacking African students, and students do not report assaults to the police for fear of further repercussions (International Helsinki Federation 2001:420). The situation is similar in Hungary: very few court cases have been heard where ethnicity was claimed to be a motive, and even these have mostly been rejected. Thus, a group of villagers who vandalized a home purchased by a Gypsy family, openly stating that it was to prevent them from moving in, were acquitted of ethnically motivated violence in 2003 (*Heti Világgazdaság*, 31 May, 15). In Slovakia, 40 authorities registered 109 such cases in 2002, up from 40 in 2001 (RFE/RL Newline Vol. 7, No. 75, Part II, 18 April 2003), probably reflecting greater police attention to crimes that were formerly treated with indifference. The Czech government seems to pay the most attention to them: it adopted measures against “racially motivated” crime in 1995, and currently there are 140 police specializing in such crimes, versus ten in Slovakia (Školkay 2002).

² Interview with Julianna Czégény, Budapest, 4 November 2002.

³ Interview with Katalin Baranyi Judák, Budapest, 29 October 2002.

⁴ Report 4859/2000 by General Deputy Commissioner Takács ALbert, 15 April 2003.

⁵ Interviews with Julianna Czégény (see above) and Károly Nagy, Budapest, 6 November 2002.

⁶ Interview with Károly Nagy.

Russian speakers in Estonia and Latvia who have resided there since before the collapse of the Soviet Union but have not acquired local citizenship constitute a special case. 40% of non-ethnic Estonians in Estonia believe that they are discriminated against in acquiring residence permits and citizenship, and 46% think that they experience unequal treatment by officials because of their insufficient fluency in Estonian. For the same reason, they may be disadvantaged in employment, and they are overrepresented in the prison population and less likely to be paroled than ethnic Estonians. Russian speakers in Latvia, where the government's Integration Program has acknowledges obstacles in applying for citizenship, experience similar problems; 22% of the Latvian population are not Latvian citizens (Open Society Institute 2002:334-5, 347). The main reason for low naturalization rates is the requirement of fluency in the national language. The debate on the treatment of Russian speakers in Estonia and Latvia centers on their ability to naturalize and the protection of their civil, social, and cultural rights once naturalized, while the treatment of those who remain foreign citizens is not seen as a separate problem (Open Society Institute 2002:213-43, 300-4, 322ff).

1.3 Political and Public Discourses

1.3.1 Politics

Discursive tropes rehearsed by many powerful mainstream institutional and political players across Eastern Europe directly or indirectly contribute to xenophobia. Unlike in Western Europe, they are not limited to the so-called right wing. But the degree to which xenophobic discourses dominate, again, shows considerable variation among the countries.

With the partial exception of Russia, both sides in the public debate on national homogeneity versus diversity and on the treatment of minorities focus on "indigenous" groups rather than migrants. In other words, the frontline between nationalists and liberals in this question is defined by attitudes to Roma, Jews, and local ethnic minorities such as Hungarians, Russians, or "people from the Caucasus" rather than to immigration from abroad. The latter do receive an occasional swipe from the nationalists, in the familiar contexts of lamenting low local fertility, alleged loss of jobs to migrants, or purchase of enterprises, land, and real estate by them (generally "Westerners"), but hate speech is rarely directed at them. Latvia and Estonia, which are reluctant to naturalize ethnic Russians, are in a special situation since Russians continue to be non-citizens although they are not recent migrants.

Few groups have a programmatic focus on opposing immigration. Most of those that do are in Russia. The mayor of Moscow, who claims that the authorities must defend the territory in their charge against a "wave" of illegal immigration (Ivanova 1998:93) and who has ordered several deportations of unauthorized migrants since 1993 (e.g. Humphrey 2002:50, TOL 2002). Cossack groups in Southwestern Russia oppose immigration from the Caucasus (both from inside and outside the Russian border; Khoperskaya 1998:125, International Helsinki Federation 2001:127-128, 152). A number of local politicians and Cossack leaders in the Russian Far East who oppose immigration from China and the Caucasus (e.g. Dyatlov 1999a:91-93, Pushkarev 1999), and Vladimir Zhirinovskii's Liberal Democratic Party of Russia that opposes both and periodically calls for their deportation (Dyatlov 1999b:128). Vigilante militias and armed groups have attacked migrants from the Caucasus in both regions (Forced Migration Monitor 1996b, Dyatlov 1999b:128, Lokshina 2002:98). In some places, Cossack units have been financed by local authorities or allowed to conduct document checks and raids (Ossipov 1998:156, Lokshina 2002:98) with the result of driving Caucasus traders from the markets with the connivance of local officials (Malashenko 1999:14). A member of the Russian Duma ran for governor of Irkutsk in 1997 on a ticket of stopping "Chinese expansion" and "creating unbearable conditions for foreigners", making anti-immigrant sentiment a

major campaign issue; in the previous year, several politicians who had campaigned for “stricter measures against the criminal activity of Caucasians and foreigners” had been elected to the City Duma (Dyatlov 1999a:93, 1999b:129-30).

At the same time, the free-market discourse of migration as a normal, potentially plannable and beneficial phenomenon is present in Russia and engaged in by mainstream academic and liberal political circles.

Explicit anti-immigrant politics have much less currency in Central Eastern Europe. Its examples at the national level include the extra-parliamentary Republican Party in the Czech Republic. At the level of local, temporary mobilization, the 2002 municipal elections in the Hungarian city of Békéscsaba, where a candidate from Fidesz, the largest opposition party, campaigned on the ticket of opposing the opening of a home for unaccompanied refugee children. In October 2001, the Liberal mayor of another Hungarian town, Kalocsa, led several thousand locals in a protest against the opening of a refugee camp there. In November 2000, the mayor of Ljubljana, Slovenia, protested against the presence of a “Home for the Removal of Foreigners” (Školkay 2002).

While few political forces outside Russia have made anti-immigration politics a centerpiece of their activity, official and public debates on immigration across the political spectrum have largely focused on control, security and restriction. Nonetheless, the debate has shown signs of evolving differently in different Central Eastern European countries, with alternative discourses growing stronger in some. In the following section, I will consider first-wave EU accession countries, mainly Poland, the Czech Republic, and Hungary.

Around 1992, in the wake of the collapse of the Soviet Union and Yugoslavia, politicians and the media in these countries ushered in a migrantophobic discourse, influenced by Western European fears and augmented by local discontent over economic problems. In Hungary, the Minister of the Interior called for the “stopping of the flood of refugees” (*Népszabadság*, 4 February 1992). As the Hungarian Helsinki Committee wrote in a 2001 communication:

The policy of the Hungarian government and the asylum and aliens policing issue probably played an important role in the evolution of an anti-foreigner and anti-refugee atmosphere. ... The attitude of the government was reflected in the 1993 Aliens Act, which allowed the authorities to hold foreigners staying in Hungary without legal grounds in detention for a longer time.

During that period, Polish “experts ... pointed to ... public security threats and called for a state response”, while 80% of Poles “expected a large influx of asylum seekers” (Iglicka et al. 2003:391). In the following years, the few parliamentary discussions on migration in Poland, the Czech Republic, and Hungary focused on asylum, “illegal” migration, border control – these three issues usually linked – and visa policy (Tychtl 2001:152). In Hungary, there was an additional focus on ethnic Hungarians from abroad, but symbolic nationalistic concern rather than actual issues of migration defined the terms of the debate (Melegh 2002).

In the late 1990s and early 2000s, even as immigration laws became successively more restrictive across Eastern Europe, the monolithic nature of the control-and-restriction discourse began to loosen up in Poland. In the debate of the Act on Aliens between 1995 and 1997, while some members of the Polish parliament focused on “illegal” immigration and suggested that it had an effect on unemployment, others proposed preferential clauses for potential investors. The debate expanded to many non-governmental actors, with the effect of shifting it “from a defensive and restrictive attitude towards a humanitarian approach ... more acceptable to Polish society” (Iglicka et al. 2003:393-394). Beginning in 1996, the Ombudsman issued several recommendations broadly in favor of the rights of immigrants, including the legalization of illegal immigrants (Iglicka et al. 2003:405). In 2001, there

was vocal opposition to restrictions introduced to the act citing EU accession requirements, which argued that Poland had a “moral duty to support ... democracy in the East,” and open borders were “an indispensable instrument of this support”. The two largest opposition parties demanded the development of a comprehensive migration policy, which began in 2002 “increasingly in view of the benefits which the foreigners could bring to the market” (Iglicka et al. 2003:395-397). In 2003, the president of the Polish Confederation of Private Employers came out in favor of labor immigration.⁷

In the Czech Republic, an alternative discourse on migration emerged more slowly, and not so much in public debate as in the executive. A Committee for Immigrant Integration was established in 1999; the government began the development of the Pilot Project for the Selection of Qualified Foreign Workers began in 2001; and the principles of an immigration policy that “supports immigration that is an asset for the state and society” were adopted in 2002 (Drbohlav 2003:78-79, 82). The fact that the pilot project is led by the Ministry of Labor and Social Affairs rather than by the Ministry of the Interior suggests that the government wishes to shift control of the migration discourse away from control-and-restriction-oriented government bodies towards those focused on social integration. In 2000, the government ran a “Tolerance Campaign” “to promote inter-ethnic understanding and highlight problems minorities and immigrants are facing” (Tychtl 2001:145). This has not yet resulted in a broader discussion of the issue by political parties or civil organizations (Drbohlav 2003:84).

In Estonia, the “Lots of Great People” and “Friendship Starts with a Smile” campaigns in 1999 and 2000 essentially focused on Russian speakers (Open Society Institute 2002:215). The Slovak government established a Monitoring Centre for Racism and Xenophobia in 2001, supported anti-racist tolerance campaigns in print, electronic and outdoors media in 2001-02, and (following earlier initiatives) launched a new Action Plan against Racism in 2002. In Slovenia, there is no comparable official attention to the issue, but the pro-migration discourse has been successfully thematized by a number of NGOs, which organized an unauthorized demonstration against xenophobia and intolerance in the same year (Školkay 2002).

Meanwhile, in Hungary, migration continued to be discussed, if at all, in exclusively negative terms. The Asylum Act’s 1999 amendments were implemented within the framework of a legislative package against organized crime. In a 2001 parliamentary debate, Socialists opposing a treaty allowing Romanian citizens easier access to seasonal labor, talked about “unleashing millions of Romanian workers” onto the labor market, while nationalists who supported the treaty argued that it was necessary for the protection of ethnic Hungarians abroad (Melegh 2002). In 2002, the research director of the Institute for Security and Defense Studies called illegal mass migration a potential “civilizational catastrophe” leading to illegal labor, crime, terrorism, and the “appearance of foreign agents”. At the same event, the State Secretary of the Interior called it regrettable that “Hungary lacked tolerance of foreigners,” which prevented the government from settling refugees in depopulated villages (*Népszabadság*, 21 May 2001). An opposition Socialist Member of Parliament agreed that “in spirit, Hungary is not an accepting country” (*Országgyűlési Közéleti Bizottság*, October 2001, 6). The only national survey on the distribution of foreign residents was commissioned (in 1995 and again in 1997) by the Coordinating Committee for Economic Security together with the Strategic Working Group on European Integration. Local mayors to whom the survey was administered evaluated the presence of foreigners negatively (Sik 1998:13). Neither the Ombudsman – though issuing several recommendations regarding the rights of detained “illegal” migrants – nor human rights or refugee

⁷ Jeremi Mordasewicz at “National and European Immigration Policy after the EU Enlargement,” 4th CASE European Seminar, Warsaw, 16 May 2003.

organizations have initiated a broader advocacy of immigration, focusing instead on the rights and living conditions of refugees.

1.3.2 Media

In large part as a consequence of the above, media discourses on foreigners are usually dominated by negative and stereotypical portrayals. Still, in a number of countries, including Russia, Poland, Slovenia, Slovakia, and the Czech Republic, an alternative, tolerant portrayal is more present than in others.

In Hungary, statements of a degrading nature are often encountered even in media considered liberal or left-wing. An analysis of five national and four regional Hungarian dailies in 1997 showed that while tourists and investors are generally portrayed in a positive and “human” light, refugees and migrants are presented as “faceless masses” of “intruders,” focusing on illegal migration and labor as well as crime (Nyilvánosság Klub 1999). Similarly, a 1996 analysis of media reporting on the Chinese by Tóth concluded that the press has no sense of responsibility for applying pejorative adjectives, reporting unverified statements, or portraying the author’s prejudices as common knowledge. On 5 May 1997, the largest daily, *Népszabadság*, identified with the left wing, claimed that “several Chinese shops and restaurants were probably established by the triads” (Chinese criminal groups operating in Hong Kong). In August 2001, a series of newspaper articles appeared claiming that the corpses of dead Chinese mysteriously disappear so that their documents can be re-used. Both occasions drew strong protests from Chinese organizations (e.g. *Budapeisi Zhoubao*, 24-31 August, 1). In 2003, the Japanese Embassy and the Association of Japanese in Hungary protested against the airing of a series entitled “Mitsuko: The world through slanted eyes” of the second-largest Hungarian television channel, tv2, in which tv2’s anchorwoman dressed up as a “typical” Japanese woman, asked stupid questions and giggled. Anti-migration opinions come not only from the right but also from the left: a high-profile left-wing professor of philosophy, Almási Miklós, wrote in *Népszabadság* that “a greater part of (immigrants) is life-threatening: a political time bomb, a burden on society” (10 May 2003).

An analysis of the press in Irkutsk, a Siberian city, yielded very similar results to Tóth’s, showing that, across the political spectrum of the papers, most of their reporting on Chinese and Caucasus migrants focused on criminality, illegal migration, smuggling, and the low quality of the goods they sold (Dyatlov 1999a:90, 1999b:119-20). More broadly, just as media in Central Eastern Europe accuse the “Russian mafia” of controlling crime, buying up real estate and corporations, the same unfounded allegations are made in Russian media against migrants from the Caucasus and Central Asia, to the extent that a politician’s “contacts” with them can bring accusations of corruption (Dyatlov 1999b:120, 131). While an accused criminal’s ethnicity is always mentioned if he is “from the Caucasus,” this is rarely done in any other case (Voronin 1996, Sikevich 1999:106), a fact condemned by President Yeltsin’s advisory body, the Judicial Chamber for Information Disputes, in 1994 (Dyatlov 1999b:120). Palyutina (1996:345) squarely blames the “mythologization” of the image of migrants from the Caucasus in Irkutsk on “brainwashing”. From the fact that although very few locals have actually met such migrants, their opinion on them is very similar to the results of surveys in Astrakhan’, where there are many of them, she concludes that media and officials have created a standardized negative discourse on these migrants across Russia. “The authorities ... seeing in (migrants) only a criminal aspect and not wishing yet to find constructive ways of solutions (to problems) ... contributes to the conservation and potential growth of interethnic tensions.”

An analysis of the reporting on Vietnamese migrants in Polish dailies across the political spectrum in 1993 and 2001 again echoed Tóth’s conclusions regarding a focus on “illegal” migration, crime, and economic and sanitary threat (Grzymala-Kazłowska 2002). Similarly, an analysis of the main Slovene newspaper concludes that reporting on a conflict between a centre housing “illegal

immigrants” and local residents was “open primarily for ... intolerant and xenophobic statements” while “immigrants remained an indistinct mass ... without a voice” and a “threat” (Kuhar 2001:46). Kuhar also notes the criminalization of foreigners as well as the use of emotive language such as the terms “seize” and “expel” instead of more neutral ones (Kuhar 2001:46-47). In Czech media, too, migrants from Eastern Europe are frequently criminalized (Forschungsgemeinschaft 2001:45).

Nonetheless, in Slovakia and Slovenia, researchers have noted trends toward more a balanced portrayal of foreigners in the media (Jalušič 2001:15). Školckay (2002) links this to a general turn toward greater thematization of civil rights in 2001. In Poland, the picture appears to be more differentiated. Although the most frequently reported migration topic has been the criminal or illegal behavior of migrants from the former Soviet Union (the so-called “Russian Mafia”), the portrayal of asylum seekers from the former Yugoslavia has been generally sympathetic, and labor migration has been presented as attesting to Poland’s development. Raids on undocumented Roma migrants provoked criticism in the media and the Sejm (parliament) (Stola 2001:192-3).

1.4 The Impact of EU Accession Negotiations

1.4.1 Non-Discrimination

Issues of minority rights and xenophobia remain, to a substantial degree, foreign policy issues. Accession criteria to the European Union are probably the most powerful incentive for post-state socialist European countries to enforce respect for minority rights; but they provide no clear guidelines for the evaluation of meeting these criteria. Moreover, the EU has no legally binding instruments to ensure that candidate states meet them. Nonetheless, the European Commission has repeatedly urged Estonia to accelerate the naturalization and integration of “Russian-speaking non-citizens” (Potisepp and Adamson 2001:177-78).

The European Council’s Race Equality Directive (2000/43) requires adopting anti-discrimination legislation going beyond general principles (the UN Committee on Elimination of Racial Discrimination also recommends this). Romania was the first to adopt such a measure, Ordinance 137 on the Prevention and Punishment of All Forms of Discrimination, in 2000, followed by Law 48/2002 on Prevention and Punishment of All Forms of Discrimination (Iordache and Tabacu 2003). Romania was followed by Bulgaria, and more states have such laws in the pipeline. The debate on these initiatives does not, however, extend to migrants, with the exception of the Russian-speaking population of the Baltic states.

Ratification of the Framework Convention on the Protection of National Minorities has been made a mandatory precondition for admission of new member states. But again, each state is free to decide whether a minority group should be classified as “indigenous” and thus falling under the provisions of the Convention.

Although the European Council has published a Directive defining minimum standards for the treatment of asylum seekers (2003/9/EC of 27 January 2003) and Communications on the rights of long-term foreign residents (COM(2001)127), in particular the right to family reunification (COM(2002)225), and other standards for the treatment of migrants, these standards have not figured in accession negotiations, suggesting that, unlike the treatment of minorities, the EU does not consider the treatment of migrants an important issue for accession countries.

1.4.2 Immigration

It is a widely shared perception in the “accession countries” that, as transit countries of migration to the EU, they are “under strong pressure to ... implement a stricter immigration policy” (Tychtł

2001:158), and this pressure is the central if not only subject of accession-related negotiations on the subject of migration policy (as opposed to asylum). “EU expectations are especially clear in that further developments concerning migration should contribute to the blocking of the illegal transit of foreigners” (Aszalós 2001:193). Much of this pressure from member states’ internal affairs establishments is real. At its first meeting, the so-called Budapest Group, a permanent conference of EU members and accession countries since 1998, adopted a series of resolutions, including intensifying border controls, introducing sanctions on carriers (i.e. companies that operate transportation used by irregular migrants), and applying more restrictive visa regimes. The latter means discontinuing visa waiver regimes with countries that do not have such regimes with the EU and imposing stricter requirements on applicants from what EU home affairs bodies consider “risk countries” (Tychtl 2001:159). These measures go beyond the common legal framework of the EU and are sometimes more restrictive than member states’ own practices. The European Commission, in its yearly reports, has regularly urged applicants to improve border control, align visa policies with those of the EU, and fight against “trafficking in human beings,” and has transferred considerable funds to them for border-reinforcement projects (Potisepp and Adamson 2001:178-79, Aszalós 2001:200-02, Kaczmarczyk 2001:227-28).

As a result, countries preparing for accession to the EU have introduced increasingly restrictive immigration legislation and policies beginning in the mid-1990s, with a tangible effect on legal border crossings. In Hungary, the Director-General of the Office for Immigration and Naturalization declared that the “basic criterion in adopting” the law was “harmonizing the means of the fight against illegal immigration and illegal employment” with EU norms, and that “in accordance with expectations toward accession countries,” the law aimed at “more consistent action against foreigners who illegally enter and remain” in the country or “abuse the right to asylum”.⁸ The ratio of rejections of visa applications rose. The number of Hungarian visas issued dropped from 270,000 in 1996 to 150,000 in 1999 (Aszalós 2001:190). Visa applications by citizens of certain countries, defined annually in a classified list, has been subjected to a check by the Interior Ministry, resulting in procedures lasting several months. The delivery of visas at the border was practically discontinued, plummeting from 431,000 in 1990 to 140,000 in 1999 (Aszalós 2001:190), although this is partly due to the fact that in 1990, citizens of many Western countries were still required visas. Except for ethnic Hungarians and family members of Hungarian citizens, applying for permanent residence has also become increasingly difficult.

The Czech Republic replaced more liberal immigration and asylum regulations – called “a model for Europe” by the lobby group Forschungsgemeinschaft Flucht und Migration (2001) – with a stricter law in 2000 and introduced the visa requirement for citizens of 18 countries. The Czech Helsinki Committee (2001:31) commented that the law “drew inspiration prevailingly from the restrictive elements of the European legislation, while disregarding the overall humanistic spirit of the European law ... which counterbalance(s) the restrictive elements”. Police were given the new task to check the documents of foreigners in public places and detain unauthorized migrants. Refugee recognition rates had dropped from 39% in 1991 to 1.9% in 1998 (Drbohlav 2001: 218). Poland adopted a more restrictive Aliens Act in 1997 and introduced new visa regulations in 1998 that dramatically reduced visits from Russia and Belarus, provoking sharp reactions and retaliatory measures from Moscow and Minsk (Stola 2001:197).

Although Bulgaria and Romania are scheduled to join the EU no earlier than 2007, they have been implementing similar restrictions. Their inclusion on a list of countries whose nationals must obtain visas for Schengen member states was perceived as a national humiliation, and Bulgaria’s

⁸ Letter to Ferenc Kőszeg, President, Hungarian Helsinki Committee, 2 September 2002 (doc. no. 106-T-5371/9/02).

Deputy Minister for Foreign Affairs declared in 1998 that “modifications of the legislation designed to curb the immigration pressure towards Western Europe” were “instrumental” (Bulgaria 1998:4). One of these measures was imposing “extremely severe requirements” on visa applicants from these countries, as a result of which the number of visitors from these countries decreased by up to 90% (Bulgaria 1998:32), including a “total discontinuation” of the “highly profitable traditional tourist flow from the Middle East” (Bulgaria 1998:10) and the reduction of the number of visas issued to Chinese citizens to 200 per year (Bulgaria 1998:11). After the introduction of the visa requirement for Russian citizens, Russian tour operators registered a 30 to 40% drop in Russian tourism to Bulgaria in the summer of 2002⁹. The Bulgarian President said that Bulgaria should abandon the visa regime with Russia during the tourist season¹⁰, but this was not carried out.

The impact of the need to adapt to EU legislation on asylum laws have been more ambiguous. The yearly reports of the European Commission have pressed accession countries to improve asylum procedures but have been more vague than in the case of border enforcement and visas; the 1998 report on Hungary called merely for an asylum policy “with sufficient resources” (Aszalós 2001:200). Still, in some cases (such as regarding the conditions of the detention of asylum seekers in the 1999 Hungary report) the Commission offered specific criticism (Aszalós 2001:200). This worked: some countries, such as Estonia, created legal frameworks for treating asylum applications (Potisepp and Adamson 2001:164), or, in Hungary’s case, lifted a geographic restriction in accepting them and limited detention of asylum seekers (Aszalós 2001:186) following criticism from the Commission (Aszalós 2001:201). The EU has also provided funds for trainings and legal cooperation intended to enhance refugee protection (Potisepp and Adamson 2001:179). Later, however, some countries also justified restricting the rights of asylum seekers by the need to adapt to EU law. This was the case with the 2001 Hungarian law on refugees. Critics (Nagy 2001, *Business Hungary* 2001) argued that, first, Hungary was under no obligation, and had not been publicly requested, to harmonize its refugee legislation at this time. Second, EU standards of refugee protection were changing and continue to do so, and when and if Hungary is admitted to the Union, they will be substantially different from those on which new Hungarian legislation is supposedly based.

1.4.3 Summary

Overall, while EU standards on refugee protection and integration of immigrants have had some positive impact in Eastern Europe, the rhetoric of protection has remained more or less restricted to the government and NGOs. On the other hand, standards of control and restriction have been applied, and the corresponding rhetoric has received wide circulation. Compared to these, the adoption of standards on anti-discrimination is seen as less pressing. During accession negotiations, European Union bodies concerned with control and restriction have carried more weight and more funding than those focused on rights, resulting in a picture more skewed in favor of control and restriction compared to the EU’s internal debates. The priorities are clearly reflected in funding allocations. Within the framework the EU-financed 1997, 1998 and 1999 PHARE programmes for Hungary in the domain of immigration, \$47 million of Union funds were spent on the upgrading of border guard and police equipment, compared to \$2 million on the asylum system (Aszalós 2001:202). In Poland, over €430 million of PHARE funding has been allocated for the 1994-2006 period for upgrading police and border control, with no mention of asylum facilities (Kaczmarczyk 2001:229), making up 8% of all EU grants to Poland in 1998 (Stola 2001:197). In Estonia and Latvia, PHARE allocated some €2 million in total to integration programs targeted at Russian

⁹ See Mayakinfo.ru, 14 August 2002, <http://www.mayakinfo.ru/news.asp?msg=6389>.

¹⁰ See Mayakinfo.ru, 23 September 2002, <http://www.mayakinfo.ru/news.asp?msg=6836>.

speakers, but these focused on the cultural integration of citizens, mostly language education (Open Society Institute 2002:208, 320-21). As a result, the perception of the needs for harmonization in the legislative domain related to xenophobia is unbalanced: controls are deemed important, while rights and freedoms are not. As an author noted about Hungary, the region has become “a shield protecting Western Europe... by the local implementation of the anti-migration policies of the European Union” (Aszalós 2001:201).

An additional problem with this approach is that the EU’s community framework on migration is far from being established. The European Commission’s 2000 *Communication on a community migration policy* is the basis of continuing high-level efforts by the Commission to create a more balanced system of migration responding to the desires of migrants and economic needs of member states as well as to the drive to crack down on “illegal” migration and “transnational crime”. The game, in other words, is far from over. As outlined in Section 1.3, Poland and the Czech Republic have begun moving closer to this two-pronged approach. These states will be in a better position to influence the shaping of the community policy. Hungary has yet to show any interest in that. Clearly, while restrictions have been justified by the needs to “harmonize” with the EU, the difference has to do with differing judgments of domestic political expediencies and differing public discourses in the accession states.

1.5 Summary

Since the mid-nineties, in large part due to preparations to enter the European Union, immigration legislation in Central Eastern Europe has become both more restrictive and more coherent. Although Hungary has been a front-runner in developing such legislation, other accession countries have by now developed similarly comprehensive laws. Hungarian legislation, in comparison, provides for a somewhat more restrictive treatment of asylum seekers and a significantly lower degree of legal security for permanent residents.

Overall, the legal frameworks of the Eastern European countries leave room for the growth of xenophobia not only, and probably not mainly, because of their patchiness, internal contradictions, and lack of integration provisions, but because their structure and language largely reflects a conception of non-citizens as a group to be controlled. Another part of the legislative aspect of the problem is that immigration laws allow officials too much discretion, sometimes to the point of disregarding them. Finally, anti-discrimination and “hate crime” legislation works poorly overall and is not applied to non-citizens.

Regardless of the actual (small) number of immigrants and refugees, the legislation and the dominant political discourse on foreigners spawn an institutional spirit that goes beyond the legal limits of discrimination between citizens and non-citizens and permits administrative treatment of foreigners that is humiliating, discriminative, tendentious, and frequently illegal. International or national legal instruments are insufficient to protect individuals from this. As a prominent immigration solicitor in Hungary said, “with aliens, they can do what they want”. It is this spirit more than explicit laws or policies that reinforces in autochthonous populations the sense that migrants are by virtue of that act suspect, not quite legitimate, and not equal members of society. In migrants, it perpetuates a sense of vulnerability and discourages them from seeking redress. To quote the same solicitor, “a foreigner, especially an Asian, won’t sue the authorities even for the gravest violation of rights.”¹¹ The development of such an institutional spirit may be the result of the legacy of the restrictive and unaccountable bureaucratic spirit of state socialism combined with the emergence of

¹¹ Interview with Károly Nagy, Budapest, 6 November 2002.

political xenophobia in the early nineties, which allowed the retention of these characteristics in immigration bodies when they were no longer acceptable in other spheres of public administration.

The examples of Poland, the Czech Republic, and to an extent Slovakia and Slovenia, however, suggest that alternative public discourses can be developed, to the point of influencing this institutional spirit, when either the executive, the political establishment, or civil society possess sufficient will and strength to put them on the agenda. In Hungary, this has not been the case. As a result, in comparison to these countries, Hungary has developed and retained a more monolithically xenophobic political and public discourse, even though it had started out with a public administration that had more of a “human face” than that of its neighbors.

Encouragingly, it appears that Hungary’s Minister of the Interior recognized this when she asked the Government’s Population Policy Committee to evaluate xenophobia in Hungary and pay particular attention to whether immigration and asylum authorities perform the function they should be expected to in combating it. This appears to be part of a broader effort to tackle the sources of xenophobia, which includes a task force at the Ministry of Justice, a survey of opinions of foreign students commissioned by the Ministry of Education, visits of high-profile politicians including the Chairman of Parliament to a refugee camp before Christmas 2002, and the announcement in 2003 of the formation of a task force to develop a policy of immigrant integration. The task force’s brief stated that “the government wants to offer equal opportunities to all those who legally live in Hungary, including newcomers with a different cultural and ethnic background” (Integration of Refugees and Immigrants, Tender MAT02/HU/9/3. Amsterdam: Radar, November 2002).

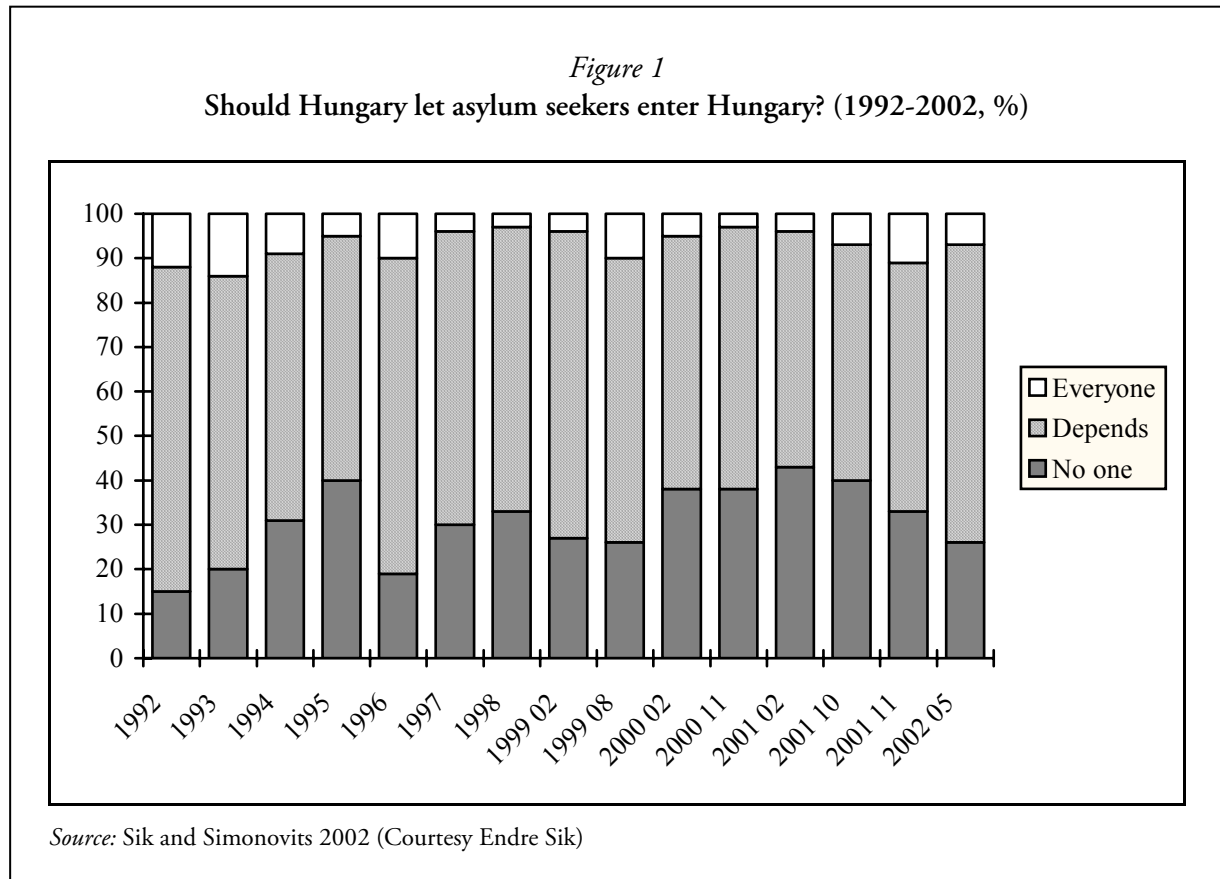
2. Measurements of Xenophobia

2.1 Data from Individual Countries

To go beyond the usual blanket statements about and simplistic explanations of the growth in xenophobia, we need both to go beyond abstract theorizing and to look critically at what sociological surveys actually tell us. We need to ask, in particular, to what extent the dynamics and manifestations of xenophobia in various East European countries have been similar or different. If they have, can we pinpoint the reasons and agency behind the differences? Does the absence of racist violence, for example, mean less intolerance or just a different kind? If so, why? What is the relationship between violence and intolerance? Such comparative questions, in turn, raise the question to what extent methods used to measure xenophobia in different countries are comparable.

Most of the surveys on ethnic intolerance in Eastern Europe target relations between indigenous majority and minority ethnic groups, or even more generally, attitudes toward ethnic, sexual, and lifestyle minorities all lumped together (see Turai and Tóth 2002). Some of these include questions of a more general nature, and often, the distinction between specifically xenophobic versus generally intolerant attitudes is hard to make. For instance, a 1998 survey found that only 36% of Latvians would accept non-Latvians as friends or family members (Bogushevich and Tsilevich 2002). Two-thirds of Slovenes and 61% of Slovaks would reject such a possibility; also, 61% of Slovenes described themselves as at least “somewhat racist” in an early 2000s survey (Školkay 2002). In a national poll in Russia in 1996, 41% of respondents “had a negative attitude” to members of other nationalities, but in a separate poll in St. Petersburg, 58% of respondents were not opposed to a family member marrying a person of a different nationality (Sikevich 1999:104, 107). Nonetheless, since these studies are usually phrased with a focus on one or several “indigenous” groups, their indicativeness of a general level of xenophobia is questionable. An increasing number of studies, however, focus specifically on attitudes to foreigners.

In Hungary, sociologists have administered surveys since 1989 to “measure” attitudes to foreigners (primarily to refugees), “social distance”, and perceptions of their numbers (see review in Turai and Tóth 2002). The most long-standing study that specifically aims at monitoring xenophobia is a survey conducted by Endre Sik and co-workers since 1992. In this survey, representative samples of Hungary’s adult population (between 1,000 and 1,500 respondents) are asked whether Hungary should accept all, some, or no refugees (Figure 1). In May 2003 (not shown in the figure), the share of «no one» answers was unchanged, 25% (Sik and Tóth 2003).



Of those who would admit some refugees, depending on who they were, only 22 to 29% would admit Arabs, Afghans, and Gypsies, and only around 33% would admit Romanians or Chinese (Sik and Simonovits 2002). In other words, when asked for ethnic preferences, even those who would admit refugees conditionally show themselves as intolerant toward most ethnic groups.

Sik et al. suggest that the overall growth of those rejecting asylum seekers has to do with the appearance of refugees from the Yugoslav wars and their portrayal in the media. Preference for unconditional rejection correlated positively with age, lack of education, low income, disability, unemployment, disinterest in politics (non-voters), dissatisfaction with the country’s economic situation and with the respondents’ own economic and social position, and negative or skeptical attitude to NATO membership. By contrast, there was little difference between voters for the two large political parties (nationalists and socialists) (Sik and Simonovits 2002; Fábíán, Sik, and Tóth 2001:404, 409).

Csepeli and Örkény asked a series of questions on attitudes to immigration within the framework of the International Social Survey Program in 1995; Sik and co-workers repeated these in 1999. In both years, 73% of respondents agreed that immigration increased criminality, and 52% in 1999 (down from 63% in 1995) agreed that immigrants took jobs away from locals. Only 18% (down

from 21%) agreed that immigration had economic benefits (in 1995, just under half of the respondents had agreed that Hungary needed the immigrants' labor), and 8% (down from 9%) agreed that it opened up Hungary to new ideas and cultures (Fábián, Sik, and Tóth 2001:405). Combining and weighing responses to these questions resulted in a value of 3.76 on a five-point xenophobia scale, with 1 being least and 5 being most xenophobic (Fábián, Sik, and Tóth 2001:406). In 1999, Sik and co-worker also found that 51% of respondents of a representative base of 1,524 negatively evaluate the free movement of European Union citizens to Hungary after the country's accession to the EU (Fábián, Sik, and Tóth 2001:410), showing that xenophobia is not limited to migrants from "the East". (Another study of attitudes toward foreign investors shows that motivations are both economic ("reducing jobs," "taking profits out of the country") and ideological ("selling out the country", "squeezing out Hungarian products") (Duránszkai and Lengyel 2001). In a 2000 attitude survey conducted by Tárki on a base of 3,000, two-thirds of respondents thought there were too many foreigners in Hungary. A study of attitudes to various groups using the Bogardus scale in 1997 showed that 50 and 53% of Hungarians would respectively oppose their close relatives marrying Romanians or Chinese (Murányi 1998:159). Only one 1999 study came to more optimistic conclusions: 46% of respondents agreed that "immigrants are not only beneficial for the economy but also enrich our everyday lives," while only 16% disagreed (Kapitány and Kapitány 1999:57).

Three earlier surveys among secondary school students revealed much higher levels of acceptance. In one, around 80% agreed that anyone willing to integrate into Hungarian society and learn the language and culture should be able to settle in Hungary (Erős 1998). Another gave more contradictory results: over half of respondents did not reject any particular group and agreed that "diversity enriches us," but they reproduced a higher level of rejection of Chinese, Arabs, and Romanians, over 85% agreed that immigrants took the jobs of Hungarians, and 90% agreed that they increased criminality (Szabó and Örkény 1998). In a third, 1996 study, over 80% agreed that everyone should live in the country of her or his choice, and around three-quarters agreed that "it is our duty to accept immigrants" (Csepeli and Szabó, cited in Turai and Tóth 2002). No comparable surveys have been conducted more recently.

In 1998, 48% of Czechs agreed that people of a different "race" or skin color are "definitely" or "somewhat" second-rate citizens in a country, but 68% said they were never prejudiced against people of other "races", and in the previous year, 52% would allow anyone whose life was under imminent threat to settle in the Czech Republic. Although the last question is similar to that asked by Sik and co-workers in Hungary, the difference in formulations makes a comparison difficult. In these surveys, negative attitudes correlated positively with residence in rural areas and areas with a high concentration of migrants. Unlike in Hungary, the age group most rejecting of foreigners was those under 19. In 1999, respectively 44% and 52% of Czechs expressed a negative attitude to people from the Balkans and the former Soviet Union (Drbohlav 2001:214). But between 1997 and 1999, the share of people with negative attitudes toward foreigners declined (Drbohlav 2001:215).

In Poland, Ukrainians, Russians, and particularly Romanians have been at the bottom of the sympathy scale in attitude surveys since the early 1990s. Dariusz Stola (2001:193) connects this to the fact that these nationalities represent the majority of foreign shuttle traders, workers, and beggars. In the early 1990s, 15% of Poles agreed that there were superior and inferior races, and 57% of them named blacks as an "inferior race" (Jasinska-Kania 1999:78). In 1994, 41% of Poles favored restrictions on immigration, and 73% had a negative opinion of labor immigration, citing a threat to jobs, outflow of capital, and a threat to security (Iglicka et al. 2003:392). In 1998, most respondents supported newly introduced restrictions on the entry of Russians, Ukrainians, and Belarusians, motivating this by security concerns. 92% agreed that the settlement in Poland of foreigners who

married Poles should be facilitated; 66% agreed with the same for foreign “experts and scholars”, 25% for construction workers, and 11% for petty traders (Stola 2001:193).

In Russia, the Centre for Public Opinion Research has conducted surveys of attitudes toward different nationalities since 1989. Among the foreign nationalities listed in the survey, a large share of negative answers was obtained only for Azerbaijanis and Armenians, but it dropped from 43 and 45% respectively in 1993 to 39 and 35% respectively in 1995 and 1997, while the share of positive attitudes rose from 43 and 41% to 49 and 46%. The share of positive attitudes to “Negroes” grew from 50% in 1990 to 60% in 1997, although the share of negative attitudes also grew from 9 to 19%. Overall, negative attitudes peaked in the early nineties (Gudkov 1999:48), but negative attitudes to people from the Caucasus, particularly Chechens, rose again after the explosions in Moscow in 2000, which the government attributed to Chechen terrorists. In the wake of the events, 65% of Muscovites agreed that all people from the Caucasus should be deported from the city (Lokshina 2002:92). Comparing the studies, Sikevich (1998:110-11) claims that negative attitudes to migrants correlate negatively with education and social status, but positively with the size of the settlement in which respondents live, i.e., city dwellers are more xenophobic than villagers. She speculates that this may reflect a positive correlation between xenophobia and exposure to migration. Contrary to the Hungarian researchers, Sikevich (1999:111) found a strong negative correlation between xenophobia and age in St. Petersburg: whereas 39% of those over 55 had a negative attitude to members of other nationalities, 70% in the 18-25 age group did.

Along with these large-scale surveys, a number of qualitative, anthropological studies have also been made. In Hungary, these have mainly concerned attitudes towards ethnic Hungarians and refugees from the Yugoslav wars (see review in Turai and Tóth 2002). Already the earliest study, in 1989, reported that nearly half of the ethnic Hungarians interviewed complained about hostile reactions ranging from name-calling to physical attacks (Sik 1990). Sik and co-workers found that the share of respondents who believe that ethnic Hungarian migrants from Romania deserve help decreased from 85% in 1989 to 38% in 1999, while that of those who think they take jobs from the local population increased from 26% to 41%, and that of those who think “they are not really Hungarians” increased from 11% to 21% (Fábián, Sik and Tóth 2001:409). In Russia, a number of studies have been done of the attitudes of the local population toward several groups of migrants, including Chinese, ethnic Russians from neighboring countries, and migrants from the Caucasus. In three studies conducted in the late nineties by Zaionchkovskaia and Vitkovskaia (Gelbras 2001:151), Larina (1999:95), and Gelbras (2001:144-173), around 20% of those polled expressed negative attitudes toward Chinese migrants. Gelbras notes (2001:150) that although the prevalence of positive attitudes correlates positively with income, unemployed respondents did not have a more negative view, which he explains by the fact that Chinese traders provide some of them with odd jobs as well as cheap consumer goods. In a survey of 125 students in Irkutsk, Siberia, over half gave negative characteristics in response to open questions about migrants from the Caucasus and one-third about Chinese (Palyutina 1996:343).

Vitkovskaia and Zaionchkovskaia (1999:114) conclude that reasons provided for negative opinions towards the Chinese are mostly abstract and pertain to some future danger of mass immigration.¹² Indeed, 74% of residents polled by them (Vitkovskaia and Zaionchkovskaia 1999:115) and two-thirds of those polled by Larina (1999:96) think that Russia faces a “Chinese threat”, and two-thirds of Palyutina’s (1996:343) respondents thought there were too many Chinese in the city. Perhaps for this reason, while nearly 80% agree that Chinese should be allowed to trade in

¹² Gelbras, however, found that negative attitudes usually had personal motivations such as “they occupy housing,” “they transfer money abroad,” “they live better than we do” (Gelbras 2001:147).

Russia, they almost unanimously oppose allowing them to purchase real estate or even lease land on long-term contracts (Vitkovskaia and Zaionchkovskaia 1999:114, Larina 96). While a full 55% of students – perhaps given the scarcity of well-paid jobs in Siberia – would like to work for a Chinese entrepreneur, 38% would not like to have a Chinese neighbour (Vitkovskaia and Zaionchkovskaia 1999:116); and four-fifths of residents are opposed to their close relatives marrying Chinese (ibid:115). Similarly, in Gelbras’s survey (2001:154), only 6% agreed that Chinese should have the right to be naturalized, 11% agreed to a right to permanent residence, 15% to a right to purchase real estate, and less than half of the respondents thought that Chinese should have the right to legal representation in court. Palyutina (1996:344) found that students saw Chinese as “dirty” and “speculators”. Dyatlov summarizes Siberians’ view of Chinese migrants as “useful but potentially dangerous second-class people” (1999:90). Migrants from the Caucasus are also seen as “speculators” who “want to get rich at our expense,” but also as more directly threatening because they are “criminals” who are “cruel” and “disrespectful toward Russian people” (Palyutina 1996:344, Sikevich 1999:107-09).

In 1997-98, Vitkovskaia (2002) also studied attitudes towards resettlers from the rest of the former Soviet Union of 120 to 200 local residents in each of five rural areas of European Russia. A year later, she repeated the study in one of the areas and found that the share of negative views towards resettlers had doubled from 22% to 44%. Vitkovskaia concluded that this leap was due to the effects of the August 1998 currency crisis, which adversely affected the labor market. Respondents motivated their negative attitudes by fears that migrants would take away jobs, housing, and land, and by the opinion that the migrants were richer than they. The evaluation of locals’ perceptions by the resettlers themselves, of whom groups of similar size were polled, was more positive. Vitkovskaia’s explanation was that migrants’ perception is shaped primarily by acts of hostility, of which there had been few. When asked about migrants of different ethnic groups, the only group for which the share of negative attitudes (which Vitkovskaia calls “tolerance ratio”) was significantly higher than for ethnic Russians was migrants from the Caucasus, towards whom 28% of those polled held a negative attitude, whereas no other ethnic group elicited more than 1% negative comments. These findings support Vitkovskaia’s conclusion that, unlike in the case of the Chinese in Siberia, “migrantophobia” toward Russian resettlers is caused more by specific (real or perceived) economic disadvantages (or their perception) than by abstract ideas, with attitudes to migrants from the Caucasus somewhere in-between.

Very few studies have focused on the nature of specific conflict situations between migrants and the local population. Dyatlova (1998) applied the Rosenzweig test to a group of fifty Siberian students. In this test, respondents are asked to imagine themselves in a situation of frustration caused by another person, which is depicted in a cartoon. When the “frustrator” was given a Chinese name, the number of aggressive reactions, the likelihood to blame the other party, as well as to attribute the situation to ethnic traits of the “frustrant” increased. Examples of reactions are: “If she weren’t at least half an hour late, she wouldn’t be Chinese!” “There are liars in China, but not in Russia.” “I am surprised that my girlfriend doesn’t refuse to go to a dance with a Chinese.”

Contrary to Hungary and Russia, studies in Poland suggest an increasing acceptance of immigration: 41% of a representative sample in 1999 agreed that foreigners should be allowed to settle in Poland, compared to 17% in 1996 and 29% in 1998 (Kaczmarczyk 2001:209).

2.2 Comparative Data

Studies aiming to measure xenophobia in a comparative fashion in various Eastern European countries include the International Social Survey Program (ISSP, 1995), which covered 22 countries;

a 1998 survey by the New Democracy Barometer, which covered a somewhat different range of countries (notably without Russia) and combined questions on anti-Semitic, anti-Gypsy, and xenophobic attitudes; and the 1990 and 1999 European Value Study, which covered “personal,” “ethnic,” and “political intolerance” across Europe including Russia. The first two studies are summarised in Fábíán, Sik, and Tóth 2001:408; the last, in Halman 2001.

Of the countries covered in all three studies, Hungary consistently appears as the country with the most negative overall indicators. In the ISSP survey, 52% of Hungarian respondents “strongly agreed” that immigration increased criminality, and 41% “strongly agreed” that immigrants took away locals’ jobs. Also, Bulgarians, Hungarians, and Russians opposed legalizing the purchase of land by foreigners most strongly. Combining variables directly or indirectly related to xenophobia, the authors of the survey calculated Hungary’s “xenophobia score” at -0.82 and Latvia’s and Bulgaria’s at -0.78 , while Russia’s at -0.35 , East Germany’s at -0.14 and Poland’s at -0.12 . The first three thus come out as “world leaders” in xenophobia, while Russia scores close to Italy, and Poland and East Germany are similar to Norway (Csepli and Örkény 1998). In the New Democracies Barometer study, 45% of Hungarian respondents were classed as “strongly xenophobic” (on the basis of agreeing with at least 21 of 29 anti-Semitic, xenophobic, or anti-Gypsy statements). In the 1999 European Value Study, Hungary had the highest intolerance indices in all three tolerance categories, its ethnic intolerance index (which included an attitude to immigrants variable) being 0.57, almost twice as high as that of next-placed Lithuania (0.31). A 2002 survey, whose results are still to be published, again put Hungary on the top (Örkény 2002).

Beyond this, however, the surveys diverge. The ISSP survey shows Bulgaria, along with Hungary, as the most xenophobic country by a wide margin among all surveyed. All other Eastern European countries have scores comparable to some Western European countries (25 to 30% believing in immigration as source of criminality and 20 to 25% in migration causing loss of jobs). Hungarians, Bulgarians, Czechs and Slovaks are also least likely to consider immigration as an economic or cultural benefit (Csepli and Örkény 1998). The New Democracy Barometer ranked Poland, the Czech Republic, and Croatia rather near Hungary (with 41, 38, and 34% “strongly xenophobic” respondents respectively), while Belarus, Romania, Ukraine, and Slovakia were less xenophobic, with values respectively of 27, 24, 23, and 20%. By contrast, “ethnic tolerance” indexes of the European Value Study placed most Eastern European countries at the bottom of the European scale. As mentioned, Hungary formed a block in itself as the most intolerant. Indices for Lithuania, Slovakia, Romania, Bulgaria, Belarus, Poland, Estonia, Ukraine, Croatia, and Slovenia ranged from 0.31 to 0.21, covering a tier that also included Greece and Italy. The next tier, which contained the bulk of Western European countries, included only Russia and the Czech Republic (between Belgium and France with a value of 0.18) as well as Latvia, number five on the European scale with 0.12.

The European Value Study made a further important point: that ethnic tolerance in Latvia, the Czech Republic, Slovenia, Bulgaria, Romania, and Slovakia increased between 1990 and 1999, but in Poland, Russia, Estonia, Belarus, Lithuania, and Hungary, it decreased. The change was sharpest in Hungary, which plummeted from being the second most ethnically tolerant country in Eastern Europe in 1990 to being the most ethnically intolerant one in 1999. By contrast, the Czech Republic decreased its ethnic intolerance index from 0.31 in 1990 to 0.18 in 1999; Latvia, from 0.23 to 0.12; and Slovenia, from 0.39 to 0.21. It is noteworthy that in 1990, all three countries were part of multiethnic states in the process of ethnic fission, which took place in the following year without major destabilizing effects. There are no comparable structural explanations to the negative change in Hungary, however.

3. Conclusions and Recommendations

3.1 Cautionary Remarks

Since data from quantitative surveys are often used and abused in politics and the media, several cautionary remarks are first in order. As we have seen, if we look simply at the rankings and indices of xenophobia provided by large-scale sociological surveys, they contradict each other on most accounts. For example, Latvia appears as one of the most xenophobic countries in the 1998 ISSP and as one of the least xenophobic in the 1999 European Value Study. This serves as a strong reminder that the figures provided by such studies can only be used if the technique of constructing the variables and the qualitative context of the survey is taken into account. For the latter, there is a need for more in-depth studies using anthropological or psychological methods.

The same caution is in order for smaller-scale, single-country surveys, which usually provide more information about the motivation of respondents. For instance, in what Sik and co-workers' call their survey of xenophobia in Hungary, the question they ask is about "refugees," a concept that cannot be assumed to be equated to that of "foreigners". For different respondents, "refugee" can be both more positive (because of the humanitarian associations) and more negative (because a refugee is assumed to be an economic burden and possibly a socially destabilizing factor). Turai and Tóth (2002) also question whether the lumping together of foreigners with groups seen as socially deviant (drug addicts, homosexuals, people with a police record) in some surveys does not condition respondents to give lower ratings of sympathy to all groups involved.

Non-representative polls add depth to the picture, but are often erroneously used to draw quantitative conclusions. In addition to methodological questions of a general nature – for instance, Sikevich's study (1999) reports neither the time of the poll, its base, nor the criteria of selection! – some have errors of interpretation. In Gelbras's survey of attitudes toward Chinese, he mistakenly concludes that rejection of the idea of creating Chinatowns reflects rejection of their long-term residence (Gelbras 2001:153). Drbohlav's (2001:214) conclusion that the agreeing that a citizen of a different skin color is a second-rate citizen reflects xenophobia is also questionable.

3.2 Conclusions

Having noted that there are few definitive statements about rankings or trends that the results of the three large-scale comparative surveys put together would support, we can nonetheless make interesting observations about popular beliefs regarding xenophobia in Eastern Europe that *none* of the surveys support.

First of all, the surveys refute the simplistic but popular notion that Eastern Europe is a homogeneously xenophobic region (either because of its state socialist heritage or its history of ethnic conflict, or a combination thereof). Indeed, differences in levels of xenophobia between individual Eastern European countries are as great as between individual Eastern and Western European countries. Furthermore, changes in the levels of intolerance since the transition to electoral democracies and free market have not gone in the same direction across Eastern European countries: they have risen in some but declined in others.

Second, explanations of xenophobia typically focus on economic and/or cultural (historical, "civilizational") factors. Economic explanations suggest that citizens of those countries that have suffered the most from the post-socialist transition should be most xenophobic, in particular in responding to the question about the correlation between immigration and unemployment. Cultural or historical explanations assume that current ethnic intolerance is a repetition of historical precedents

of ethnic or religious conflict or a consequence of some essentialized cultural traits, and that it is less likely to occur in countries with a stronger liberal democratic tradition. It follows from both the economic and cultural explanations that relative levels of intolerance should not change rapidly between countries. Yet according to the surveys, they do, and economic and cultural explanations do not work in explaining either the relative levels or the changes.

Economic explanations would generally suggest that that xenophobia should be higher in the post-Soviet states, Bulgaria, and Romania, which have the lowest per capita incomes, or, within the Central Eastern European group, Poland, which has both the lowest incomes and the highest unemployment. Historical or “civilizational” explanations have also frequently pointed to the post-Soviet states and the Balkans as carrying a legacy of ethnic hatred. But of these countries, only Bulgaria appears consistently at the more xenophobic end of the studies. Conversely, several countries in the more xenophobic half of the New Democracy Barometer and the European Value Study are economically better off than those in the less xenophobic half. And the Czech Republic and Hungary, which have similar levels of income, urbanization, education, and unemployment, find themselves wide apart.

Third, neither a positive nor a negative correlation between xenophobia and the volume of immigration or the fact of sudden influxes of migrants is borne out by the data. Hungary and Bulgaria have lower foreign populations per capita than Russia and the Czech Republic; Hungary, Bulgaria, and the Czech Republic experienced more sudden immigration than Russia; yet Hungary and Bulgaria appear to be more xenophobic than the Czech Republic and Russia.

That economic and cultural/historical explanations do not account for the divergence between Eastern European countries suggests that we should pay more attention to the role of politics and public discourse, as outlined in earlier sections. Hungary’s level of xenophobia is, by all accounts, high and rising; Slovenia’s is low and falling. The Czech Republic, Slovakia, and Poland are somewhere in between but have a falling level of xenophobia. These countries are generally seen as sharing much in common (geographic location, socio-demographic structure, relatively high pre-1989 living standards, relatively strong civil society, position as candidates for first-wave EU accession). They also have obvious differences. The Czech Republic, Slovakia and Slovenia are products of (violent or non-violent) ethnic conflict within the former Czechoslovakia and Yugoslavia; Poland and Hungary have not undergone such recent changes. Income levels in this group of countries vary relatively significantly. Slovenia has had a succession of liberal post-Communist governments in contrast to the other countries where such governments alternated with nationalistic ones. Perhaps more important in terms of explaining the difference in trends in xenophobia, however, is that, as we have seen, in Poland, the Czech Republic, Slovenia, and to a lesser extent Slovakia, the government, the political establishment, or civil activists have made some efforts in introducing a pro-migrant discourse into mainstream media alongside existing (and still dominant) xenophobic imagery. This has not happened in Hungary.

This study does not undertake to uncover the reasons why this has been the case. The absence of sufficiently strong critical voices here and their presence there may well have much to do with simple accident. Their appearance in Hungary, however, has certainly been hindered by the mainstreaming of ethnocentric and nationalistic discourse in Hungary in the course of the 1990s and 2000s. Such discourses have at times dominated other countries in the region – notably Slovakia, Romania, and Croatia – but they appear to have been more clearly tied to particular leaders. In Hungary, by contrast, the rhetorical de-territorialization of “the nation” has been accepted across the political spectrum, so that the term now commonly denotes a boundless ethno-cultural entity to which the state is somehow tied. The discourse of history, which, in Hungary, had been rather self-critical before 1989, has strongly shifted towards victimization since. Thus, if in 1989, over one-third of adult

respondents to a survey thought that Hungary had caused harm to Yugoslavs, Romanians, Czechs and Slovaks, only around 10% of teenage respondents in 1992 thought so, while over one-third thought those peoples had caused harm to Hungary, up from 10-20% in the 1989 survey (Csepeli 1992:200-203, Csepeli and Závecz 1995:149-150). While imagery of national victimhood has been part of mainstream public visual culture in various Eastern European states in recent years, at the moment, nowhere is it as prominent at the moment as in Hungary, where the map of “Greater Hungary” is omnipresent from classrooms to bumper stickers.

3.3 Recommendations

If political agency and discourse do indeed have a greater effect on trends in xenophobia than is usually believed, then governments and legislatures also have more opportunity and responsibility to take steps against xenophobia. These can include:

- Developing comprehensive migration policies with a transparent system of criteria for visas, temporary and permanent residence; safeguards for human and family rights and cultural and social entitlements; incentives to invest and work in sectors corresponding to the country’s needs; incentives to learn the local language and participate in civic life; and checks to ensure the payment of taxes and duties. The burden of coordination between visas, residence and work permits, trade licenses, etc. must rest on the state, not on the applicant. Most of these recommendations are contained in European Council Directive 2003/9/EC of 27 January 2003, European Commission Communications COM(2000)757, COM(2001)127, COM(2002)225, and COM(2003)336, and Council of Europe Recommendation Rec(2000)15.
- Consulates and immigration bodies should operate customer service centers providing easily accessible information and advice on application procedures in languages accessible to migrants, in person and by telephone. The processing of applications should be expedited and, if necessary, higher fees should be introduced, but these must be standard and public, and there should be no additional charges. Authorities’ deviation from procedural rules (requesting documents not specified in laws, exceeding processing deadlines) should be sanctioned. National immigration agencies should be separated from border enforcement and police, and their personnel should not be recruited or seconded from law-enforcement bodies. In addition, they should have supervisory boards consisting of government officials, academics, representatives of NGOs, and migrants, with the task of ensuring the desired functioning of the system and investigating abuses. Most importantly, officials in the immigration service must be educated to see themselves as experts in the management of diversity rather than as security guards. Many of these recommendations are contained in Epting 2002.
- Changing public discourse to de-criminalize migration; enforcing media ethics codes by boards examining text and images, and publicizing the names of violators. Migrants should be included in boards overseeing these activities. Education and cultural policy, in particular the teaching of history, should recognize diversity, including that created by migration, as a norm and a source of enrichment, as recommended in two Council of Europe Declarations (Council of Europe 2001, 2003). State-sponsored promotion of culture and tourism should draw attention to the contributions of migrants to the development of urban scapes. Tolerance campaigns should include a focus on migrants.
- Extending the enforcement of anti-discrimination laws and other instruments of minority protection to foreign citizens. Communicate to them the meaning of such laws. Access to social welfare, employment, housing, education, medical care, and participation in public and cultural life should be secured for long-term foreign residents regardless of legal status, as stated in

European Council Communication COM(2001)127 and Council of Europe Recommendation Rec(2000)15.

- Including migrants in the scope of social integration policies. This includes programs targeting civic and cultural participation as well as education of the majority population. Migrants should be invited to boards overseeing urban development, trade and culture in municipal areas of their concentrated residence.

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