

Print

Roma bear brunt of Hungary's downturn

By Thomas Ercritt in Miskolc, Hungary

Published: February 19 2009 18:28 | Last updated: February 19 2009 18:28

When night falls in Hetes, a gypsy settlement on the edge of the northern Hungarian town of Ózd, the men take to the streets and mount a guard, arming themselves with all kinds of makeshift weapons, from clubs to kitchen knives.

"We're up all night," said Henrik Radics, his hands resting on a scythe. "If a car comes in, we stop it and find out what they're doing. If they're peaceful we let them go."

Mr Radics and his companions took matters into their own hands after a spate of incidents that culminated in a house being set ablaze and plans by Magyar Garda, a rightwing uniformed group that claims to protect ethnic Hungarians from "gypsy crime", to hold a recruitment rally in the city.

Ózd is typical of the towns of Borsod county: once a proud industrial centre with a giant steel plant, it has struggled since the fall of communism in 1989, with no employers emerging to create jobs on the scale of defunct socialist-era heavy industries.

But the economic downturn in central and eastern Europe has added new urgency to a problem of marginalisation that goes back decades. Surveys show Hungarians, like many of their neighbours in the region, nurture strong feelings of prejudice against gypsies.

That means Roma stand to be hit first and hardest by rising unemployment, which stands at 14 per cent in Borsod county, with its high gypsy population, twice the national level. With the government's own forecasts predicting that the economy will contract by 2.7 per cent this year, unemployment is set to rise sharply.

"The matter has reached critical mass," said Peter Hack, a criminologist. "With the economic downturn, the traditional scapegoat hunt has happened. Since there are no immigrants in Hungary, the Roma are the target."

Zsolt Farkas, a gypsy in Miskolc, Hungary's third largest city and the county's capital, speaks for many when he says work is becoming impossible to find.

"I worked on an assembly line at Bosch, and then I installed shutters in houses, but now it's impossible to find a job. When ... they see I'm a gypsy, they're no longer interested."

Last month the Movement for a Better Hungary, a far-right party, won 8 per cent of the vote in a district election in Budapest after campaigning on a slogan of "gypsy crime". Last week Albert Pasztor, police chief in Miskolc, attracted opprobrium and praise in equal measure when he told a press conference that "all the muggings" on a Miskolc council estate over the past two months had been committed by gypsies, adding: "Hungarian and gypsy culture can't live together."

He was suspended on the orders of the justice minister but reinstated less than 24 hours later after a chorus of protest from senior police officers, a cross-party show of support from the city's local government and a 1,000-strong rally well attended by skinheads.

This week the gypsy panic reached hysteria when three professional handball players from Croatia, Romania and Serbia were stabbed in a nightclub, allegedly by a 30-strong gang of gypsies, in the western city of Veszprem. The Romanian, Marian Cozma, a rising star, died from his wounds.

In the wake of the murder, Ferenc Gyurcsany, the socialist prime minister, promised to "act decisively" against violence, and the rightwing opposition party said the government's focus should be on catching criminals.

"The number of serious crimes committed by people of gypsy origin is rising at an alarming pace," it said.

Janos Ladanyi, a sociologist, says that gypsies, deprived first by resettlement programmes in the 1970s of their traditional itinerant lifestyle and then by the deindustrialisation of the 1990s of the low-skilled jobs on which they depended, have turned to crime, both petty and organised.

"We now have a population that's lived completely outside society for 20 years. Every so often, somebody calls for a quick, simplistic solution, which leads to an outbreak of gypsy-related panic, except this time the economic crisis makes it more serious," he said.

This excluded group, which makes up 6 per cent of Hungary's population, is also the fastest growing.



Print this story

AP Associated Press

Hungary's Gypsies fear post-election bad times

2011-06-01 05:30:00

Robert Csorba and his son were murdered a year ago for being Gypsies. Now his relatives are using the bricks from his burned out house to wall off their home as they brace for more possible violence ahead.

The Csorba slayings were part of an unprecedent string of serial killings of gypsies that stopped after claiming six victims with arrests in August. But Gypsies fear that big gains made by an extreme-right party in national elections over the weekend could further feed the climate of hatred that spawned the murders.

The Jobbik party exploited anti-Semitic and anti Gypsy sentiment to surge from almost nowhere to 16.7 percent of the voting that ended Sunday. That makes Jobbik — which is linked to combat-booted paramilitaries that staged an anti-Gypsy march in this village three years ago — the third strongest party in parliament.

Compounding gypsy fears is the fact that Fidesz, the center-right party that won the election, has linked its "law and order" pledge to keeping a closer eye on? on Hungary's estimated 500,000-800,000 Gypsies or Roma.

In postelection comments Monday, Fidesz leader Viktor Orban, who is set to be the country's next prime minister, promised a crackdown on petty crime in language clearly alluding to the Roma.

"The new government will have a new way of thinking about public security," he told reporters in Budapest, the capital 55 kilometers (31 miles) northwest of Tatarszentgyorgy. "Small crimes are also crimes."

"It's not possible that thefts of chickens are not even investigated any more," Orban told reporters in comments — evoking the widespread Hungarian stereotype of the Gypsy as a chicken thief.

Roma representatives do not deny that some of their community are often guilty of petty crime — but said the phenomenon is linked to chronic poverty rooted in age-old discrimination against Gypsies.

"Thefts of firewood, of chickens, are quite frequent," said Angela Zsigar, head of the local Roma self-government, which is struggling to improve the fate of the town's roughly 700 Roma. "There are many poor here."

While unemployment in Hungary stood at a record 11.4 percent in March, it was over 20 percent in some parts of northeast Hungary, where many Roma live. Additionally, says Zsigar, many Roma have never had an official job so they aren't included in the labor figures.

Orban also acknowledged that creating more jobs was also essential for reducing crime.

While state-owned industries — shut down as communism collapsed — once supplied plentiful low-skilled jobs, many Roma have since depended on welfare payments to survive.

Csorba, 27, and his 5-year-old son were shot to death just after midnight on Feb. 23, 2009, part of a series of slayings carried out mainly in small countryside villages predominantly settled by Roma.

His village had already gained notoriety 15 months before that, when several hundred black uniformed members of the Hungarian Guard, founded by Jobbik, held their first march there against "Gypsy criminality."

The Guard came back shortly before the elections to participate in a Jobbik election rally leading to heated exchanges between Roma attending the town hall meeting and Jobbik politicians.

Erzsebet Csorba, Robert's mother, still feels aggrieved.

"They came here, they upset the Gypsies and had the gall to come in their uniforms," she said indignantly.

The Guard still operates despite being ordered by the courts to disband last year, and Orban pledged to "do away" with such organizations Monday.

Fidesz has described the Guard as the "wrong answer to existing problems." Still, Orban indicated that the Guard's existence had some legitimacy, suggesting that they were filling a security vacuum left by the lack of adequate police forces.

Reflecting the strength of anti-Gypsy sentiment in Tatarszentgyorgy, Jobbik got over twice as many votes here as the second-place Socialists — but half as many as Fidesz.

Incoming Fidesz government leaders downplay Jobbik's significance.

Janos Martony, Hungary's next foreign minister, told The Associated Press that the focus of the outside world on that party is "slightly surprising," adding that if the Hungarian Guard continues defying the order to disband, "the rule of law will be fully implemented."

For the village's Gypsies, however, the return of the Guard just before the election has raised trepidation of the times ahead.

"They could showed some respect and not hold the meeting in uniform," said Erzsebet Csorba of the Guard's recent pre-election appearance. "What kind of Gypsy crimes are they talking about if it is the Gypsies who are being murdered?"

Jahn reported from Vienna.

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Far-right in Hungary renews anti-Gypsy campaign

Sun Apr 3, 2011 10:01 AM EDT

world-news, eu, hungary, roma, far right
Fania Gorenfeld, Associated Press

— Hungary's far-right Jobbik party is losing support. To fight the trend, it is doing what far-right parties often do in Europe: pick on the Gypsies.

Exploiting anti-Gypsy fears and enduring unemployment in villages hit hard by the economic crisis, Jobbik entered parliament for the first time in 2010 with nearly 17 percent of the vote. Recent polls, however, show its support has slipped to 13 percent among likely voters.

So after months of focusing its political energy in the legislature, Jobbik has renewed its campaign against Gypsies, also known as Roma, with rallies in villages across the country.

Jobbik lawmakers and some 600 supporters, including 50 in camouflage gear and military boots, demonstrated Saturday evening against "Gypsy terror," in Hejőszalonta, a small village 100 miles (160 kilometers) east of Budapest, the capital.

The protest was sparked by the March 22 murder of a local woman. Two of her Roma tenants and a third suspect have been apprehended by police.

Hungary's Roma make up around 6-to-8 percent of the country's population of 10 million and are among its poorest and least-educated residents, facing discrimination at all levels, from education to employment to health care.

Jobbik's rise was aided by the Hungarian Guard, a uniformed group with several thousand members that held several marches in rural towns to "protect" the non-Roma and intimidate Romas. The Guard was disbanded by the courts in 2009 and Prime Minister Viktor Orban vowed before the 2010 April election to enforce the ban, famously saying he would deal with them with "two slaps in the face."

While the Hungarian Guard's Internet page has been inactive for nearly a year, groups with similar names — and many of the same members — have taken their place: the New Hungarian Guard, the Hungarian National Guard, the Guard Motorcyclists and the National Garrison, among others.

Amnesty International and other rights groups have called on police to protect Hungary's Roma minority and to prevent the self-appointed vigilantes from carrying out similar marches. But Jobbik held a rally in another eastern village last month and uniformed extremist groups patrolled its streets for weeks.

On Saturday, dozens of police in riot gear secured the rally in Hejőszalonta and set up metal barriers to keep the Jobbik supporters away from a counter-rally by human rights groups.

Jobbik speakers at the rally spoke about the supposed criminal activities of the Roma, in addition to criticizing the governing Fidesz party's economic policies and bemoaning the employment struggles of Hungary's northeast.

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showing 1 of 6 photos



In this Saturday, April 2, 2011 photo guarded by police officers, far right, and waving party flags, supporters of the radical nationalist party For A Better Hungary Movement "Jobbik" march in the streets to protest against what they say the crimes committed by Gypsies or Romas in Hejőszalonta, 163 kms northeast of Budapest, Hungary. Some hundred people attended the rally and torchlight march in this village where a 50-year old woman was murdered last March and Jobbik says the suspect is a Roma man. (AP Photo/MTI, Zolt Szilagvary)

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Title	Joseph Adjei v. Minister of Employment and Immigration,
Publisher	Canada: Federal Court
Country	Canada Ghana
Publication Date	27 January 1989
Citation / Document Symbol	R.S.C. 1976, C. 52
Reference	A-676-88
Cite as	<i>Joseph Adjei v. Minister of Employment and Immigration</i> , R.S.C. 1976, C. 52, Canada: Federal Court, 27 January 1989, available at: http://www.unhcr.org/refworld/docid/3ae6bd124.html [accessed 10 June 2011]

Joseph Adjei v. Minister of Employment and Immigration,

REASONS FOR JUDGMENT

MacGuigan, J.A.

This section 28 application focuses on the proper interpretation of the definition of "Convention refugee" contained in paragraph 2(1)(a) of the Immigration Act, 1976 ("the Act"). That definition is as follows:

"Convention refugee" means any person who, by reason of a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion,

(a) is outside the country of his nationality and is unable or, by reason of such fear, is unwilling to avail himself of the protection of that country ...

The applicant claimed Convention refugee status by reason of political opinion and membership in two social groups, the Trade Union Congress and the People's National Party, in Ghana. There was uncontradicted evidence that the trade union movement in Ghana had a political as well as an economic aspect (Appeal Book 152-3) but in any event no issue was raised as to the reason for which the applicant qualified as a Convention refugee.

In its decision of May 19, 1988, the Immigration Appeal Board ("the Board") concluded that the applicant was not a Convention refugee on the following basis (Appeal Book 357-8):

The definition of "convention refugee" in the Immigration Act, 1976, which governs this Board in cases of this type, has been quoted above on page seven. The Board notes that it is not necessary for Mr. Adjei to show that it is likely that he suffer persecution. On the other hand, the mere possibility of persecution will not result in a finding of Convention refugee status. The test is whether there is a reasonable chance, or are substantial grounds for thinking that the persecution may take place.[1]

The fear of persecution in the definition has a two-fold aspect. On the one hand, the applicant must experience a subjective fear. A man with great fortitude may not have a subjective fear of persecution until adverse circumstances are worse for him than for his less courageous fellow countryman; nevertheless such a fear must be present in the mind of the applicant for

the definition of Convention refugee to be met. The appropriate test as to whether or not a subjective fear exists is that appropriate for determining the existence of other matters of fact in a case of this kind, namely balance of probabilities.

The second aspect is the objective element. The subjective fear of the applicant discussed in the preceding paragraph must have an objective basis.^[2] In the present case the Board's conclusion with respect to the objective element of the test makes it unnecessary for it to comment further on the subjective component of Mr. Adjei's fear.

The Board, after considering all the evidence presented, is of the view that it is insufficient for it to conclude that there are substantial grounds for thinking that persecution would result were he to return or be returned to Ghana. Although, as mentioned above, the Board recognizes that it is possible that persecution might occur, it does not believe that there is a serious possibility of such persecution.

In the light of the uncontradicted evidence by the applicant as to his fear of persecution if he returned to Ghana, and by Dr. Timothy Shaw of Dalhousie University and documentary evidence (particularly Amnesty International reports) as to an objective basis for such fear, the Board's reluctance to acknowledge even the applicant's subjective fear reads strangely. However, the issue raised before this Court related rather to the well-foundedness of any subjective fear, the so-called objective element, which requires that the refugee's fear be evaluated objectively to determine if there is a valid basis for that fear.

It was common ground that the objective test is not so stringent as to require a probability of persecution. In other words, although an applicant has to establish his case on a balance of probabilities, he does not nevertheless have to prove that persecution would be more likely than not. Indeed, in *Arduengo v. Minister of Employment and Immigration* (1982) 40 N.R. 436, at 437, Heald J.A. said:

Accordingly, it is my opinion that the board erred in imposing on this applicant and his wife the requirement that they would be subject to persecution since the statutory definition *supra* required only that they establish "a well-founded fear of persecution". The test imposed by the board is a higher and more stringent test than that imposed by the statute. [Emphasis added].

The parties were agreed that one accurate way of describing the requisite test is in terms of "reasonable chance": Is there a reasonable chance that persecution would take place were the applicant returned to his country of origin?

We would adopt that phrasing, which appears to us to be equivalent to that employed by Pratte J.A. in *Seifu v. Immigration Appeal Board* (A-277-822, dated January 12, 1983):

[I]n order to support a finding that an applicant is a convention refugee, the evidence must not necessarily show that he "has suffered or would suffer persecution"; what the evidence must show is that the applicant has good grounds for fearing persecution for one of the reasons specified in the Act. [Emphasis added].

What is evidently indicated by phrases such as "good grounds" or "reasonable chance" is, on the one hand, that there need not be more than a 50% chance (i.e., a probability), and on the other hand that there must be more than a minimal possibility. We believe this can also be expressed as a "reasonable" or even a "serious possibility", as opposed to a mere possibility.

In considering similar but not identical legislation,^[3] the House of Lords in *R.v. Governor of Pentonville Prison (Ex Parte Fernandez)*, [1971] 1 W.L.R. 987 at 994 (per Lord Diplock) said:

I do not think that the test ... is that the court must be satisfied that it is more likely than not that the fugitive will be detained or restricted if he is returned. A lesser degree of likelihood

is, in my view, sufficient ... 'A reasonable chance,' 'substantial grounds for thinking,' 'a serious possibility' -- I see no significant difference between these various ways of describing the degree of likelihood of the detention or restriction of the fugitive in his return which justifies the court in giving effect to the provisions of section 4(1)(c).

These words were expressly applied by a later House to refugee status determination on words virtually identical to those in the Canadian legislation^[4] in *R.v. Secretary of State for the Home Department; Ex Parte Sioakumarin*, [1988] 1 All E.R. 193 at 196 (Lord Keith).

Despite the terminology sanctioned by the House of Lords for interpreting the British legislation, we are nevertheless of the opinion that the phrase "substantial grounds for thinking" is too ambiguous to be accepted in a Canadian context. It seems to go beyond the "good grounds" of *Pratte J.A.* and even to suggest probability. The alternative phrase "serious possibility" would raise the same problem except for the fact that it clearly remains, as a possibility, short of a probability.

In the case at bar, the Board relied, as one of its equivalent terms, on "substantial grounds". In our view this introduced an element of ambiguity into its formulation. Indeed, two factors incline us to believe that it may have been misled by this phrase: its use of the verb "would" rather than "could" in its summation on this point; and its stringent conclusion on the facts. In any event, it is impossible to be satisfied that the Board applied the correct test to the facts.

In the light of our comments on this question, it is unnecessary to consider the applicant's alternative argument under paragraph 28(1)(c) of the Federal Court Act.

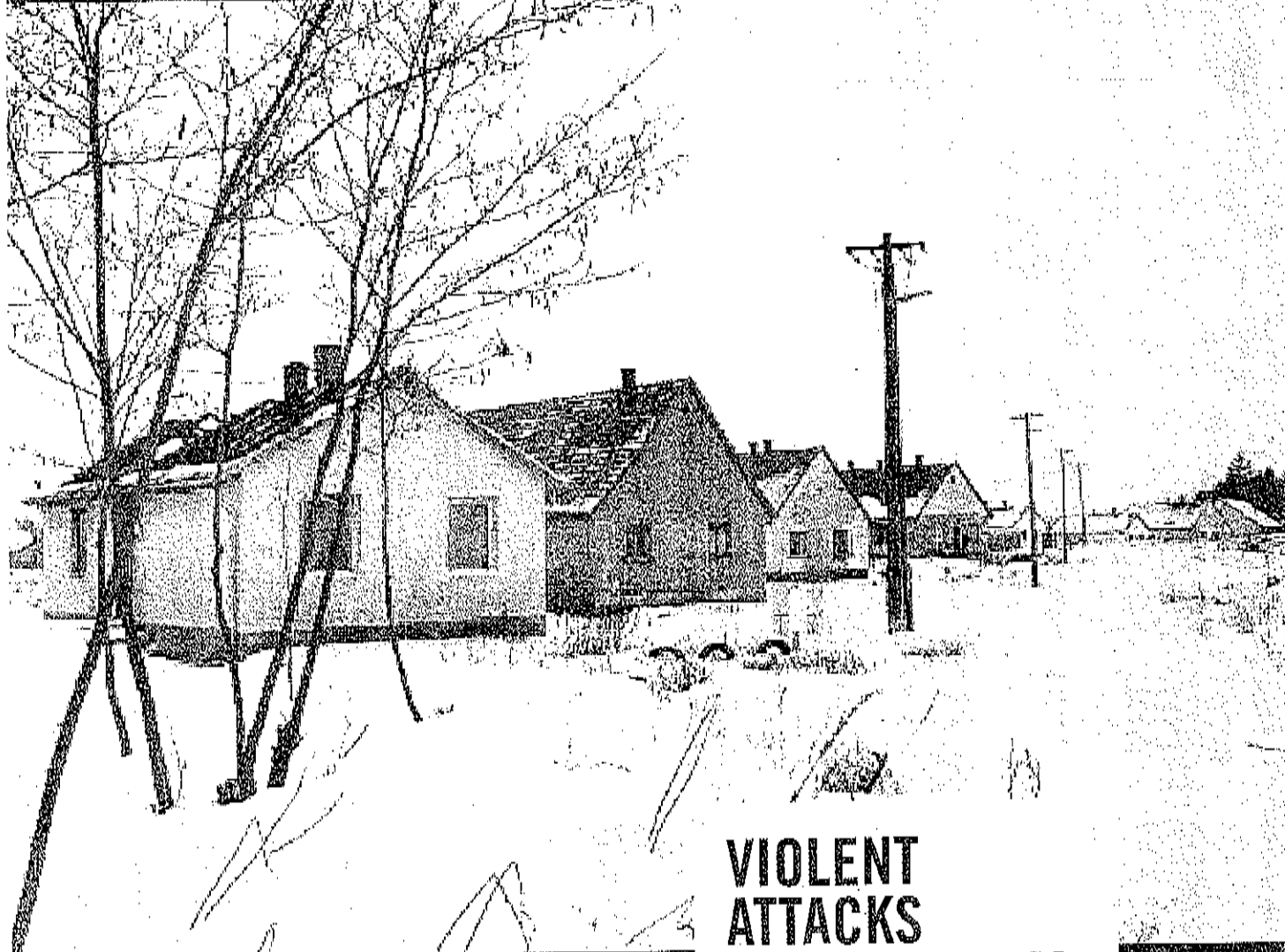
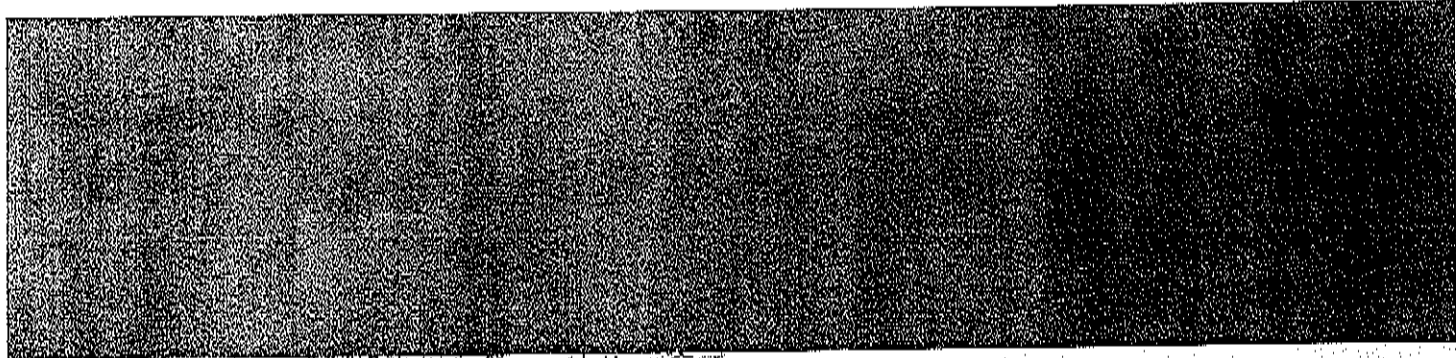
The application should be allowed, the Board's decision of May 19, 1988 set aside, and the matter returned to the Board for reconsideration not inconsistent with these reasons.

[1] For a discussion of the appropriateness of the "serious possibility", "reasonable chance" and "substantial grounds for thinking" test, see the dissent in *Satiacum, Robert v. M.E.I.* (I.A.B. 85-6100), Chambers, Howard, Anderson (dissenting), 10 July 1987. The dissenting reasons are date 25 March 1988.

[2] *Re Naredo and M.E.I.* (1981), 130 D.L.R. (3d) 752 (F.C.A.) at 753-4

[3] Subsection 4(1) of the Fugitive Offenders Act 1967, provides that a person shall not be returned to a country if it appears that "he might, if returned, be prejudiced at his trial or punished, detained or restricted..." [Emphasis added].

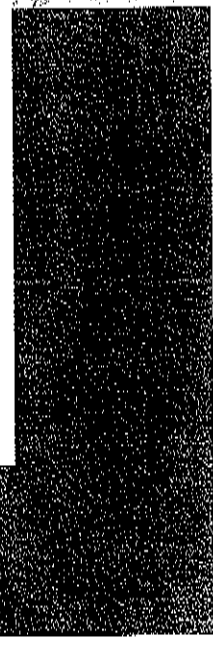
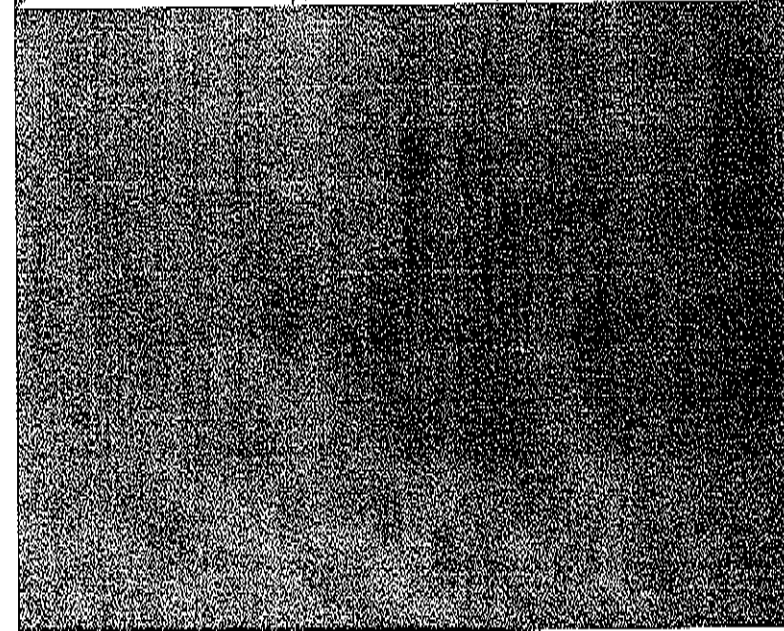
[4] ... owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such is unwilling to avail himself of the protection of that country...



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AGAINST ROMA
IN HUNGARY**

TIME TO INVESTIGATE
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Allegedly, the report's implication is not benign but may be an attempt to "intimidate" you about fees for advocacy, campaigning and lobbying expenses. According to the report, the "underground" has a list of 100 individuals, 18 of whom are in the market for agents to help them in lobbying. In other circumstances, a "good" cause or their political or moral conviction or dedication might make them sound like the "good" from the "evil" side, and they may be unable to obtain a commission for any other reason, please write to: open@open.com.

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GLOSSARY

CERD Committee on the Elimination of Racial Discrimination

ECtHR European Convention for the Protection of Human Rights and Fundamental Freedoms

ECtHR European Court of Human Rights

ECRI European Commission against Racism and Intolerance

ERRC European Roma Rights Centre

EIA Equal Treatment Authority

EU European Union

FUMC European Monitoring Centre on Racism and Xenophobia

FRA European Union Fundamental Rights Agency

HCC Hungarian Helsinki Committee

ICERD International Covenant on the Elimination of All Forms of Racial Discrimination

IPCB Independent Police Complaints Board

NBI National Bureau of Investigation

NFKI Legal Defence Bureau for National and Ethnic Minorities

NGO Non-governmental organization

NSO National Security Office

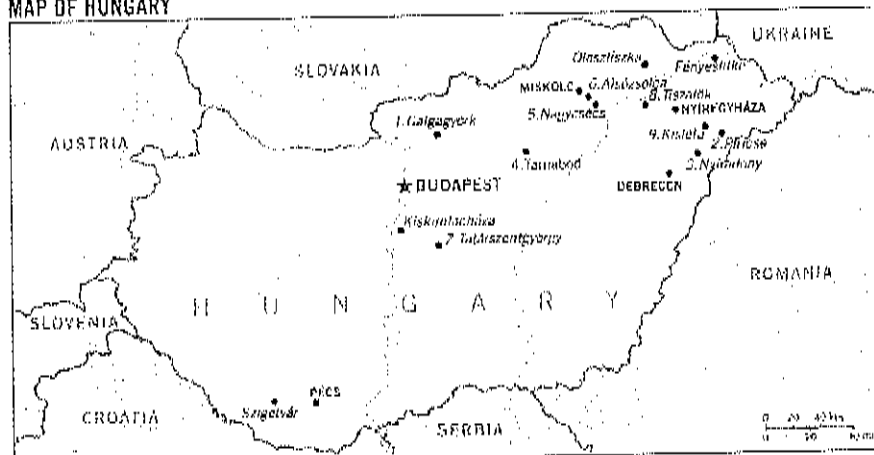
OSCE Organization for Security and Co-operation in Europe

OSCE's ODIHR: the OSCE's Office for Democratic Institutions and Human Rights

TASZ Hungarian Civil Liberties Union

6 Violent attacks against Roma in Hungary
Time to investigate racial motivation

MAP OF HUNGARY



Series of attacks 2008-2009

1. Gálsgyörk	21 July 2008, several shots were fired at three houses of Romani people.
2. Pács	8 August 2008, Molotov cocktails were thrown at two houses of Romani people.
3. Nyíradony	5 September 2008, Shootings at a house of Romani people.
4. Tárnok	29 September 2008, Molotov cocktail attacks and gunfire at two houses of Romani people.
5. Nagybajcs	3 November 2008, a Molotov cocktail was thrown into the house of a Romani family.
6. Alsózsolca	15 December 2008, shots fired at a woman (not injured) and a man (received life threatening injuries)
7. Táltszentgyörgy	23 February 2009, Robert Cs. and his 4-year-old son were killed.
8. Yaszolok	22 April 2009, a 64-year-old Romani man was shot dead.
9. Kisléta	2 August 2009, murder of M.B., a widow living with her 13 year-old daughter K.B. who survived with serious injuries.

Other cases mentioned in the report

Szigetvár	22 January 2008, a Romani woman and her daughter attacked by a group of two young people.
Fényeslitke	15 June 2008, a 14-year old Romani boy K.N. was stabbed to death and his cousin F.N. suffered serious injuries.
Olaszliszka	Place of pilgrimage for anti-Roma groups after the killing of a non-Roma teacher by a group of local Roma, following the near miss road accident involving a Roma girl.
Kiskunlacháza	November 2008, 14 year-old girl murdered, mayor makes statement that she was killed by Roma.

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1. INTRODUCTION

“It does not matter what we do, how we try to prove to the majority of the society and to ourselves that we can get along. The only thing that matters is that we were born Gypsy.”

Ágnes Kóka, relative of a victim killed in Tiszalök

Since 2008 Amnesty International has received reports of a number of violent attacks against Roma and their properties in Hungary. These reports described, among others, a series of nine attacks against members of the Romani communities across Hungary which occurred in 2008 and 2009 and which claimed six lives.

The Hungarian authorities have a duty to prevent discrimination and ensure redress for victims of hate crimes. Amnesty International's research into some of the nine attacks and other reported incidents indicates that the Hungarian authorities failed to identify and respond effectively to violence against Roma in Hungary, including by not investigating possible racial motivation. This report details the shortcomings in the responses of Hungarian criminal justice system in relation to hate crimes. Although there are existing provisions to combat hate crimes they are not being properly implemented, including because the police lack capacity to recognize and investigate hate crimes and lack training to enhance such capacity. There are no guidelines for police offices on how to investigate hate crimes and how to treat alleged victims – and neither are there guidelines for prosecutors on how to oversee these investigations. The assistance and support provided by the state for victims of hate crimes are also inadequate. In terms of prevention the authorities lack effective measures to map the nature and scale of the issue, including because they do not collect disaggregated data on hate crimes, thereby hampering their ability to identify trends and craft relevant policy responses.

The report concludes with recommendations to the authorities to ensure that effective and human rights compliant measures¹ are taken to prevent racially motivated attacks in Hungary in the future and that any such incidents are promptly, independently, impartially and thoroughly investigated; those responsible for criminal conduct are brought to justice in fair proceedings; and the victims are treated with dignity and receive adequate reparation, in a manner that is consistent with the authorities' obligations under international human rights law.

Hungary is bound, as a party to a range of international human rights treaties¹ to take

effective measures to prevent discrimination, and protect people from violent attacks such as those that were committed in 2008-2009 or any other new attacks against Roma. When such incidents occur, the authorities are required to initiate prompt, effective and independent investigations, which must be thorough. If there are indications or allegations that an act of violence or other crime has been motivated by racist attitudes, the authorities must investigate this and their response must be vigorous, reasserting society's condemnation of racism and racial hatred. Hungary's duties under international law to ensure respect for the rule of law without discrimination also require that the authorities take steps to ensure that minorities have confidence in the ability of the authorities to protect them from threats of racist violence.²

Under the OSCE Office for Democratic Institutions and Human Rights definition, hate crimes are criminal offences carried out against people or their property because of their real or perceived connection, attachment, affiliation, support or membership of a group. A group may be based upon characteristics such as real or perceived race, national or ethnic origin, religion, mental or physical disability, sexual orientation, or other similar factor.³

This report focuses on the authorities' responses to hate crimes committed against Roma. The terms "racism" and "racist motivation" used in this report are understood in a broader sense. They include phenomena such as xenophobia, anti-Semitism and intolerance. The terms "racially-motivated crimes" and "hate crimes" here are used interchangeably. However, the structural shortcomings identified in the Hungarian system go beyond the crimes carried out against Roma, and have an impact on the other groups affected by hate crimes.⁴

METHODOLOGY

The report is based on research carried out during visits by Amnesty International delegates in February and March 2010 in five Romani communities affected by violent attacks by private individuals (known as non state actors). Amnesty International delegates interviewed families directly affected by the attacks; other members of the communities; representatives of local Roma self-governments⁵; representatives of local governments; police officers at the county and local levels; county prosecutors and county judges. The research involved interviews with authorities at the national level including the Deputy Minister of the then Ministry of Justice and Law Enforcement; the chairperson of the parliamentary Human Rights Committee; the Chair of the parliamentary inquiry into the work of the National Security Office; representatives of the Office of the Prosecutor General; representatives of the National Police, including the National Bureau of Investigation, which carried out the investigation into the series of attacks against Roma in 2008 and 2009; representatives of the Independent Police Complaints Board and the Parliamentary Commissioner for the Rights of National and Ethnic Minorities. Amnesty International delegates also interviewed staff of NGOs working in the fields of human rights and anti-discrimination, Roma activists and lawyers working on behalf of victims of the attacks.

Information on individual cases set out in this report is based on interviews with victims' families and their legal representatives, interviews with the police, NGOs, and information from court documents. Other sources of information include: position papers of the Hungarian government; police statistics; reports of monitoring bodies, including the Parliamentary Commissioner for the Rights of National and Ethnic Minorities; and findings of the Independent Police Complaints Board.

2. BACKGROUND

Since 2006, Hungary has been going through political upheaval culminating in the resignation of the socialist Prime Minister Ferenc Gyurcsány in March 2009. To compensate for the budget deficit and mitigate the deepening economic crisis, Hungary took out a €20 billion emergency loan from international financial institutions and the EU in 2009. The receipt of these funds was conditional among other things on cuts in public sector wages, pensions, social benefits and other government spending.⁶

Roma in Hungary are severely affected by poverty. According to the 2005 World Bank report, poverty among Roma reached 26.3 per cent – seven times the poverty of non-Roma which amounted to 3.6 per cent.⁷ The Romani community in Hungary is severely affected by marginalization and discrimination in access to education, housing and employment. Romani children are frequently placed in special education designed for children with mental disabilities and are segregated in separate Roma-only classes and schools. Discriminatory rules and practices of local authorities towards Romani families impede their access to social housing.⁸ The unemployment rate of Roma is estimated to be 70 per cent, more than 10 times the national average.⁹

In its report on the violent incidents against Roma in Hungary published in June 2010, the OSCE ODIHR noted that Roma were more susceptible to become “scapegoats” and blamed for the country’s existing socio-economic problems, as a larger proportion of them depended on state support.¹⁰ An increase in the number of racist attacks was acknowledged by the Deputy Minister of the Ministry of Justice and Law Enforcement, András Furi. One of the reasons for this increase, he told Amnesty International in February 2010, was the prevailing strong anti-Roma sentiment. In a statement in February 2009, the European Commissioner for Employment, Social Affairs and Equal Opportunities, Vladimír Špidla, expressed concern about attacks against members of the Romani community in Hungary; he considered that in some cases, Roma were being made scapegoats for wider societal problems.¹¹

Since 2006, international human rights monitoring bodies, national officials, NGOs and research institutions have expressed their concerns over an increase of racial prejudice and intolerance in Hungarian public discourse.¹² In his 2006 Report, the Parliamentary Commissioner for the Rights of National and Ethnic Minorities quoted a 1997 report of the Hungarian Gallup Institute, according to which “every second Hungarian adult openly declared that they were averse to Gypsies. According to the 2005 TÁRKI analysis... 80 per cent of the Hungarian adult population thinks that the problems of the Roma would be solved if they would finally start working, and 62 per cent agrees with the statement that the criminal tendency is in the blood of Roma.”¹³ In his analysis of the findings of public opinion surveys, the Parliamentary Commissioner warned that in Hungary, anti-Roma prejudices were not considered “unfit for polite society”.

In August 2007, the radical right-wing Hungarian Guard was established. In July 2009 the Budapest Court of Appeal banned the organization. In its judgment the Court of Appeal concluded that the activities of the Hungarian Guard overstepped its rights as an association and curtailed the rights and freedoms of the Roma. Between its establishment and December

2009, when the ban was confirmed by the Supreme Court, the Hungarian Guard members, dressed in uniforms, held rallies and demonstrations throughout the country, including in villages with large Romani populations, and called for the defence of "ethnic Hungarians" against so-called "Gypsy crime".¹⁴ One of the Hungarian Guard demonstrations "against Roma crime" was organized in Tatárszentgyörgy on 9 December 2007. According to the media, speakers at the rally demanded a policy of segregation and called for the scrapping of all affirmative action for Roma.¹⁵ The Hungarian Guard has close ties to Jobbik, a political party established in 2002 which frequently uses strong anti Roma and increasingly anti-Semitic rhetoric¹⁶, which currently holds three out of 22 seats Hungary has in the European Parliament. In the April 2010 general elections, the party received 12 per cent of the votes and 47 seats thus ending up as the third biggest party in the Hungarian Parliament¹⁷.

Widespread prejudice against Roma reproduced and strengthened through the "Gypsy crime" narrative has been adopted, to varying extents, by both the media and the political establishment. The narrative makes a link between crime and ethnicity despite the fact that ethnically disaggregated data on criminality are not collected in Hungary. As illustrated by the two following cases, this anti-Roma sentiment is increasingly colouring discussions on crime.

Olaszliszka

An emblematic case of what is supposed to represent "Gypsy crime" and what is often used often in anti-Roma discourse happened in 2006 in Olaszliszka village in eastern Hungary. According to the media reports, Lajos Szögi, a non-Roma teacher was driving through the village and almost ran over a Romani girl. A group of local Roma surrounded the car, pulled Lajos Szögi out and murdered him. During the trial that followed the investigation, one man was sentenced to life imprisonment for murder, five people were given 15-year prison sentences, and two others were given 10 years in a juvenile detention centre. Since then, Olaszliszka has become a place of pilgrimage for different anti-Roma groups, including the Hungarian Guard.

Kiskunlacháza

Following the murder of a 14-year-old girl in November 2008 in Kiskunlacháza in central Hungary, the local mayor's interventions created the public impression that the perpetrators were Roma although the police had never made such a claim.¹⁸ The local government held a demonstration following the killing 'for life against violence', where the mayor, József Répás made a speech implying that the killers were Roma. Seven months later, a non-Roma man admitted to have committed the murder. Almost a year later, at a demonstration organized by Jobbik attended by 300 members of the banned Hungarian Guard, the mayor read out his letter written to the Prime Minister, in which he wrote: "The government did everything to ban the Hungarian Guard, claiming that they create fear. But why do they not ban the free Roma troops that, being armed, hold entire counties in terror and can even attack police officers without consequences?"¹⁹ On 19 January 2010, the Equal Treatment Authority²⁰ declared that the mayor violated the Act on Equal Treatment and called on him to abstain from unlawful, harassing and discriminatory oral and written statements and ordered that the decision be made public.

The perception of Roma as a source or a potential source of crime has been identified in research by Hungarian Helsinki Committee (HHC) into ID checks carried out in 2007 and 2008. One of the findings was that Roma were disproportionately targeted by the "stop-and-search" practice by the police. According to the HHC report, Roma are three times more

likely to be stopped for ID checks than non-Roma.²¹ Notwithstanding the absence of data on the ethnicity of perpetrators or victims, media, politicians and representatives of police speak regularly about "Roma perpetrators". For example, on 30 January 2009, the head of Miskolc Police Headquarters, Albert Pásztor, told the press that all the robberies in the preceding months had been committed by Roma. He also said that it was the duty of the police to raise awareness of the inhabitants concerning the Roma issue, and advised that Hungarians should refrain from attending bars in parts of the town to avoid becoming victims of Roma perpetrators.²² Although the National Police Headquarters initially suspended Albert Pásztor for these comments, following support expressed by the local and regional police branches and demonstrations, the Head of the National Police lifted the suspension two days later. This decision was approved by the Minister of Justice and Law Enforcement.

In May 2009 Jobbik signed a cooperation agreement with the Independent Police Trade Union, a group with almost 6,000 members which is about 13 per cent of the Hungarian police force²³. Under this agreement, Jobbik – if it becomes part of the government – reportedly committed itself to represent various proposals made by the trade union as a "key point in coalition negotiations", including the reintroduction of the death penalty. The Union, on the other hand promised to actively participate in drawing up the party's programme on public order and employment policy questions.²⁴ The agreement raised concerns over the spread of anti-Roma sentiments and anti-Semitism in the Hungarian police force. Media sources reported that an investigation by Hungary's Chief Public Prosecutor's Office had concluded that the cooperation agreement should be cancelled as the Union's president and general secretary had not been legally authorized to sign the document.²⁵

OSCE-ODHIR noted that hate crimes arise from specific social, political and economic conditions that foster stereotypes and prejudices. The importance of these contextual conditions have been recognized by states – including Hungary – which have repeatedly made commitments to counter prejudice and stereotypes²⁶ and expressed their concerns over "racist, xenophobic and discriminatory public discourse".²⁷

Given the level of prejudice towards Roma in Hungary, it is necessary to examine what mechanisms exist to prevent and prohibit discrimination in Hungary, and what mechanisms there are in the Hungarian criminal justice system to respond to racially motivated incidents and crimes in a manner which ensures the victims' access to justice and reparation without discrimination. For example, what happens in situations when members of the Romani community – perceived as a source of crime – become victims of crime?

VIOLENT ATTACKS AGAINST ROMA 2008 TO 2009

Between January 2008 and August 2009, members of the Romani community in Hungary were subjected to a series of Molotov cocktail attacks and shootings in which six people died, as well as numerous other attacks that did not hit the headlines.²⁸ These attacks against Roma in Hungary deeply traumatized both the individuals affected and their community.

SERIES OF ATTACKS AGAINST ROMANI COMMUNITIES 2008 – 2009

According to the police²⁹, there were nine attacks against Romani communities in 2008 and 2009 which bore similar characteristics. The perpetrators used Molotov cocktails and firearms; there were usually two people shooting from very close range using shotguns. Although the victims of the attacks lived in various places across the country, their houses were mostly located on the peripheries of settlements close to motorways. The attacks caused fear among the Romani community throughout the country. The police reacted by taking several measures within a programme that was supposed to enhance community safety. Initially, the measures were taken in counties where the attacks were carried out. In April 2009 they were extended to "vulnerable settlements" where police believed similar attacks could be expected. These areas were patrolled at night and in early morning hours.

Amnesty International was told by a representative of the National Bureau of Investigation (NBI), an agency within the National Police focusing on serious crimes, that after the fifth incident in November 2008 which resulted in the killing of two people in Nagycséc, the NBI started investigating the five incidents which had already occurred as a series of crimes with possible racial motivation. A slightly different perspective was given in April 2009 by the Hungarian Embassy in the USA when summarizing measures taken by the Hungarian authorities to address the violent crimes committed against members of the Romani community. According to this summary, the investigations into the killings in Nagycséc and Tatárszentgyörgy were "still under way. However there was no sign (inscription, flyer, etc.) that would have indicated a clearly racist motive, and neither...[was] there any extremist or illegal organisation, which would have 'assumed responsibility' for the act."³⁰

The following nine incidents are considered by the police to have formed part of this series allegedly carried out by the same perpetrators:

Shortly after midnight on 21 July 2008, several shots were fired at three Romani houses in Galgagyörk. Nobody was injured. During the police investigation the police considered racial motivation and inter-community violence. A few weeks before the incident there had been clashes between the Hungarian Guard and the Romani community in the village.

On 8 August 2008 Molotov cocktails were thrown at two Romani houses on the outskirts of the village of Pircse. After the Molotov cocktails were thrown, the perpetrators started shooting. As a result, one person suffered life-threatening injuries.

There were two attacks in September 2008 in which no one was injured; one attack involved shots fired at the house of a Romani family in Nyíradony on 5 September, and in the other attack Molotov cocktails were thrown and gunshots were fired at five houses of Romani families in Tarnabod on 29 September.

During the night of 3 November 2008, a Molotov cocktail was thrown into the house of a Romani family in the village of Nagycséc. Two people were shot and killed when they tried to escape the house after it was set on fire.

A Romani man suffered serious and his partner minor injuries in Alsószolca as a result of two shots on 15 December 2008.

Róbert Cs.³¹ and his four-year-old son were shot dead on 23 February 2009 in Tatárszentgyörgy after they attempted to leave their house which had been set on fire by Molotov cocktails. The initial police investigation treated the case as an accident. The autopsy later confirmed that the victims died of gunshot wounds (see detailed description of the case in Chapter 7).

A 54-year-old Romani man was shot dead on 22 April 2009 in Tiszalök when he was leaving for work. The then Prime Minister described the killing as a "disgraceful, sinister and shameful assassination".

The ninth attack in the series was carried out in the village of Kisléta on 2 August 2009 and resulted in the murder of M.B., a widow, and serious injury to her 13-year-old daughter K.B. who survived. The attack has been condemned by government officials, and the then Prime Minister said that "this new inhuman attack targeted Roma, but the murderers attacked the whole nation".

Victims of this series of violent attacks against Roma in Hungary in 2008-2009 included a couple in their forties, an elderly man, a father and his four-year old boy, and a single mother with a 13-year-old girl, all living in villages throughout the country. The police grouped these nine attacks and investigated them as a series of organized crimes against Roma. The investigation was led by the National Bureau of Investigation (NBI). Other crimes carried out against members of the Romani community during the same period of time were grouped under "sporadic, unorganized attacks" and were not investigated by the NBI.³² In November 2008, the police created a special investigation unit with the NBI consisting of 50 members, established specifically to investigate the series of attacks. The unit was then strengthened in April 2009 to 100 members. On 21 August 2009 NBI officers arrested four people in Debrecen – the suspected perpetrators of the series of organized crimes.³³ In late June 2010, the police announced that they had completed the investigation and concluded that the four suspects should be charged on the grounds of multiple coordinated homicide, robbery and abuse of weapons as well as vandalism. Of the four, three are charged on the basis of DNA and weapons analysis; the fourth individual is being treated as an accomplice.³⁴ In September 2010 the Pest County Prosecutor submitted the indictment in the case of the series of attacks against Roma. Under the indictment, three men are now reportedly being charged with multiple homicide for "base reasons".³⁵ The fourth suspect is being charged for giving assistance to the crime of pre-meditated multiple homicide.³⁶

3. HATE CRIMES = TRAUMATIZING CRIMES

“To this day [18 months after the killing], I’m considering suicide. I cannot get it out of my head... Several times I went to the rail tracks [thinking of jumping under the train]. It is very difficult for me, but also for my wife and the entire family.”

József H., father of Romani boy who was stabbed to death in Fényeslitke in June 2008

Under the OSCE definition, hate crimes are understood as “criminal offences, including offences against persons or property, where the victim, premises, or target of the offence are selected because of their real or perceived connection, attachment, affiliation, support or membership of a group.”³⁷ The European Court of Human Rights (hereafter European Court) has underscored that racial violence – a specific form of hate crime, motivated by racial hatred – is an affront to human dignity and requires special vigilance and vigorous reaction.³⁸

Hate crimes affect society as a whole as well as the individuals subjected to them and their communities. They are sometimes referred to as “criminal manifestations of prejudice” in which victims are assaulted both physically and emotionally as such crimes attack the core of their identity.³⁹ Victim impact studies recognize that victims of hate crimes experience intense feelings of vulnerability, anger and depression, as well as difficulties in interpersonal relations which are symptoms of post traumatic stress disorder. According to research by the American Psychological Association, hate crimes victims need more time to overcome their ordeal than victims of non-bias crime.⁴⁰ Moreover, hate crimes also affect the community or group to which the victim belongs. “Members of the same group are victimized... Victims of hate crimes, and the groups to which they belong, may avoid particular businesses... and adjust their daily routines... for fear of being targeted.”⁴¹ The impact of hate crimes, however, goes beyond an individual and the community to which he/she belongs to – they violate societies’ values of equality among citizens. As the European Court stated in *Nachova and others v. Bulgaria*:

“Racial violence is a particular affront to human dignity and, in view of its perilous consequences, requires from the authorities special vigilance and a vigorous reaction. It is for

*this reason that the authorities must use all available means to combat racism and racist violence, thereby reinforcing democracy's vision of a society in which diversity is not perceived as a threat but as a source of its enrichment."*⁴²

The series of crimes carried out between January 2008 and August 2009 targeting Roma and their property has created an atmosphere of fear in the Romani community. During interviews with members of the Romani community in affected towns and villages, Amnesty International was told that they do not feel safe:

*"After this [killing of M.B. in Kisléta] happened, I no longer sleep next to the door."*⁴³
Relative of M.B.

"Fear spread to other villages and other counties. Roma were afraid everywhere, they felt that the police are not able to protect them."
Representative of the Roma Self Government in Kisléta

The fear of further attacks and the belief the authorities were not taking sufficient protection measures, led some Romani communities to organize voluntary patrols in an effort to provide safety for their members.

"We still [get] signals... that [Roma] organized voluntary patrols and those volunteers illegally stopped strangers' cars and... tried to check their identity."
Gábor Kicsa, Hungarian National Police

4. INTERNATIONAL LAW AND STANDARDS ON HATE CRIMES

As a party to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the authorities in Hungary are obliged to "prohibit and bring to an end, by all appropriate means, including legislation..., racial discrimination by any persons, group or organization."⁴⁴ ICERD defines racial discrimination as:

*"...any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or other field of public life."*⁴⁵

Hungary is also a party to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). Under the ECHR, Hungarian authorities have obligations to respect and protect a range of rights without discrimination, including the right to life and the right to be free from torture and other ill-treatment, of people within their jurisdiction. The authorities are also required to ensure that prompt, independent, impartial and adequate investigations are carried out into cases of alleged violations of the right to life and the right to be free from torture or other ill-treatment, whether the alleged perpetrators are state or non-state actors.

The European Court of Human Rights has clarified that the duty to protect the right to life not only enjoins authorities of the state to refrain from the intentional and unlawful taking of life but also to take appropriate steps to safeguard the lives of those within its jurisdiction.⁴⁶ This includes the duty to put in place effective criminal law provisions punishable by appropriate penalties to deter the commission of offences against the person, which are backed up by law enforcement machinery for the prevention, suppression and sanction of breaches of such laws. It also requires the authorities in certain well-defined circumstances to take preventative measures to protect an individual whose life is at risk from another individual.⁴⁷

The European Court of Human Rights has also clarified the requirements for investigations into violations of the right to life.⁴⁸

48 The requirement to conduct an **adequate investigation** means that investigation must be capable of leading to the identification and punishment of those responsible. It involves among other things ensuring that 'all reasonable steps' have been taken to secure the evidence concerning the incident, including eyewitness testimony and forensic evidence. Any deficiency in the investigation which undermines its ability to identify the perpetrator or perpetrators will risk falling foul of this standard.⁴⁹

49 **Prompt investigation** requires, among other things, that immediate steps are taken to gather evidence and that it is completed within a reasonable time and, in any case, conducted with all the necessary diligence.⁵⁰

■ **Transparency** requires that the investigation or its results be open to a sufficient amount of public scrutiny, to secure accountability, maintaining public confidence in the authorities' adherence to the rule of law and to prevent any appearance of collusion in or tolerance of the unlawful acts.

■ The Court has also clarified that in all cases, the next-of-kin of the deceased must be **involved** in the procedure to the extent necessary to safeguard his or her legitimate interests.⁵¹

When it comes to hate crimes, the Hungarian authorities have a duty under the ECHR to prohibit and diligently investigate possible incidents of racially motivated violence and to bring to justice those responsible. These obligations have been clarified by the European Court in several judgments including *Nachova and others v. Bulgaria* referred to above. When investigating violent incidents, the authorities have a duty to take all reasonable steps to unmask any racist motive and to establish whether or not ethnic hatred or prejudice may have played a role in the event. The obligation to investigate possible racial motivation of attacks applies to attacks believed to have been carried out by state and non-state actors alike. In the case of *Šečić v. Croatia*, concerning police investigations into a racist attack against a person of Roma origin by individuals suspected of belonging to a skinhead group, the European Court underlined that "[f]rothing racially induced violence and brutality on an equal footing with cases that have no racist overtones would be turning a blind eye to the specific nature of acts that are particularly destructive of fundamental rights".⁵²

If members of an ethnic group are specifically targeted because of the fact that they belong to the given group, violent attacks against them are a form of discrimination and thus need to be investigated as such. In the *Stoica v. Romania* judgment the European Court underlined that when investigating possible racist crimes the authorities must actively consider whether a racist motive existed:

*"[W]hen investigating violent incidents, State authorities have the additional duty to take all reasonable steps to unmask any racist motive and to establish whether or not ethnic hatred or prejudice may have played a role in the events... A failure to make a distinction in the way in which situations that are essentially different are handled may constitute unjustified treatment irreconcilable with Article 14 of the Convention."*⁵³

The obligation of Hungary to effectively implement comprehensive and clear legislation to combat racism has been reiterated by the EU Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law.⁵⁴ It is designed to ensure that the same types of behaviour constitute an offence in all EU member states, and that "effective, dissuasive and proportionate" sanctions are imposed. The Member States are bound to criminalize certain behaviours and to take the necessary measures to ensure that racist and xenophobic motivation of crimes is considered an aggravating circumstance.

The European Commission against Racism and Intolerance (ECRI) of the Council of Europe has addressed the role of the police in combating racist offences and monitoring racist incidents, which it defines as any incident which is perceived as racist by the victim or any other person. In its General Policy Recommendation No. 11, ECRI calls on the governments of Council of Europe member states to:

18 Violent attacks against Roma in Hungary
Time to investigate racial motivation

- 22 ensure that the police thoroughly investigate racist offences, including by fully taking the racist motivation of ordinary offences into account;
- 23 establish and operate a system for recording and monitoring racist incidents, and the extent to which these are brought before prosecutors and are eventually qualified as racist offences;
- 24 encourage victims and witnesses of racist incidents to report such incidents.

As a practical measure that would allow implementation of the recommendations, ECRI emphasizes the need for states to adopt the broad definition of racist incidents, and to ensure that police thoroughly investigate racist offences, including by fully taking the racist motivation of ordinary offences into account (General Policy Recommendation No. 11, III/66).

5. PROHIBITION OF HATE CRIMES: LAW AND PRACTICE

The Hungarian Criminal Code criminalizes incitement to hatred against any national, ethnic, racial group or certain groups of population (Article 269), which is punishable with imprisonment up to three years. The use of "symbols of despotism" such as a swastika, an arrow cross, hammer and sickle⁵⁵, etcetera are punishable with a fine (Article 269/B).

Article 174/B of the Criminal Code criminalizes assaults committed because of a victim's actual or perceived belonging to a national, racial, ethnic or religious group:

"Any person who assaults another person for being part, whether in fact or under presumption, of a national, ethnic, racial, [or] religious group, or certain groups of the population, or compels him by applying coercion or duress to do, not to do, or to endure something, is guilty of a felony punishable by imprisonment for up to five years."⁵⁶

While under article 174/B (1) such assaults are punishable by up to five years' imprisonment, under 174/B (2) such crimes are punishable by between two to eight years if the crime is committed: a) by force of arms; b) with a deadly weapon; c) causing a substantial injury; d) with cruelty towards the injured party; e) in groups; f) in a criminal conspiracy.

In addition, as ECRI noted, some articles of the Criminal Code, including those covering murder or grievous bodily harm, expressly grant judges discretion in the sentencing of offenders to take account the offender's "base motivations", where these are alleged. The sentence for homicide⁵⁷ and bodily harm⁵⁸ with a "base" motivation is higher than for homicide and bodily harm without such motivation. While a judge may consider racist motivation as a "base motivation" which constitutes an aggravating circumstance, ECRI has raised a concern that, racial motivation is not specifically mentioned in the law as a form of "base" motivation and that Hungarian law does not include general provisions under which, for all ordinary criminal offences, racist motivation constitutes an express aggravating circumstance. ECRI has noted that: "as a result, it is practically impossible to monitor the situation with respect to racially motivated offences in Hungary."⁵⁹

Table 1 summarizes the number of cases in which the police investigation established the commission of a crime punishable under provisions of the Criminal Code that specifically address crimes motivated by hatred.

Table 1

Criminal Code	2004	2005	2006	2007	2008	2009
Article 174/B Violence against member of a community ⁶⁰	7	7	8	9	12	6
Article 269 Incitement to hatred against a community	17	4	5	5	5	6
Article 269/B Use of symbols of despotism (SS-symbol, swastika, etc.)	66	57	82	64	207	10

Source: Hungarian National Police

These statistics from the Hungarian National Police of crimes which police investigated and identified as motivated by hatred appear to be at odds with the higher number of such incidents of violence committed mainly against members of Roma community reported by NGOs.⁶¹ However, the Committee on the Elimination of Racial Discrimination (CERD), the body of independent experts that monitors states implementation of the ICERD, to which Hungary is a party, warned that in general, the absence or small number of complaints, prosecutions and convictions relating to acts of racial discrimination in a country may not necessarily indicate a low number of hate crimes, but may rather reflect underreporting and structural shortcomings of a criminal justice system:

"It may also reveal that victims have inadequate information concerning their rights, or that they fear social censure or reprisals, or that victims with limited resources fear the cost and complexity of the judicial process, or that there is a lack of trust in the police and judicial authorities, or that the authorities are insufficiently alert to or aware of offences involving racism."⁶²

Amnesty International is concerned that fear may be a contributing factor to underreporting of hate crimes in Hungary. For example, a father of a Romani boy who was stabbed to death in Fényeslitke in June 2008 told Amnesty International:

Everyone is afraid. So no matter what harsh things happen to you, you don't dare tell the story because you are scared."

József H., father of Romani boy, K.H. who was stabbed to death in Fényeslitke in June 2008

It has been recognized by the experts on hate crime that despite legislation being in place in the EU member states there is a gap between the law and the actual prosecution of racially-motivated crimes.⁶³ The gap between the legislation and its implementation in practice in Hungary has been identified by NGOs⁶⁴ as well as the Parliamentary Commissioner of the Rights of National and Ethnic Minorities who observed in 2008 that the law enforcement authorities were not prepared to investigate hate crimes.⁶⁵

WHO DECIDES ON THE LEGAL CLASSIFICATION OF THE CRIME?

In Hungary, the initial decision makers on the legal classification of the offence are police officers. There is an investigative body at each police station – a crime department – whose head is responsible for deciding whether a given incident violates any section of the Criminal Code, and for determining the classification of the offence. Once the police finish the investigation, they decide – based on the information, data and facts collected – whether the case is suitable for indictment. After the police issue the indictment proposal, the prosecutor examining the case decides whether to bring charges or discontinue the case. The final decision on the indictment of the defendant is within the discretion of the prosecutor, but according to an analyst⁶⁶, he/she usually follows the police's determination of the nature of the criminal offence in question. During the investigation, the role of the prosecutor is to provide oversight. This should involve control over the direction of the investigation; ensuring that the investigation covers essential facts; and ensuring that the investigation is carried out in accordance with the law. The prosecutor should thus be informed about the progress of the investigation and direct the case from an early stage of investigation. However, when it comes to the capacities of the prosecutors to oversee the investigation of crimes that might be racially motivated, Amnesty International was informed that there are no specific units within the prosecution service which focus on hate crimes, and the prosecutors do not receive an in-service training on racially motivated crimes.⁶⁷

HOW IS A CRIME ESTABLISHED?

There is no specific procedure in the Hungarian criminal justice system to guide a determination of whether a crime was racially motivated. Neither are there special units with an expertise and competency over racially-motivated (and other hate) crimes within the Hungarian police.⁶⁸ The lack of clear guidelines for the establishment of racial motivation is considered to be one of the causes for the low number of recognized racially motivated crimes in Hungary.⁶⁹

WHAT DATA ARE AVAILABLE ON HATE CRIMES?

When it comes to developing a policy response for addressing hate crimes, it is important to have data available that would identify the trends and assess the vulnerability of individual communities in the country. This information is also important for the development of victim protection and assistance programmes and community support⁷⁰. However, from the data collected within the Hungarian criminal justice system it is not possible to identify the vulnerable groups as the data do not show to which group or community the victim belonged, or was perceived to belong to.

6. FAILURE TO ACKNOWLEDGE RACIAL MOTIVATION

"[The] task of classifying and identifying... is a powerful one."⁷¹

Joannine Bell

The role of the police in Hungary includes the recording, investigating and establishing of crime, as well as crime prevention.⁷² Despite the existing legal provisions on hate crime, Hungary has been criticized for failing to implement the provisions. The low levels of prosecutions of racially-motivated crimes have been attributed to the reluctance of the police, prosecutors and courts to investigate and acknowledge racial motivation in violent and non-violent crimes against Roma.⁷³ ECRI has repeatedly found the Hungarian authorities to be unwilling to acknowledge the racial and anti-Semitic motivations of attacks, which leads to the infrequent prosecution of these attacks as hate crimes.⁷⁴ In its third report on Hungary, ECRI noted that the police and the prosecutors preferred to consider such offences as common offences.⁷⁵

Lawyers who represented Roma who were victims of attacks,⁷⁶ as well as human rights activists⁷⁷ told Amnesty International that the police frequently excluded the possibility that the crime had been committed with racist motivation from the outset of an investigation. This concern has also been raised by NGOs and the Parliamentary Commissioner for the Rights of National and Ethnic Minorities.⁷⁸

"I understand that it may be difficult to prove racial motivation of crimes, not least because the offenders either deny it or change their statements, but it should not be excluded at the initial stage of investigation."

Miklós Kárpáti, legal representative of the victims in Tótárszentgyörgy

"OVERHASTY REMARKS"

On 18 November 2008 a hand grenade was thrown through the window of a family house in Pécs. Two Romani adults who lived in the house were killed as a result of the attack. The spokesperson for the Baranya County Police Headquarters told the news agency MTI on the same day that the victims were Roma, but that according to the information from the investigation at the time, the police did not consider that the attack was motivated by the victims' ethnicity. The Parliamentary Commissioner for the Rights of National and Ethnic Minorities expressed the opinion that the immediate exclusion of a racist motive in such a serious crime was unacceptable. The national police commander acknowledged that the police spokesperson had been "overhasty" in his remarks.⁷⁹

In order to strengthen the response of the law enforcement agencies to hate crimes, and crimes against Romani communities in particular, the OSCE recommends that states among other things:

- ❖ develop policies and procedures to ensure an effective police response to racially motivated violence against Roma and Sinti people;
- ❖ elaborate practical guidance manuals and training programmes;
- ❖ document all types and cases of discrimination.⁸⁰

GUIDELINES

In order to take "all reasonable steps to unmask any racist motive and to establish whether or not ethnic hatred or prejudice may have played a role in the event"⁸¹ the police first need to be able to record an incident and include possible indicators of racial motivation. According to the comparative analysis of the European Monitoring Centre on Racism and Xenophobia (FUMC) Policing Racist Crime and Violence,⁸² recording practices can vary ... and can be based on:

- ❖ any racist characteristics or motives reported by the victim or any other party;
- ❖ indicators established by the police officer.

DATA

In line with international standards on the protection of personal data, the police in Hungary are obliged to refrain from "any kind of involuntary official classification of ethnicity" of individual victims and perpetrators of crime.⁸³ Under the Hungarian Data Protection Act, "sensitive data" are understood as "personal data revealing racial, national or ethnic origin". However, standards intended to protect personal privacy should not be read to prevent authorities from collecting data that are disaggregated by ethnicity and gender. For example, the European data protection laws distinguish between the collection of individual personal data and anonymous aggregate data.⁸⁴ Moreover, the Council of Europe's Convention on Data Protection explicitly provides that the collection of personal data on racial origin and the like may be routinely collected and processed when necessary for the protection of public safety or the suppression of crime.⁸⁵ As a state party to CERD, Hungary has undertaken to prevent all forms of racial or ethnic discrimination and to address incidents of discrimination when they do occur. To do so effectively, it must collect data in a form that enables it to identify and address discrimination. To that end, the Committee on the Elimination of Racial Discrimination asks states to report "relevant information on the demographic composition of the population."⁸⁶ These international and regional obligations are not contradictory. As a European Commission report on data collection in the context of implementing the EU equality law stated: "[c]ontrary to widespread belief, the international, European and national rules on the protection of privacy data do not categorically prevent the collection of data in relation to discrimination."⁸⁷ And under customary international principles governing the interpretation of treaties, binding international instruments should be read in harmony whenever possible.⁸⁸ In short, European privacy standards do not prevent Hungary from

collecting disaggregated data on racial and ethnic discrimination, and Hungary's international obligations require the collection of these data.

TRAINING

ECRI has recommended that Hungarian authorities continue and further develop police training in order to combat prejudice, raise awareness and to ensure equal treatment of groups in society.⁸⁹ According to the 2005 EUMC report on Policing Racist Crime and Violence, police training in Hungary on hate crimes focused on Roma cultural characteristics and "Roma criminality" rather than specifically on racist crime and violence against Roma.⁹⁰ Curricula at the Police Academy and medium-level in-service police training currently include subjects related to human rights and tolerance. However, the Hungarian Helsinki Committee (HHC), an NGO working among other things in the area of police training and accountability, told Amnesty International that according to information available to them as of August 2010 there was no specific training for the police on hate crimes.

The lack of guidelines and training on hate crimes has been raised by Hungarian NGOs consistently and reiterated in the aftermath of the series of violent attacks against the Romani community. In an effort to receive an authoritative interpretation of the legal provisions on hate crimes, the Hungarian Civil Liberties Union (TASZ) requested in February 2010, that the Prosecutor General provide an interpretation of Article 174/B of the Criminal Code which deals with violence against a community. In response the Office of the Prosecutor General stated their view that there was no need for issuing a general guideline on the implementation of Article 174/B as the current legislative provisions adequately covered it.⁹¹ TASZ argued that it had documented cases in which police and prosecutors failed to take into account racist, anti-Semitic, homophobic or other motivations fuelled by hatred and had failed to apply the law (Article 174/B on the crimes against community and Article 269 incitement against a member of a community).

The cases documented by TASZ, as well as other NGOs (see chapter 7 below) illustrate that officials often failed to recognize racial motivation in crimes, in spite of the fact that it was highly likely that the perpetrators attacked the victims because of their ethnicity, religion or sexual orientation, or that the police initially qualified the crimes as not motivated by hatred and only investigated the possible hate motivation after being pressured to do so by human rights NGOs.

"[T]he law enforcement authorities are not sufficiently prepared to investigate hate crimes, while the spread of hatred against racial, ethnic, religious groups and other minorities can be strongly felt."

Balázs Dónes, Chair of the Hungarian Civil Liberties Union

7. FAILURE TO INVESTIGATE, PROSECUTE AND PUNISH

Hungary is bound under international human rights law to ensure the security and personal integrity of persons within its jurisdiction, without any discrimination and otherwise in a manner that is consistent with respect for human rights. It is required to adopt measures to prevent, investigate, punish and ensure reparation, including redress, for racially motivated attacks by non-state actors. These obligations require, among other things prompt action by the police, the prosecutors and the judiciary in the event of such attacks.⁹²

ECRI has stated that as soon as a racist incident (which it defines as an incident which is perceived to be racist by the victim or any other person) is reported, the police must be required to pursue that line of investigation thoroughly.⁹³

As noted above (chapter 6), in hate crime cases in Hungary the police play a critical role as the criminal justice gatekeeper. In the prosecution of hate crime cases, since the prosecutor needs to provide evidence of a hate-related motivation, the ability of the police to secure and provide such evidence is essential for the hate crimes to be established. The police task is thus twofold: investigate what happened and why it happened.

TATÁRSZENTGYÖRGY KILLING

In the early morning of 23 February 2009 a double murder was carried out in Tatárszentgyörgy (Pest County). The victims were a 27-year-old man, Róbert Cs. and his four-year-old son Robika who were both shot dead when they attempted to escape a house set on fire by Molotov cocktails. The Director of the National Bureau of Investigation (NBI) said that there were similarities between this attack and the other attacks within the series of crimes committed against Romani communities. However, the initial police investigation treated the case as a fire caused by an improper, illegal connection to the power grid.⁹⁴

Mrs. Márton P., a neighbour of the Cs. family heard the shots being fired and called the ambulance, police and fire services. The police officers who lead the on-site investigation reportedly claimed after the initial examination that the injuries were not caused by shootings but by an explosion triggered by the fire.⁹⁵ Mrs. Márton told Amnesty International that the fire fighter who arrived at the scene questioned her about whether she heard shots or an explosion and that she had confirmed that she had heard shots.

The autopsy later confirmed that the victims in fact died of gunshot wounds.

During the initial investigation, the police treated the case as an accident not as a criminal offence. In the morning of 23 February the Pest County Police Headquarters issued a public statement in which they stated that the fire in Tatárszentgyörgy, in which two people died, was caused by a short-circuit. At about 9:30am, Viktória Mohácsi, then a Member of the European Parliament, arrived at the scene and called on the NBI to intervene in the case. The NBI investigators arrived to the Tatárszentgyörgy in a short time, and found the bottles used for the Molotov cocktails, as well as lead shot and shot cartridges.⁹⁶ On the same day, the police report was changed after the results of the autopsy which confirmed that Róbert Cs. and his son were shot

dead. The Independent Police Complaints Board (IPCB) issued hanged and thus violated the victims' rights to fair proceedings guaranteed by the Constitution. The head of the National Police, József Bencze issued an administrative decision in February 2010 in which he approved the findings of the IPCB and noted that internal disciplinary procedures had been initiated against two police officers who were held accountable for the failures.⁹⁷ Details of the disciplinary procedure were not made public.

The complaint to the IPCB was filed on 2 March 2009 by Viktória Mohácsi, on behalf of Róbert Cs.'s partner, Renáta, against the manner in which the police conducted the on-site investigation in Tatárszentgyörgy. The complaint alleged that the police did not secure the crime scene and were unwilling to take into account and record crime-related pieces of evidence found by the family and neighbours at the scene.

The IPCB concluded that the police initially treated the murder as an accident and failed to secure the crime scene. The IPCB found that these failures had hindered the investigation and led to a serious violation of the rights of the victims.⁹⁸ The IPCB investigated whether the police fulfilled its obligation under the law to secure the scene which is a precondition for effectiveness of the investigation, and concluded that the police met this obligation only partially. According to the IPCB the police treated the incident as a fire based on information gathered at the scene and information given to them by the fire brigade and the physician on duty. Despite having detected and recorded pieces of evidence and circumstances raising suspicion of a crime, the police officers failed to initiate a crime scene investigation.

The senior police officer of the Pest County Police told Amnesty International: "[T]he major mistake was made – for which we held... the lead scene investigator responsible – ... was that [he] disregarded a very important rule of investigation: If the visibility and weather conditions are not satisfactory they have to suspend the scene investigation. He did not suspend the investigation in spite of the fact that it was still dark and the visibility conditions were not good. Had he done so and the police securing the scene had not left the scene they would have seen the pieces of evidence at the scene as the sun rose... If he had complied with this rule, the mistake of leaving the scene unattended for 90 minutes would not have happened, for which he was held responsible."

NO SPECIFIC PROCEDURES FOR HATE CRIMES INVESTIGATION

The Hungarian police do not use special procedures for cases in which there is an indication that the crime under investigation is motivated by hatred. This raises concerns in particular about the capacities and ability of the police to investigate racially induced violence thoroughly and not to overlook possible racial motivation. The explanatory memorandum to ECRI's General Policy Recommendation no. 11 outlines that such investigation would require among other things a specific approach to identification and questioning of witnesses, identification of possible links with organized racist groups, and sensitivity towards the victim.⁹⁹ Despite this recommendation, according to an interview with a representative of Pest County Police, an investigation into possible hate crimes does not involve any specific approach and does not differ from investigation of any other crime.¹⁰⁰

"If a crime happens, based on the rules of criminal investigation the police carry out the necessary investigative steps at the scene and collect, record and document all evidence. And if based on the whole picture, based on all materials, evidence and documents collected

at the scene it can be established that the motivation might be racist or the victim was attacked because the victim belongs to an ethnic minority – because he is a Roma, Romanian, Slovak or German, etcetera – in that case the police would initiate an ex-officio investigation into the motivation of the perpetrator."

A representative of Pest County Police

According to Amnesty International's research, in Hungary in order for an incident to be considered a crime of violence against a community (punishable under Section 174/B of the Criminal Code), or a crime aggravated by a "base reason" (such as racial motivation), some evidence of the element that the crime was motivated by the belief that the victim belonged to an ethnic, racial, national or religious group or other community would need to be raised at some point during the investigation. In an interview with Amnesty International, representatives of the Office of the Prosecutor General considered that this evidence would require either the victim to state that he or she has been attacked because of their ethnicity, or the perpetrator to give this as a reason for the attack.¹⁰¹ However, the police operate in a legal framework that can be interpreted restrictively when it comes to the identification of ethnicity of the victim – whether real or perceived – which might affect the readiness of the police officers to focus on possible racial motivation during the investigation. Moreover, reliance on the victim or perpetrator only is not consistent with international standards under which a racially-motivated incident is one perceived to be racist by the victim or any other person.¹⁰²

*"[T]he police do not and cannot register who is Roma and who is not Roma. We have only perpetrators, victims and witnesses. In the criminal justice system we don't have gypsies, Jews etcetera."*¹⁰³

A representative of Pest County Police

However, the Hungarian police may establish the racial motivation of a crime or an offence of violence against a community (Art. 174/B of the Penal Code) based on other available evidence supporting racial motivation. An indicator of a possible racial motivation might be the victim's self identification as a member of community. However, according to the police themselves, this is not very common:

"I have been a police officer for over 20 years and I would need to think really hard to find a case during my career when a victim claimed in his complaint that he had been attacked because he belonged to a community. This simply wasn't typical and still isn't. This has never been a problem in Hungary... Even the anti-discrimination clause in the Ethical Code [of the police] was included to comply with European...[standards]... The police officer is not interested in the ethnic background of the victim- he cannot be interested. There is only one thing on his mind: the victim... which ethnic group the victim belongs [to] is a low-level issue for him. We don't examine whether someone is Jewish, German, Romanian, Armenian or Romani. There is only one thing: the victim. And we do everything in our power with the vigour of the Criminal Code to catch the perpetrator, regardless of the ethnic origin of the victim."

A representative of Pest County Police

Amnesty International is concerned that the police's lack of particular attention to and recording of the ethnicity of the victim, coupled with lack of guidelines and training, could be

an obstacle in examining possible motivation of bias for the crime.

The EUMC has recommended that states include on standard crime report forms a question asking whether the crime is racially-motivated.¹⁰⁴ According to a representative of the Pest County Police, in Hungary, when a person makes a complaint, *"there are detailed methodological rules describing what a complaint must include and most of our colleagues know these, so they register all of these necessary data."* However, according to information received by Amnesty International there is no 'racial incident form' that would outline indicators to assist Hungarian police with the identification and investigation of racially-motivated crimes.

Guidelines on the investigation of a hate crime are considered vital for an effective investigation both by international human rights agencies such as ECRI or OSCE-ODIHR¹⁰⁵, and experts on policing.¹⁰⁶ These guidelines should involve a list of criteria to help police officers to identify whether a crime was motivated by racial, religious or other identity-based prejudice; rules on notification of police officers' supervisor; and consultation with a specialized unit.

The law enforcement officers – notably the on site police investigators – are the primary contact points for many victims of hate crime. The OSCE-ODIHR emphasizes that being 'in the front lines', the police officers need to:

- » Understand how hate-motivated crimes differ from similar crimes that are not motivated by bias and to take such reports seriously;
- » Understand how police/victim interaction can influence whether a victim reports a hate crime or not (due to fear of police, embarrassment, or belief that the incident will not be taken seriously).¹⁰⁷

M.K.'S CASE

M.K. and her family are all Romani. According to information received from the NGO, NEKI, the family lived in a house divided into several flats and shared a common garden with neighbours. In 2008, one of the neighbours had reportedly been harassing them on several occasions because of their Roma origin. The children were psychologically affected and were afraid to leave the flat. The neighbours reportedly called them "dirty Gypsies", placed cat droppings in front of their entrance and once attacked the husband physically, pushing him into a glass window which resulted in him incurring serious injuries. After this incident M.K.'s family reported the harassment to the police and an official procedure started. The victims were offered legal aid by NEKI, which represented them during the proceedings. The police soon closed the investigation, saying that no crime could be established. The legal representative of the victims lodged a complaint against the decision and asked the prosecutor to order a renewal of the investigation. She also pointed out that the police completely neglected the motives behind the actions and did not examine the racial motivation at all. The complaint therefore included a request to extend the investigation to a hate crime under Article 174/B of the Criminal Code. The prosecutor's office dismissed the complaint stating that the reason for the incidents was not the victims' ethnic origin but animosity originating from a dispute between neighbours.

USING EVIDENCE ON RACIAL MOTIVATION IN COURT

As noted above (chapter 5), the Hungarian Criminal Code includes specific hate-motivated offences (e.g. violence against a member of a group Article 1/4/B), and contains provisions which permit judges to take into account racial motivation as an aggravating circumstance in sentencing for some crimes, including murder and grievous bodily harm (on grounds of "base motivation").¹⁰⁸ In such cases the motivation of the perpetrator needs to be proved. As proof of such motivation can be a difficult hurdle in a prosecution, some, including András Kádár (a human rights lawyer and the co-chair of HHQ) believe that police and prosecutors in Hungary instead frequently opt for categorizing a crime under a provision of the criminal code that is easier to substantiate in a court of law: "'Bodily harm' instead of 'violence against a member of an ethnic group' is a safer option." With a view to ensure protection from violence and discrimination, the Hungarian authorities need to meet their obligation to unearth racist motives in appropriate circumstances. The duty to prevent and protect people from racist violence and other forms of discrimination includes the duty to adopt such measures as data collection for the purposes of development of policies that will prevent the occurrence of such violations of human rights.

Proving racial motivation is not easy:

"[The main reason for this is that motivation usually needs to be concluded from other evidence. In this case [Szigetvár, described below], the perpetrators were young, between the ages of 18 and 21. And such behaviour is very typical of teenagers... It was very hard to differentiate whether what they did was some kind of youngsters' behaviour for it was racially motivated.]"

The Appellate Judge of the Baranya County Court, Béla Wirth

Recognizing the difficulties that law enforcement agencies face when dealing with hate crimes, international human rights bodies emphasize the need for guidelines and measures that would enable effective investigation of these crimes. CERD underscored the need for states to establish national strategies aimed at the elimination of structural racial discrimination which would include guidelines for prevention, recording, investigation and prosecution of racist or xenophobic incidents.¹⁰⁹ In its Action Plan on Improving the Situation of Roma and Sinti in the OSCE Area, the OSCE has recommended that Participating States (of which Hungary is one) "[e]laborate, where appropriate and in close partnership with international organizations and Roma NGOs, ... codes of conduct, practical guidance manuals and training programmes" in order to translate the existing legislation into practice.¹¹⁰

The OSCE-ODIHR recommended in 2010 that such Guidelines related to racially motivated crimes should ensure that "evidence of the element of ethnic motivation is properly collected so that it can be presented and admitted at court. While all front-line police officers should be able to conduct initial investigations, the guidelines may foresee that they refer the cases to special investigation staff..."¹¹¹

In order to meet the obligation to carry out a thorough and effective investigation into crimes with a possible racial motivation, the Hungarian authorities have to take reasonable steps to collect and secure the evidence, discover the truth in a manner that respects and protects human rights and deliver fully reasoned, impartial and objective decisions.¹¹² The following case is an example of one in which the first instance court excluded the aspect of racist motivation for the crime, although it had been identified in the context of the investigation

and the indictment (which charged the suspects under Article 174/B with violence against a member of community).

SZIGETVÁR CASE

On 22 January 2008, a Romani woman and her daughter were attacked by a group of five young people on their way home in Szigetvár. The attackers kicked the victims with their steel boots. The police started looking into a possible racial motivation only after the suspects raised it themselves. The Appellate Judge of the Baranya County Court, Béla Wirth told Amnesty International in March 2010: "When the police initially interrogated the perpetrators [they] did not suspect them of this offence [violence against a member of group], they were suspected of public nuisance. [It was only when...] the two perpetrators told the police with pride... that [racial motivation] was the reason why they committed the offence... [At] that point, the police suspended the interrogation and called their lawyers in."

Once the perpetrators consulted their lawyers, they withdrew their initial statements that they assaulted the women because they were Roma, and claimed that they simply wanted to beat somebody up.

The investigation concluded that the suspects had come to Szigetvár to attack Roma. According to the results of the investigation, the suspects wore clothes that revealed their inclination to far-right ideologies, and one of them had a poem with a strong anti-Roma language tattooed on his back.¹¹³ They were indicted under Article 174/B for violence against a member of a community. However on 27 November 2008, the Pécs City Court found them guilty of causing bodily harm (Article 170) and public nuisance (Article 271). According to information available to Amnesty International, the Court heavily relied on the changed statements of perpetrators and the statements of witnesses from which it concluded that racial motivation could not be substantiated. The prosecutor appealed the verdict, convinced that the investigation had revealed substantial evidence that the case involved a racial motivation.

On 28 April 2009, the Second Instance Court re-qualified the crime and found the defendants guilty of violence against a member of a community. In its decision, the court took into consideration all the evidence together, including both statements and other sources of evidence.

8. FAILURE TO PROVIDE REMEDIES

It is widely recognized that following a crime, victims may suffer a range of physical and psychological effects and their financial situation may also suffer.¹¹⁴ International standards require states to ensure adequate reparation to victims of crime, in an effort to ensure not only restitution but also compensation, rehabilitation, access to justice and redress. The UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (Declaration), for example calls on states to ensure victims of crime:

1. access to the mechanisms of justice and to redress;
2. reparation for the harm suffered, including fair and just compensation;
3. material, medical, psychological and social assistance.

ACCESS TO JUSTICE

Both UN and Council of Europe standards alike indicate that support services should cover all stages of the criminal justice process: during and after the investigation and any legal proceedings.¹¹⁵ Adequate advice and support from the police to the victims is considered to be an important factor that can contribute to the willingness to report or to act as witness to hate crimes incidents.¹¹⁶

» States should ensure that victims have access to information of relevance to their case and necessary for the protection of their interests and the exercise of their rights. It should include information on the services available to them, and on the investigation and criminal justice processes.¹¹⁷ The victims should be further advised on their rights in these processes and to reparation, as well as on how to access these services and rights. He or she should be informed about the progress of the investigation and, unless they request not to receive it, on the detention or release of a suspect.¹¹⁸

» During legal proceedings related to the crime, the victim and their family should be informed of their role and the scope, timing and, upon their request, the progress and the disposition of such proceedings. They should be provided with assistance and when appropriate protection both throughout such proceedings, and after them. The views and concerns of victims should be presented and considered at appropriate stages of the proceedings where their personal interests are affected, in a manner that is consistent with the rights of the accused to a fair trial.

» Support, assistance and protection measures should be offered to the victim and their family where appropriate, not only during all stages of the criminal justice process, but even after the case has been closed.¹¹⁹

The Recommendation (2006) 8 of the Committee of Ministers of the Council to member states on assistance to crime victims and the *UN Handbook on the Use and Application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* both highlight the need for training for the police. The UN Handbook warns that lack of adequate

training regarding the impact of violent crime on victims and methods of ensuring that victims are informed of their rights have in the past led in several countries to situations in which "police have often been insufficiently sensitive when coming into contact with emotionally distraught victims, which has impaired victim satisfaction and undermined the confidence of victims and their willingness to participate in the criminal justice process."¹²⁰ The training should cover areas such as the trauma of victimization, empathizing with victims, as well as special needs of victims due to the nature of the harm inflicted or factors such as race, ethnic origin, colour, sex, and so on. According to the information available to Amnesty International however, there is no special training for the victim support officers within the police.¹²¹

In Hungary, the number of indictments and convictions on charges of an attack against community appears quite low in comparison to the number of reports of such attacks reported by NGOs.¹²² According to the data provided by the Office of the Prosecutor General, there were six indictments under Article 174/B (violence against a member of a community) in 2009. In 2008 there were eight, in 2007 six, in 2006 two, in 2005 four and in 2004 five indictments under this provision. This raises concerns about possible underreporting of crimes motivated by hatred and also concerns about victims' access to justice. Underreporting of racially motivated crimes is considered to be an outcome of several factors including the reluctance of some victims to pursue the issue, as well as the failure of the police and the prosecutors to take into account the racist motive of offences.¹²³ In its 2009 periodic report on Hungary, ECRI reported that "in some instances, even when there was strong enough evidence of racist motivations to support an indictment for racist violence, the offence was finally treated by the courts as having arisen solely out of a conflict situation rather than as having had racist motivations."¹²⁴

The law in Hungary¹²⁵ provides for legal aid to individuals who are acknowledged as victims by the victims support service and who apply for such service within six months of the date of the crime. Legal aid is provided free of charge to those whose income falls below €480¹²⁶. The aid involves legal advice and assistance to help the victim to get the remedy for the crime.

Many of the Romani victims of crime and their family members whom Amnesty International spoke to in Hungary were not aware of their entitlement to legal aid services. Thus despite the provision in the law, legal assistance does not appear to be easily accessible to the victims of hate crimes. The need to address this problem and make legal aid more accessible to the victims has been emphasized by Hungarian NGOs involved in providing *pro bono* legal aid. This would require an efficient system of informing the victims of what services are they entitled to shortly after they report the crime, and assisting them in applying for those services.

The case below illustrates a situation of a victim who has not been provided with appropriate assistance during the investigation of a crime.

LACK OF SUPPORT IN ACCESS TO JUSTICE

On 15 June 2008, a 14-year old Romani boy K.H. and his cousin F.N. were stabbed by a 40-year old man following a verbal argument in a pub in a village of Fényeslitke. According to the judgment of the first instance court in Szabolcs-Szatmár-Bereg County, the man started an argument with the victims because he resented the fact that F.N. had turned his back to him while the man was standing at the bar. K.H. and F.N. decided to leave the pub. Once they reached the door, K.H. allegedly told the man: "If you want something, let's go out." The man took out a 11 cm-long and 2.5 cm-wide pocket knife and stabbed K. H. three times in the chest. He then stabbed also F.N. in the chest and fled. K.H. died at the scene as a result of the stab wounds. F.N. suffered life-threatening injuries but timely professional medical treatment prevented his death.

F.N.'s and K.H.'s families were reportedly not provided with adequate advice and support during the investigation. The legal assistance they received during the trial of the accused was provided for free by the NGO, Movement for Desegregation Foundation.

The legal representative of K.H.'s family alleged that racial motivation was not pursued during the investigation.

During the trial, the offender admitted that he was guilty and he claimed he suffered a temporary memory loss due to the combined effect of alcohol and his medication. He also claimed that he saw deformed faces who wanted to kill him. In the verdict, the first instance court stated that "during the court proceedings no evidence was revealed that would have suggested the conflict was racially motivated" and sentenced the offender to 11 years' imprisonment on 2 June 2009. The verdict was upheld by the second instance court in October 2009.

When interviewed by Amnesty International, the father of K.H. said that he attempted to raise the issue of racial motivation of the offender during the trial phase but it was not accepted by the court. The victim's legal representative told Amnesty International that he identified two witnesses who claimed they heard the offender saying he would carry out the crime because "No Roma should turn his back on him". The judge said it was hard to reconstruct the motivation.

Amnesty International is concerned that the case illustrates the impact of inadequate support and assistance for the victim throughout the criminal proceedings on their right to access justice and redress.

REPARATION AND COMPENSATION

Under the European Convention on the Compensation of Victims of Violent Crimes (1998), victims who sustained serious bodily injury or impairment of health directly attributable to an intentional crime of violence, or the dependants of persons who have died as a result of such crime are entitled to compensation that shall cover, according to the case, at least the following items: loss of earnings, medical and hospitalization expenses and funeral expenses, and, as regards dependants, loss of income.

In Hungary, a victim of crime or their direct relative may apply for monetary compensation, compensation and legal aid under the Act on Crime Victim Support and State Compensation (CXXXV/2005). The monetary aid should cover a victim's extraordinary expenses in connection

with housing, clothing, nutrition and travel, medical and funeral expenses.

TATÁRSZENTGYÖRGY CASE

The family of Renáta J., the partner of Róbert Cs. and the mother of the four-year-old Robika who were killed in Tatárszentgyörgy in February 2009 (see the case described in Chapter 7), were offered psychological support and received financial compensation. However, they told Amnesty International that they did not receive adequate advice and support from the state to help them to access the remedy.

The parents of Róbert Cs., whose house was next to Róbert's, were not offered any psychological support. The family received monetary aid from the National Roma self-government and the mayor to cover funeral expenses. During Amnesty International's visit in February 2010 they told Amnesty International that they felt abandoned by the authorities. They said their children were still terrified during the night.

KISLÉTA CASE

The family of M.B. – victim of the killing in Kisléta (the last killing within the series of the nine attacks against Romani communities) – received monetary support as well as psychological support available through the state. The legal assistance received by the family was arranged free of charge by an NGO, Movement for Desegregation Foundation, not by the state.

MATERIAL, MEDICAL, PSYCHOLOGICAL AND SOCIAL ASSISTANCE

"I took the medication several times. I was also in the hospital once. Honestly, I must say that I am considering suicide even to this day. I cannot get it out of my head. But I have four children, and that is what keeps me from doing it. I don't know for how long I can put up with this. I think of committing suicide more and more often. I tried several times. I went to the railway. It is very difficult for me, but for my wife as well, and of course for my whole family."

Father of a Romani 14-year-old boy who was stabbed in village Fényeslitke in 2008 (see case in Chapter 8, section Access to Justice)

The UN's Handbook on the Use and Application of the Declaration defines the goals of victim assistance programmes:

"assist victims in dealing with emotional trauma, participating in the criminal justice process, obtaining reparation and coping with problems associated with the victimization."

K.H. AND F.N. CASE

The public Victim Support Service paid the funeral-related expenses of the family of K.H., the victim of the Fényeslitke stabbing (see the case described in the section Access to Justice of this chapter). The father of K.H. who was killed told Amnesty International that he was suffering from trauma and was suicidal after his son's death but had received no psychological counseling.

ZERO SUPPORT

On 27 May 2009 in the town of A., C.P. and his wife were woken up in the middle of the night when a stranger entered their house through the window. They describe how the man attacked the Romani couple with a razor, and attempted to cut C.P.'s throat. C.P. told Amnesty International that he was cut in seven places. The attack also woke up C.P.'s parents who also lived in the house; they called an ambulance and the police. They reportedly called a brother of C.P. who arrived at the house while the confrontation was ongoing. According to the Romani family, the attacker was tall and physically strong.

After the incident, C.P., his wife and his child were taken to hospital where they received treatment. On the way home, they were taken to the police station, where they gave statements to the police. The man who attacked C.P.'s family was injured during the fight and was taken to the hospital after the incident. Taking into account his injuries, the police have also started an investigation into an alleged assault carried out by C.P.'s family against the man. At the time of writing of this report both cases were under investigation.

The victims of the razor attack were allegedly not informed of their rights to legal and other assistance.

9. MONITORING HATE CRIMES

As a state party to CERD, the Hungarian authorities are obliged to adopt positive measures designed to eradicate discrimination. A key precondition for the development and adoption of effective preventative measures is information on the existence and extent of hate crimes, derived through – among other things – a system of data collection and through monitoring.¹²⁷ The Committee on the Elimination of Racial Discrimination has recommended that state parties to ICERD collect “comprehensive statistical or other information on complaints, prosecutions and convictions relating to acts of racism and xenophobia, as well as on the compensation awarded to the victims of such acts, whether such compensation is paid by the perpetrators of the offences or under State compensation plans financed from public funds.”¹²⁸ Similarly, ECRI has suggested that such monitoring requires the police and other authorities receiving reports of racist incidents to “gather detailed information on each report”, as well as the prosecuting authorities and the courts to set up monitoring systems that “include readily available information on investigations carried out, charges brought and sentences handed down in these cases.”¹²⁹

The Office of the Prosecutor General in Hungary collects data on proceedings under individual articles of the Criminal Code – the data include numbers of halted investigations, numbers of cases in which an indictment was prepared by the prosecutor, and numbers of cases where there the conclusion of the investigation was classified as “other”. The data, however, do not identify the group or community which the victim belonged to or was perceived to belong to.

To effectively evaluate the application of the hate crime provisions in the Hungarian Criminal Code, the authorities would need to collect data on the number of incidents reported to the police in which hate might have been a motive, the number of hate crime offences prosecuted and the outcome of such cases, as well as the reasons for non-prosecution of such crimes (under hate crime provisions or at all).¹³⁰ The data should be disaggregated by the group affected by the crimes. The EUMC called on the EU member states to “install a reporting system for racist crimes that is clear, consistent and accessible” and that involves maintaining statistics on the treatment of the racist crime in the criminal justice system from the police to the courts”.¹³¹ In a report in 2007, the Fundamental Rights Agency (which took over the role of the EUMO)¹³² identified Hungary among the EU member states that have a ‘limited’ data collection mechanism in place to record racist crime.¹³³

Amnesty International considers that this lack of disaggregated data may be an impediment to the effective prevention of hate crime, including against Roma, in Hungary.

CONCLUSION AND RECOMMENDATIONS

Building on the international human rights standards and the European Court of Human Rights jurisprudence, this report aimed to show how racially motivated crimes have a specific impact on individual victims, communities, as well as a society as a whole. Accordingly, the ways in which hate crimes are identified and addressed must also differ.

Amnesty International is concerned that Hungarian authorities are failing to take necessary steps to prevent and respond to violence against Roma effectively due to shortcomings and gaps in the criminal justice system.

- ❖ The provisions on hate crimes that exist are not being thoroughly implemented: there is a lack of procedures to guide investigation, including the determination whether the crime was possibly motivated by hatred. There is also a lack of specialized units with expertise on hate crimes in the Hungarian police;
- ❖ The victims do not receive adequate reparation despite the provisions in the law, support and assistance do not appear to be easily accessible to the victims of hate crimes;
- ❖ There is a lack of disaggregated data on hate crimes to monitor the situation, identify trends and outline policy responses.

Amnesty International recommends

ON NON-DISCRIMINATION MEASURES

The Government of Hungary must:

- ❖ Ensure that members of Romani community, as well as members of other vulnerable groups are protected from violence and attacks;
- ❖ Ensure the message is clear: racist comments by public officials, including law enforcement and administrative officials, are not tolerated in Hungary;
- ❖ Ratify and implement Protocol No. 12 to the European Convention on Human Rights, which sets out a general prohibition of discrimination;
- ❖ Develop an action plan and take urgent measures to combat and prevent racist incidents and hate crimes.

ON IMPLEMENTATION OF HATE CRIME LEGISLATION

The Government of Hungary must:

- Ensure that racially motivated violence and other hate crimes are fully and effectively investigated and that those reasonably suspected of responsibility are prosecuted/brought to justice under laws providing for sanctions which reflect the gravity of the human rights abuses;
- Establish and operate a system across the country for recording and monitoring racist incidents and hate crimes;
- Develop and disseminate guidelines for police officers and prosecutors on recording the crimes against community under Article 174/B;
- In co-operation with NGOs, community-based organizations and representatives of the minorities outline and implement measures that would encourage reporting of racist and other hate-related incidents, such as establishing specialized agencies with trained personnel to which the hate crimes can be reported.

The Ministry of Interior should:

- Develop and implement guidelines for police officers on investigation of crimes against community under the Article 174/B of the criminal code and other hate crime offences;
- Introduce a system of comprehensive monitoring of all incidents that may constitute hate crimes, in particular racist offences. The monitoring should cover all stages of proceedings, including complaints lodged, charges brought and convictions recorded.

The Police should:

- Take measures to ensure that independent and impartial investigations are initiated promptly and are thoroughly carried out without undue delay;
- Ensure that all police officers receive in-service training on the nature of hate crimes and the role of the police in combating them;
- Work with Roma self-governments, NGOs and human rights organizations to implement measures to encourage Roma and other victims to report hate crimes and to ensure their protection from reprisal when they do.

ON RECORDING CRIMES COMMITTED AGAINST MEMBERS OF COMMUNITY

The Ministry of Interior should:

- Strengthen the data collection on hate crimes, in a manner that ensures respect for human rights including the prohibition of discrimination, so that it can be used to identify

trends;

iv Publish the data collected;

vi Ensure that the data collected on the application of provisions of the Criminal Code, including provisions expressly criminalising hate based violence such as Article 174/B of the Criminal Code, are disaggregated by the different groups to which the victim of each such groups belongs. Ensure that any collection of such data is in line with the international standards on the protection of personal data.

The Police should:

vi Establish specialised units or designated police officers at the county and local police with specialized training to identify and investigate hate crimes.

ON VICTIM SUPPORT

The Ministry of Justice should:

vi Ensure that the victims of hate crimes have effective access to the mechanisms of justice and to redress, including through ensuring their access to appropriate support and assistance for each stage of any criminal justice processes, and where appropriate after them. The support and assistance should be provided even in cases in which the perpetrators are not identified, prosecuted or convicted;

vii Provide for the training for the police to ensure the needs of the victims of hate crimes are met and the victims rights to dignity and privacy are met;

viii Ensure that the victims of hate crimes, and where appropriate their families, are informed, offered and have effective access to support, assistance and protection including counselling and legal assistance throughout any investigation and criminal proceedings, continuing after the case has been closed;

ix Develop programmes and projects to empower Roma to improve their reporting of hate crimes.

ENDNOTES

1 Including the European Convention of the Protection of Human Rights and Fundamental Freedoms (ECHR) and the International Covenant on Civil and Political Rights and the International Convention on the Elimination of all Forms of Racial Discrimination.

2 *Nachova and Others v. Bulgaria* (GC), nos. 43577/98 and 43579/98, § 145, ECHR 2005/VI.

3 OSCE ODIHR, *Combating Hate Crimes in the OSCE Region*, Warsaw, 2005, p. 12.

4 See: Explanatory Memorandum to ECRI General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination.

5 The Hungarian Constitution authorizes national and ethnic minorities to create local self-government bodies. They are directly elected by the members of the minority and exist parallel to the local governments. The local self-government representatives have the right to provide input on all public policy matters through guaranteed access to local council committee meetings. For a local self-government to be created 30 people in a given municipality from the same minority group must register to participate in the elections. See: National Democratic Institute and OSCE-ODIHR "The Hungarian Minority Self-Government System as a Means of Increasing Roma Political Participation", 2007.

6 IMF Executive Board Approves €12 billion Stand-by Arrangement for Hungary, IMF Press Release No. 08/275, 6 November 2008.

7 Dena Ringold & Mitchell A. Orenstein & Erika Wilkens, "An Overview of Roma Poverty and Welfare", Roma In an Expanding Europe: Breaking the Poverty Cycle, The World Bank, 2005, p.31. The poverty line is equal to 50 per cent of median of per capita expenditure.

8 ECRI, Fourth Report on Hungary.

9 Minority Rights Group International, "World Directory of Minorities and Indigenous People – Hungary : Roma", August 2009, available at <http://www.unhcr.org/refworld/docid/4d749d14.html>

10 OSCE ODIHR, "Addressing violence, promoting integration. Field assessment of violent incidents against Roma in Hungary", p. 44.

11 Statement by Vladimir Špidla, 26 February 2009, <http://ec.europa.eu/press/finan.jsp?langid=en&catId=89&newsId=464>

12 European Commission against Racism and Intolerance 2009 Report on Hungary, 4th monitoring cycle, CRI (2009)3, p.24.

13 Annual Report of the Parliamentary Commissioner for the Rights of National and Ethnic Minorities 2006, <http://www.kisebbszorgombudorner.hu/far-27/-annual-report-of-the-parliamentary-jdnp>

14 European Commission against Racism and Intolerance 2009 Report on Hungary.

15 Budapest Sun, 12 December 2007.

16 ECRI, Fourth Report on Hungary, p. 26. OSCE-ODIHR, "Addressing violence, promoting integration. Field assessment of violent incidents against Roma in Hungary", p. 31.

17 BBC News Online 24 April 2010.

18 Amnesty International interview with the Pest County Police, Budapest, 26 March 2010.

19 Fajár Megyei Hírlap, "A jehibik szervezett demonstrációját kiskunlacházián", 27 September 2009, http://www.fahh.hu/sajlatu/2009/0927_jehibik_demonstraci_kiskunlachazi.asp

20 Specialized independent organization set up by the government to promote equality of opportunities and combat discrimination. CTA can receive and deal with individual and public complaints about unequal treatment.

- 21 Kádár, A, Körner, J, Muldova, Z, 16th, & "Controlled Group". Final Report on the Structures for Effective Police Stop and Search Project, Hungarian Helsinki Committee, Budapest 2008, p. 36.
- 22 Hungarian Helsinki Committee, "Briefing Paper for the Council of Europe Commissioner for Human Rights", 29 September 2009.
- 23 US Department of State: "2009 Human Rights Report: Hungary". Available at: <http://www.state.gov/r/p/rls/dhr/2009/eur/136035.htm>
- 24 The Budapest Times: "Politai unió-Jobbik ties not kosher ORFK", 3 June 2009.
- 25 Politics.hu: "Politai unió banned from cooperating with Jobbik, party defiant", 4 June 2009.
- 26 Council of Europe Framework Convention for the Protection of National Minorities, LNo. 157
- 27 OSCE Ministerial Council Decision No. 13/06, "Combating Intolerance and Discrimination and Promoting Mutual Respect and Understanding", Brussels, 5 December 2006.
- 28 See, e.g. Interview with Tara Bodard, the programme director of European Roma Rights Centre in *Deutsche Welle* 18 May 2010.
<http://www.dw-world.de/world/article/0,,5583163,00.html>
- 29 Amnesty International interview with the National Bureau of Investigation, Budapest, 5 February 2010.
- 30 Embassy of Hungary – Washington D.C., 27 April 2009.
http://www.hungarynews.org/2_News/20090427_Hungarian%20News%20Policy/Hungarian%20News%20Policy.htm
- 31 Amnesty International is withholding the identities to protect the victims and victim's families.
- 32 OSCE: "Addressing violence, promoting integration. Field assessment of violent incidents against Roma in Hungary". June/July 2009, Warsaw 15 June 2010. p. 5.
- 33 As of June 2010, the suspects were held in the pre-trial detention. The Hungarian Act on Criminal Proceedings distinguishes between custody – a period of maximum 72 hours –, and a pre-trial detention which can be ordered by a court under certain conditions (Article 129, Section 1). The overall period of pre-trial detention may not exceed one year after the court order.
- 34 MTI – Hungarian News Agency, "Police conclude investigation of Roma killings", 7 July 2010.
- 35 For further details on "base motivations" see chapter 5. Prohibition of Hate crimes: Law and Practice.
- 36 Index/MTI, "Romagyilkosságok: lezárultak a vádlatok", 8th September 2010.
- 37 OSCE: "Combating Hate Crimes in the OSCE Region". OSCE Office for Democratic Institutions and Human Rights, Warsaw, 2005. p. 12.
- 38 ECtHR, *Nachova and Others v. Bulgaria*, Grand Chamber judgment, 6 July 2005. nos. 4351/198 and 43579/98, § 145, ECtHR 2005/VII
- 39 Lawrence, F.M. "Racial violence on a small island", in: Iganski, P., *The Hate Debate*. Profile books, 2008, pp. 36–53.
- 40 American Psychological Association, *Hate Crimes Today: An Age-Old Fear in Modern Dress*, Psychology Examines the Issues, Washington, 1998.
- 41 OSCE 2005. Combating Hate Crimes on the OSCE Region. p. 12.
- 42 *Nachova and Others v. Bulgaria* [GC]
- 43 M. U. – the last victim in the series of attacks was killed in her house in Kiskút.
- 44 CERD, Article 2 (1d).
- 45 CERD, Article 1 (1).
- 46 *LCB v the United Kingdom*, judgment of 9 June 1998 at para 36.

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Time to investigate racial motivation

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- 47 *Osman v The United Kingdom*, judgment of 28 October 1998 at para 115.
- 48 *Kelly and others v. the United Kingdom* (Application no. 30054/96) and *Shanaghan v. the United Kingdom* (N° 37715/97), ECHR 2001-V.
- 49 *Ramsveld and Others v. the Netherlands* (no. 24/46/94), judgment of 15 May 2007 (Grand Chamber), para. 324.
- 50 *Kukayev v. Russia* (no. 29361/02), judgment of 15 November 2007, para. 9b.
- 51 *Ogur v. Turkey* judgment of the Grand Chamber of the European Court of Human Rights, Application no. 21954/92, § 92, ECHR 1999-III, *Gilling v Turkey*, judgment of 27 July 1998 § 82, *McKerr v. the United Kingdom* (Application no. 28863/95), ECHR 2001-VIII.
- 52 *Šečić v. Croatia*, judgment of the European Court of Human Rights, para. 67-69.
- 53 *Standa v Romania*, judgment of the European Court of Human Rights at para 119.
- 54 Council Framework Decision 2003/47/JHA of 28 November 2003 on combating certain forms and expressions of racism and xenophobia by means of criminal law, Official Journal of the European Union L 328, 06 December 2003, pp. 56–58.
- 55 Arrow cross was a symbol of Hungarian national-socialist party from the World War II period; hammer and sickle is a symbol of communism.
- 56 Article 174/B of the Criminal Code: Violence Against a Member of a Community.
- 57 If a person commits a homicide, he shall be punished with imprisonment of 5 to 15 years, but if the homicide is committed for a base reason or purpose, it is punishable with imprisonment from 10 to 20 years, or life imprisonment. (Article 165, Section 1 and 2 of the Criminal Code).
- 58 If someone causes bodily harm that heals within eight days, he shall be punished with imprisonment up to two years, public labour, or a fine, but if the offence is committed for a base reason or purpose, it is punishable with imprisonment up to 3 years. (Article 170, Section 1 and 3 of the Criminal Code). Similarly, if a person causes grievous bodily harm, he shall be punished with imprisonment up to 3 years, but if the offence is committed for base reason or purpose, it is punishable with imprisonment of 1 to 5 years. (Article 170, Section 2 of the Criminal Code).
- 59 ECRI 2009 Report on Hungary, Fourth monitoring cycle, 24 February 2009, p. 14.
- 60 The title of the article: "Violence against a member of a national, ethnic, racial or religious group" was amended in February 2010 to: "Violence against member of a community".
- 61 ECRI, Third Report on Hungary, Adopted on 5 December 2003, OHRE (2004) 25, p. 10.
- 62 OSCE General Recommendation No. 31 – I, A 1 (b).
- 63 Goodey, J., "Racial Crime in the European Union: Historical Legacies, Knowledge Gaps, and Policy Development". In: Goodey, J & Aronson, K, 2008, p. 18.
- 64 Response of Hungarian Civil Liberties Union to the Prosecutor General on the issue of guidelines on applicability of Section 174/B of the Criminal Code, 14 April 2010.
- 65 Report on the Activity of the Parliamentary Commissioner for the Rights of National and Ethnic Minorities 2008.
- 66 Papp, A. "Human Rights and Ethnic Data Collection in Hungary", in: Human Rights Review (2008) 9, p. 118.
- 67 Amnesty International interview with the representatives of the Office of the Prosecutor General, Budapest, 3 February 2010.
- 68 Letter of the Head of the Department for Crime Prevention and Victim Support to Amnesty International, 27 May 2010.
- 69 Papp, A. "Human Rights and Ethnic Data Collection in Hungary", in: Human Rights Review (2008)9.
- 70 OSCE 2005, Combating Hate Crimes on the OSCE Region, p 26.
- 71 Bell, Jeannine, "Policing Hatred: Law Enforcement, Civil Rights, and Hate Crime," New York University, 2002, p.12.

- 72 Oakley, R. "Policing Racist Crime and Violence: A comparative study". EUMC, 2005.
- 73 Oakley, R. "Policing Racist Crime and Violence: A comparative study". EUMC, 2005 p. 16.
- 74 ECRI, Second Report on Hungary, Adopted on 18 June 1999, CRI (2000) 5, p.6.
- 75 ECRI, Third Report on Hungary, Adopted on 5 December 2003, CRI (2004) 25, p. 19.
- 76 Amnesty International interview with Miklós Kárpáti, Budapest, 29 January 2010; Árpád Csontos Szécsény 25 February 2010; Márton Udvari, Budapest, 24 March 2010.
- 77 Amnesty International interview with Viktória Mihácsi, 29 January 2010.
- 78 Report on the activity of the Parliamentary Commissioner for the Rights of National and Ethnic Minorities, 2008.
- 79 Report on the activity of Parliamentary Commissioner for the Rights of National and Ethnic Minorities 2008, p. 79
- 80 Decision No. 3/2003, Action Plan on Improving the Situation of Roma and Sinti, OSCE Ministerial Council, Maastricht 2003; Decision No. 4/2003 Tolerance and Non-discrimination, OSCE Ministerial Council, Maastricht 2003.
- 81 *Stoices v. Romania*
- 82 Oakley, R. "Policing Racist Crime and Violence: A comparative study". EUMC, 2005 pp. 11-16.
- 83 Papp, A. "Human Rights and Ethnic Data Collection in Hungary" ", in: Human Rights Review (2008)9.
- 84 Gray, J., "The importance of ethnic data for promoting the right to education", in: Minority Rights Group, State of the World's Minorities and Indigenous Peoples.
- 85 Council of Europe, Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, Art. 9(2a).
- 86 CERD, General Recommendation No. 4, Demographic composition of the population, 25/08/1978.
- 87 Timo Makonnen, Measuring Discrimination: Data Collection and the EU Equality Law, European Commission, 2007, p. 77.
- 88 See: Vienna Convention on the Law of Treaties, Vienna, 23 May 1969, generally understood as reflective of customary international law.
- 89 ECRI, Second Report on Hungary, p.8.
- 90 Oakley, R.: "Policing Racist Crime and Violence: A comparative study", EUMC, 2005, p. 27.
- 91 Letter of the Head Prosecutor to Balázs Dénes, the Chair of Hungarian Civil Liberties Union, 2 April 2010.
- 92 See: CERD, General Recommendation No. 27, Discrimination against Roma.
- 93 Explanatory Report to ECRI General Policy Recommendation No 11 on combating racism and racial discrimination in policing at paragraph 66, relating to paragraph 11 of the General Police Recommendation which recommends authorities "To ensure that the police thoroughly investigate racist offences, including by fully taking the racist motivation of ordinary offences into account".
- 94 OSCE ODIHR, "Addressing violence, promoting integration. Field assessment of violent incidents against Roma in Hungary", p. 12.
- 95 LHRG, TASZ, NIKI, "Report on the circumstances of the double murder committed at Tatárszentgyörgy on 23 February 2009 and conduct of the acting authorities", 7 May 2009, Budapest, p. 5.
- 96 ERRC, TASZ, NEKI, "Report on the circumstances of the double murder committed at Tatárszentgyörgy on 23 February 2009 and conduct of the acting authorities".
- 97 ERRC, TASZ, NEKI "Hungarian Head of Police Acknowledges violation of the victim's right to fair procedure one year after the double murder

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committed in Tatarszentgyörgy". Public statement, 18 February 2010: <http://www.unhcr.org/refugees/2010/02/20100218.html>

98 Independent Police Complaint Board, Opinion no. 366/2009 (Nov. 11), Ref. no. 101/2009/Pan.

99 Explanatory Report to ECRI General Policy Recommendation No 11, para 66.

100 Amnesty International interview with the Pest County Police, Budapest 26 March 2010.

101 Amnesty International interview with the Deputy Prosecutor General of the Republic of Hungary, Budapest, 3 February 2010.

102 ECRI General Policy Recommendation No 11 on combating racism and racial discrimination in policing, paragraph 14; LUMC: "Policing Racist Crime and Violence", recommendation 3.1 (f).

103 Amnesty International interview with the Pest County Police, Budapest 26 March 2010.

104 LUMC: "Policing Racist Crime and Violence", recommendation 3.1 (g).

105 Explanatory Report to ECRI General Policy Recommendation No 11 on combating racism and racial discrimination in policing; OSCE-ODHR, "Addressing violence, promoting integration. Field assessment of violent incidents against Roma in Hungary", p. 50.

106 Bell, Joanna, "Policing Hatred: Police Bias Units and the Construction of Hate Crime", in Pury, Barbara (Ed.), *Hate and Bias Crime, A Reader*, 2003, pp. 431-432.

107 OSCE 2005, Combating Hate Crimes on the OSCE Region, p. 37.

108 FCRI 2009, Report on Hungary, Fourth monitoring cycle, 24 February 2009, p. 14.

109 CERD General Recommendation No. 31 - 1/2/R.5 (i)

110 OSCE: "OSCE Action Plan on Improving the Situation of Roma and Sinti in OSCE Area", 1 - 2 December 2003, Bratislava.

111 OSCE-ODHR: "Police and Roma and Sinti: Good Practices in Building Trust and Understanding", Vienna 2010, pp. 58-59.

112 *Nachova and Others v. Bulgaria* (GC), nos. 43577/98 and 43579/98, § 146, FCRI 2005/VII; *Shaneghen v. the United Kingdom*, judgement of the European Court of Human Rights, no. 37/15/97, § 90, ECHR 2001-III.

113 Amnesty International interview with the Baranya County Prosecutor, Pécs, 8 February 2010.

114 UN Office for Drug Control and Crime Prevention: *Handbook on the Use and Application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, New York, 1999.

115 Council of Europe Committee of Ministers Recommendation to member states (2006)18 on assistance to crime victims at 5.2; Principle 6 of the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

116 Oakley, R.: "Policing Racist Crime and Violence: A comparative study", LUMC, 2005, p. 21.

117 See main text of the European Court of Human rights cited at footnote 48 intro.

118 See Paragraph 6 of Council of Europe Committee of Ministers Recommendation to member states (2006)18 on assistance to crime victims.


119 Council of Europe Committee of Ministers Recommendation to member states Rec (2006)18 on assistance to crime victims at paragraph 5.2.

120 *Handbook on the Use and Application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, p. 64.

121 Letter of the Head of the Department for Crime Prevention and Victim Support to Amnesty International, 27 May 2010.

122 The Movement for Desegregation Foundation, an NGO led by a former Member of the European Parliament Viktória Mohácsi, registered about 50 attacks, and the European Roma Rights Centre (ERRC) recorded more than 40 attacks with a strong indication of racial motivation over an 18-month period in 2008 and 2009.

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- 123 ECKI 2009, Report on Hungary, Fourth monitoring cycle, 24 February 2009, paragraph 22; LCH, Third Report on Hungary, Adopted on 5 December 2003, CRI (2004) 25, para 19.
- 124 European Commission against Racism and Intolerance 2009 Report on Hungary, para 22.
- 125 Act on Crime Victim Support and State Compensation.
- 126 The income ceiling for eligibility of legal aid as of 2006.
- 127 OSCE: "Combating Hate Crimes in the OSCE Region". OSCE-ODHR, Warsaw, 2005, p. 14.
- 128 CFRD General Recommendation XXXI on the prevention of racial discrimination in the administration and functioning of the criminal justice system.
- 129 ECKI General Policy Recommendation No 11 on combating racism and racial discrimination in policing.
- 130 LCH 1999 Second Report on Hungary.
- 131 EUMC 2002 Racism and Xenophobia in the EU Member States: Trends, Developments and Good Practice in 2002, p. 89.
- 132 132 As of March 2007, EUMC was replaced by European Union Agency for Fundamental Rights (FRA).
- 133 European Union Agency for Fundamental Rights 2007, Report on Racism and Xenophobia in the Member States of the EU, Vienna, p. 121.



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VIOLENT ATTACKS AGAINST ROMA IN HUNGARY TIME TO INVESTIGATE RACIAL MOTIVATION

Violent attacks against Roma, commonly believed to be racially motivated, are on the rise and have not been adequately investigated by the authorities.

Over a period of 18 months in Hungary, between January 2008 and August 2009, six Romani men, women and children were killed in a series of similar attacks in different parts of Hungary. Four men were arrested soon after the last killing. However, in the same period, local NGOs recorded over 40 separate attacks on members of the Romani community in Hungary.

At the same time, discriminatory attitudes towards Roma have been increasingly accepted in public discourse in Hungary since 2006. Abusive terms, initially used by far-right political groups, are now accepted in the mainstream media.

The report presents first-hand accounts from victims of these violent attacks that many in the community believe are motivated by racial prejudice. It highlights the Hungarian authorities' shortcomings in the investigation and prosecution of attacks against Roma and calls on them to ensure that members of the Romani community, as well as members of other groups, are protected from violence. It also recommends that the authorities improve the investigation and reporting of racially motivated crimes and ensure that their victims receive adequate support.

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Index: EUR 27/001/2010
November 2010

**AMNESTY
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POLITICS ABROAD

Marching Back to the Future:

Magyar Garda and the Resurgence of the Right in Hungary

Adam LeBor

ONE SUNDAY morning in December 2007, some three hundred extreme nationalists dressed in black uniforms marched in military formation through a Hungarian village, protesting against what they called "Roma [Gypsy] delinquency." They then gathered at a rally, where speakers demanded that Roma be segregated from mainstream society. The protesters were members of the Magyar Garda (Hungarian Guard), a new ultranationalist organization whose members pledge to defend Hungarian values and culture. The Magyar Garda is an offshoot of the far-right Jobbik Magyarországért Mozgalom (Movement for a Better Hungary), generally shortened to Jobbik. Jobbik is a play on words in Hungarian, meaning both "better" and "more to the right." Jobbik has no members of Parliament, but is represented on several local councils, where its representatives often cooperate with Fidesz, the main conservative opposition party. Opinion polls usually give Jobbik 2 percent or 3 percent support, and the Garda boasts around 650 members.

Yet these numbers are deceptive: in Hungary's febrile political atmosphere, the Garda dominated the political and media agenda for several months last year, continues to receive substantial press coverage, and has an effect on political life out of all proportion to its numbers. The Garda has triggered anger and consternation across the spectrum, soured the parliamentary atmosphere, increased social tension between Roma and non-Roma, and disrupted relations with Hungary's neighbors. Jewish and Roma groups have demanded that the Garda be banned. The late U.S. Representative Tom Lantos, himself a survivor of the Hungarian Holocaust, angrily warned that no Garda mem-

ber would ever be allowed to enter the United States; Hungarian prime minister Ferenc Gyurcsány proclaimed dramatically that "Fascists were gathering." Yet paradoxically, the Garda may also have inadvertently provided a useful service for this post-communist country that in some ways is still in transition between two systems, by defining the limits of free—and hate—speech.

THE GARDA was launched in August 2007, when its first fifty-six members—a number chosen to commemorate the 1956 revolution—were inaugurated by Lajos Fur, a former minister of defense in Hungary's first post-communist government, run by the Hungarian Democratic Forum (MDF). They paraded in Budapest's historic Castle District, in front of the home of Hungary's president, Laszlo Solyom, holding the Hungarian flag and the ancient "Arpad" banner of red and white stripes. They wore black boots, black trousers, black sleeveless vests and white shirts, and black caps emblazoned with the Arpad stripes. The symbolism seemed obvious: a homage to Mussolini, if not Hitler, and to the fusion between race, state, and national unity. The "Arpad" stripes are a part of Hungary's coat of arms, but are now associated with the far right, as the Nazi Arrow Cross regime, which ruled the country in the winter of 1944–1945, incorporated the stripes into its flag. Three priests, from Hungary's Catholic, Calvinist, and Evangelical churches, blessed the Garda's flag. (The churches later claimed the priests were acting in a personal capacity.) Among those attending the inauguration was Maria Wittner, a member of Parliament for Fidesz. Wittner is a former '56er, as those who fought in the revolution are known. Her death sentence was later commuted to life imprisonment, although her cellmate was executed, and her traumatic experiences mean she is granted a certain indulgence. Several dozen members of an even

more extreme group, the Nemzeti Orsereg, also attended, wearing khaki paramilitary uniforms. The whole spectacle has so far been viewed on YouTube more than 33,000 times.

EAST EUROPEAN extremists usually fall into one of two categories: disheveled, obsessed pseudo-intellectuals spouting obscure conspiracy theories (Radovan Karadzic, the former leader of the Bosnian Serbs now wanted for genocide, was a wild-haired "poet" and psychiatrist) or "skinheads" who like beating people up. Gabor Vona, leader of both Jobbik and the Magyar Garda, is neither. An articulate and well-groomed twenty-nine year-old former history teacher, from Gyongyos, a small town east of Budapest, Vona describes himself as a "first-generation intellectual" from a *paraszi* background. *Paraszi* is usually translated as "peasant," and is often used by city dwellers as a term of abuse, meaning "hick." But in Hungarian it has another nuance, of a genuine son of the soil, a true "Magyar," uncorrupted by the cosmopolitan city, with its slick ways and foreign influences.

Vona spotted a gap in the nationalist market after the decline of the Hungarian Justice and Life Party (MIEP), which lost its fourteen parliamentary seats in 2002. Jobbik and MIEP campaigned together in the 2006 elections, but neither has a single member of Parliament, and the two groups have grown apart. MIEP is led by the elderly playwright Istvan Csurgu, who is obsessed with the Jewish ancestry of some of Hungary's former communist leaders as well as with Israeli investors, who he believes are buying up Hungary on the cheap. MIEP's focus on anti-Semitism still resonates on the far right, but the political agenda here has shifted somewhat since the early 1990s, when forty years of suppressed anti-Semitism (albeit cultural and political rather than violent) erupted after the collapse of communism. The Garda's message is based not on negative but positive reinforcement. The Garda is absolutely not anti-Semitic, Vona says. It is not against anyone or anything but only for Hungary. Those who feel themselves to be truly "Magyar" can join, no matter what their faith. The Garda is not against Roma as such, only Roma criminals and "delinquents." Even Roma can join,

he claims, if they fit the membership requirements, although it is more or less unimaginable that any would want to.

Vona is especially proud of the Garda and Jobbik's Internet presence. The Internet, he says, allows interested allies to sidestep the lies of the liberal media and find out for themselves what the Garda is and what it stands for. Five years ago, the Garda would never have been so strong, he says. The Garda has a Web site, www.magyargarda.hu, as does Jobbik: www.jobbik.hu, in Hungarian, and www.jobbik.com in English and French. In mid-January 2008 [jobbik.com](http://www.jobbik.com) was down for maintenance, but on previous viewings it offered, in fluent and grammatically correct English, FAQs, e-mail newsletters, news feeds, and lengthy articles about Jobbik and the Garda. Vona writes, or has someone write, frequent letters to the local English-language press denying that Jobbik and the Garda are racist, fascist, or Nazi sympathizers. The message is calm, steady, and endlessly repeated: the Garda is not against anyone, but only for Hungary. Jobbik also runs www.ciganybunozest.com, (www.gypsycrime.com) detailing alleged crimes committed by Roma.

Vona welcomes interviews with the foreign press. The Garda's black uniform is nothing to be worried about, he explains. The boots, black trousers, and waistcoat are merely the traditional outfit of a Hungarian peasant lad, and only the paranoid, hysterical, fear-mongering liberal left media can somehow see an echo of the SS or Mussolini in these clothes. On one level, Vona is correct, as can be witnessed at any folk-dance evening, where the males often do wear precisely these clothes. But in a part of Europe where heraldry and symbols still have a powerful resonance, the "peasant-lad" uniform is useful on two levels: it allows Vona to deny fascist symbolism and it links the Garda to traditional Hungarian culture, so positioning the Garda within the mainstream rather than the neo-Nazi fringes. The difference is, of course, that folk dancers dance, and don't march through villages demanding apartheid for Roma.

The Garda's second major public event, the inauguration of six hundred new members in historic Heroes' Square in October 2007, timed

to coincide with the anniversary of the 1956 revolution, was also filmed. The slickly edited result can also be seen on YouTube. The recruits march into Heroes' Square in military formation, before walking forward one by one to be received into the Garda, while several thousand onlookers clap and cheer. Whatever Vona's protests, there seems little doubt that the overall intention, and effect, is to evoke the 1930s and the sublimation of confused and angry personalities into the greater, organic, national good.

HUNGARY, A MEMBER of the European Union and NATO, is governed by a coalition of Socialists who were once the reform Communists and Free Democrats, a liberal centrist party. Prime Minister Gyurcsany is a deeply polarizing figure. One of the richest men in the country, he made his fortune during the early 1990s, in the time known as "wild capitalism." Many suspect that as a former leader of the communist youth organization, KISZ, he used his personal connections to build up his business empire. He denies any wrongdoing. His third wife, Klara Dobrev, is the glamorous granddaughter of Antal Apró, a notorious communist leader during the Stalinist 1950s. Despite his communist pedigree, Gyurcsany is a modernizer, well regarded internationally, and currently imposing painful cuts to the bloated public sector to try to reduce Hungary's budget deficit.

But his government and personal standing were severely damaged in the autumn of 2006. Days of violent riots—some apparently organized by far-right extremists—erupted after a tape of Gyurcsany admitting that the government had lied "morning, noon, and night" about the state of the country was leaked to the media. The police, with little experience of handling public disorder in this generally peaceful country, reacted in the time-honored communist-era fashion: by cracking heads and beating up demonstrators, dozens of whom were hospitalized. Such is the conspiratorial nature of Hungarian politics—a leftover from the communist era, when everything was decided behind closed doors—that some Hungarians believe that the violence, and the attacks on the police, were organized by agent provocateurs working for the Hungarian secret service

to raise fears of right-wing extremists. A cynic, or Fidesz supporter, might argue that with the Socialists lagging far behind Fidesz in the polls, the Magyar Garda was a useful gift, to frighten the voters with the specter of resurgent fascism.

Certainly, Gyurcsany has repeatedly played the fascist danger card. In March 2007, I interviewed him for the *Times* of London, as protesters gathered outside Parliament. A vocal minority were associated with the far right, but most were just ordinary people, still furious over the notorious "lies" speech. Gyurcsany angrily accused Fidesz leader Viktor Orban of exploiting anti-Semitism and blurring the lines between conservatism and right-wing extremism. "There is something horrible happening. There have never been so many anti-Semitic remarks as now," he said. This was not true. Although there were several anti-Semitic outbursts during the protests, unlike the early 1990s, anti-Semitism is not generally part of Hungarian political discourse. Jewish life in Hungary is thriving. The country is home to a hundred thousand Jews, the third-largest community in Europe. Many Hungarian Jews were furious at Gyurcsany's attempts, as they saw it, to use anti-Semitism for political purposes.

Either way, Hungarian politicians are certainly not mature enough to handle the Garda in a sensible manner. Nowhere was this more evident than at the five-party press conference, called by Ibolya David, leader of the MDF, to condemn the Garda after her former colleague Lajos Fur's embarrassing endorsement of the group. David, one of Hungary's most popular politicians, has been one of the most vocal critics of the Garda, describing it as a "shadow army." It's quite a shift of position from her times as minister of justice in a Fidesz government, when she declared in 1999 that "the experience of the post-Communist era revealed a great societal need for the representation of Christian-conservative values, based on national traditions." That same year, a plaque was unveiled at Budapest's Military History Museum commemorating the notorious Gen-darmes, the Hungarian paramilitary police force, who impressed even the SS with their enthusiasm for rounding up and torturing Hungarian Jews before dispatching them to

Auschwitz. Fortunately, the politics of memory—and of anti-Semitism—have since moved on. Hungary has postcommunist Europe's only Holocaust museum, an excellent, modern institution, housed in a former synagogue in Budapest. It was a Fidesz government that in 2001 initiated Holocaust Memorial Day, and Fidesz leaders attend the annual commemoration ceremonies.

Instead of presenting a united front against the far right, David's press conference quickly degenerated into a public exchange of abuse as Gyurcsany and Fidesz leaders accused each other of being anti-Semitic. The Garda has proved most troublesome for Fidesz, as it wants the far-right's votes. Jobbik and MIEP got 119,000 votes in the 2006 election. If Fidesz had received these votes, it might have won the election. There is an apocryphal story that years ago, Fidesz's leader, the charismatic Viktor Orban, was advised by Helmut Kohl, then German chancellor, never to let himself be outflanked on the right in terms of vote-gathering. Orban seems to have followed that advice, keeping Fidesz in the mainstream European Christian Democrat camp while sending out coded messages to the far right that they will be "safe" with Fidesz. In the summer of 2005, as Fidesz moved toward economic populism, Orban gave a now notorious speech in Baile Tusnad, a town in the Transylvania region of Romania with a large ethnic Hungarian population. He said, "We need a national left wing. But many are skeptical. They say that different—maybe saying genetic is going too far—but at least different historical characteristics make the chances of a national left emerging very slim." The speech caused an uproar in Budapest. For many, the clincher was the word "genetic." Subtext: leftist ideologies have traditionally been imposed in Hungary by foreigners. For these, most people read Jewish.

Fidesz initially reacted slowly to the Garda, not realizing the political threat posed by the group. Hungarian politics remain a zero-sum game between right and left and consensus issues are rare. If the Socialists said the Garda was bad, such reasoning goes, then maybe it was not. So Fidesz leaders refused to condemn the Garda, and instead defended its members'

right of assembly. However as it became clear what a public relations disaster the Garda is for Hungary, Fidesz shifted position. The German press in particular has had a field day with stories of rampant fascism on the march. Pressure from European Union ambassadors and mainstream European conservative parties, angry at Fidesz's equivocation, helped inspire Fidesz leaders to drastically shift position against the Garda. So did Tom Lantos's warning that any party that failed to condemn the Garda would not be taken seriously as a partner by the United States. Orban still refused to join the chorus, merely stating that the Garda was the "wrong answer" for Hungary. Fidesz officials also wrote to leaders of Hungary's Jewish community, assuring them of the Party's support.

VONA MAY HAVE inadvertently performed a public service to his homeland, although not in the way he expected. Beyond Gyurcsany's vocal, almost hysterical condemnations of the Garda, the government, too, has appeared confused about how to react. This is in part a legacy of Hungary's four decades as a communist dictatorship, when all independent political organizations were banned. There is a general reluctance to outlaw political groups, unless they specifically incite violence. The Garda is a legally constituted organization, and it is not illegal to march around wearing black uniforms and waving medieval banners. But incitement to racial hatred is illegal, and it seems the Garda went too far at the December 2007 rally in Tatarszentgyorgy, when speakers demanded segregation of Roma and non-Roma.

Eight days later the Budapest prosecutor's office filed a request at the city court to disband the Garda, on grounds of racial discrimination, violating human dignity, and causing fear among Hungary's Roma, which is estimated to number around 800,000, almost 8 percent of the population. This followed a meeting between Albert Takacs, the minister of justice, and several ambassadors from European Union countries, in which he was strongly pressed to take action against the Garda. At the same time, President Laszlo Solyom, who is respected as a neutral arbiter

and who initially was reluctant to condemn the Garda on civil liberties grounds, has now spoken out against the group, saying, "No well-intentioned person can tolerate affronts to human dignity or question our equal rights." Solyom has also expressed his support for Hungary's minority ombudsman, Erno Kallai, who defends Roma rights. He even called for all Hungarians to put away their Arpad flags, out of respect for the memory of Holocaust victims and survivors. The Garda may also accelerate the passage of a new law governing hate speech, which Solyom has so far refused to sign on civil liberties grounds.

Hungary next goes to the polls in 2010. The indications are that electoral support for the far right will not greatly increase from the steady 3 percent or 4 percent. It's a truism of Hungarian politics that the two blocs that always turn out to vote are the hard-core liberals and the fascists, and the numbers remain steady. Yet numbers don't tell the whole story. With its black uniforms and Arpad banners, the Garda is now a brand, instantly recognizable, one that will always have some share of the market. Hungary is a young, sometimes not very confident democracy, its nascent institutions still taking root and its civil society underdeveloped. Cynicism and apathy about the established political parties are widespread. For many politicians, Parliament is a path to self-enrichment rather than public service, and voters know this.

This is fertile ground for new political forces. The far right may never return to Parliament,

but it is gaining strength and confidence, especially after the violence in autumn 2006. Its activists are busy, not in voting rooms or the corridors of power, but on the streets and in cyberspace. Vona rejects violence, and there is no evidence that Garda members have been involved in violence. But other extremists have been. Masked "skinheads" disrupted last year's Gay Pride Parade in Budapest, hurling bottles and missiles at the floats. Far-right protesters follow Gyuresany around the country, screaming abuse and throwing eggs. A Web site much further to the right than even the Garda—www.kuruc.info—calls for the names and personal details of those who trigger its ire, which it then publishes. The site has been especially critical of Sandor Csintalan, a Socialist Member of Parliament and television presenter who crossed over to Fidesz but has been vocal in his condemnation of the extreme right. Last December, Csintalan was hospitalized after being beaten up in his garage by several masked men. A group calling itself the "Arrows of Hungarians National Liberation Army" later claimed responsibility. The word "Arrows" was widely considered to be a reference to the Arrow Cross regime. Like Gabor Vona, they too, understand the power of symbolism. ●

ADAM LEBOR is an author and journalist based in Budapest, Hungary. He writes for the *Times* of London, the *Economist*, and the *New York Times*. His most recent book is *City of Oranges: An Intimate History of Arabs and Jews in Jaffa* (W.W. Norton, 2007).

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**AMNESTY
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Hungary

HUMAN RIGHTS IN REPUBLIC OF HUNGARY

**Amnesty International
2011**

**The AIR 2011 report on
is now live »**

News and Publications Report 2010

Report 2009 Report 2008 Report 2007

Head of state **László Sólyom**
Head of government **Ferenc Gyurcsány**
Death penalty **abolitionist for all crimes**
Population **10 million**
Life expectancy **72.9 years**
Under-5 mortality (m/f) **9/8 per 1,000**

The Romani community continued to face discrimination in all aspects of life and Romani individuals were victims of allegedly racially motivated attacks. Lesbian, gay, bisexual and transgender people continued to experience intolerance from violent groups.

Background

There was a rise in support for the Magyar Gárda (Hungarian Guard), a radical right-wing organization, which is primarily anti-Roma and has demonstrated against what they describe as "Roma criminality". In December, the Municipal Court of Budapest ruled that this group should be disbanded as it "means to create a climate of fear, while its activities – the marching of its members in Roma-populated settlements and the speeches of its leaders – constitute a breach of the rights of other citizens". The organization's leader announced they would appeal against the decision.

"A Romani couple were killed in Pecs on 18 November by a grenade thrown at their house..."

Legal, constitutional or institutional developments

In June, the Constitutional Court rejected amendments to the civil code and penal code passed by parliament in

November 2007 and February 2008 respectively. The amendments represented the fourth attempt by parliament since 1992 to change the law on hate speech. They would have criminalized incitement targeted against a minority group and allowed a maximum two-year prison sentence for anyone using inflammatory expressions about specific ethnic groups or offending their dignity. The Court considered these amendments to be unconstitutional as they would curtail freedom of expression.

Discrimination – Roma

The Roma continued to face discrimination, including in lack of access to education, health services, housing and employment. In July the NGO Decade Watch, reporting on Hungary's progress in the Decade of Roma Inclusion, stated that "measures to eliminate segregated education of Roma have been met with resistance by some local authorities, and funding available for such measures has been underused or misused due to the lack of interest in promoting the integrated education of Roma by educational institutions at a local level." Although the Supreme Court on 19 November ruled that a municipality and two schools were practising segregated education, Decade Watch found that de facto segregated Roma-only schools continued to exist in 170 localities.

A 50-member investigation team was set up by the police to focus on assaults against Roma after the growing number of cases of violent assaults against them reported during the year. Such assaults included attacks with petrol bombs, hand grenades and other weapons.

- A Romani couple were killed in Pecs on 18 November by a grenade thrown at their house, which also injured two of their three children. According to press reports, initial remarks by local police denied any racial motivation behind the killings. However, the Chief of National Police, speaking to the media on 20 November, stated that in all cases when the victims of assaults were Roma, the possibility of ethnic motivation could not and must not be dismissed until there was clear-cut evidence to prove otherwise.

Rights of lesbian, gay, bisexual and transgender people

On 11 June, the Budapest Chief of Police decided to ban the lesbian, gay, bisexual and transgender (LGBT) pride parade scheduled for the beginning of July, alleging security concerns after violent incidents with counter-demonstrators in 2007. Amid international and national pressure he

reversed his decision on 13 June.

On 5 July, around 450 people took part in the parade during which explosive devices were thrown at police by hundreds of violent far-right demonstrators chanting threatening slogans. The following day, Prime Minister Ferenc Gyurcsány condemned violence against LGBT rights marchers and called for decisive action against extremism and intolerance.

On 8 July, four counter-demonstrators received minor fines and three were acquitted by Budapest's Central District Court, after they were taken into custody for throwing eggs and disobeying police orders during the parade. All seven were tried for misconduct, which can be either a minor or a major offence. If violent misconduct threatens others or causes mass disagreement, or is perpetrated in groups it qualifies as a major offence. In this case it was considered a minor offence.

On 17 July, the Budapest Central District Court gave an 18-month suspended prison sentence to a man who attacked police by throwing stones at least three times during the parade.

Police and security forces

The individual law enforcement officers responsible for ill-treatment and excessive use of force during policing of demonstrations in Budapest in 2006 were still not identified. The National Prosecutor's Office reported that following 200 complaints filed against the police, 174 were dismissed, 24 were still pending, and in only two cases had the court delivered sentences.

- In February, the Metropolitan Court of Budapest acquitted one police officer in the case of alleged ill-treatment of Ángel Mendoza during his detention in a Budapest police station after the September 2006 demonstrations. However, in June, the Court of Appeals repealed the judgement and ordered the retrial of the acquitted officer. The case of Ángel Mendoza, who was represented by the NGO Hungarian Helsinki Committee, was still pending at the end of the year.
- Two police officers were found guilty of ill-treating Imre Török by the Metropolitan Court of Budapest in March. The police officers received suspended sentences of 14 and 16 months respectively. The Court of Appeals in November reduced the sentence on the first officer to nine months, but upheld that passed on the second, who had a previous conviction for ill-treatment during official procedure. Imre Török was represented by the NGO Hungarian

Helsinki Committee.

Violence against women and girls

In April, the NGO initiative, Hungary Rape and Sexual Violence Working Group, became an official sub-committee of the Council on Social Equality between Men and Women of Hungary within the Ministry of Social Affairs and Labour.

- There were no major positive developments in the highly publicized case of 22-year-old Zsanett E., who was allegedly raped by two police officers in May 2007. In December 2007, the Budapest Prosecutor's Office dropped the investigation stating that no crime had been committed. In February, Zsanett E.'s lawyer filed a substitute civil action. The first court hearing took place on 17 November, and proceedings were still pending at the end of the year.

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Hungary - Amnesty International Report 2010

HUMAN RIGHTS IN HUNGARY

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**News and Publications Report 2010
Report 2009 Report 2008 Report 2007**

Head of state **László Sólyom**
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Death penalty **abolitionist for all crimes**
Population **10 million**
Life expectancy **73.3 years**
Under-5 mortality (m/f) **9/8 per 1,000**
Adult literacy **98.9 per cent**

**A radical right-wing organization Magyar Gárda
(Hungarian Guard) organized a series of marches in
towns with a Romani population in eastern Hungary.
Violent attacks against Roma continued.**

Background

The year was marked by political and economic upheaval that led to the resignation of Prime Minister Ferenc Gyurcsány, whose cabinet was replaced by the interim government of Gordon Bajnai. Jobbik Magyarországért Mozgalom (Movement for a Better Hungary), known as Jobbik, an extreme right-wing political party with a strong anti-Roma and an increasingly anti-Semitic agenda, gained three seats at European Parliament elections in June.

In May, Hungary was elected a member of the UN Human Rights Council, and assumed its membership in June. The 20 billion euro emergency loan from international financial institutions and the EU imposed conditions on the government: it had to cut public sector wages, pensions, social benefits, and other government spending.

In July, the Budapest Court of Appeal issued a legally

binding ruling banning Magyar Gárda, an organization linked to the political party Jobbik. The court ruled that Magyar Gárda's activities overstepped its rights as an association and curtailed liberties of the Roma. Later in July, Jobbik announced the re-launch of Magyar Gárda, and one of its newly elected members of the European Parliament wore a Magyar Gárda uniform to the first parliamentary session in Brussels. In December, the Supreme Court upheld the Budapest Court of Appeal ruling banning Magyar Gárda.

Counter-terror and security

In September, the Prime Minister announced that Hungary would accept one detainee from the US naval base in Guantánamo Bay, who would participate in an 18-month integration programme. A Palestinian detainee from Guantánamo Bay was transferred to Hungary on 1 December.

Racism

In February, the European Commission against Racism and Intolerance expressed concerns about a sharp rise in racism in public discourse. It also reiterated from previous reports that Roma in Hungary continued to face discrimination in access to employment, education and housing. In October, the Council of Europe's Commissioner for Human Rights expressed concerns about the rise of extremism, and appealed to all political party leaders to ensure that no xenophobic or anti-Roma statements be made in the 2010 parliamentary election campaign.

Violent attacks against Roma continued. The Hungarian National Bureau of Investigation, a police agency investigating serious crimes, strengthened a special task force to 120 officers to investigate a series of attacks against the Romani community.

- Róbert Csorba and his son, aged five, were killed in Tatárszentgyörgy in February. After an initial examination, the local police announced that they had been found dead after a fire caused by an electrical fault in their house. Later that same day, however, the police acknowledged that evidence of gunshot wounds had been found on the bodies, but only opened a murder investigation 10 hours later. In August, the Minister of Justice stated that a disciplinary procedure against local police officers had been launched. In November, the Independent Police Complaints Commission examining the police investigation of the killings in Tatárszentgyörgy concluded that the local police had seriously violated the fundamental rights of the victims of the attack to

- an effective investigation.
- Jenő Kóka, a 54-year-old Romani man, was killed in Tiszalök's Roma neighbourhood in April. He was reportedly shot dead as he left his home to start the night shift in the local chemical factory where he worked. The police stated there were similarities between Jenő Kóka's case and the earlier attacks against the Romani community.
- Mária Balogh, a 45-year-old Romani woman, was shot dead and her 13-year-old daughter seriously injured in the village of Kisléta in August. Later that month, police detained four men suspected of this killing and at least five other deadly attacks on Romani people, including the killing of Róbert Csorba and his son, and Jenő Kóka. All four suspects denied involvement in the attacks and were being held in pre-trial detention at the end of the year. The Chief of National Police said in August that they had evidence linking the suspects to acts of deadly violence against the Romani community between November 2008 and August 2009, and that racism appeared to have been the main motive. The NGO European Roma Rights Centre, however, documented the killings of nine Roma in the same period.

In September, about 400 Romani women initiated legal proceedings against Oszkár Molnár, a Member of Parliament of the opposition Fidesz party and Mayor of Edelény, over his alleged defamatory remarks on Romani women. He was also widely criticized by NGOs, other politicians and the media for his anti-Semitic comments during a local TV interview in October.

Discrimination – Roma

Forced sterilizations

- In February, after eight years of national and international legal proceedings, the State Secretary of the Ministry of Social Affairs and Labour announced that the Ministry would provide A.S. with financial compensation for sterilizing her without her consent on 2 January 2001.

Violence against women and girls

- The highly publicized case of Zsanett E. continued. In January the Budapest Prosecutor started an investigation into allegations that Zsanett E. had falsely accused five police officers of rape. However, as a substitutive criminal proceeding filed by Zsanett E. in 2008 was still pending, the investigation

against her should not have been opened. The prosecutor's investigation against Zsanett E. was therefore suspended.

Rights of lesbian, gay, bisexual and transgender people

On 5 September, the lesbian, gay, bisexual and transgender pride march took place in Budapest with adequate police protection and no incidents reported during the march. However, a young woman was allegedly attacked by two or three anti-gay protesters after the march; she suffered injuries on her head and arms. The Budapest Police Department started an investigation into the incident, having classified it as "violence against a member of a social group" despite the amendments made in February to the criminal code introducing new crimes of homophobic and other hate-related attacks. Following calls by the Hungarian Civil Liberties Union, the police reported that investigations would proceed treating the attack under the new provisions of the criminal code.

Amnesty International visit/report

- An Amnesty International delegate visited Hungary in September.
- [Romani woman shot dead in Hungary](#)

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2011

The state of the world's human rights

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Hungary

Head of state: Pál Schmitt (replaced László Sólyom in August)
 Head of government: Viktor Orbán (replaced Gordon Bajnai in May)
 Death penalty: abolitionist for all crimes
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 Adult literacy: 99 per cent

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Roma continued to face violent attacks and discrimination and lived in a climate of fear. The police completed the investigation into a series of attacks against Roma in 2008 and 2009 and four suspects were charged. International human rights monitoring bodies raised concerns over structural shortcomings of the Hungarian criminal justice system's response to hate crimes. Romani children were segregated in primary school.

Background

The coalition of the Alliance of Young Democrats (Ifjúság) and the Christian Democratic People's Party won the parliamentary elections convincingly in April. An extreme right wing political party Movement for a Better Hungary (Jobbik) gained seats in parliament for the first time.

Members of the banned group the Hungarian Guard (Magyar Gárda) reportedly continued their activities under another name, the New Hungarian Guard. In September, the prosecutor pressed charges against three of its leaders for incitement against the decree of an authority and abuse of freedom of assembly.

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Racism

After a series of violent attacks against Romani communities which left six people dead in 2008 and 2009, Hungarian NGOs reported further attacks against Roma and criticized the lack of procedures within the criminal justice system to effectively address hate crimes (see Justice system below). In June, the OSCE noted that Roma were more susceptible to being made "scapegoats", blamed for the country's existing socio-economic problems, as a larger percentage of them depended on state support.

- In June, the police completed the investigation into the series of attacks against Roma in 2008 and 2009. It concluded that four suspects should be charged with multiple co-ordinated homicide. In September, the Pest County Prosecutor submitted the indictment: three men were charged with multiple homicides for "base motivation" (as there is no specific provision in the criminal code for racially motivated crime) and the fourth with abetting the crime of pre-meditated multiple homicides.

In September, the Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities expressed concerns about violent attacks against Roma, and noted that despite the arrests of the alleged perpetrators, there was still "a climate of fear". The Committee further expressed concerns that "intolerance and prejudice towards Roma are being fanned by the statements of certain extreme right-wing politicians." According to local NGOs, such statements were not firmly condemned by the government.

In the run-up to the municipal elections in October, national public radio and television refused to air a party-political advert by the Jobbik party, which referred to so-called "Gypsy crime" and claimed a link between crime and ethnicity. The National Elections Committee ruled that both media had violated electoral principles of equality of political parties and that the advert had complied with free speech regulations. In September, the Supreme Court upheld the decision.

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Human rights by region



Africa
 A number of countries in Africa celebrated the 50th anniversary of their independence during the year while others prep ...



Americas
 In the Americas many human rights have been recognized in law, if not always in practice, over the past 50 years. What ...



Asia Pacific
 In a region with almost two thirds of the world's population, stretching a third of the way around the planet, ...



Europe & Central Asia
 The right to truth and justice, and the determination of victims and their relatives to achieve this how ...



Middle East and North Africa
 2010 dawned with Yemen an unusual focus of international attention following an alleged terrorist ...

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Justice system

Structural shortcomings of the Hungarian criminal justice system's response to hate crimes were revealed by international and local NGOs and international human rights monitoring bodies. These shortcomings included a lack of capacity to recognize and investigate hate crimes; no specialized training or specific guidelines for police and investigators; inadequate support to victims of hate crimes; and no effective measures to map the nature and scale of the issue, partly because of a lack of data which hampered the authorities' ability to identify trends and prepare relevant policy responses.

There were several documented cases which illustrated that law enforcement authorities often failed to recognize the racial motivation in crimes. In their submission to the UN Universal Periodic Review, Hungarian NGOs also expressed concerns in November over a tendency to classify crimes as "common" crimes rather than hate crimes with a racially aggravated motive. As a result, reliable statistics were not publicly available on the real number of racially motivated crimes in Hungary. Hatred as an aggravated motive was also reportedly ignored in crimes committed against LGBT people or Jewish people.

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Discrimination – Roma

The UN Human Rights Committee raised concerns about discrimination against Roma in education, housing, health and political participation and the lack of regulated data collection disaggregated by ethnicity.

- For the first time, the Supreme Court awarded compensation to victims of anti Roma school segregation. The Court found in June that two Romani children had been segregated during their primary schooling in the town of Miskolc. The Court held that segregation on the basis of ethnic origin amounts to unequal treatment prohibited by law, and awarded compensation to the victims.

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Housing rights

A draft law on construction procedures, submitted to parliament in September by the Minister of Interior, included a provision that would allow local authorities to ban certain behaviour – including rough sleeping – in public spaces. According to NGOs working with homeless people, the sanctions would include fines, evictions or imprisonment. They raised concern that the proposal was an example of penalizing poverty.

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Freedom of expression

Despite protests, the parliament adopted two new media acts in September and December. The new legislation was criticized by local NGOs, media and the international community over its possible implications, including restrictions on media content, the lack of clear guidelines for journalists and editors and the strong powers of the new regulatory body, which all risk unfairly restricting freedom of expression. The National Media and Communications Authority was created, which can impose heavy fines on broadcast media for content it considers to run counter to the "public interest", "common morality" and "national order". Fines can also be imposed for "unbalanced" news reporting.

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Rights of lesbian, gay, bisexual and transgender people

The organizers of the LGBT pride march in Budapest alleged the police initially refused to use protective cordons to secure the march held on 16 July. Two participants were reportedly beaten after the march.

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Attacks against Roma in Hungary: January 2008-April 2011

The following is a list of 49 attacks against Roma and/or their property in Hungary between January 2008 and April 2011. It was last updated: 19 April 2011.

This list of attacks is not exhaustive and does not address the state response to the attacks.

The ERRC has not independently verified all of the information contained in these media reports.

Important facts:

- the attacks took a total of nine lives, including two minors;
- the attacks left dozens of people with injuries, ten of which were life-threatening;
- in at least twelve cases Molotov cocktails were used, in two cases hand grenades;
- in at least twelve cases shots were fired; and
- in at least ten cases Romani property was vandalised.

49. Romani house attacked

Location: Gyöngyöspata (Heves county)

Date: 16 April 2011

Source: Fejér Megyei Hírlap: MTI

While the far right paramilitary group Szebb Jövőért Polgárőr Egyesület (Civil Guard Association for a Better Future) occupied Gyöngyöspata, patrolling Romani neighbourhoods and intimidating the residents, unknown perpetrators attacked a Romani house in the town, breaking a window with a stone on the night of 16 April. No one was injured during the incident. Police reportedly opened an investigation into the matter.

48. Shots fired at a Romani family's house

Location: Ólaszliszka (Borsod-Abaúj-Zemplén county)

Date: 4 July 2010

Source: MTI

Unknown perpetrators attacked a Romani house late in the evening on Sunday 4 July 2010. Three shots were fired at the house leaving bullet holes in the front wall. When the attack occurred, the mother and children were sleeping in the house. No injuries were reported.

47. Molotov cocktail attack

Location: Hatvan (Heves county)

Date: 22 May 2010

Source: 168 Óra Online

In the early morning of 22 May, another arson attack occurred in Hatvan. Unknown perpetrators threw several bottles filled with gas at a house inhabited by Romani people. The residents of the house woke up when the bottles were thrown through the window and broke. They called the fire brigade, which managed to put out the fire.

Damage was estimated at 5,000 HUF and no injuries were reported. According to the Hatvan Police Spokesperson Soltész Bálint, police are investigating racial motivation.

46. Deputy of the National Roma Minority Self-Government attacked

Location:	Elek (Békés county)	Date:	15 April 2010
Source:	Metropol.hu		

One of the deputies of the National Roma Minority Self-Government was attacked on 15 April 2010. According to his statements in the media two "active members of an extremist part and organisation" were demolishing the pub he owned and as he approached them they started kicking and hitting him in the face.

45. Molotov cocktail attack

Location:	Siofok (Somogyi county)	Date:	18 March 2010
Source:	Nepszabadság		

During the night of 18 March 2010, a Molotov cocktail was thrown into the house of a Romani family in Siofok. Police found Molotov cocktails in three other houses in the area, each of which caused minor damage. There were no personal injuries.

Bence Jozsef, Head of police in Siofok, was quoted in the media stating that there is no connection to previous attacks or the upcoming elections. Németh Zsolt, President of the Roma Minority Self-Government of Siofok, stated that this was an obvious attack against Romani people, as four Romani houses in three different streets were targeted.

44. Clash between Roma and Non-Roma In Sajóbábony

Location:	Sajóbábony (Borsod-Abaúj-Zemplén county)	Date:	14-15 November 2009
Source:	Népszabadság, ERRC, NEKI.		

In November 2009, there was a clash between local Roma and members of the banned far right group Hungarian Guard in the town of Sajóbábony (NE Hungary) after a local politician called the far right political party Jobbik to visit the town to "make some order".

On 14 November, Jobbik held a "public hearing" in the town where members of the banned Hungarian Guard also participated and several police officers were present to ensure security. When Romani residents of the town arrived at the public hearing, they were barred from entering. The police intervened to avoid physical clash between the parties, however during their intervention they defended members of Jobbik and the Hungarian Guard.

Next day, a convoy of vehicles carrying members of the Hungarian Guard approached Sajóbábony Romani neighbourhood. Roma from the neighbourhood gathered and watched as the convoy approached them. The lead vehicle drove off road and into the group gathered; in response some of the Roma began to hit the car with sticks, axes, etc.

The police intervened and arrested several Roma on the spot. Others were arrested in the week following the incident, accused of committing a hate crime and causing damage.



Photo: (Népszabadság) Police is closing the street leading to Sajóbábony.

43. Romani mother murdered, daughter injured in their home

Location: Kisléta (Szabolcs-Szatmár-Bereg county)

Date: 03 August 2009

Source: Népszabadság

On the night of 3 August 2009, 45-year-old Mária B. and her daughter were attacked by strangers in their home.

The mother died after being shot while in her bed and her daughter survived but was badly injured.



Photo: (Népszabadság) Locals debate what might have triggered the tragedy

42. Man attacks Romani family with razor blade

Location: Abádszalók (Jász-Nagykun-Szolnok county)

Date: 27 May 2009

Source: Népszabadság

A man broke into a house at 3:00 AM and attacked the Romani family inside with a razor blade. He entered the house through a window and injured the father by cutting into his neck and chest and harmed the mother by cutting into her legs. The family managed to overtake the perpetrator, who was also armed with a gun. He was then arrested by the police.

Four people were injured in the attack. The parents were later taken to the hospital. Their child, sleeping in the bed with them at the time of the attack was not injured (Announcement by Rostas László, the vice-president of the Roma Minority Self-Government).

The perpetrator was known for making harassing statements towards Roma and for connections to the Magyar Garda, whose press-office denounced this attack.



Photo: (MTI) One of the victims.

41. Shots reached Romani house

Location: Táska (Somogy county)

Date: 5 May 2009

Source: Népszabadság

On 5 May 2009 unknown perpetrators shot at a house inhabited by a Romani family. The shots were fired late at night while the family was sleeping in their house. There were no personal injuries.



Photo (népszabadság): bullet-holes.

40. Police shot at a Romani man who failed to stop for a document check

Location: Érd (Pest county)

Date: 25 April 2009

Source: 168 Óra Online

Police shot at a Romani driver when he failed to stop for a check. According to the police, road police wanted to stop the man for a documents check. Instead, the man allegedly swept the policemen away with his vehicle. After a warning shot the police officer shot at the vehicle. The bullet hit the man in his back.

39. Romani man shot to death in front of his house

Location: Tiszalök (Szabolcs-Szatmár-Bereg county)

Date: 22 April 2009

Source: Népszabadság

Late in the evening as he was leaving to work the night shift, Kóka Jenő, a 54-year-old Romani father, was shot to death in front of his house. At the crime scene, a witness saw a black Land Rover belonging to the unknown perpetrator(s), and a tall man stepping out of it.

According to the official police website, murder investigations against unknown suspect(s) have begun. They also reported that, after an exhaustive investigation overnight, similarities between this case and earlier attacks towards Roma in Hungary cannot be overlooked.

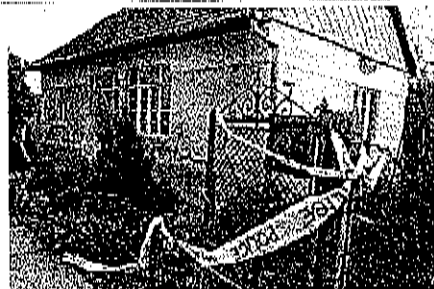


Photo (index.hu): crime scene.

38. Roma beaten up in front of Keleti**Location:** Budapest (Capital)**Date:** 15 April 2009**Source:** Mozgalom a Deszegregációért Alapítvány (MAD) research (on file with ERRC)

Three Romani minors and an 18-year-old Romani man were waiting for the 86 trolley in front of the Keleti Train Station when they were attacked by a group of people in hoods. They were beaten so severely that they were comatose by the time the ambulance arrived. The police are investigating the crime as an assault on members of an ethnic community.

37. Shots fired at a Romani house**Location:** Old (Baranya county)**Date:** 15 April 2009**Source:** Népszabadság

On 15 April 2009 at about 7:00 PM, a shot was fired at a house inhabited by Roma located in the Romani settlement in Old. The bullet went through the window and hit a painting. None of the 5 family members were in the house at the time.

36. Houses burned down to prevent Romani family from moving in**Location:** Fadd (Tolna county)**Date:** 13 April 2008**Source:** Népszabadság

Molotov cocktails were thrown at a house of a Romani family (Balogh) who were about to move in. The fire destroyed all their belongings. The family had to look for a new house. The new vendor allegedly was verbally threatened by a member of the local self-government and forced to withdraw the purchase transaction. However, she ignored the threat and sold her house to the family. On 18 April 2009, this house was also set on fire with Molotov bombs. The local self-government, the Hungarian Guard and the Nationalist Motor Bikers organised a demonstration on 21 June in the village against the "Gypsy criminality".

35. House of Romani politician set on fire

Location: Tatárszentgyörgy (Pest county)

Date: 7 April 2009

Source: Népszabadság

On 7 April 2009 the house of Lidia Horvath, the vice-president of the local Roma Minority Self-Government, was set on fire. There was no one at home at the time as Horvath was on duty in a local Romani community guard set up following a February murder. Horvath told the state news agency MTI that the Romani community in her village was living in a state of constant fear. The investigation has not excluded the possibility of self-interest in the incident, along with possible revenge or racial motivation.



Photo (Népszabadság): Police investigating.

34. Romani families have fled their hometown

Location: Jánoshalma (Bács-Kiskun county)

Date: April 2009

Source: Mozgalom a Deszegregációért Alapítvány (MAD) research (on file with ERRC)

Several Romani families, approximately 38 people in total, spent several weeks living in the forests surrounding Jánoshalma, fleeing the harassment of the Magyar Garda. The mayor of Jánoshalma then asked them to leave the village and the country. The families fled to Strasbourg and where they considered seeking asylum in France.

33. Neighbour physically abused a Romani woman

Location: Budapest (Pest county)

Date: 19 March 2009

Source: Index.hu

A non-Romani neighbour both verbally and physically abused a Romani woman and her children in Budapest. The neighbour, who became upset because allegedly the Romani woman did not greet him, said: "I will teach you how to behave, stinky Gypsies". Then he physically abused the woman, broke into her home and terrorised the family until the police arrived.

32. Molotov firebomb placed under the window of a Romani family

Location: Kecskemét (Bács-Kiskun county)

Date: 13 March 2009

Source: [Index.hu](http://index.hu)

Early in the morning, three unidentified men placed a Molotov cocktail under the window of a home that belonged to a Romani family. It was only later in the morning that the family discovered the bottle containing petrol. The bomb did not explode.

31. Bus belonging to Romani entrepreneur blown up

Location: Szabadszállás (Bács-Kiskun county)

Date: 7 March 2009

Source: Mozgalom a Deszegregációért Alapítvány (MAD) research (on file with ERRC)

A bus that belonged to a Romani entrepreneur was blown up in a garage in Szabadszállás, Bács-Kiskun county. The authorities excluded the possibility that it was caused by a technical problem. Altogether, 7 buses were damaged, estimated to total about 100 million HUF.

30. Molotov cocktail thrown into Romani house

Location: Bocfölde (Zala county)

Date: 6 March 2009

Source: [Népszabadság](http://nepszabadsag.hu)

Early in the morning of 6 March, a Molotov cocktail was thrown into the house of a Romani family in Bocfölde, in Zala-county.

The explosive was thrown through the glass-window of a door and landed on the floor. One man staying in the room threw the bomb back out of the window before a fire started. No one was injured.



*Photo:
(Népszabadság)
Damage from
Molotov Cocktail*

29. Another arson attack

Location:	Gíc (Veszprém county)	Date:	5 March, 2009
Source:	Mozgalom a Deszegregációért Alapítvány (MAD) research (on file with ERRC)		

A Molotov firebomb was thrown at an uninhabited building in the village of Gíc, Veszprém county. The bomb caused a fire in the house, but nobody was injured and the damage incurred was not significant. The police stated that the attack was not associated with other attacks targeting Roma.

28. Stone attack on Romani house

Location:	Zalaegerszeg (Zala county)	Date:	4 March 2009
Source:	<u>Népszabadság</u>		

On the night of 4 March 2009 at around 2:00 AM, the house of a 7-member Romani family was attacked. The family woke up to stones being thrown through the window. Some stones landed right next to sleeping children. No one was injured. This was the last inhabited house at the edge of a predominantly Romani settlement.

27. House set on fire, fleeing father and son fatally shot

Location: Tatárszentgyörgy (Pest county)

Date: 23 February 2009

Source: Népszabadság

At about 1:00 AM on 23 February 2009, the house of a Romani family in Tatárszentgyörgy was set on fire by Molotov cocktails. Then the perpetrator(s) shot and killed two family members, a father (27) and son (5), as they fled the burning home. Two other children were wounded and the mother escaped without injury.

The on-duty police officer and a forensic expert at the crime scene both failed to recognise the victims' gunshot wounds. The police also classified the attack and murders as result of a domestic fire. Prime Minister Ferenc Gyurcsány instructed the relevant ministries to conduct an internal inquiry. Police have already closed their own inquiry and launched disciplinary proceedings against two sub-commanders. Pest county police chief Sándor Ármós said that if the on-site inspection had been carried out in accordance with standard procedure, the murders of the 27-year-old Roma man and his five-year-old son would have emerged, despite the mistaken medical opinion.

Petőfi Attila, manager of the National Bureau of Investigation (NNI), noted clear similarities between this attack and several cases since summer 2008, which also involved Molotov cocktails, shotguns, and targeted houses on the outskirts of the settlement. He discussed serial murders but did not confirm a racist motive, and kept open the possibility of personal revenge. A reward of ten million Forints was offered for information leading to an arrest.



Photo (PESTER LLOYD): burned house

26. Romani boy abused by a civil guard member

Location: Ófehértó (Szabolcs-Szatmár-Bereg county)

Date: 15 January 2009

Source: Mozgalom a Deszegregációért Alapítvány (MAD) research (on file with ERRC)

An 11-year-old Romani boy was abused by a member of the civil guard. The guard was called by the classmate of the Romani boy following a childish argument. As a result of the physical assault by the civil guard, the boy sustained light bodily injuries.

25. Shooting injured Romani man

Location:	Aisózsolca (Borsod-Abaúj-Zemplén county)	Date:	15 December 2008
Source:	Népszabadság		

On 15 December 2008 a 19-year old Romani man went to chop wood in his yard when he was shot two times. His injuries were life-threatening. His partner suffered minor injuries.

24. Tensions and violence in Kiskunlacháza

Location:	Kiskunlacháza (Pest county)	Date:	28 November 2008
Source:	index.hu		

On 28 November 2008, over 3,000 people joined a candlelight march in Kiskunlacháza to protest against violence after the murder of a 14-year-old local girl a week before. The town's mayor József Répás addressed the gathering, lamenting the decline in public safety in the settlement. Although the murderer or murderers have not been identified, Répás allegedly said: "Kiskunlacháza has had enough of Romani violence!" He also said that police were often branded "racist" if they tried to act. Participants in the march were not all locals. Some came from nearby Ráckeve, others came from more distant towns. A 200-300-person contingent from the Hungarian Guard attended, as did some members of a motorcycle group known as the Goy Motorcyclists. There was a heavy police presence and searches of some of the marchers yielded knives and daggers.

Nepszabadsag reported increased tension in Kiskunlachaza between local Roma and non-Roma (Nepszabadsag, 15 May). Following a recent incident involving the attack of a local girl by Romani youngsters, 5 non-Romani adults attacked two Romani children. The children stated that they were riding bicycles in the street when a jeep passed by. The people jumped out of the car and pushed them off their bikes. One of the attackers also threatened them.



Photo (index.hu): funeral of the 14-year old victim

23. Roma threatened in the Borsod-Abajú-Zemplén county

Location:	Sajóhidvég (Borsod-Abajú-Zemplén county)	Date:	25 November 2008
Source:	Mozgalom a Deszegregációért Alapítvány (MAD) research (on file with ERRC)		

Unidentified individuals intended to attack the Romani settlement in Sajóhidvég, Borsod-Abajú-Zemplén county, but the local Romani patrol service informed the police in time and the would-be perpetrators fled. Somebody wrote on a lamp post "You will die". The head of the local Roma Minority Self-Government informed the press that local Roma were scared.

22. Threatening of Romani family

Location:	Pusztadobos (Szabolcs-Szatmár-Bereg county)	Date:	20 November 2008
Source:	<u>Budapester Zeitung</u>		

On the morning of 20 November 2008, unknown perpetrators threw a Molotov cocktail at a Romani house. There were four adults and eight children in the house, but because the bomb exploded outside no one was injured. The tenants found a printed cartoon attached to the fence that stated, "You are going to die!" The family had moved to Pusztadobos one year earlier from Nyírmada where they were also attacked (the windows of their house were broken). Based on recent media information the investigation was closed because police could not confirm the Romani family's story.

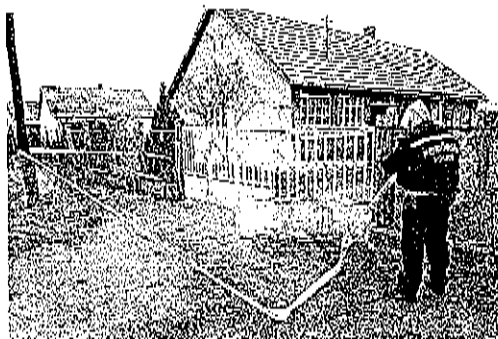


Photo (index.hu): crime scene

21. Non-Roma attack a Romani woman and her daughter

Location:	Szigetvár (Baranya county)	Date:	18 November 2008
Source:	Mozgalom a Deszegregációért Alapítvány (MAD) research (on file with ERRC)		

In the town of Szigetvár, Baranya county, 5 young non-Roma from Barch attacked 2 Romani women. The perpetrators, who were between 18 and 23 years of age, attacked the mother and her daughter as they returned home from a cinema in the main square of the town. The suspects were taken into custody and proceedings were initiated. At the court hearing, the men denied any racial motivation.

20. Handgrenade kills Romani parents

Location: Pécs (Baranya county)

Date: 18 November 2008

Source: Népszabadság

On the night of 18 November 2008 a hand grenade was thrown at the house of a Romani family in Pécs. Two adults were killed instantly. Two children (aged 3 and 5) were taken to hospital in a state of shock and with minor injuries.

The police eliminated a racist motive after investigating the crime scene. They assume a revenge motive or possible mafia conflict.

Kovács István from the Mohácsi Roma Minority Self-Government noted many similarities between this murder and recent incidents in Hungary. He speculated that this was a racist attack.



Photo: (kloinezeitung.at) crime scene

19. Molotov cocktail attack

Location: Debrecen (Hajdú Bihar county)

Date: 4 November 2008

Source: Mozgalom a Deszegregációért Alapítvány (MAD) research (on file with ERRC)

On 4 November 2008, a Molotov cocktail was thrown at a Romani house in Debrecen. No one was injured.

18. Two persons killed in a firebomb and shooting attack

Location: Nagycséc (Borsod-Abaúj-Zemplén county)

Date: 3 November 2008

Source: Népszabadság

Two Romani people (a man of 43 and a woman of 40) were shot dead following a firebomb attack on two houses in the village of Nagycséc. The perpetrators shot the members of the Romani family after they were awakened by the sound of the firebomb and tried to escape from the house. A bomb thrown at another Romani house did not explode.



Photo(index.hu): crime scene

17. Vandalism

Location:	Kaposvár (Somogyi county)	Date:	30 October 2008
Source:	Mozgalom a Deszegregációért Alapítvány (MAD) research (on file with ERRC)		

On 30 October 2008 in Kaposvár the office of the Napkerék Egyesület – an association dealing with the education of Roma – was vandalised. The police found a bullet casing inside of the building.

16. Arson attack

Location:	Kőszárhegy (Fejér county)	Date:	15 October 2008
Source:	Mozgalom a Deszegregációért Alapítvány (MAD) research (on file with ERRC)		

On 15 October 2008, unknown perpetrators threw a Molotov cocktail at a family house.

15. Shootings and Molotov cocktails at Romani houses

Location:	Tarnabod (Heves county)	Date:	29 September 2008
Source:	<u>Népszabadság</u>		

On 29 September, Molotov cocktails were thrown and shots were fired at four Romani homes in Tarnabod. No one was injured. Three local people were interrogated as suspects.

14. Hand grenade attack

Location:	Siófok (Somogyi county)	Date:	17 September 2008
Source:	Mozgalom a Deszegregációért Alapítvány (MAD) research (on file with ERRC)		

At dawn on 17 September 2008 a hand grenade was thrown into the yard of a Romani house. The house was damaged but no one was injured.

13. Shootings reached Romani house

Location:	Nyíradony-Tamásipusztá (Hajdú-Bihar county)	Date:	5 September 2008
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Source:	<u>Népszabadság</u>
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On the night of 5 September 2008 unknown perpetrators shot at a Romani home. No one was injured.

12. Romani girl injured during attack on Romani house

Location:	Székesfehérvár (Fejér county)	Date:	19 August 2008
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Source:	<u>Népszabadság</u>
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On 19 August in Székesfehérvár, a group of teens threw several stones at a Romani home, seriously injuring a 12-year-old Roma girl. The perpetrators, self-declared "skinheads", were captured by police.

11. Molotov cocktail and shooting attack

Location:	Piricse (Szabolc-Szatmár county)	Date:	8 August 2008
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Source:	<u>Népszabadság</u>
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Molotov cocktails were thrown at two Romani houses. One woman was shot in the leg when she stepped out of the house.

10. Shooting reached Romani houses

Location:	Galgagyörk (Pest county)	Date:	21 July 2008
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Source:	<u>Népszabadság</u>
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Shortly after midnight 10 to 15 shots were fired at three Romani houses in Galgagyörk, a village near Budapest. No one was injured.

9. 40-year-old stabbed 14-year-old Romani boy to death

Location:	Fényeslitke (Szabolcs-Szatmár-Bereg county)	Date:	15 June 2008
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Source:	<u>Népszabadság</u>
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A 14-year-old Romani boy was stabbed to death by a local 40-year-old person following a verbal argument in front of a pub; the perpetrator was reportedly intoxicated. The boy's brother was seriously injured. The perpetrator shouted that he would kill all Roma in the village.

8. Fire bombing of Romani houses

Location:	Pátka (Fejér county)	Date:	3 June 2008
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Source:	<u>Népszabadság</u>
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Three members of the volunteer police guard threw 6 Molotov bombs at 3 Romani houses in the village of Pátka. The police closed the investigation and recommended an indictment for attempted murder.

On 13 June 2008 the Hungarian Guard marched in the village to "protect" non-Romani residents. Special police forces were in the village to control the tension between Roma and non-Roma. The mayor and the majority of the village signed a petition in support of "innocent special constables." The mayor prepared a "code on the norms of peaceful co-existence for the Roma of the village".

7. Vandalism

Location:	Szilalom (Heves county)	Date:	27 March 2008
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Source:	Mozgalom a Deszegregációért Alapítvány (MAD) research (on file with ERRC)
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On 27 March 2008, unknown perpetrators vandalised an uninhabited house owned by a Romani family.

6. Romani man beaten up

Location: Tapolca (Veszprém county)

Date: 15 March 2008

Source: Népszabadság

Two 17-year-olds severely beat and kicked a Romani man on the street without cause. The 32-year-old Romani man slipped into a coma and was taken to the hospital in critical condition.

5. House of Romani official set on fire

Location: Tiszaroff (Jász-Nagykun-Szolnok)

Date: 1 March 2008

Source: Népszabadság

The house of the Roma Minority Self-Government representative of Kunmadaras was set on fire. Racial epithets had been painted on the walls prior to the arson.

4. Romani house vandalised

Location: Putnok (Borsod-Abaúj-Zemplén county)

Date: 22 February 2008

Source: Mozgalom a Deszegregációért Alapítvány (MAD) research (on file with ERRC)

The house of a Romani family in Putnok was vandalised and threatening statements were painted on the walls. The family was not at home during the incident.

3. Romani women beaten up by racists

Location:	Szigetvár (Baranya county)	Date:	22 January 2008
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Source:	Népszabadság
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On 22 January 2008 5 young people (aged 19-24) under the influence of alcohol boarded a train from Barcs to Pécs. Because they did not have tickets, the conductor ordered them to leave the train in Szigetvár. They got off, covered their faces and attacked a Romani woman and her daughter who were crossing a park on their way home. The assailants beat and kicked the mother while her daughter managed to get away and call for help.

When the attackers were captured by the police, they admitted that they assaulted the woman and child specifically because of their ethnicity but later withdrew their statements, instead claiming that alcohol caused them to act aggressively. On 27 November 2008 the Pécs City Court jailed four of the young men for an "attempt to assault" a Romani woman and her daughter (garazdaság). Although the youths had been charged with assault on an ethnic minority, the judge ruled that there was reasonable doubt on whether the assault was racially motivated.

2. Stones and bottles thrown at Romani homes

Location:	Dombóvár (Tolna county)	Date:	
------------------	-------------------------	--------------	--

Source:	Mozgalom a Deszegregációért Alapítvány (MAD) research (on file with ERRC)
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Stones and bottles were thrown at the windows of a Romani house. The police reportedly did not investigate the incident but intensified the patrol service in the neighbourhood.

1. Shooting at a Romani house

Location:	Kál (Heves county)	Date:	
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Source:	Mozgalom a Deszegregációért Alapítvány (MAD) research (on file with ERRC)
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Shots were fired at a house inhabited by Roma in the village of Kál, Heves county.

[EXEPT]

IMPERFECT JUSTICE

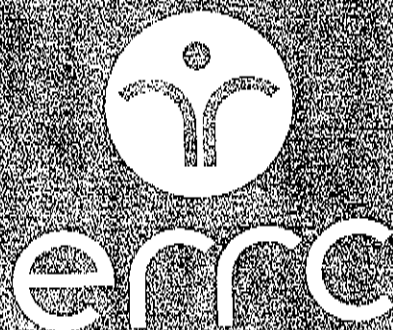
A REPORT BY THE EUROPEAN ROMA RIGHTS CENTRE



Anti-Roma Violence and Impunity
MARCH 2011

CHALLENGING DISCRIMINATION PROMOTING EQUALITY

 **errc**
european roma rights centre



Convention on European Roma Rights (April 7 March 2011)

Adopted by the ERRC

Decision No. 5/14/11

Adopted by the ERRC

The ERRC is a non-governmental organization established in 1997. It is the only organization in Europe that is dedicated to the promotion and protection of the rights of Roma people. The ERRC is a non-profit organization and its activities are financed by donations from individuals and organizations. The ERRC is a member of the European Roma Rights Centre (ERRC) and the European Roma Rights Centre (ERRC) is a member of the European Roma Rights Centre (ERRC).

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1 Acknowledgments

This report was produced by the European Roma Rights Centre (ERRC). Stanislav Daniel wrote the draft of this report with support from Judit Geller and Catherine Twigg. Tara Bedard edited various drafts of this report. Robert Kushen edited the final draft and authorised this report's publication.

The following ERRC staff members and interns contributed significantly to the research for production of this report: Bernard Slanic, Stefan Fugger, Ivan Matić, Edina Tordai and Orsolya Sallai. Istvan Fenyvesi prepared the graphics.

Dzavit Berisha did the layout of this publication.

The ERRC would like to express its particular thanks to the police, prosecutors, courts and NGOs that provided information in the course of research.

2 Introduction

In a significant number of countries, violence against Roma remains a serious problem. Not only because it harms the Roma directly impacted by the attack, but Roma as an ethnic group are impacted by the lack of effective response by State authorities. While Roma are often described as a vulnerable group in Governmental policies, little of this understanding is visible in the practice of police and other responsible State authorities in addressing anti-Roma violence.

In the Czech Republic, the European Roma Rights Centre (ERRC) registered 17 attacks against Roma and/or their property between January 2008 and December 2010.¹ These attacks left 11 people, including two minors, with injuries, two of which were life-threatening. In eight cases Molotov cocktails were used; one case involved a tear gas grenade. In one case shots were fired. In seven cases Romani property was vandalised. In three cases Roma were beaten and in one case adults attacked a minor.

In Hungary, the ERRC registered 48 attacks against Roma and/or their property between January 2008 and December 2010.² These attacks took a total of nine lives, including two minors. The attacks left dozens of people with injuries, 10 of which were life-threatening. In 12 cases Molotov cocktails were used; in two cases hand grenades. In 12 cases shots were fired and in nine cases Romani property was vandalised.

In Slovakia, the ERRC registered 10 attacks against Roma and/or their property in Slovakia between January 2008 and December 2010.³ These attacks took the lives of two Romani individuals. The attacks left eight people, including two minors, with injuries. In five cases, shots were fired. In one case an adult attacked a group of minors. In two cases, groups attacked Romani people and in one case, Romani property was vandalised.

The ERRC is actively monitoring the State response to violence against Roma in 44 of these cases. To date, investigations in only six cases have resulted in imprisonment sentences for the perpetrators. The results suggest that a climate of impunity surrounds violence against Roma, which can only serve to encourage more violence. This report examines the results of this monitoring.

The number of attacks and the State response presented in this report are not exhaustive and should be considered as illustrative. Nevertheless, the information presented herewith provides important insight into the State response to violence against Roma.

¹ ERRC, *Attacks against Roma in Hungary January 2008-July 2010*, available at: <http://www.errc.org/cms/upload/file/attacks-list-in-hungary.pdf>.

² ERRC, *Attacks against Roma in the Czech Republic January 2008-December 2010*, available at: <http://www.errc.org/cms/upload/file/attacks-list-in-czech-republic.pdf>.

³ ERRC, *Attacks against Roma in the Slovak Republic January 2008-December 2010*, available at: <http://www.errc.org/cms/upload/file/attacks-list-in-slovakia.pdf>.

3 Methodology

In the present study the ERRC monitored the State response in 44 of the most violent anti-Roma attacks reported to police in the Czech Republic (14 cases), Hungary (22 cases) and Slovakia (8 cases). The individual cases presented in this study were defined on the basis of initial reporting on an incident by media and NGO sources. During ERRC follow-up with police, prosecutors and courts, information indicating multiple perpetrators or in some cases even possibly multiple incidents came to light. This information is included in the description of individual case follow-up to the extent possible.

In the first phase available information about cases was collected, mostly from media and NGO partners. In the second phase, the ERRC sent a series of requests for information to responsible police departments, prosecutors and courts. The ERRC sought anonymised information related to the status and results of the police investigation, charges brought, sanction of perpetrators and the treatment of racial motive in the investigation and prosecution of the acts. The ERRC attempted to update all cases as this report was being finalised but there may be recent developments not reported in some.

The information presented in this study represents the results of the investigation and prosecution of crimes against Roma: it does not aim to assess the quality of these actions as such. A number of shortcomings in the State response to violence against Roma are apparent.

4 Responsiveness of State Authorities

In the Czech Republic, Hungary and Slovakia, the ERRC contacted a number of authorities – police departments, prosecutors and courts – and monitored media to obtain updated information on the State response to the selected attacks against Roma. Overall, State authorities were responsive to ERRC requests for information. In only six of the 44 selected cases (13.6%) in the three countries did State authorities refuse to provide any information or fail to respond.

Of the 14 selected cases in the Czech Republic:

- In 10 cases authorities provided information, however, referring to various restrictions (most often the fact that the case was in progress) they often provided limited details;
- In two cases the authorities refused to provide information or did not respond;
- In two cases full information about the State response was already available from public sources so the ERRC did not submit requests for information.

Of the 22 selected cases in Hungary:

- In two cases investigated locally authorities refused to provide information;
- In 11 cases investigated locally authorities provided information;
- In nine cases investigated nationally, the National Bureau of Investigation provided information.

Of the eight selected cases in Slovakia:

- In five cases authorities provided information;
- In two cases authorities refused to provide information or did not respond at all;
- In one case the ERRC gathered information from the media.

6 Hungary

6.1 Summary information

In Hungary the ERRC examined the progress in 22 known cases of violence against Roma. In these incidents at least 7 people died, including a 5-year old boy, and a number of individuals were seriously injured. At least ten Romani homes were set on fire with various levels of destruction. Guns were involved in ten of the examined cases and in two cases hand grenades were used. Out of the 22 attacks, nine, resulting in six deaths, are believed by police to have been committed by the same four suspects who are currently at trial.

Police misconduct and procedural errors were documented during the investigation of one of the violent crimes against Roma, as raised by NGOs and later confirmed by the Independent Police Complaint Committee and by the Head of Police.³⁶ Misconduct by the National Security Service was also revealed.³⁷

In the majority of cases examined, information provided by State authorities was inadequate. Where information was provided, limited results of investigation and prosecution were revealed. In several cases information was not provided by the authorities citing data protection and criminal procedure laws.

The Hungarian government does not systematically monitor racist violence. Police, prosecutors and court officials are reluctant to consider racial bias motivation as an aggravating circumstance to crimes: it is not explicitly included in the Criminal Code (only “base” motivation is included).³⁸ Hate crimes are dealt with as a separate legal provision but are not linked to other crimes.³⁹

In Hungary, there is no specific protocol or guidelines developed for police and prosecutors on how to investigate and prosecute hate crimes. Nor there is systematic monitoring of racist

³⁶ NGO report on the circumstances of the double murder committed at Tamaszentgyörgy on 23 February 2009 and conduct of the acting authorities (the police, ambulance and fire services), available at: <http://erroc.org/cross/upload/media/03/DA/m00000313A.pdf>; Independent Police Complaint Committee complaint: 366/2009 (NL11), Head of Police: 29000/9011/2009 R.T., December 2009, available at: http://www.police.hu/data/cms651181/CRPK_09011_2009_FRP_366_2009.pdf

³⁷ As reported by *Origo.hu*: <http://www.origo.hu/itthon/20090908-nbh-cuma-tamasok-konnyo-hibak-voltak-a-vizsgalat-szerint.html>

³⁸ Base motivation is only included in relation to homicide, battery/assault, defamation, unlawful detention and insulting a subordinate. This provision would not allow for the tracking of racially-motivated crimes because other motivations may also be included.

³⁹ Section 174(b) of the Hungarian Criminal Code deals with Violence Against a Member of a National, Ethnic, Racial or Religious Group (hate crimes), saying: “(1) The person who assaults some body else because he belongs or is believed to belong to a national, ethnic, racial or religious group, or coerces him with violence to practice not doing or not doing or into enduring something, commits a felony and shall be punishable with imprisonment up to five years.” Available in English online at: <http://legislationline.org/documents/section/criminal-codes>

HUNGARY

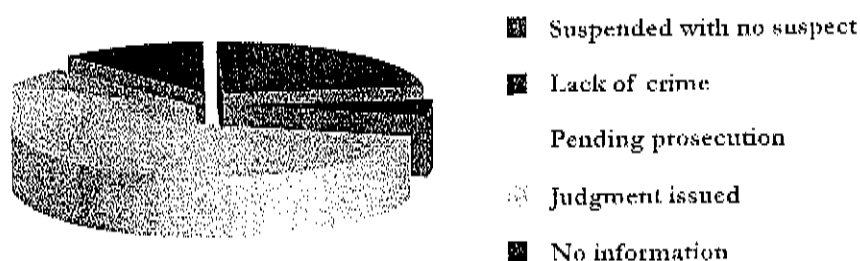
violence or the collection of data disaggregated by ethnicity about the victims of crimes.⁴⁰ There are no reliable statistics on the real number of racially motivated crimes in Hungary: according to available statistics the number of cases investigated under the hate crime provision of Hungary's Criminal Code is extremely low.⁴¹

6.1.1 STATE RESPONSE TO ANTI-ROMA ATTACKS IN HUNGARY

Of the 22 cases under examination,

- In six cases the police investigation was suspended because no suspect was identified;
- In one case the police investigation was suspended for *lack of crime*
 - an investigation against the alleged victims for false testimony was opened;
- In 12 cases prosecution was pending;
- In one case the perpetrator was convicted, resulting in 11-years imprisonment.
- In two cases no information was available.

Graphic 3: Hungarian State Response to Anti-Roma Attacks

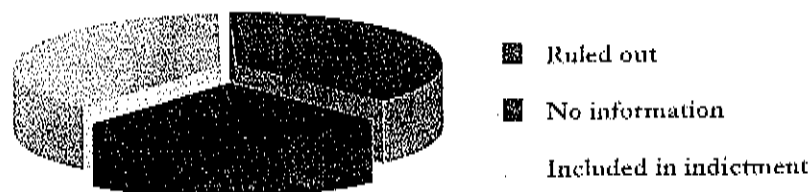


6.1.2 BASE MOTIVATION

Of the 22 cases under examination:

- In eight cases base motivation (reflecting racial motivation) was ruled out;
- In five cases no information was provided;
- In nine cases base motivation was included in the indictment (the group of nine cases investigated by the National Bureau of Investigation).

Graphic 4: Consideration of Base Motivation in Hungary



⁴⁰ EERRC correspondence with regional law enforcement authorities, e.g. Heves County Police Department letter to the EERRC 28 April 2010; and Gyongyos County Police Department letter to the EERRC 29 March 2010.

⁴¹ The number of cases investigated under hate crime provisions: in 2004: 7; 2005: 7; 2006: 8; 2007: 9; 2008: 12. Available at: <http://crimestat.b-m.hu/KulsoIckordlezo.aspx>

6.2 Individual cases

1. On the evening of 27 May 2009 a 46-year-old man broke into the home of a Romani family in Abádszalók and attacked the family with a razor blade. The father's neck and chest were cut and the mother's legs were cut. The family restrained the attacker who was also armed with a gun. The police were called and the attacker was arrested. Immediately after the case was reported in the media, the Minister of Justice said that there is no reason to believe that the crime was racially-motivated arguing that personal conflicts may have been behind the attack.⁴² In November 2009 the police informed the ERRC that the investigation was ongoing; a number of tools that could have been used in an attack were identified and the attacker had argued that the family had robbed him before and he had wanted to question them about this. The police reported that the attacker and the Romani family members were all heard as suspects in the case.⁴³ The first court hearing was scheduled in February 2011: the attacker was charged with attempted battery causing endangerment of life.⁴⁴
2. On 5 May 2009 unknown perpetrators fired shots at a house inhabited by a Romani family in Táska. No injuries were reported, but minor damage to the wall of the house was sustained.⁴⁵ Police refused to provide the ERRC with any information on the status of this case citing data protection laws and the law on criminal procedure.⁴⁶
3. At around 6:30 PM on 15 April 2009, an unknown perpetrator fired a shot at the home of a five-member Romani family in Old. The bullet went through the window and hit a painting. No one was home at the time.⁴⁷ Police informed the ERRC that the investigation into the crime of endangering within the sphere of occupation was closed on 15 June 2009 because no evidence confirming an intentional crime was found. The victim of the attack complained about the police procedure but the prosecutor rejected this complaint on 18 August 2009.⁴⁸ No evidence of base motivation was found.⁴⁹
4. Early in the morning of 6 March 2009 unknown persons threw a Molotov cocktail into the house of a Romani family in Bocföldre. One of the inhabitants threw the bomb out of the house before a fire started. No one was injured.⁵⁰ Police reported that the damage to the house was 25,000 HUF (approximately 92 EUR). The police investigation of

⁴² As reported by *Népszabadság* (in Hungarian), available at: http://www.nol.hu/mozsalk/borotvaval_tamadt_egy_ferfi_egy_romna_csaladra_abadszalokon.

⁴³ Jász-Nagykún-Szolnok Criminal Police Department letter to the ERRC, 10 November 2009.

⁴⁴ ERRC telephone inquiries with the Jász-Nagykún-Szolnok County Court, 25-27 January 2011.

⁴⁵ Information about the incident (in Hungarian) available at: http://nol.hu/mozsalk/lottek-e_taska_horvatok_hazara.

⁴⁶ Somogy County Police Directorate letter to the ERRC, 4 November 2009.

⁴⁷ Information about the incident (in Hungarian) available at: http://nol.hu/mozsalk/radotrek_egy_olddi_hazara.

⁴⁸ Sillek Police Directorate letter to the ERRC, 13 November 2009. Pécs Prosecutor letter to the ERRC, 10 November 2009. The prosecutor reported that the bullet, fired from a hunting rifle from 500 to 1600 metres away, could not be matched to the rifle firing the bullet because it was badly deformed.

⁴⁹ Pécs Prosecutor letter to the ERRC, 10 November 2009.

⁵⁰ Information available at: <http://www.nol.hu/lap/mo/lap-20090307-20090307-30>.

- vandalism was suspended on 6 January 2010 because no suspect had been identified.⁵¹ The prosecutor reported that the evidence did not show base motivation.⁵²
5. On 20 November 2008 unknown persons threw a Molotov cocktail into the courtyard of the house of a Romani family in Pusztadobos; no one was injured because the bottle broke on the sidewalk and left only burn marks in the garden. A paper reported to have been found outside the house said: "You are going to die."⁵³ Police informed the ERRC that an investigation involving fire professionals, forensic professionals and analysis of witness statements found that the fire was not caused by a Molotov cocktail. The investigation was therefore closed on 3 November 2009 in the absence of a crime. Instead, the police launched an investigation against the victims for giving false testimony.⁵⁴
 6. On 18 November 2008 a hand grenade was thrown into the home of a Romani family in Pécs killing the parents. The police identified four Romani suspects and ruled out base motivation. As of February 2011, the case was pending before the County Court of Baranya: the perpetrators were charged with multiple homicides planned in advance.⁵⁵
 7. In November 2008 unidentified suspects threw a Molotov cocktail at a house belonging to a Romani family in Debrecen. No one was injured but the damage caused was estimated to be around 23,000 HUF (around 85 EUR). Police informed the ERRC that, according to fire experts, the materials used were not suitable for a Molotov cocktail and that the fire was not dangerous to the public because it did not spread. The incident was qualified as a misdemeanour offence (vandalism) and, as no suspect was found, the case was suspended on 3 August 2009.⁵⁶
 8. Unknown perpetrators threw a Molotov cocktail at the home of a Romani family in Kossarhegy on 15 October 2008. Police and prosecutors informed the ERRC that despite a reward of 1,000,000 HUF (around 3,700 EUR), they could not identify any suspects and the case was closed in February 2009. The ERRC was also informed no sign of base motivation was identified.⁵⁷
 9. At dawn on 17 September 2008 a hand grenade was thrown into the yard of a Romani house in Siófok. The house was damaged but no one was injured. Local police refused to provide information in response to ERRC requests⁵⁸ and the local prosecutor did not respond at all.
 10. On 15 June 2008 in Pényeslitke, a 40-year-old man stabbed two Romani boys: one of them, a 14-year-old boy, died and the other one suffered injuries.⁵⁹ Police informed the ERRC that base motivation was not found in this case.⁶⁰ The perpetrator was found

⁵¹ Email response to ERRC telephone inquiries with the Zala County Police Headquarters, 8 February 2011.

⁵² Zala County Prosecutor letter to the ERRC, 28 October 2009.

⁵³ Police press release available at: http://www.police.hu/friss/sza20081120_01.html. Reported also by *Index* (in Hungarian), available at: <http://index.hu/bulvar/molotov/1120/>. Szabolcs-Szatmár-Bereg County Police Department letter to the ERRC, 5 November 2009.

⁵⁴ Szabolcs-Szatmár-Bereg County Police Department letter to the ERRC, 5 November 2009.

⁵⁵ ERRC telephone inquiries with the Baranya County Court, 25–26 January 2011.

⁵⁶ Hajdú-Bihar County Police Department letter to the ERRC, 5 November 2009.

⁵⁷ Békés County Criminal Police Department letter to the ERRC, 27 November 2009. Békés County Prosecution letter to the ERRC, 10 November 2009.

⁵⁸ Somogy County Police Department letter to the ERRC, 4 November 2009.

⁵⁹ Article by *Népszabadság* (in Hungarian) available at: http://www.nof.hu/belfold/romak_elleni_tamadasok_kinos_rendorsegi_credincuylenseg

⁶⁰ Szabolcs-Szatmár-Bereg County Police Department letter to the ERRC, 11 November 2009.

guilty of the attempted murder of more than one person, sentenced to 11-years imprisonment in a high security prison and deprived of the right to participate in public affairs for eight years. The perpetrator appealed the verdict and the appeal court upheld the judgment in October 2009, noting that the sentence delivered by first instance court was light. The 20 October 2009 judgment of the appeal court is final.⁶¹

11. Three members of the volunteer police guard threw six Molotov cocktails at the homes of three Romani families in Patka on 3 June 2008.⁶² The court informed the ERRC that three suspects were immediately taken into custody. On 26 January 2009 an indictment for attempted murder was delivered to the court, which held numerous hearings throughout 2009 and 2010.⁶³ The case has been pending before the Fejér County Court since March 2009; the latest hearing was scheduled for 31 March 2011.⁶⁴ There is no information about the consideration of base motivation in this case.
12. On 13 April 2008 Molotov cocktails were thrown at the home of a Romani family which was about to sell its house to another Romani family in Fadd. After the fire, the house was not sold and on 26 April 2008 the old house of the purchasing family was also fire-bombed. Police informed the ERRC that the investigation into vandalism and public endangerment confirmed that the fire was set intentionally but that it was closed on 1 April 2009 because no suspects were identified. A day after the 26 April 2008 firebombing the victims attacked their neighbours, suspecting that they had perpetrated the attacks. Police launched a criminal investigation against them for physical assault and an indictment was submitted to the local court in June 2009.⁶⁵ The local prosecutor did not respond to the ERRC request for information on the status of this case.⁶⁶
13. On 1 March 2008 the house of a Roma Minority Self Government representative was set on fire in Tiszazoff. Racial epithets were painted on the walls prior to the arson attack.⁶⁷ Police informed the ERRC that an investigation was launched under the criminal provision of damaging property and causing excessive damage. However, police reported that they could not find evidence, facts or data to prove base motivation so it was ruled out. Police closed the investigation on 28 April 2009 because no suspects were identified.⁶⁸

⁶¹ Copy of the judgment delivered to the ERRC by the Debrecen High Court, letter from 16 March 2010.

⁶² Reported by *Népszabadság* at: http://www.nol.hu/belfold/romak_elleni_tamadasok_kinos_rendorsegi_eredmenytelenseg

⁶³ Fejér County Court letter to the ERRC: 22 April 2010.

⁶⁴ Reported by *Ujpesti Magyar Hírlap*, article (in Hungarian) available at: http://www.fmh.hu/cou-lapon/20100331_patkai_polgarorok_pere.

⁶⁵ Tolna County Police Department letter to the ERRC: 11 November 2009.

⁶⁶ Several months after these attacks, on 21 June 2008 members of the local government, the Magyar Garda and nationalist motor bikers organised a demonstration against "Gypsy crime" in the town. See: <http://magyar-garda.hu/node/1741>.

⁶⁷ Information from *Népszabadság* (in Hungarian) at: http://www.nol.hu/belfold/romak_elleni_tamadasok_kinos_rendorsegi_eredmenytelenseg.

⁶⁸ Jász-Nagykun-Szolnok County Police Department letter to the ERRC: 1 November 2009. The prosecutor refused to provide any information to the ERRC citing the law on criminal procedure; see Jász-Nagykun-Szolnok Megyei Prosecutor letter to the ERRC: 19 December 2009.

6.2.1 SERIES OF ATTACKS ON ROMA

On 21 August 2009 the National Bureau of Investigation (NBI) arrested four suspects, detained on suspicion of involvement in a series of killings and attacks of Roma.⁶⁹ As reported by the media the prosecutor submitted the indictment proposal to the Pest County Court on 8 September 2010, accusing the suspects of aggravated forms of homicide including base motivation (reflecting racial motivation).⁷⁰ The trial began on 25 March 2011 and 34 hearings were scheduled through 13 July.⁷¹ The killings and attacks are described below.

14. On 3 August 2009 a 45-year old Romani mother and her daughter were attacked in their home in Kisleita. The mother was shot and killed; the daughter survived with injuries.
15. On 22 April 2009 a 54-year old Romani man was fatally shot in front of his house late in the evening as he was leaving for work in Tiszalok.
16. On 23 February 2009 Molotov cocktails were thrown at the home of a Romani family in Tatárszentgyörgy and the perpetrators shot and killed two family members, a father (aged 27) and son (aged 5), as they fled the burning home. Two other children were wounded. The mother escaped without injury.
17. On 15 December 2008 in Alsózsolca a 19-year old Romani man was shot two times in his yard and sustained life-threatening injuries. His partner suffered minor injuries.
18. On 3 November 2008 two Romani persons (a man of 43 and a woman of 40) were shot dead following a firebomb attack on two houses in the village of Nagycséc. The perpetrators shot the members of one Romani family after they awoke to the sound of the firebomb and tried to escape from the house. The bomb thrown at the other Romani house did not explode.
19. Molotov cocktails were thrown and shots were fired at four Romani homes in Tarnabod on 29 September 2008. No one was injured.
20. On 5 September 2008 in Nyíradony shots were fired at a house in which Romani people were sleeping. Nobody was injured.
21. On 8 August 2008 in Pircse, Molotov cocktails were thrown at two Romani houses. One woman was shot in the leg when she stepped out of the house.
22. Shortly after midnight on 21 July 2008, 10 to 15 shots were fired at three Romani houses in Galgagyörk, a village near Budapest. No one was injured.

⁶⁹ NBI letter to the ERRC 29 March 2010.

⁷⁰ As reported by *Index.hu*, at: http://index.hu/helyfold/2010/09/08/romagyilkossagok_becsnjottak_a_vadihatot/.

⁷¹ As reported by *Hvg.hu*, at: http://hvg.hu/itthon/20110303_romagyilkossag_nagyszabasu_per

URGENT ACTION

VIGILANTES THREATEN ROMA COMMUNITY

Following an anti-Roma march by the far-right Jobbik party in the village of Gyöngyöspata on 6 March, three vigilante groups have been 'patrolling' the area harassing and intimidating Roma residents. Local Roma have allegedly been racially abused and there is fear for their safety. The vigilante groups have announced that their next target will be Roma in the town of Hajdúhadháza. Police have reportedly taken no action.

On 6 March, Jobbik held a 2 to 3,000 strong march in the village, situated to the north east of Budapest, reportedly invited there 'for the protection of Hungarians' following an alleged incident where an elderly man had committed suicide following harassment by Roma residents. Gabor Vona, the leader of Jobbik spoke of 'Gypsy terror'.

Following the march, up to 200 vigilantes from the groups New Hungarian Guard, Civil Guard Association for a Better Future and Vagabonds for the Protection of Hungarians, are alleged to have stayed in the village and are harassing and verbally abusing local Roma residents. The harassment has caused many Roma families to stop sending their children to school. The groups are also alleged to have shouted outside the houses of Roma residents during the night, made verbal death threats and threatened them with weapons and dogs. The vigilante groups were reportedly marching on the streets in military outfits, and in some cases carrying weapons such as whips and axes.

Local NGO representatives, Amnesty International Hungary's staff and other activists have witnessed some of these acts of harassment and stated that the police have not acted to prevent it. However, four people were arrested on 16 March 2011, following a village meeting in which Roma residents of the village allegedly did not participate due to the climate of racism. Police check-points were eventually established but some reports state that Roma residents were told to 'behave' and nothing would happen to them.

PLEASE WRITE IMMEDIATELY in Hungarian or your own language calling on the authorities to:

- take immediate and proactive measures to protect Roma communities in Gyöngyöspata, Hajdúhadháza and other parts of Hungary from harassment and violent attacks;
- publicly condemn discriminatory violence, and incitement to discriminatory violence, against any section of Hungarian society;
- vigorously and thoroughly investigate acts of racially motivated harassment and violence;
- and ensure that the perpetrators of such acts are prosecuted under laws which provide penalties reflecting the gravity of the abuse.

PLEASE SEND APPEALS BEFORE 29 APRIL 2011 TO:

Prime Minister

Viktor Orbán
1357 Budapest, Pf. 6
Kossuth Lajos tér 2-4.
Hungary
Fax: +36-1-795-0381
Email: orbanviktor@orbanviktor.hu
titkarsag@mc.gov.hu
Salutation: Dear Prime Minister

Minister of Interior

dr. Sándor Pintér
2-4. József Attila Street, 1051 Budapest
Pf.: 314
1903 Budapest
Fax: +36-1-441-1720
Email: ugyfelszolgalat@bm.gov.hu
Salutation: Dear Minister

And copies to:

President & Vice-President of the
Parliamentary Human Rights Office
dr. Tamás Lukács & Tímea Szabó
1358 Budapest
Széchenyi rkp. 19.
Fax: +36-1-441-5986 +36-1-441-5180
Email: tamas.lukacs@parlament.hu
timea.szabo@parlament.hu
Salutation: Dear Dr Lukács; Dear Ms Szabó

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date.

AMNESTY
INTERNATIONAL



URGENT ACTION

VIGILANTES THREATEN ROMA COMMUNITY

ADDITIONAL INFORMATION

The Hungarian authorities have an obligation under international human rights law to ensure the security and physical integrity of their citizens, without discrimination, and to exercise due diligence to prevent, investigate, punish and provide redress for racially-motivated attacks including harassment by non-state actors. According to the International Convention on the Elimination of Racial Discrimination, the authorities are obliged to adopt immediate and positive measures designed to eradicate all incitements to, or acts of, discriminatory violence. In its General Recommendation no. 27, the Committee on the Elimination of Racial Discrimination (CERD) recommends that state parties ensure protection of the security and physical integrity of Roma, without any discrimination, by adopting measures to prevent racially motivated acts of violence against them. The authorities are also obliged to ensure prompt action by the police, the prosecutors and the judiciary for investigating and punishing such acts; and to ensure that perpetrators, be they public officials or other persons, do not enjoy any degree of impunity.

The European Court of Human Rights, in its 2005 judgment in the case of *Nachova and Others v. Bulgaria*, stated that racial violence is a particular affront to human dignity and requires from the authorities special vigilance and a vigorous reaction. The Court stressed that the authorities must use all available means to combat racist violence, and stated that, "[w]here there is suspicion that racial attitudes induced a violent act, it is particularly important that the official investigation is pursued with vigour and impartiality, having regard to the need to reassert continuously society's condemnation of racism and ethnic hatred and to maintain the confidence of minorities in the ability of the authorities to protect them from the threat of racist violence." The obligation to investigate possible racial motivation of attacks applies to attacks believed to have been carried out by state and non-state actors alike. In the case of *Šečić v. Croatia*, concerning police investigations into a racist attack against a person of Roma origin by individuals suspected of belonging to a skinhead group, the European Court underlined that "[t]reating racially induced violence and brutality on an equal footing with cases that have no racist overtones would be turning a blind eye to the specific nature of acts that are particularly destructive of fundamental rights".

In Amnesty International's report 'Violent attacks against Roma in Hungary: Time to investigate racial motivation' (AI Index: EUR 27/001/2010), the danger that racially motivated violence poses on Roma was highlighted through interviews with victims and their families. The report outlined a number of violent attacks against Roma in Hungary between 2008 and 2009 including a series of attacks in which six men, women and children were killed. The trial of the suspects in the so-called 'series of attacks' is due to start on 25 March 2011 in Budapest. These attacks highlight the necessity for the Hungarian authorities to address the seriousness of racially motivated violence by recognizing this danger and acting to prevent it.

UA: 80/11 Index: EUR 27/005/2011 Issue Date: 18 March 2011

AMNESTY
INTERNATIONAL



SPiegel ONLINE

04/27/2011 04:48 PM

Right-Wing Militants on Patrol

A New Wave of Anti-Roma Violence in Hungary

The Hungarian village of Gyöngyöspata has once again become home to violence between right-wing radicals and its Roma populace. Dozens of extremists marched into the town on Wednesday, one day after provoking brawls with the Roma who live there. It is the continuation of a trend.

Just a harmless excursion. That is how the Hungarian government sought to portray the evacuation of some 270 Roma residents of Gyöngyöspata over Easter. The group -- two-thirds of the 450 Roma who live there -- had left the village due to a planned training exercise for the right-wing extremist group Vederö, an exercise ultimately prevented by the police.

But on Tuesday evening, right-wing Hungarian radicals struck again. According to the news service MTI, three people were injured in fights between right-wing radicals and Roma in the village. Seven people were arrested.

On Wednesday morning, dozens of right-wing extremists flooded the village, according to a statement released on Facebook by a group sympathetic to the country's Roma population. Large numbers of police likewise arrived in the village. Around 100 Roma left the village on Wednesday, MTI reported.

What caused the fights on Tuesday evening remains unclear. Right-wing radicals are said to have thrown stones at a Roma house in the village. Members of Vederö are thought to have been involved in the brawls on Tuesday, but members of the right-wing group Betyársereg are also thought to have participated. The group sent "reinforcements" to Gyöngyöspata on Wednesday.

Erik Selymes of the Hungarian Red Cross said that the Easter trip had been organized at the request of the Roma and Hungarian government spokesman Peter Szijjarto called reports of an evacuation a "bald-faced lie."

Right-Wing Militants

But Gyöngyöspata, a town of 2,800 residents located northwest of Budapest, has for weeks been the focal point of conflict between right-wing militants and Roma. A resident of the village told Reuters last week that he sent his wife and children to Budapest to avoid confrontation with the right-wing vigilantes.

In March, the uniformed right-wing radical group Szebb Jövőért marched through the village several times, striking fear into the hearts of the Roma who live there. The group is openly supported by the right-wing party Jobbik, which is represented in the Hungarian parliament after having received 17 percent of the vote in elections a year ago. Opposition to the Roma in Hungary was a major plank in the party's campaign platform.

Several other villages with large numbers of Roma residents have likewise seen right-wing marches -- protests, the groups say, which are meant to highlight "gypsy criminality." In the small town of Hajdúhadháza, where members of Szebb Jövőért have been "patrolling" for weeks, five right-wing radicals were arrested 10 days ago for disturbing the peace. They were released just two days later. Gergely Rubi, a Jobbik member of parliament, said the group would continue its marches to "improve public order and security," the German daily *Frankfurter Allgemeine* reported.

'Afraid to Go Out'

A separate Jobbik parliamentarian, János Volner, said the group is merely responding to the wishes of the populace and has "already caught several criminals red-handed and turned them over to the police," young Roma among them. Dénes Csáfordi, the mayor of Hajdúhadháza, has accused the group of creating an environment of fear in which Roma children "are afraid to go out on the street."

In Budapest, human rights groups are planning a demonstration on Wednesday evening in solidarity with the Roma. Former Prime Minister Ferenc Gyurcsany said that in Hungary "there is no Roma problem, rather there is a Nazi problem."

Hungary holds the rotating European Union presidency until the end of June. The Hungarian government has been repeatedly criticized by its European partners for its authoritarian leanings and for its alleged censorship of the media.

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The New York Times



TATARSZENTGYORGY, Hungary — Thousands of people, mostly Roma, joined the funeral procession Tuesday of a young boy and his father who were shot dead last week in the latest in a series of attacks on Roma in Hungary.

A crowd of about 5,000, which also included politicians from parliamentary parties and civil rights activists, gathered around the graves of the two victims in the village of Tatarszentgyorgy, 65 kilometers, or 40 miles, southeast of Budapest.

Black-clad mourners wept and when the coffin was lowered into the grave in the small hillside cemetery, the world-famous 100-member Gypsy Symphony Orchestra started to play.

"We seek the forgiveness of the mourning family and...our Gypsy brethren whom for 500 years we have owed an embrace," the Hungarian Methodist pastor Gabor Ivanyi, who is not Roma, said as he addressed the gathering. "We are a deeply moved and ashamed people."

The killings last Monday were the latest in a series of more than a dozen attacks on Roma in Hungary in which seven people have died over the past year.

President Laszlo Solyom of Hungary said Saturday that the economic crisis had created an urgent need for Hungary and other east European countries to show more understanding for Roma.

It was not known whether the attack was racially motivated and the police have so far failed to find the perpetrators, but Roma community leaders said it bore similarities to other attacks on Roma in other parts of the country.

The boy, who police say was 5 years old, and his father Robert Csorba were shot and killed as they were trying to escape their house, which had been set on fire. Two other children were injured in the blaze.

The Roma community is Hungary's largest minority, making up 5 to 7 percent of the population of 10 million.

There is a growing resentment against the Roma, also known as gypsies, as the economic crisis deepens and jobs are lost. The Roma often remain on the margins, lacking jobs and proper education and living in deep poverty. Critics say they take advantage of the welfare state.

The strengthening of the far-right over the past two years, which fights what it says is a rise in "Roma crime," has also contributed to an increase in antagonism, activists say.

The village of Tatárszentgyörgy, which has about 1,900 residents, has been shocked by the attack.

"We still cannot comprehend what happened and this sentiment rules in the entire village," a Roma couple said.

Peter Ignacz, 50, who arrived from Szolnok in the east of Hungary with around 30 members of his family and is also of Roma origin, said the Roma do not get any protection.

"This is totally outrageous," he said, "and to be honest, Roma people are afraid."

LIRVAI SKOJZDANJE

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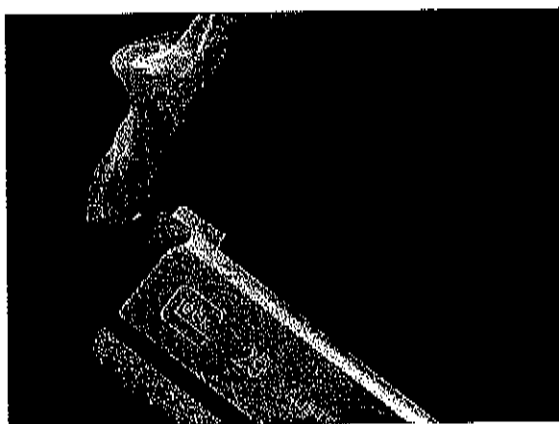
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KILLINGS FEBRUARY 23 2009 19:18h

Roma Father, 5-Year-Old Son Shot Dead In Hungary



Text

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Peter Papp, criminal director of the county police, told MTI that a preliminary autopsy report showed the father and his son were shot dead.

A father and his 5-year-old son were shot dead in an attack on a Roma family home in Hungary on Monday, and two children were injured when the house caught fire, local news agency MTI reported citing local police.

The attack in Tatarszentgyorgy, a village 65 km (40 miles) southeast of Budapest, is the latest in a series on Roma houses in which seven people have died over the past year.

Peter Papp, criminal director of the county police, told MTI that a preliminary autopsy report showed the father and his son were shot dead. Two other children were hurt in the blaze.

Viktoria Mohacsi, a Roma Hungarian member of the European Parliament, told Reuters after visiting the scene that the two Roma were shot as they were trying to escape the house.

Local and national police declined comment, saying it was too early to give any details.

It was not immediately known whether the attack was racially motivated, but Mohacsi said Monday's attack resembled similar ones on Roma elsewhere in Hungary over the past year.

"I believe this (fire) could not have been caused by anything other than a petrol bomb," Mohacsi said.

"My assumption is that this attack was racially motivated," she added.

Erno Kallai, ombudsman in charge of national and ethnic minority rights, said in a statement that attacks on Roma people were alarming and he would raise this in parliament on Tuesday.

"In the past year there have been over 10, or according to some opinions even more, violent crimes committed against Roma families or their houses," Kallai said.

"A common feature of these cases is ... that perpetrators are still unknown," he added.

Hungary has one of the largest communities of Roma, also known as gypsies, in eastern Europe, making up 5 to 7 percent of the 10 million

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**IN SELECT
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April 27, 2009

As Economic Turmoil Mounts, So Do Attacks on Hungary's Gypsies

By **NICHOLAS KULISH**

TISZALOK, Hungary — Jeno Koka was a doting grandfather and dedicated worker on his way to his night-shift job at a chemical plant last week when he was shot dead at his doorstep. To his killer, he was just a Gypsy, and that seems to have been reason enough.

Prejudice against Roma — widely known as Gypsies and long among Europe's most oppressed minority groups — has swelled into a wave of violence. Over the past year, at least seven Roma have been killed in Hungary, and Roma leaders have counted some 30 Molotov cocktail attacks against Roma homes, often accompanied by sprays of gunfire.

But the police have focused their attention on three fatal attacks since November that they say are linked. The authorities say the attacks may have been carried out by police officers or military personnel, based on the stealth and accuracy with which the victims were killed.

In addition to Mr. Koka's death, there were the slayings of a Roma man and woman, who were shot after their house was set ablaze last November in Nagycsacs, a town about an hour's drive from Tiszalok in northeastern Hungary. And in February, a Roma man and his 4-year-old son were gunned down as they tried to escape from their home, which was set on fire in Tatárszentgyörgy, a small town south of Budapest.

Jozsef Bencze, Hungary's national police chief, said in an interview on Friday with the daily newspaper **Nepszabadsag** that the perpetrators, believed to be a group of four or more men in their 40s, were killing "with hands that are too confident." Military counterintelligence is taking part in the investigation, Hungarian radio reported, and Mr. Bencze said the pool of suspects included veterans of the Balkan wars and Hungarian members of the French Foreign Legion.

Experts on Roma issues describe an ever more aggressive atmosphere toward Roma in Hungary and elsewhere in Central and Eastern Europe, led by extreme right-wing parties, whose leaders are playing on old stereotypes of Roma as petty criminals and drains on social welfare systems at a time of rising economic and political turmoil. As unemployment rises, officials and Roma experts fear the attacks will only intensify.

"One thing to remember, the Holocaust did not start at the gas chambers," said Lajos Korozs, senior state secretary in the Ministry of Social Affairs and Labor, who works on Roma issues for the government.

In the Czech Republic, where radical right-wing demonstrators have clashed with the police as they tried to march through Roma neighborhoods, a small child and her parents were severely burned after assailants firebombed their home in the town of Vitkov this month. The police in Slovakia were caught on video recently tormenting six Roma boys they had arrested, forcing them to undress, hit and kiss one another.

But nowhere has the violence reached the level it has in Hungary, spreading fear and intimidation through a Roma population of roughly 600,000. (Estimates vary widely in part because Roma say they are afraid to identify themselves in surveys.)

Last Wednesday, Mr. Koka, 54, had just finished a cup of coffee and brought his wife supper in their bedroom when he went outside to start his orange Opel Astra for his nightly drive to work. His wife, Eva, said she heard his body hit the ground, but did not realize it until she went outside and found him lying in a pool of blood a few paces from the doorframe.

"I tried to lift his hand and his head, but he didn't say a word," said Ms. Koka, whose brother rushed over from his home across the street and tried to perform CPR on Mr. Koka, who had been shot in the chest. "If he had not been dead he would have said goodbye to me," Ms. Koka said in an interview at their home.

Viktoria Mohacsi, a Roma member of the European Parliament, said the police — who still decline to explicitly name ethnicity as a motive in the cases — were slow to recognize the blossoming violence against the community. "At the beginning, they said it was illegal money lenders or that it was Roma killing each other," Ms. Mohacsi said, as she visited the Koka family here in Tiszaok on Friday.

"In the past five years, attitudes toward Roma in many parts of Eastern Europe have hardened, and new extremists have started to use the Roma issue in a way that either they didn't dare to or didn't get an airing before," said Michael Stewart, coordinator of the Europe-wide Roma Research Network.

The extreme-right party Jobbik has used the issue of what its leaders call "Gypsy crime" to rise in the polls to near the 5 percent threshold for seats in Hungary's Parliament in next year's election, which would be a first for the party. Opponents accuse the Hungarian Guard, the paramilitary group associated with the party, of staging marches and public meetings to stir up anti-Roma sentiment and to intimidate the local Roma population.

The group held a rally last year in Tiszaok and in 2007 in Tatarszentgyorgy, the town where the father and son were killed in February, an act that some residents deplored while in the same breath complaining about a spate of break-ins in town that they blamed on Roma.

"The situation is bad because of the many Roma," said Eva, 45, a non-Roma Hungarian in Tatarszentgyorgy who declined to give her last name, out of what she said was fear of reprisals. "When the guard was here, for a while they weren't so loud. It helped."

Since the attacks in Tatarszentgyorgy, some local residents have joined their terrified Roma neighbors in nighttime patrols, looking for strange cars armed with nothing but searchlights.

"We are living in fear, all the Roma people are," said Csaba Csorba, 48, whose son Robert, 27, and grandson, also named Robert, were killed by a blast from a shotgun shortly after midnight in the February attack. They were buried together in one coffin, the little boy laid to rest on his father's chest.

The child's death in particular shook Roma here. "It proved to us it doesn't matter whether we are good people or bad people," said Agnes Koka, 32, the niece and goddaughter of Mr. Koka, who relatives said loved to bring candy and fruit to his grandchildren. "It only matters that we are Gypsy," Ms. Koka said.



Hungary Roma mourn 'gang victim'

By Nick Thorpe
BBC News, Budapest

The sixth victim of what police believe is an armed gang targeting members of Hungary's large Roma (Gypsy) community is being buried in the country's east.

Maria Balogh, 45, was shot dead at her home in the village of Kisleita early on Monday morning.

Her 13-year-old daughter, Ketrin, was also shot several times and remains in intensive care at Nyiregyhaza hospital.

Police are treating the attack as the work of a group believed responsible for several murders in the past year.

In April, a Roma man was shot dead in front of his home in north-eastern Hungary, two months after a Roma father and his five-year-old son were killed in front of their home south of Budapest, which was then set on fire.

Those deaths followed the murder of a Roma couple in north-eastern Hungary last November.

In each case, the victims have come from outlying houses in Roma settlements, although Monday's shooting was the first time the killers had actually entered a house.

Other attacks where the apparent targets escaped injury have also been documented.

Police have set up a 100-member team and offered a large reward to catch the perpetrators, but so far to no avail.

Up to 7% of the Hungarian population are Roma, with the majority living increasingly segregated lives in the countryside.

Kisleita is a small community some 200 miles (320km) east of the capital Budapest.

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<http://news.bbc.co.uk/1/hi/europe/8189746.stm>

Published: 2009/08/07 13:10:42 GMT

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Back to Hungary's far-right wants to round up Roma in camps

Hungary's far-right wants to round up Roma in camps

September 01, 2010

Marton Dunai

BUDAPEST—Hungary's leading far-right party said on Wednesday that Roma who are considered a threat to public safety should be forced from their dwellings and placed in highly-controlled camps, some of them for life.

The Jobbik party capitalized on deep-seated popular resentment toward Hungary's large Roma minority to get into parliament for the first time in April elections. It recently launched its campaign for municipal elections due on October 3.

"We would force these families out of their dwellings, yes," Csanad Szegedi, the party's vice chairman and European Parliament representative, told Reuters. "Then, yes, we would transport these families to public order protection camps."

"At these camps, there would be a chance to return to civilized society. Those who abandon crime, make sure their children attend school, and participate in public works programmes, they can reintegrate," he said.

"No doubt there will be people who show no improvement. They can spend the rest of their lives in these camps."

Jobbik is particularly strong in the northeast of Hungary, where most of the country's 700,000 Roma live, many in squalid conditions. Unemployment among Roma is extremely high and petty crime is rampant. Jobbik Chairman Gabor Vona said that attempts to integrate the Roma community had failed and that segregation was the best tool to teach them to coexist with the majority, national news agency MTI reported.

Szegedi rejected the idea that the public order protection camps, where inmates would need permission to leave the premises and a 10 p.m. curfew would be enforced, resembled ghettos. "These are not ghettos, they are camps to protect public order," he said. "I don't believe this should be a problem as we would execute these plans in accordance with all laws."

The plight of the Roma, Europe's largest ethnic minority, has gained attention since French President Nicolas Sarkozy announced a crackdown one month ago on Roma camps in France.

Last week France was rebuked by a United Nations human right body for singling out the Roma and repatriating hundreds of them on flights to eastern Europe, chiefly Romania and Bulgaria.

The legality of the French government's efforts to deport Roma migrants was also called into question Wednesday when a report from the European Commission contended that French law lacked the minimum safeguards required by the European Union to protect deportees.

The document from the European Union's executive body, which was obtained by the *International Herald Tribune*, declined to endorse the French government's actions, which have led to thousands of deportations.

The report said that among the conditions necessary for expulsions to be legal was that each case had to be considered individually. France was warned against any measure that singled out an ethnic group or amounted to a collective expulsion of Roma, also known as Gypsies.

Though the commission's analysis was careful not to make a broad judgment on the deportations, it suggested that the French actions might not be in line with European Union's laws. France could face legal action if it failed to satisfy the commission that it is obeying European law.

The French authorities deported 283 Roma last week, bringing the total number deported this year to 8,313, compared with 7,875 sent home in all of 2009. Some left voluntarily after receiving cash payments.

French officials declined to comment on the report, which was prepared for European commissioners but has not been made public.



Roma women and children upon arriving in Bucharest, Romania, after being deported from France in August.

Vadim Ghirda/AP Photo

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Anti-Roma prejudice not demolished in a day

The paradox of a Roma victory in the European court of human rights is that many Roma people fear a backlash all the more



Slavenka Drakulić

guardian.co.uk, Sunday 21 March 2010 16:00 GMT

A *columnist*

A Roma family from an illegal camp on the outskirts of Rome. Photograph: Tiziana Fabi/AFP

The last time you heard about Roma people was, in all probability, when one of them was stabbed, burned or shot at in Hungary, Slovakia or Romania. The largest ethnic minority in Europe, numbering an estimated 7-9 million people, Roma are also the poorest and most discriminated against. They are "others" and, as such, often object to state policies of segregation and the racism of groups and individuals.

The fact they have lived in Europe for no less than 500 years doesn't apparently make much difference. What matters is they are of a different colour and culture, easily distinguished and, generally speaking, not integrated. Yet, as citizens of European states, they should be equal under the law. But as we all know from *George Orwell's Animal Farm*, all are equal but some are more equal than others. Never was this more so than in the case of Roma citizens.

Consequently, it is not news that they are again being victimised. But it is news that they have won a significant court judgment, because this happens so rarely. This week, the European court of human rights (ECHR) in Strasbourg upheld the claim of 15 Roma pupils in Croatia, where Roma are about 1% of the population, that they had been discriminated against. In 2002, Roma from the region of Medjmurje sued elementary schools because 15 pupils were segregated in a class and taught 30% less than the obligatory curriculum. Such a decision was justified by their lack of knowledge of the Croatian language. Roma live in ghettos and adults barely speak the Croatian language.

First a local, then a regional, court turned the Roma case down. Finally, the constitutional court did the same – after dragging its feet for six years (which the ECHR judged to be an unreasonably long time). However, the Roma took their case to the ECHR, which has now ruled in their favour. It is not the children's fault they don't

speak Croatian very well, and this – or anything else, for that matter – should not be a reason to discriminate against them, the ECHR determined. Besides sending out such important messages of equality under the law, Roma pupils were also awarded €4,500 each in compensation, as well as €10,000 in total for expenses and legal costs.

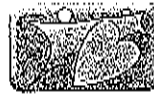
This looks like a clear-cut case and a remarkable victory for Roma, something they should be proud of. After ruling that it is illegal to put Roma children in schools for children with special needs – as has been done in the Czech republic – it is now illegal to put them in separate classes, too.

Yet this victory divided the Roma community in Medjmurje itself. Apparently, many of them even signed a petition against taking this case to a court. Why? The answer is simple: fear. Roma are afraid that, after this ruling, they could be discriminated against even more by their non-Roma neighbours. "The state feeds us; it gives us roads, electricity and water. What if we wouldn't get social benefits and there are no jobs? I am not playing games with the Croatian state," said one in a television news interview, surrounded by a group of angry and frustrated Roma men.

It is a paradox that the court ruling in favour of greater tolerance and integration of Roma has provoked their frustration. It only underlines how very insecure they feel. It will take a larger social change in Europe, and not just a judicial decision, to erase that anxiety.

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14 April 2011



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Parliamentary Commissioner for National and Ethnic Minorities, Ernő Kállai



Dear Excellencies,

The European Roma Rights Centre, Chance for Children Foundation, Amnesty International Hungary, the Hungarian Civil Liberties Union (HCLU-TASZ), the Hungarian Helsinki Committee and the Legal Defence Bureau for National and Ethnic Minorities are writing to urge your prompt reaction to the patrols of Szebb Jövőért Polgárőr Egyesület (Civil Guard Association for a Better Future) paramilitary organisation in Hajdúhadház, organised from 12 April 2011.

About 180 representatives of Szebb Jövőért Polgárőr Egyesület began conducting patrols on 12 April 2011 around Hajdúhadház, where one quarter of the over 12,000 residents are Romani. Szebb Jövőért Polgárőr Egyesület have reportedly been patrolling in groups of 8-10 persons, clad in black military clothing, intimidating the Romani residents and filming them in their homes and gardens. They announced their intention to stay for at least two weeks and reportedly plan several demonstrations. Their current activities appear to be similar to the intimidation and harassment that they inflicted on Roma in Gyöngyöspata from 1-16 March, unimpeded by the police.

The submitting organisations have previously expressed their concerns about Szebb Jövőért Polgárőr Egyesület, which is effectively a paramilitary group, listing its aims as preventing crime, protecting citizens and safeguarding public safety.¹ Szebb Jövőért Polgárőr Egyesület is linked to the Magyar Nemzeti Gárda (with the same aims and leadership as the banned Magyar Gárda) and the far-right political party Jobbik, whose inflammatory rhetoric about "Gypsy crime" contributes to inter-ethnic tension and risks provoking violence. A legal briefing prepared by HCLU-TASZ based on research in Gyöngyöspata outlines several provisions of the Hungarian criminal code that the Szebb Jövőért Polgárőr Egyesület's activities appear to have violated: (art. 174/B Violence Against a Member of a Community, art. 176/A Harassment and art. 271 Public Nuisance), while the inactivity of the police raises concerns under legal provisions related to abuse of authority and disciplinary responsibility.²

The Hungarian Constitution guarantees the right to liberty and personal security,³ while Hungary is bound by the European Convention on Human Rights, the Charter of Fundamental Rights of the European Union and the International Covenant on Civil and Political Rights to ensure that all citizens can exercise their rights to liberty, security of the person and private and family life.⁴

Recalling the 8 April statement of Minister of State for Social Inclusion Zoltán Balog that "Nobody can assume the role of keeping the peace or act as a substitute for the police", the European Roma Rights Centre, Chance for Children Foundation, Amnesty International Hungary, the Hungarian Civil Liberties Union, the Hungarian Helsinki Committee and the Legal Defence Bureau for National and Ethnic Minorities urge Hungarian authorities to swiftly condemn anti-Roma violence and intimidation by Szebb Jövőért Polgárőr Egyesület. We also urge Hungarian competent authorities to instruct Hungarian police to swiftly intervene to prevent and investigate any actions in violation of Hungarian law.

Sincerely,

Robert Kushen, Executive Director
European Roma Rights Centre

Erzsebet Mohacsi, President
Chance for Children Foundation

Orsolya Jeney, Director
Amnesty International Hungary

Balázs Dénes, Executive Director
Hungarian Civil Liberties Union

András Kádár, Co-chair
Hungarian Helsinki Committee

Erika Muhi, Director
Legal Defence Bureau for National and Ethnic Minorities

¹ Szebb Jövőért Polgárőr Egyesület, available at: <http://www.szebbjovo-erl.com/index.php?q=content/Alapszabaly>

² HCLU-TASZ, Report and Legal Position on the Situation in Gyöngyöspata, available at: http://tasz.hu/files/tasz/imce/gyongyospata-legal_position.pdf

³ Hungarian Constitution, Article 55 (1).

⁴ European Convention on Human Rights, Articles 5 and 8; Charter of Fundamental Rights of the European Union, Article 6 and 7; and International Covenant on Civil and Political Rights, Articles 9 and 17.

Title	Hungary: Treatment of Roma; state protection efforts (2006 - Sept. 2009)
Publisher	Immigration and Refugee Board of Canada
Country	Hungary
Publication Date	15 October 2009
Citation / Document Symbol	HUN103232.E
Cite as	Immigration and Refugee Board of Canada, <i>Hungary: Treatment of Roma; state protection efforts (2006 - Sept. 2009)</i> , 15 October 2009, HUN103232.E, available at: http://www.unhcr.org/refworld/docid/4b20f043c.html [accessed 10 June 2011]



Immigration and
Refugee Board of Canada

Commission de l'immigration
et du statut de réfugié du Canada

Hungary: Treatment of Roma; state protection efforts (2006 - Sept. 2009)

Hungarian data protection laws prohibit the gathering of data disaggregated on an ethnic basis (UN 4 Jan. 2007, Para. 56; OSI 2007, 187; ERRC 8 Aug. 2006). Thus, concrete statistics on racially motivated violence specifically targeting Roma are unavailable (Council of Europe 24 Feb. 2009, Para. 67). Nevertheless, several sources noted the occurrence of individual incidents of violence directed at Roma (ibid.; AI 2009; US 25 Feb. 2009, Intr.). *Country Reports on Human Rights Practices for 2008* of the United States Department of State cites 20 armed attacks against Roma in 2008 (ibid., Sec. 5), while the European Roma Rights Centre (ERRC) is cited by Amnesty International (AI) as reporting 39 attacks between January 2008 and June 2009 (AI 7 Aug. 2009). Between 2008 and 2009, approximately six to eight Roma were killed and dozens injured in what various sources describe as racist attacks (ibid.; HRF 9 June 2009, 3; MTI 4 Aug. 2009; ERRC 31 July 2009; *The New York Times* 27 Apr. 2009). According to AI, "[t]he increasing number of attacks against Roma individuals and their homes has created a climate of fear and intimidation in that community" (AI 7 Aug. 2009).

The Director of the Hungarian Foundation for Self Reliance (Autonómia Alapítvány) – an independent private foundation established in 1990 to support local civic initiatives related to the Romani community – claimed that Romani victims of violence "received little sympathy from the majority of the Hungarian population" and that expressions of solidarity from politicians were insufficient or insincere (Autonómia Alapítvány 22 Aug. 2009). According to a 2009 report from the European Commission Against Racism and Intolerance (ECRI) of the Council of Europe, Romani victims of violence are reportedly reluctant to report attacks directed against them for a variety of reasons, such as shame, fear of retribution or the perception that their complaint will not lead to positive action (Council of Europe 24 Feb. 2009, Para. 67). Instead, some Romani communities have reportedly set up their own neighbourhood patrols to guard against racial violence (*Der Spiegel* 27 Aug. 2009; *Budapest Times* 6 Aug. 2009; *The Guardian* 3 May 2009).

State efforts

Sources state that the Hungarian government has taken a number of legal and institutional measures to improve the situation of the Romani minority (Freedom House 2009; OSI 2007,

187). According to the Open Society Institute (OSI), "Hungary has one of the most advanced systems for minority protection in the region" (ibid.). In 2008, Hungary allocated a budget of approximately 5.2 billion forints (HUF) [1 CAD = 176.12 HUF (Xe.com 9 Oct. 2009)] to various ministries and local governments for programs supporting Romani integration, compared with 4.5 billion forints in 2007 (Hungary 4 June 2009, 30). However, a May 2008 report published by the state audit office indicated that despite a significant increase in government funding to Romani programs, resources "routinely failed to reach the groups with the greatest needs" (US 25 Feb. 2009, Sec. 5).

The Hungarian Government lists a number of institutions within the state apparatus, including the Roma Integration Department within the Ministry of Social Affairs and Labour, the main government body responsible for Romani integration (Hungary 9 June 2009, 2) and the Council of Roma Integration, a "consultative, advisory body," which coordinates measures between various ministries on the social inclusion of Roma (ibid.; MRGI 2009). The Inter-ministerial Committee on Roma Affairs is a government body headed by the leader of the Romani self-government that "coordinate[s] state tasks pertaining to Roma issues" (Hungary 4 June 2009, 11; US 25 Feb. 2009, Sec. 5).

Legislation

Section 174/B of the Penal Code criminalizes violence, or the preparation of violence, against members of a national, ethnic, racial or religious group (Hungary 9 June 2009, 2; Council of Europe 24 Feb. 2009, Para. 18). However, the ECRI states that the stricter penalties provided for by this Section discourage the prosecution of crimes that may be racist, which are difficult to prove, as perpetrators avoid admitting racism as a motivation (ibid., Para. 22). Moreover, ECRI notes that racist motivation is not an aggravating circumstance for ordinary criminal offences (ibid., Para. 18).

Section 269 of the Penal Code criminalizes inciting hate with up to three years' imprisonment (Hungary 9 June 2009, 2). The Hungarian government has made several recent attempts to criminalize hate speech, but the bills to introduce this new legislation have so far been ruled unconstitutional by the Constitutional Court (HHC June 2009, 5; AI 2009; Council of Europe 24 Feb. 2009, Para. 10).

Police relations with Roma

Research by the Hungarian Helsinki Committee (HHC) completed over a six-month period in 2007-2008 "concluded that Roma people are three times more likely to be stopped by police than non-Roma persons" (HHC June 2009, 2). An investigation conducted in 2008 by the Parliamentary Commissioner for the Rights of National and Ethnic Minorities (Minorities Ombudsman) came to similar conclusions, acknowledging "the existence of ethnic profiling in the police practice, the discriminative practice of ID checks and the lack of effective agreements of cooperation between the police and Roma minority self-governments" (ibid.).

Human rights reports note that cases of police brutality against Roma have occurred (Council of Europe 24 Feb. 2009, Para. 175; Freedom House 2009; US 25 Feb. 2009, Sec. 1c). The Office of the Chief Public Prosecutor reports that in 2008, there were 15 complaints of police mistreatment and 10 complaints of use of force during interrogation, resulting in a total of 18 indictments (ibid., Sec. 1c). *Country Reports 2008* adds that "many victims remained fearful of seeking legal remedies or of notifying NGOs [non-governmental organizations]" and cites NGOs as stating that most complaints were made by Roma (ibid., Sec. 5).

In 2008, an Independent Board for complaints against the police was created to "investigate concrete complaints against the actions of police" (Hungary 30 Sept. 2009). Composed of five legal experts elected by Parliament for 6 years, the Board is an independent body that offers

viewpoints to the police on decisions taken and provides "recommendations to improve the work of the Police as well" (ibid.). Information on the effectiveness of this board could not be found among the sources consulted by the Research Directorate.

Following attacks against Roma in 2008 and 2009, the government created a special group of 100 police officers to investigate cases believed to be linked and offered a reward of 50 million forints for useful information on the murders (HHC June 2009, 3; Hungary 9 June 2009, 1). The reward was later doubled to 100 million forints (*Budapest Times* 10 Aug. 2009; MTI 4 Aug. 2009). Police also reinforced their presence in nearly 200 small communities to protect citizens from further violence (Hungary 9 June 2009, 1). The National Police has also held two regional conferences to inform Romani leaders about progress in the investigations and to seek new ways to prevent discrimination and anti-Romani crime in Romani communities (ibid., 2).

Of the 45,000 police and border guards in Hungary in 2007, approximately 800 (1.8 percent) were Roma (Council of Europe 24 Feb. 2009, Para. 179). In the 2005-2006 school year, 20 Roma entered secondary law enforcement schools and 2 entered the Police College (Hungary 4 June 2009, 46). To address the high proportion of Roma failing police academy entrance exams, the Ministry of Justice and Law Enforcement has begun a sports program for Romani youths aged 10 to 12 years aimed at steering them towards a career in the police force; by 2008, there were 200 Roma enrolled in this program (Council of Europe 24 Feb. 2009, Para. 178).

Recourse and support services

In 30 September 2009 correspondence, an official with the Embassy of Hungary provided a description of recourse mechanisms available to victims of discrimination and physical violence. With regard to victims of discrimination, the offended party can turn to the Parliamentary Commissioner for the Rights of National and Ethnic Minorities (Hungary 30 Sept. 2009; see also Hungary 14 Mar. 2008). The Minorities Commissioner (or Minorities Ombudsman) aims to

investigate or to have investigated any violations which come to his attention concerning national and ethnic rights, and to initiate general or individual measures in order to remedy them. The Minorities Commissioner examines whether the processes of the authorities and public service providers (for example, local governments, the police, gas works, and billing companies) comply with the requirements of constitutionality and legality. The Minorities Commissioner may also take action if he becomes aware of unjust procedures or negative discrimination. The Minorities Commissioner helps in enforcing the rights of complainants by (a) informing them about the applicable rules of law, and the available possibilities of legal remedy, (b) issuing interpreting provisions on minority rights (legally non-binding standpoints) and (c) through mediation. (Hungary 30 Sept. 2009; see also Hungary 14 Mar. 2008)

According to the Minority Rights Group International (MRGI), the Minorities Commissioner "plays an active role in the examination of allegations of discrimination against the Roma community and promotes a uniform anti-discrimination law" (2009). However, the HHC criticizes what it considers the limited scope of corrective action that can be taken by the Minorities Ombudsman in cases of abuse (June 2009, 3).

The Equal Treatment Authority (ETA) is an independent organization established by the Hungarian government, that is tasked with investigating complaints of discrimination against public bodies such as the police, military, municipalities, and schools (Hättér 18 Aug. 2009; Hungary 30 Sept. 2009; see also Hungary 2007) in the fields of employment, education, access to goods or any other field (HHC June 2009, 4; Council of Europe 24 Feb. 2009, Para. 30). Between 2005 and 2006, approximately 30 percent of cases handled by the ETA concerned

Roma (UN 4 Jan. 2007, Para. 16). The ETA may take various actions against an offending body, such as ordering it to cease its discriminatory practice, publicizing the result of an investigation or imposing a fine of up to 6,000,000 Hungarian forints (Hungary 2007; Háttér 18 Aug. 2009; HHC June 2009, 4). The ETA found seven occurrences of ethnic discrimination in 2007, four in 2008 and one in the first half of 2009 (with an agreement being reached by parties in two other cases) (ibid.). For example, on 19 December 2007 the ETA imposed a 600,000 forint fine on a pizzeria that had placed a sign outside its doors stating "We don't serve Gypsies" (ERRC 2007, 57).

Other possible avenues for recourse in cases of discrimination include: the Parliamentary Commissioner for Civil Rights (PCCR), which investigates violations of constitutional rights by public bodies; the Independent Police Complaints Commission (IPCC); the Hungarian Labour Inspectorate; the National Consumer Protection Authority; the Commissioner for Educational Rights; the Health Insurance Supervisory Authority; the Patients' Rights Representatives; and the Central Office of Justice, which provides "counselling, legal aid and financial help for victims of crimes, in particular those who suffered bodily or emotional harm and mental shock" (Háttér 18 Aug. 2009; see also Hungary 30 Sept. 2009). In 2008, the PCCR had a caseload of 1,033, of which 501 involved cases from the Romani minority (Hungary 2009, 120).

Victims of discrimination may also take their case to various courts, such as the Labour Court in employment cases (Háttér 18 Aug. 2009). According to information provided by the Embassy of Hungary:

Damage can only be awarded by the court. To get compensation the victim has to sue the violator at the court. In case of labour discrimination the offended person can initiate a court proceeding at the Labour Court. In other cases the discriminative act can violate the personal rights of the individual which falls under the authority of the Civil Court. According to the Criminal Code 'any person who assaults another person for being part, whether in fact or under presumption, of a national, ethnic, racial or religious group, or of a certain societal group, or compels him by applying coercion or duress to do, not to do, or to endure something, is guilty of a felony and' can be punished by the Criminal Court by imprisonment for up to five years. (Act IV of 1978 on the Criminal Code Section 174/B. (1)). (30 Sept. 2009)

Unlike the ETA, courts may offer damages to victims (Háttér 18 Aug. 2009; Council of Europe 24 Feb. 2009, Para. 48); however, the procedures are reportedly "very long and the willingness of courts to acknowledge non-material damage is very low" (Háttér 18 Aug. 2009).

Since 2001, attorneys at the Roma Anti-Discrimination Network Service (run jointly by the Ministry of Justice and Law Enforcement and the National Roma Self-Government) have been providing free legal aid to Romani clients in discrimination cases (HHC June 2009, 4; Hungary 30 Sept. 2009). As of June 2009, there were between 30 and 44 attorneys working in the Network (HHC June 2009, 4; Hungary 4 June 2009, 11), an increase from 23 in 2001 (HHC June 2009, 4).

In 2007, however, the United Nations (UN) Independent Expert on Minority Issues wrote that "it is likely that due to lack of information and inadequate coverage of an effective social worker system in disadvantaged areas and isolated settlements, a relatively high percentage of Roma are failing to apply for full benefits to which they are entitled" (UN 4 Jan. 2007, Para. 54). For example, a survey by the European Union Minorities and Discrimination Survey (EU-MIDIS) found that 78 percent of Romani respondents from Hungary were unaware of any organization that offered support services for people who faced discrimination (EU 2009, 7).

Non-governmental organizations (NGOs)

According to the Director of the Autonómia Alapítvány, NGOs such as the Roma Civil Rights

Foundation (RPA), the Legal Defence Bureau for National and Ethnic Minorities (NEKI) and the Legal Counselling Office of the Roma Parliament have a better reputation than government organizations for assisting Romani victims of discrimination (22 Aug. 2009). NGOs provide anti-discrimination training for members of the judiciary (UN 4 Jan. 2007, Para. 49). According to the HHC, organizations like NEKI and the RPA have "limited financial and human resources," which restricts the number of cases that they can take per year (HHC June 2009, 3). As of June 2009, a coalition of NGOs funded by the OSI was reportedly in the process of establishing a legal aid program for victims of hate crimes (ibid.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

Amnesty International (AI). 7 August 2009. "Romani Woman Shot Dead in Hungary." (EUR 27/001/2009) <<http://www.amnesty.org/en/library/asset/EUR27/001/2009/en/d1a2aa15-5450-401b-998f-9b462c357077/eur270012009en.html>> [Accessed 12 Aug. 2009]

_____. 2009. "Hungary." *Amnesty International Report 2009*. <<http://thereport.amnesty.org/en/regions/europe-central-asia/hungary>> [Accessed 25 Aug. 2009]

Autonómia Alapítvány (Hungarian Foundation for Self-Reliance). 22 August 2009. Correspondence sent by the Director.

Budapest Times. 10 August 2009. "Spate of Anti-Roma Attacks Claims Sixth Life." <<http://www.budapesttimes.hu/content/view/12786/219/>> [Accessed 14 Aug. 2009]

Council of Europe. 24 February 2009. European Commission Against Racism and Intolerance (ECRI). *ECRI Report on Hungary (Fourth Monitoring Cycle)*. <<http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Hungary/HUN-CbC-IV-2009-003-ENG.pdf>> [Accessed 16 Aug. 2009]

European Roma Rights Centre (ERRC). 31 July 2009. Jeno Kaltenbach and Catherine Twigg. "Spoken Today, Committed Tomorrow." (*Roma Rights Quarterly*/Factiva)

_____. 2007. "Snapshots from Around Europe." *Roma Rights*, No. 4. <<http://www.errc.org/db/02/F7/m000002F7.pdf>> [Accessed 16 Sept. 2009]

_____. 8 August 2006. *Working Group on Minorities: Statement on Item 3 (a) of the twelfth session: Reviewing the promotion and practical realization of the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities*. Presented at the 12th session of the UN Sub-Commission on the Promotion and Protection of Human Rights, 8 August 2006, Geneva, Switzerland. (ecoi.net) <http://www.ecoi.net/file_upload/228_1161599158_european-roma-rights-centre-hongary.doc> [Accessed 16 Sept. 2009]

European Union (EU). 2009. European Union Minorities and Discrimination Survey (EU-MIDIS). *Data in Focus Report: The Roma*. <www.crin.org/docs/EU_MIDIS_ROMA_EN.pdf> [Accessed 16 Sept. 2009]

Freedom House. 2009. "Hungary." *Freedom in the World 2009*. <http://freedomhouse.org/inc/content/pubs/fiw/inc_country_detail.cfm?year=2009&country=7623&pf> [Accessed 13 Aug. 2009]

The Guardian [London]. 3 May 2009. Nick Thorpe. "Hungarian Roma Take to Streets in Self-Defence." <<http://www.guardian.co.uk/world/2009/may/03/roma-hungary-race-discrimination>> [Accessed 12 Aug. 2009]

Háttér Support Society for LGBT People (Háttér) [Budapest]. 18 August 2009. Correspondence sent by a representative.

Human Rights First (HRF). 9 June 2009. *Written Submission of Paul Legendre Fighting Discrimination Program Director Human Rights First. Briefing on "Hard Times and Hardening Attitudes: The Economic Downturn and the Rise of Violence Against Roma" Before the United States Commission on Security and Cooperation in Europe.* <http://www.csce.gov/index.cfm?fuseaction=files.download&filestore_id=1260> [Accessed 16 Sept. 2009]

Hungarian Helsinki Committee (HHC). June 2009. "Answers of the Hungarian Helsinki Committee." Correspondence sent to the Research Directorate on 17 August 2009.

Hungary. 30 September 2009. Embassy of Hungary, Ottawa. Correspondence from official. _____. 9 June 2009. *Statement for the Record by Ambassador Ferenc Somogyi, Ambassador of Hungary to the United States.* (United States Commission on Security and Cooperation in Europe) <http://www.csce.gov/index.cfm?fuseaction=files.download&filestore_id=1259> [Accessed 16 Sept. 2009]

_____. 4 June 2009. *Third Report Submitted by Hungary Pursuant to Article 25, Paragraph 1 of the Framework Convention for the Protection of National Minorities.* <http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_3rd_SR_Hungary_en.pdf> [Accessed 16 Sept. 2009]

_____. 2009. Ernő Kállai. *Report on the Activity of the Parliamentary Commissioner for the Rights of National and Ethnic Minorities 2008.* <<http://www.kisebbsegombudsman.hu/data/files/144644490.pdf>> [Accessed 16 Sept. 2009]

_____. 14 March 2008. The Parliamentary Commissioner for National and Ethnic Minority Rights. "Office of the Minorities Ombudsman." <<http://www.kisebbsegombudsman.hu/index.php?action=print&item=189>> [Accessed 14 Aug. 2009]

_____. 2007. Egyenlő Bánásmód Hatóság (Equal Treatment Authority). "About the Authority." <http://www.egyenlobanasmod.hu/index.php?g=ebh_aboutEN.htm> [Accessed 13 Oct. 2009]

Magyar Távirati Iroda (MTI). 4 August 2009. "Roma Murders – Police Probe 1,000 People in Connection with Weapons Used." (Factiva)

Minority Rights Group International (MRGI). 2009. "Hungary: Roma." *World Directory of Minorities.* <<http://www.minorityrights.org/?lid=5800&tmpl=printpage>> [Accessed 12 Aug. 2009]

The New York Times. 27 April 2009. Nicholas Kulish. "As Economic Turmoil Mounts, So Do Attacks on Hungary's Gypsies." <<http://www.nytimes.com/2009/04/27/world/europe/27hungary.html>> [Accessed 12 Aug. 2009]

Open Society Institute (OSI). 2007. *Equal Access to Quality Education for Roma: Hungary.* <http://www.eumap.org/topics/minority/reports/roma_education/reports/national/hungary/romeduc_hungary.pdf> [Accessed 16 Sept. 2009]

Der Spiegel [Hamburg]. 27 August 2009. Marloes de Koning. "Roma Killings Expose Social Tensions in Hungary." <<http://www.spiegel.de/international/europe/0,1518,druck-645369,00.html>> [Accessed 8 Sept. 2009]

United Nations (UN). 4 January 2007. *Implementation of General Assembly Resolution 60/251 of 15 March 2006 Entitled "Human Rights Council": Report of the Independent Expert on Minority Issues – Addendum: Mission to Hungary* (26 June-3 July 2006).* (A/HRC/4/9/Add.2) <<http://daccess-ods.un.org/TMP/3734368.html>> [Accessed 16 Sept. 2009]

United States (US). 25 February 2009. Department of State. "Hungary." *Country Reports on Human Rights Practices for 2008.* <<http://www.state.gov/g/drl/rls/hrrpt/2008/eur>>

/119083.htm> [Accessed 13 Aug. 2009]

Xe.com. 9 October 2009. XE Universal Currency Converter. <<http://www.xe.com/ucc/convert.cgi?Amount=1.00&From=CAD&To=HUF&x=32&y=15>> [Accessed 9 Oct. 2009]

Additional Sources Consulted

Oral sources, including: European Roma Rights Centre (ERRC); Hungarian Helsinki Committee (HHC); Legal Defense Bureau for National and Ethnic Minorities (NEKI); Ministry of Justice and Law Enforcement; National Roma Self-Government; Office for National and Ethnic Minorities; Parliamentary Commissioner for the Rights of National and Ethnic Minorities; Partners Hungary Foundation; Public Foundation for the National and Ethnic Minorities Living in Hungary; Public Foundation for the Roma Living in Hungary; Roma Community House.

Internet sites, including: *Courrier international*, Decade Watch, *The Economist*, European Country of Origin Information Network (ecoi.net), Human Rights Watch (HRW), Hungarian Foundation for Self-Defence, International Helsinki Federation for Human Rights (IHF), Legal Defence Bureau of National and Ethnic Minorities (NEKI), Ministry of Justice and Law Enforcement of Hungary, Office for National and Ethnic Minorities of Hungary, Organization for Security and Co-operation in Europe (OSCE), Roma Education Fund, Romanet.hu, Romapage.hu, Radio Free Europe/Radio Liberty (RFE/RL), *Transitions Online*.

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European Commission against Racism and Intolerance
Commission européenne contre le racisme et l'intolérance

[EXERPT]

CRI(2009)3

ECRI REPORT ON HUNGARY

(fourth monitoring cycle)

Adopted on 20 June 2008

Published on 24 February 2009

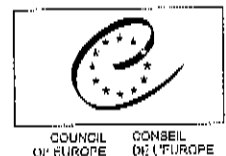


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FOREWORD

The European Commission against Racism and Intolerance (ECRI) was established by the Council of Europe. It is an independent human rights monitoring body specialised in questions relating to racism and intolerance. It is composed of independent and impartial members, who are appointed on the basis of their moral authority and recognised expertise in dealing with racism, xenophobia, antisemitism and intolerance.

In the framework of its statutory activities, ECRI conducts country-by-country monitoring work, which analyses the situation in each of the member States regarding racism and intolerance and draws up suggestions and proposals for dealing with the problems identified.

ECRI's country-by-country monitoring deals with all member States of the Council of Europe on an equal footing. The work is taking place in 5 year cycles, covering 9/10 countries per year. The reports of the first round were completed at the end of 1998, those of the second round at the end of 2002, and those of the third round at the end of the year 2007. Work on the fourth round reports started in January 2008.

The working methods for the preparation of the reports involve documentary analyses, a contact visit in the country concerned, and then a confidential dialogue with the national authorities.

ECRI's reports are not the result of inquiries or testimonial evidences. They are analyses based on a great deal of information gathered from a wide variety of sources. Documentary studies are based on an important number of national and international written sources. The in situ visit allows for meeting directly the concerned circles (governmental and non-governmental) with a view to gathering detailed information. The process of confidential dialogue with the national authorities allows the latter to provide, if they consider it necessary, comments on the draft report, with a view to correcting any possible factual errors which the report might contain. At the end of the dialogue, the national authorities may request, if they so wish, that their viewpoints be appended to the final report of ECRI.

The fourth round country-by-country reports focus on implementation and evaluation. They examine the extent to which ECRI's main recommendations from previous reports have been followed and include an evaluation of policies adopted and measures taken. These reports also contain an analysis of new developments in the country in question.

Priority implementation is requested for a number of specific recommendations chosen from those made in the new report of the fourth round. No later than two years following the publication of this report, ECRI will implement a process of interim follow-up concerning these specific recommendations.

The following report was drawn up by ECRI under its own and full responsibility. It covers the situation as of 20 June 2008 and any development subsequent to this date is not covered in the following analysis nor taken into account in the conclusions and proposal made by ECRI.

proceedings. On 30 June 2008, the Constitutional Court found the 2008 amendments to the Criminal Code unconstitutional.³ At the time of writing, the result of the review of the Civil Code was not yet known.

11. ECRI notes that, whatever the final evaluation made of any possible technical flaws in the remaining civil law provisions at issue, unless there is a significant development in constitutional case-law, it would appear that there is little chance that these or any future attempts to strengthen the legislation against hate speech in Hungary may come into force. In this context, ECRI recognises the efforts made by the Hungarian legislative and executive powers to strengthen the legislation applicable in this field. ECRI notes with particular concern that the present situation in Hungary may not be in conformity with the case-law of the European Court of Human Rights.
12. ECRI recalls in this context the standards set forth in its own General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination, in which it recommends the prohibition under the criminal law of a wide range of acts including, *inter alia*, public incitement to violence, hatred or discrimination, public insults and defamation, or threats against a person or a grouping of persons on the grounds of their race, colour, language, religion, nationality, or national or ethnic origin.⁴ ECRI also recalls that in the same recommendation, the criminalisation of the public expression, with a racist aim, of an ideology which claims the superiority of, or which depreciates or denigrates, a grouping of persons on the grounds of their race, colour, language, religion, nationality, or national or ethnic origin is also recommended.⁵
13. ECRI strongly recommends that the Hungarian authorities keep the adequacy of the criminal law provisions against racist expression under review. It strongly recommends that they take into account international standards in this respect, including the recommendations on criminal law provisions contained in ECRI's General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination, according to which the law should penalise racist acts including public incitement to violence, hatred or discrimination as well as public insults, defamation or threats against a person or a grouping of persons on the grounds of their race, colour, language, religion, nationality, or national or ethnic origin. It recommends that the authorities pay special attention in this regard to ensuring that, in so far as these standards may mean imposing certain limits on the freedom of expression, these limits are interpreted in line with Article 10 of the European Convention on Human Rights and the relevant case-law of the European Court of Human Rights. ECRI further recommends that the Hungarian authorities take measures to increase awareness among judges of international standards against racist expression.
14. In its third report on Hungary, ECRI also encouraged the Hungarian authorities to take into account the recommendations on criminal law provisions contained in its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination, according to which the law should penalise racist acts including: the public denial with a racist aim of the crime of genocide; the dissemination and distribution with a racist aim of racist material; and the creation and activities of a group which promotes racism.

³ Decision No. 236/A/2008. AB

⁴ ECRI General Policy Recommendation No. 7, paragraphs 18a-c (and paragraphs 38-40 of the Explanatory Memorandum).

⁵ ECRI General Policy Recommendation No. 7, paragraph 18d (and paragraphs 38-39 of the Explanatory Memorandum).

15. ECRI notes that in addition to the provisions examined above, proscribing the most extreme forms of racist expression,⁶ Article 269B of the Criminal Code prohibits the use of certain totalitarian symbols. However, beyond this specific prohibition, none of the additional forms of racist expression listed above are prohibited under the criminal law in Hungary.
16. ECRI again encourages the Hungarian authorities to take into account the recommendations on criminal law provisions contained in its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination, according to which the law should penalise racist acts including: the public denial with a racist aim of the crime of genocide; the dissemination and distribution with a racist aim of racist material; and the creation and participation in the activities of a group which promotes racism. It recalls in this respect its recommendation made above with respect to the ratification of the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist or xenophobic nature committed through computer systems.

Criminal law provisions covering racially motivated offences

17. Article 174B of the Criminal Code defines specific offences, notably acts of violence, cruelty, or coercion by threats, committed against persons who are members or supposed members of national, ethnic, racial or religious groups. These offences are subject to more severe penalties than similar offences committed against persons not belonging to such groups. There is no specific form of crime or aggravating circumstance related to acts committed against property with a hate motivation; property is protected regardless of any special characteristics of the victims.
18. The Hungarian authorities have indicated that the overall scheme of specific, hate-motivated offences in Hungary includes the offences of genocide (Article 155 of the Criminal Code) and apartheid (Article 157), as well as the offences of violence against a member of a national, ethnic, racial or religious group (Article 174/B), incitement against a community (Article 269), and use of symbols of despotism (Article 269/B), mentioned above. In addition, certain articles of the Criminal Code, such as those covering murder or grievous bodily harm, expressly grant judges discretion to take account in sentencing offenders of the latter's "base motivations", where these are averred, and the Supreme Court has given guidance to judges on such matters. It is thus open to the judge in each such case to consider an offender's racist motivation as a form of base motivation and take it into account as an aggravating circumstance. Racist motivation is not, however, expressly listed in the relevant provisions as a form of base motivation, and no general provision exists in Hungarian law under which, for all ordinary criminal offences, racist motivation constitutes an express aggravating circumstance. ECRI observes that as a result, it is practically impossible to monitor the situation with respect to racially motivated offences in Hungary; moreover, the absence of such a provision may mean that ordinary offences committed with racist motivations are not systematically prosecuted or punished as such.⁷
19. ECRI recommends that the Hungarian authorities make specific provision in the criminal law for racist motivations for ordinary offences to constitute an aggravating circumstance, taking account of the recommendations contained in ECRI's General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination.

⁶ See above, paragraphs 9-13.

⁷ See below, *Implementation of existing provisions of criminal law*.

Title	World Directory of Minorities and Indigenous Peoples - Hungary : Roma
Publisher	Minority Rights Group International
Country	Hungary
Publication Date	August 2009
Cite as	Minority Rights Group International, <i>World Directory of Minorities and Indigenous Peoples - Hungary : Roma</i> , August 2009, available at: http://www.unhcr.org/refworld/docid/49749d143c.html [accessed 10 June 2011]
Comments	Updated August 2009

World Directory of Minorities and Indigenous Peoples - Hungary : Roma

Profile

The 2001 census recorded 190,046 Roma, although unofficial estimates variously put their number at between 250,000 and 800,000. Hungarian Roma are divided between Romungros or Gypsies who speak Hungarian, the Roms who speak Romani (Lovari) and the Beash who speak an archaic version of Romanian. Much of Hungary's Roma population has been linguistically assimilated and speak Hungarian.

Historical context

During the German occupation, tens of thousands Roma were subjected to violence and deported from Hungary to Nazi concentration camps from where only a very few returned.

After 1945 the socialist system dealt with the Roma question as a social problem. Socialist industrialisation and full employment ensured work for many Roma. The majority of Roma were employed in areas of a temporary seasonal nature offering job opportunities for those with limited skills and qualifications.

During the 1970s and 1980s, the communist authorities in Hungary embarked upon a policy of supporting Roma activities and culture which was quite exceptional at the time in Central and Eastern Europe.

Once the socialist economy started to decline in the 1980s and major state investments and construction projects were halted, factories started dismissing workers. Roma were hardest hit by this recession.

Despite the democratic transformation and establishment of a constitutional state after 1989, the marginalization of the Roma population increased. Roma were the most affected by Hungary's difficult transition period from socialism to market based economy and many lost their employment following economic decline and privatization of state industries.

The EU has emphasised the importance of addressing the situation of the Roma through the accession process leading to Hungary's membership in the EU in 2004. Following the accession criteria defined at a meeting of the EU Council in Copenhagen in 1993, Hungary was required to 'improve the integration of the Roma minority [...] through more efficient implementation and impact assessment of the medium-term Roma action programme, with particular emphasis on

promoting access to mainstream education, fighting discrimination in society (including within the police services), fostering employment, and improving the housing situation'.

In order to meet the accession criteria, EU funding has been made available for Roma-related projects, especially in the education sector. However, as the 2004 EU evaluation report on EU financial assistance to Roma minorities states, due to complex application and selection process and strict deadlines, there were difficulties in effectively utilising funds, in particular at the local levels.

In 1994, a Roma secondary school was opened in Pecs with the aim of educating a future Roma elite. Roma organizations reported, however, continued discrimination in employment, racial attacks and police harassment.

In 1999 the government formed a comprehensive strategy to improve the living conditions and social position of the Roma, focusing particularly on education, culture, health care, housing and the fight against discrimination. This package of measures is regularly reviewed and supplemented wherever necessary, as was the case in 2001. Despite these measures, severe problems remain as was reported by the EU, which set out that even though Hungary has met the accession criteria and despite of the government's efforts, Roma struggle with serious problems.

Governance

With the coming into office of a new Hungarian government in 2006, issues connected to the duties and powers of the former Ministry of Youth, Family and Social Affairs and Equal Opportunities responsible for financing infrastructural development in poor Roma communities were taken over by the Ministry of Social Affairs and Labour.

According to a 2006 Government decision, a new body named the Council of Roma Integration, led by the Minister for Social Affairs and Labour, replaced two earlier bodies: the Inter-ministerial Committee on Roma Issues and the Roma Council. The mandate of the Council of Roma Integration includes expressing opinions on current issues, consultation rights, and the preparation of decision-making. The Council is composed of delegates from the government, the President of the Roma National Self-government and seven representatives of the Roma community. The Minister appoints these members of the Council. The Minority Affairs Ombudsman and the Head of the Authority of Equal Opportunities are invited to all sessions of the Council.

The Minority Affairs Ombudsman plays an active role in the examination of allegations of discrimination against the Roma community and promotes a uniform anti-discrimination law. The Ministry of Justice also funds a Roma anti-discrimination legal service network, which provides free legal aid to Roma in cases where they had been discriminated against based on their ethnicity.

An international initiative called The Decade of Roma Inclusion running from 2005 to 2015 was launched in 2005 in nine Central, Eastern and South-Eastern European countries, including Hungary, with the financial support of, amongst others, the World Bank and the UN Development Programme. Its aim is to improve the economic status and social integration of the Roma population by developing appropriate policies to achieve these objectives and by monitoring performance. In Hungary, a working group has been set up at prime ministerial level under the leadership of the Hungarian Prime Minister with the aim of coordinating Roma integration activities and combating discrimination during the coming decade. In June 2007, the Parliament approved a resolution on the Decade of Roma Inclusion Programme Strategic Plan, setting a framework for action in a series of fields where Roma experience discrimination

and disadvantage in daily life. This resolution complements a large number of measures that have been taken in recent years that may serve to improve the situation of Roma in fields such as education and employment.

As reported by the 2008 country report of the European Commission against Racism and Intolerance wide-ranging measures have been taken in the field of education, with steps taken to address segregation through facilitating the access of multiply disadvantaged children to kindergarten, introducing stricter requirements on the manner in which local authorities draw the boundaries between catchment areas or may organise the composition of classes within schools, and the drawing up of new cognitive tests designed to take better account of cultural differences and socio-economic disadvantage in testing children's development.

Some landmark decisions of courts in this field have also been handed down recently, including on the basis of the provisions of the 2003 Equal Treatment Act (see Hungary entry). A number of measures have also been taken to increase the number of Roma employed in the police force.

Current issues

Living conditions for Roma communities continue to be significantly worse than for the general population. Roma are significantly less educated and have below average income and life expectancy. The unemployment rate for Roma is estimated at 70 per cent, more than 10 times the national average, and most Roma live in extreme poverty.

According to a 2002 study by the World Bank slightly more than 80 per cent of Roma children completed primary education, but only one third continued studies into the intermediate (secondary) level. This is far lower than the more than 90 per cent proportion of children of non-Roma families who continued studies at an intermediate level. The report highlights that a large proportion of young Roma are qualified in subjects that provide them only limited chances for employment and their low status on the job market and higher unemployment rates cause poverty, widespread social problems and crime.

Widespread discrimination against Roma continues in education, housing, penal institutions, employment and access to public institutions, such as restaurants and pubs. The Committee on the Rights of the Child in its 2006 Concluding Observations noted that despite legislative advances by way of the Act on Equal Treatment and the Promotion of Equal Opportunities adopted in 2003 and several measures and programmes aiming at the elimination of discrimination, discriminatory and xenophobic attitudes, in particular towards the Roma population, remain prevalent and that especially Roma children suffer from stigmatization, exclusion and socio-economic disparities, notably related to housing, unemployment, access to health services, adoption and educational facilities because of their ethnic status.

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NGOs report racial discrimination in adoption and high rates of removal of children from Roma families by child protective services. NGOs claim that city councils have threatened to remove children from Roma families in order to more easily evict those families for non-payment of public utilities.

Roma face discrimination in housing – according to the Roma Civil Rights Foundation (RCRF), many municipalities employ a variety of techniques to prevent Roma from living in the more

desirable neighbourhoods of their cities. Such techniques include the misappropriation by local governments of social housing designated for the poor by auctioning it off to the highest bidder, as well as the eviction of Roma from areas slated for renovation without providing enough financial compensation for them to move back once renovations were completed. The RCRF also reported that district councils threatened to take children away from Roma families to expedite evictions. On 2 May 2005, the parliamentary commissioner for national and ethnic minority rights formally requested that the Minister of Interior open a countrywide investigation into racial discrimination against Roma in the allotment of social housing.

Allegations of police brutality against Roma continued. In the first half of 2005 34 police officers were charged with assault and 6 others were charged with 'forced interrogations'. NGOs estimated that approximately half of these police abuse cases involved Roma victims. In its 2007 Report the UN Committee against Torture was concerned at reports of a disproportionately high number of Roma in prisons and ill-treatment of and discrimination against the Roma by law enforcement officials, especially the police.

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The Committee for the Rights of the Child in 2006 recognised certain efforts made by the State to reduce segregated education in Hungary but was concerned that many Roma children are still arbitrarily placed in special institutions or classes and that the quality of schools suffers from regional disparities, access to pre-schools is reportedly limited in regions where poverty is high and Roma population is dominant.

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policies to achieve these objectives and by monitoring performance. In Hungary, a working group has been set up at prime ministerial level under the leadership of the Hungarian Prime Minister with the aim of coordinating Roma integration activities and combating discrimination during the coming decade.

In her report on the mission to Hungary presented at the 4th Session of the UN Human Rights Council in January 2007, the UN Independent Expert on Minority Issues highlighted the severe discrimination, exclusion and poverty faced by Roma communities in Hungary. She expressed immediate concerns that current moves by the newly re-elected Government to restructure its previous institutional focus on Roma issues, in favour of a broad-based policy to address "disadvantaged groups", will lead to an erosion of progress on Roma issues. She highlighted concern over the situation of Roma in the fields of education, employment, health, housing, and criminal justice, as well as the need to comprehensively address societal discrimination and anti-Roma prejudice.

The Independent expert was particularly concerned for the situation of multiple discrimination faced by Roma women and recommended that the full and effective participation of Roma women should be an essential component of Government and civil society efforts to address gender issues.

The Fundamental Rights Agency, the EU agency mandated to monitor racism and xenophobia across the Member States of the EU has acknowledged that as a result of political populism minorities, migrants and other vulnerable groups have increasingly become targets of organized racist violence, which is also case in Hungary, where a right wing radical paramilitary group was created with openly anti-Semitic and anti-Romani aims. On 23 February 2009 a Roma father and his 5-year-old son were shot dead in an attack on a family home in Tatarszentgyorgy, a village 40 miles south-east of Budapest, and two children were injured when the house was set on fire. A crowd of five thousand people, Roma and non-Roma, including politicians, Members of Parliament and the European Parliament and civil rights activists gathered to show solidarity at the funeral of the boy and his father held on 3 March. According to media reports and information provided by the Hungarian Chief of Police and the European Roma Rights Centre (ERRC) and the Open Society Institute, since the beginning of 2008 there have been fifteen incidents of Roma houses being firebombed with Molotov cocktails, and two attacks on Roma homes with hand grenades. During this time, at least five people of Roma origin have been murdered and more seriously injured in these and other incidents involving stabbings and beatings. On 28 February, in an interview to a Hungarian daily Nepszabadsag, Hungarian President Laszlo Solyom stated that the attacks were a wake-up call for Hungary but advised on that the relations between the Roma and majority society is a strategic problem for the future not just in Hungary but in Eastern Europe and the Balkans as well, in particular in light of the economic crisis. In a statement issued on the incident, the ERRC criticised the poor track record of law enforcement in identifying and prosecuting offenders and called on the authorities to characterize and prosecute such crimes as hate crimes under the Hungarian Criminal Code.

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Hungary Failing To Solve Roma Murders



Text

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Police declined to comment on the case.

Hungary's Justice Minister on Tuesday vowed to boost police presence in rural areas and acknowledged police failed to solve murder cases against Roma people after the killing of a boy and his father this week.

Justice Minister Tibor Draskovics promised to toughen legislation for

crimes involving weapons and put police in every village by the end of the year, but said police could not erase the country's rising ethnic tensions.

"We have not been able to track down the perpetrators of these crimes even though we have a 95 percent detection rate in homicide cases overall," Draskovics told parliament.

"The real change will have to happen inside us," Draskovics said. "The fight against hatred is not a police job."

Monday's killings in Tatarszentgyorgy, 65 km southeast of Budapest, were the latest in a series of more than a dozen attacks on Roma in which 7 people have died over the past year.

It was not known whether the attack was racially motivated, but Roma community leaders said it bore eerie similarities with other attacks and indicated systemic aggression on Roma.

Police declined to comment on the case.

The Roma community is Hungary's largest minority making up 5 to 7 percent of the population of 10 million. Recession and job losses are stoking resentment against the Roma in Hungary.

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Hungarian Roma take to streets in self-defence

Nick Thorpe in Tiszalök, Hungary
The Observer, Sunday 3 May 2009

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Relatives mourn a Roma man shot dead while leaving his home in Tiszalök last month. Photograph: Bela Szandelszky/AP

Panicked Roma communities in Hungary are forming self-defence groups after a spate of attacks on their settlements claimed five lives in 10 months. The murders have led police to double the size of a task force investigating anti-Roma crimes and police sources believe the same group may be responsible for attacks using rifles and home-made explosives. Far-right groups have denied any links to the attacks, but emphasise the need to fight "Gypsy crime".

"We're getting organised," says Gyula Borsi, a Roma leader in Tiszalök, north-east Hungary, where the latest victim was buried last week. "We have no other choice. We won't permit our members to carry weapons of any sort," he said, "no guns, no axes." The new Roma civil defence groups will patrol until dawn in groups of six in the streets of the cigány-telepek - the Gypsy ghettos - where the Roma of eastern Europe are usually found.

Ninety per cent of Roma interviewed in Hungary in a recent EU survey said discrimination due to ethnic origin was widespread, followed by 83% in the Czech Republic and 81% in Slovakia. The report, by the EU Agency for Fundamental Rights, found "high levels of discrimination and victimisation among the Roma in the seven member states surveyed".

The figures for Hungary are particularly alarming, because until now, the country had claimed to have one of the more enlightened pro-Roma policies in the region. There are elected local minority councils, a system of scholarships for secondary and higher education, and carefully calibrated funds for schools to try to ensure classes have no more than 25% minority pupils.

In the Czech Republic, 500 activists of the far-right Workers Party attacked a Roma settlement in Litvinov, north of Prague last November, with machetes, pitchforks and Molotov cocktails. Three hundred Roma, also armed, gathered to defend their

community. At least seven riot police and seven demonstrators were injured in running battles. In Slovakia last month, the minority rights ombudsman called for an investigation after a video was broadcast showing policemen forcing Roma boys to strip and slap each others' faces, in the eastern city of Kosice.

In Hungary, the latest victim of the attacks on the Roma, 54-year-old Jeno Koka was buried in Tiszaölök on Wednesday, with all the honour and pageant that a poor, marginalised community can muster. Hundreds of mourners came from miles around.

"A storm has descended on us," Sandor Gaal, the Protestant bishop of eastern Hungary, told the assembled crowd. As a Gypsy band played, many onlookers wept.

"Everyone in the community, regardless of ethnic background, condemns this murder," said Sandor Gomzern mayor of Tiszaölök. "Many people are afraid that recent tension between the majority and minority will increase." Tiszaölök recently came third in a national league for offences per head of the population. At 20%, unemployment is double the national average. Factories are closing, or cutting their workforces, as a result of the recession.

According to liberal commentators, Gypsies have now replaced Jews as the main butt of middle-class hostility in eastern Europe. Jobbik, a far-right party hostile to the Roma, won only 2% in the last elections, but now expects to easily break the 5% threshold and enter parliament in the next. Its party website states: "The phenomenon of Gypsy crime is a unique form of delinquency which is different from the crimes of the majority in nature and force."

"What we're saying is that there is a problem in Hungary that has been swept under the carpet for quite a while," says Zoltan Puzessy, a spokesman on foreign relations for the party. "Jobbik is basically just trying to open a discussion about it." A paramilitary off-shoot of Jobbik, the Hungarian Guard, was formed in 2007, as a "uniformed self-defence group".

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