



Office for Democratic Institutions and Human Rights

## **ADDRESSING VIOLENCE, PROMOTING INTEGRATION**

### **FIELD ASSESSMENT OF VIOLENT INCIDENTS AGAINST ROMA IN HUNGARY: Key Developments, Findings and Recommendations**

**June-July 2009**



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## *1. Introduction*

In late 2008 and the first half of 2009, a series of violent incidents took place in Hungary that resulted in the deaths of several Roma and the injury of numerous others.<sup>1</sup>

Civil society actors in Hungary and international community representatives, including the OSCE Office for Democratic Institutions and Human Rights (ODIHR), began to draw attention to these violent incidents in late 2008 and called for vigilance in investigating these crimes and protecting Roma communities.

ODIHR initiated consultations with the Hungarian authorities in early 2009 for a field assessment visit, which ultimately took place in June-July 2009.

The ODIHR-led delegation included representatives from the OSCE Chairmanship, the office of the OSCE High Commissioner on National Minorities and the OSCE Secretariat's Strategic Police Matters Unit, as well as the Personal Representative of the OSCE Chairperson-in-Office on Combating Racism, Xenophobia and Discrimination (see Appendix 2 for a list of delegation members).

The objective of the visit was to assess the situation, with a focus on the factors that led to the escalation of violence and attacks against Roma, the measures taken by the authorities to prevent further attacks and ensure effective remedy for victims, and areas where ODIHR could support the government in effectively addressing the violence.

The delegation met with government officials, elected members of self-governments, police representatives, members of the Roma community and of national and international NGOs (see Appendix 3 for full list of meetings).

The delegation visited 12 locations,<sup>2</sup> including the villages where some of the fatal incidents took place.

The visit was undertaken in accordance with the provisions of the Action Plan on Improving the Situation of Roma and Sinti in the OSCE Area, adopted at the Maastricht Ministerial Council in 2003, which mandates ODIHR, among other things, to “assume a proactive role in analysing measures undertaken by participating States, as well as in particular situations and incidents relating to Roma and Sinti people”.<sup>3</sup>

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<sup>1</sup> An extensive list of reported incidents, based on official sources as well as media-monitoring reports, is provided in Appendix 1.

<sup>2</sup> Nagycséc, Tatárszentgyörgy, Tiszalök, Fadd, Nagybörzsöny, Pécs, Kiskunlacháza, Szomolya, Vámospércs, Derecske, Miskolc and Budapest.

<sup>3</sup> Ministerial Council Decision No. 3/03, “Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area”, Maastricht, 1-2 December 2003, <[www.osce.org/item/1751.html](http://www.osce.org/item/1751.html)>.

As an OSCE participating State, Hungary is committed to implementing the provisions contained in the OSCE Action Plan, as well as a number of other OSCE commitments related to Roma and Sinti and combating hate crimes.<sup>4</sup> Other international human rights instruments are also relevant, including legally binding treaty obligations that prohibit discrimination on the basis of racial, national or ethnic origins.<sup>5</sup>

The field assessment delegation carefully studied information provided by the Government of Hungary, including written material about responses to the violent attacks and about governmental measures regarding Roma inclusion, which the Government provided to ODIHR in advance of the visit.<sup>6</sup>

*Note: This report is based principally on the field visit and findings the delegation gathered through discussions with relevant actors in Hungary, as well as on preparatory research conducted by ODIHR and continuing assessment of the situation through the end of 2009. While subsequent developments are not analyzed in the report, some developments in Hungary in early 2010 – in particular the results of the 2010 parliamentary elections – underscore the continuing relevance of the recommendations. The Jobbik party, cited below for its increasingly harsh anti-Roma rhetoric, gained a place in the new Hungarian parliament for the first time. Moreover, in the first quarter of this year, two new attacks against Roma were reported by civil society. On the positive side, a Holocaust-denial law was adopted by the National Assembly. The Police also recognized and agreed with the findings of the Independent Police Complaints Committee regarding the mishandling of the investigation in the prominent “Tatárszentgyörgy case”, which is described below.*

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<sup>4</sup> For example: OSCE Ministerial Council, Decision No. 8/09, “Enhancing OSCE Efforts to Ensure Roma and Sinti Sustainable Integration”, Athens, 2 December 2009; Ministerial Council Decision No. 9/09, “Combating Hate Crimes”, Athens, 2 December 2009. A fuller compilation of relevant OSCE commitments can be found in Appendix 4.

<sup>5</sup> Hungary is a State Party, inter alia, to: the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social, and Cultural Rights (ICESCR); the Convention on the Elimination of All Forms of Racial Discrimination (ICERD); and the European Convention on Human Rights (ECHR).

<sup>6</sup> A summary of information concerning governmental measures to promote Roma inclusion can be found in Appendix 5.

## *2. Summary of Key Developments, Underlying Context and Major Recommendations*

A number of violent incidents took place in Hungary in late 2008 and the first half of 2009 that resulted in the deaths of several Roma, the injury of numerous others, and the destruction of houses and other property owned by Roma. Media and NGO sources reported that approximately 40 violent attacks on Roma and their property occurred over an 18-month period in 2008 and 2009, resulting in a high level of insecurity and fear among the Roma population. Similarities among these incidents included the apparent targeting of Roma on the outskirts of small villages with a combination of incendiary devices and small-arms fire.

The field assessment delegation obtained first-hand information about the incidents and reactions to them, visiting survivors of the attacks as well as Roma community and NGO leaders, police and other officials at the national and local levels.

The delegation learned that mainstream Hungarian political figures condemned the incidents and that law-enforcement agencies investigated them, increasingly focusing on the likelihood that some of the incidents constituted a series of planned and bias-motivated attacks.<sup>7</sup>

Ultimately, the Hungarian authorities stepped up investigation of the incidents as hate-motivated crimes. Subsequent to the field visit, in August 2009, after the total number of fatalities with apparent bias motivation grew to at least six,<sup>8</sup> the authorities arrested four persons and charged them with responsibility for at least nine of the violent attacks.

The field assessment delegation thanks the authorities for their co-operation and wishes to highlight their actions to address violence against Roma, while offering both long-term structural and shorter-term operational recommendations to reduce the likelihood of similar incidents and for reacting swiftly and appropriately should any such incidents occur in the future.

The delegation was pleased to learn of many good practices, which are also reflected in this report, that have been developed by national and local authorities, mainstream civil society organizations and Roma themselves to address both the violent incidents and underlying conditions affecting the Roma minority population.

Nevertheless, the delegation also notes that official reactions to the violent incidents were initially perceived by victims and civil society representatives as rather slow and less robust than necessary. Moreover, Roma, including their leaders expressed particular concern to the delegation about the extreme Jobbik party, as well as the Hungarian Guard paramilitary association, which was established by Jobbik and headed by the party's

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<sup>7</sup> Police grouped the crimes into two categories: nine cases (at the time of the visit only eight) constituted a series of organized crimes and the rest sporadic, unorganized attacks.

<sup>8</sup> Various reports have cited up to eight or nine Roma deaths in the series of incidents under review. At least two deaths in Pécs, however, resulted in convictions of Roma perpetrators for crimes where there was no credible allegation of bias motivation.

leader, and whose rhetoric evolved from generalized nationalism and extremism to become more and more explicitly focused on inflammatory remarks about the Roma population in 2008 and 2009.

An observable rise in anti-Roma rhetoric among extreme political forces and physical violence against Roma came against the background of long-standing unresolved issues and tensions relating to the integration of Roma communities into Hungarian society. Roma leaders told the delegation that socio-economic conditions for Roma in Hungary have not improved and, in some respects, have deteriorated in recent years. They highlighted negative trends such as the loss of urban employment opportunities due to industrial restructuring and downsizing as well as a reduction in rural employment of ethnic Hungarian as well as Roma citizens.

The overall demographic trends reportedly include Roma migration from cities and towns to smaller rural communities where economic opportunities are limited. Although there has been a net outmigration of ethnic Hungarians from such rural communities, Roma are nevertheless seen by the remaining majority community and many local officials as unwanted outsiders.

In this complex demographic context and against the background of overall economic hardship in Hungary, resulting from the impact of the worldwide economic and financial crisis as well as local factors, local authorities (including some mayors) and members of the majority community have increasingly accused Roma citizens of posing a burden on the social welfare system and of responsibility for perpetrating many (mainly petty) crimes.

Extremist forces particularly fanned anti-Roma sentiments by drawing attention to incidents in which Roma committed or were initially accused of committing serious crimes. The most prominent cases of this kind included the killing of an ethnic Hungarian teacher in the village of Olaszliszka in 2006 (for which Roma were arrested and convicted), the rape and murder of a 14-year-old Hungarian girl in the town of Kiskunlacháza in 2008 (for which Roma individuals were initially accused by the local public but an ethnic Hungarian was arrested), and the killing of a Romanian athlete in Veszprém in 2009 (for which several Roma were arrested).

Jobbik and the Hungarian Guard widely exploited these cases to increase the focus on openly racist statements in the media and posters on alleged “Gypsy criminality,” especially in the campaign for elections to the European Parliament in 2009.

Over the long term, Hungarian society, including the authorities and Roma communities, will need to deal much more vigorously and effectively with the challenges of better integrating Roma into the mainstream of Hungarian society. Key underlying problems include economic disparities, exclusion, unemployment and welfare dependency, housing segregation and discrimination, lack of proper representation, a disproportionate share of Roma in underdeveloped areas of Hungary, widespread open and subtle discrimination against Roma by public and private institutions, and great inequalities in educational

opportunities, as well as deeply entrenched stereotypes and distrust among majority ethnic-Hungarian and minority Roma communities.

Many tools identified in the OSCE Action Plan on Roma and Sinti, as well as proposals already formulated by various domestic and international actors specifically for Hungary, are available to promote greater social inclusiveness.

Among the most relevant areas for priority, long-term engagement is Roma education, with a long-term focus on early childhood education. While education is clearly a potential tool to promote integration of the Roma community into mainstream Hungarian society, many Roma interlocutors reported that they saw little positive “trickle-down” impact of state funding for education. The situation in some larger cities was reported to be somewhat more positive, especially where government representatives work with Roma self-government bodies to promote education opportunities and integration. Both Roma and non-Roma interlocutors pointed out that the existing legal framework for education and state subsidies for children’s education, which gives parents the right to place children in the schools which best serve their interests, leads in many cases to de facto segregation as ethnic Hungarian parents remove their children from schools in areas with relatively large Roma populations.

Developing and implementing programmes that are able to offer long-term solutions to tackle the high level of unemployment among Roma and decrease their welfare dependency must also be a high priority.

Other steps that should be taken to promote Roma integration and reduce tensions as well as real disparities are better Roma outreach by Hungarian social service providers, greater efforts by Roma and ethnic Hungarian community leaders to encourage dialogue among their constituencies, and public information activities to overcome negative stereotypes of Roma that are prevalent in the media, public opinion and public discourse about political alternatives.

One positive example of pro-active Hungarian Government engagement on economic issues cited by various interlocutors was the “Road to Work” programme supported by the Ministry of Labour and Social Affairs for the purpose of undertaking public works in disadvantaged communities. Local officials particularly praised the fact that virtually all funding comes from the central government for this employment and public works initiative. Roma interlocutors criticized the temporary nature of the programme, however, as it is designed only to provide employment opportunities for a very limited period and not to provide sustainable employment solutions for its participants.

In this overall context, the delegation strongly recommends that senior political leaders, whether in government at any level or as politicians outside government, undertake a far more proactive approach to promoting Roma integration and display the utmost responsibility in dealing with sensitive inter-ethnic and inter-community dialogue issues involving the Roma population. The delegation notes with satisfaction that a number of communities have developed approaches involving the authorities and Roma self-

government institutions that can serve as best practices for replication on a regional or national level. These examples are limited, however, and the delegation was not aware of any systematic effort to share good experiences in an effective manner so that they could be replicated more broadly.

Authorities, including law-enforcement personnel, should be especially sensitive to the risk that tensions among ethnic communities, and particularly between majority and minority populations such as the Roma, can be heightened at times of economic hardship and competition for employment or social benefits. Similarly, they should also recognize that criminal activities or disorder, regardless of the individuals responsible, can become the basis for extremists or demagogues to identify a disadvantaged group such as the Roma as a scapegoat for social problems.

More specific operational approaches are necessary to deal with the phenomenon of bias-motivated violence against Roma individuals, especially if and when patterns of such violent incidents raise questions about the possibility that individuals or groups are engaging in systematic and/or planned campaigns intended to intimidate Roma communities and individuals. The delegation recommends that the authorities take steps, in close co-operation and consultation with Roma communities, to heighten protection of vulnerable populations especially at times of increased or potentially increased ethnic tensions. Authorities should recognize and react appropriately to mitigate the risk that hate crimes will have a particularly destructive impact on social cohesion.

Particular challenges identified during the field assessment are the relative frequency of extremist anti-Roma statements in the media and public/political discourse and the weakness of legal or political mechanisms to restrict or counter such extremist rhetoric. The delegation is concerned by the formation and development of a political movement that has openly voiced extreme anti-Roma attitudes and used its paramilitary Hungarian Guard organization to induce fear among Roma and, at the same time, to gain public support. The unprecedentedly high share of the votes cast for extreme parties in the 2009 European Parliament elections was a reflection of the way in which Jobbik and others used anti-Roma accusations and hate speech to exploit social tensions and public attitudes toward Roma.

The field assessment delegation recommends that the Hungarian authorities consider how best to address such hate speech and possible incitement to violence by extremist groups or individuals, consistent with OSCE commitments and other internationally accepted standards regarding freedom of expression and freedom of the media. One available tool that must be employed in all circumstances is sharp condemnation by mainstream figures of any manifestations of hate speech or extremism, as well as prompt and resolute condemnation of any physical violence or attacks against members of the Roma community. OSCE participating States, including Hungary, have specifically committed themselves to condemning hate crimes in a forceful and meaningful way.

Other challenges include the weakness of legislation specifically addressing hate crimes and limited capacity to investigate or prosecute such crimes, a challenge that is

compounded by the lack of ethnic identifying data for victims of bias crime in particular. The delegation recommends that the authorities develop methods of collection of disaggregated hate crime data to more effectively implement relevant OSCE commitments in the area of hate crimes. More broadly, the delegation recommends that Hungarian law-enforcement, prosecutorial and judicial authorities develop greater capacities to investigate hate crimes and bring the perpetrators of such crimes to justice. Further, the delegation recommends that authorities reach out to the Roma community in order to improve trust in law enforcement, and thus increase the frequency and quality of the reporting of incidents.

The delegation believes that, without access to proper data, adequate social-inclusion programmes cannot be designed and monitored, and their effects cannot be measured. For this purpose, the need to effectively design, monitor and evaluate Roma-inclusion programmes should be reconciled with Hungarian regulations on the collection and processing of ethnic data. Existing recommendations based on the experience of the Data Protection and Minorities ombudsmen should be utilized, as should recommendations by Roma NGOs and human rights organizations.

In many of the areas mentioned above, ODIHR has developed expertise or collected good practices that it would be pleased to share with Hungarian partners. This specifically includes the areas of promoting early education for Roma children, human rights education, and capacity building for police, prosecutors and judges with regards to hate crime prevention and response, hate crime data collection and investigations, as well as best practices for building trust and understanding between police and Roma communities compiled by ODIHR together with the OSCE Strategic Police Matters Unit (SPMU). Moreover, the rich array of data collected by the delegation during its June-July 2009 field visit provides many examples of positive steps that have already been taken and suggestions from various interlocutors for additional steps that ODIHR would be pleased to discuss in detail with Hungarian partners. In this regard, ODIHR stands ready to organize or assist in organizing a series of roundtables and discussions in which the 2008-2009 incidents and reactions to them could be used as case studies to assist Hungarian partners in developing further strategic and operational approaches to Roma inclusion and hate crime prevention.

Other OSCE Institutions also have valuable expertise to share in such areas as inter-community, inter-ethnic relations, including guidelines on policing prepared by the Office of the High Commissioner on National Minorities (HCNM), and good practices in building police-public partnerships and guidelines on democratic policing prepared by the OSCE Strategic Police Matters Unit (SPMU).<sup>9</sup> The Office of the OSCE Representative

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<sup>9</sup> “Good Practices in Building Police-Public Partnerships by the Senior Police Adviser to the OSCE Secretary General”, OSCE, May 2008, <[http://www.osce.org/spmu/item\\_11\\_31851.html](http://www.osce.org/spmu/item_11_31851.html)>; “Guidebook on Democratic Policing by the Senior Police Adviser to the OSCE Secretary General”, OSCE, 24 January 2007, <[http://www.osce.org/spmu/item\\_11\\_23086.html](http://www.osce.org/spmu/item_11_23086.html)>; “Police and Roma and Sinti: Good Practices in Building Trust and Understanding”, OSCE, April 2010, <[http://polis.osce.org/library/details?doc\\_id=3682](http://polis.osce.org/library/details?doc_id=3682)>.

on Freedom of the Media (RFoM) may be able to offer assistance in enhancing the professional responsibility of media organizations through such tools as introducing effective self-regulation mechanisms and strengthening professional codes of conduct.

ODIHR and its partners in the OSCE stand ready to work with Hungary to do everything possible within their mandate, taking into account OSCE commitments and other international standards, to prevent anti-Roma violence and promote Roma inclusion in the future.

### *3. Violent Incidents against Roma*

The immediate cause of heightened domestic and international concern about the situation of Roma in Hungary beginning in late 2008 was a series of violent incidents leading to loss of life, serious injuries and destruction of property among the Roma community. While any criminal activity leading to such consequences is worthy of condemnation, investigation and prosecution, these incidents attracted particular attention because of circumstances suggesting to many observers that they were targeted against members of a particular community.

It is not possible to determine in every instance, even with the most thorough and professional law-enforcement and judicial processes, whether a crime was motivated by anti-Roma hatred. By visiting the locations where fatalities occurred, as well as other communities experiencing violence against Roma throughout Hungary, the delegation was able to obtain first-hand information from some survivors, victims and witnesses about the details of many incidents reported in contemporary press and civil society reports. This information was consistent with the view of the responsible authorities that anti-Roma hate motivation could not be excluded as a factor in many of the reported incidents.

Five of the localities visited by the delegation had been the sites of violent attacks against Roma and/or their property over the preceding one and a half years, including incidents resulting in the deaths of seven Roma citizens:

#### *Nagycsécs*

On 3 November 2008, a 43-year-old Roma man and a 40-year-old Roma woman were shot dead in Nagycsécs, a village in north-eastern Hungary. Their home was set afire by a Molotov cocktail and the two were killed after they awoke and while they were trying to flee the burning house. A firebomb thrown at another Roma home, across the street, failed to explode. The police offered a 10 million Hungarian forint award for information leading to the arrest of the perpetrator(s). The case is being investigated by the National Bureau of Investigation as one of nine crimes constituting a related series of attacks against Roma.

#### *Pécs*

On the night of 18 November 2008, a hand grenade was thrown into a Roma home in Pécs, a city in south-western Hungary, killing a 31-year-old woman and her 37-year-old partner instantly. Two of their children, three and five years old, were taken to hospital suffering from minor injuries and shock. Later that day, a spokesperson for the Baranya County Police told Hungary's MTI news agency that the victims were Roma, but that early indications from the investigation were that the attack had not been motivated by ethnic hatred. While concerns about prematurely dismissing hate motivation were expressed, subsequent inquiries provided no evidence that the motive for this fatal attack was related to the Roma identity of the victims.

### *Tatárszentgyörgy*

In the early hours of Monday, 23 February 2009, the house of a Roma family in Tatárszentgyörgy, about 40 kilometres southeast of Budapest, was set on fire by a Molotov cocktail. As the family fled from the burning building, which was located at the edge of a group of houses, the perpetrator(s) shot and killed a 27-year-old man and his five-year-old son. The man's wife and six-year-old daughter, as well as a three-year-old child were also injured in the attack.

Neither the police nor the forensic expert investigating the scene immediately after the attack detected the shotgun wounds on the bodies of the man and his son, and they initially determined that the blaze in the home and the two deaths resulted from an electrical fire caused by an improper, illegal connection to the power grid. As a result, the home and the surrounding area were not declared a crime scene and closed off until later in the afternoon on 23 February.

The Director of the National Bureau of Investigation (*Nemzeti Nyomozó Iroda* or NNI) said that there were clear similarities between this attack and others with Molotov cocktails and shotguns targeting homes on the outskirts of the settlement. The police offered a 10 million Hungarian forint award for information leading to the arrest of the perpetrator(s). The case is being investigated by the National Bureau of Investigation and is considered as one of nine crimes constituting a related series of attacks against Roma.

### *Tiszalök*

On 22 April 2009, a 54-year old Roma man was shot as he was leaving for work from his home in Tiszalök, in north-eastern Hungary. The man was killed instantly.

The police offered a 10-million Hungarian forint award for information leading to the arrest of the perpetrator(s). The case is being investigated by the National Bureau of Investigation and is considered as one of nine crimes constituting a series of attacks against Roma.

### *Fadd*

On 13 April 2009, Molotov cocktails were thrown at a house into which a Roma person and his family intended to move, causing a fire that destroyed all of their belongings and badly damaging the house. On 18 April, a different house the man had moved into after the damage to the first was also set afire using Molotov cocktails.

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In addition to the localities where Roma were the victims of violent attacks (without respect to motivation), the delegation also visited another location where a brutal attack against a non-Roma individual was used to create ethnic tensions and exploit anti-Roma sentiment:

*Kiskunlacháza*

On 23 November 2008, a 14-year-old non-Roma girl was raped and murdered in the town of Kiskunlacháza, about 50 kilometres south of Budapest. On 28 November, over 3,000 people, including a contingent from the ultra-nationalist Hungarian Guard paramilitary organization, participated in a torchlight march through the town. In a speech made at the event, the town's Mayor said that it had had enough of "Roma violence." One day before the delegation's visit to the town, a non-Roma man was arrested and charged with the crime.

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In addition to the killings in localities visited by the delegation, a 14-year-old Roma boy was stabbed to death and his 16-year-old brother injured by a drunken man who reportedly voiced anti-Roma threats on 15 June 2008 in Fényeslitke. Police did not determine the crime, for which the perpetrator received an 11-year prison sentence, to have been ethnically motivated.

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Subsequent to the delegation's visit, on 3 August 2009, a 45-year old Roma woman was shot dead and her 13-year-old daughter received serious gunshot wounds to the neck and arm in Kisléta. The mayor of the village told the press that witnesses had reported hearing three or four shots at around midnight. The door of the woman's home had apparently been kicked in. The police offered a 10-million Hungarian forint award for information leading to the arrest of the perpetrator(s). The case is being investigated by the National Bureau of Investigation as one of nine crimes constituting a series of attacks against Roma.

On 21 August 2009, the police arrested and charged four men, ranging from 28 to 42 years of age, in relation to a series of murders – including those described above in Nagycsécs, Tatárszentgyörgy, and Tiszalök, as well the 3 August 2009 murder in Kisléta. The pre-trial investigation into the crimes is ongoing.

Appendix 1 provides a list of incidents of violence against Roma in Hungary in 2008-2009, compiled from unofficial sources.

The specific incidents described above and the follow-up to them are of great importance from the perspective of the victims and their families, and for Hungary's well-deserved overall reputation as a country based on the rule of law. Of equal or even greater significance is the ability of various stakeholders, including the Hungarian authorities, to draw appropriate conclusions from these incidents and the way in which they were addressed, focusing particular attention on the need to improve practices in such fields as law enforcement and criminal justice, data collection and hate crime legislation.

Similarly, although specific violent incidents can rarely, if ever, be linked precisely to a particular social condition or political trend, the context in which these crimes took place

leads to the inevitable conclusion that significant problems relating to integration of Hungary's Roma minority community into the mainstream of society should be addressed as an urgent priority.

The remainder of this report focuses mainly on reactions to the violent incidents from 2008 and 2009, thus outlining both problems in addressing such incidents and some good practices eventually developed. It also includes surveys of challenges to combating hate crimes in Hungary, as well as a review of long-standing socio-economic integration issues worthy of concentrated attention from various stakeholders.

The report concludes with recommendations that draw upon lessons learned from this case study, with a view toward more effectively preventing such incidents from occurring in the future, addressing hate-motivated violence appropriately in case any such incidents do occur, and promoting integration of the Roma community over the longer term to address underlying conditions that provided the context for the events of 2008 and 2009 and which continue to be the basis for very serious concern.

#### *4. Reactions to Violent Incidents and Anti-Roma Sentiments*

One of the delegation's major tasks was to look at measures taken by the authorities to prevent further attacks and ensure effective remedy for victims, including steps undertaken by respective agencies to investigate crimes and to identify, prosecute and punish the perpetrators.

There is a wide range of OSCE commitments to combat hate-motivated incidents and crimes. These include commitments to condemn violent acts motivated by discrimination or intolerance, to train police and other public officials to respond to such acts, to review legislation, to facilitate the capacity of civil society to monitor hate-motivated incidents and assist victims, and to collect reliable data on hate crimes.

In general, it can be noted that the Hungarian authorities at all levels treated the series of attacks against Roma in the country with increasingly seriousness. First and foremost, this was reflected in the human and financial resources devoted by law-enforcement authorities to tracing and identifying the perpetrators of what had been determined to be a linked series of killings of Roma. This commitment within the police and other law-enforcement bodies emerged after some time and the perceived delay led Roma and civil society representatives, as well as some politicians, to voice criticism.

Law-enforcement authorities were criticized for failing to pay sufficient or timely attention to possible hate motivations behind the attacks. Issues of a lack of guidelines, specific instructions or training in the investigation of possible hate crime were raised. At the same time, there was a significant level of distrust among Roma about the authorities' commitment to or chances of success in dealing effectively with the problem and providing greater protection.

#### **Investigation into Possible Hate Crimes<sup>10</sup>**

In November 2008, in response to the murders in Nagycséc and Pécs and a call by the Minorities Ombudsman, a 50-member special-investigation unit was established within the NNI to investigate these and some earlier attacks on Roma. In addition, a reward of 10 million Hungarian forints (about 37,000 euros at the time) was offered for any information leading to the arrest of the perpetrator(s). In April 2009, the size of the special investigation unit was increased to 100 members and the reward for information leading to arrests was increased to 50 million forints.<sup>11</sup> Following the murder in Kisléta,

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<sup>10</sup> OSCE participating States have committed themselves to “ensure the vigorous and effective investigation of acts of violence against Roma, especially where there are reasonable grounds to suspect that they were racially motivated, and prosecute those responsible in accordance with domestic law and consistent with relevant standards of human rights.” In the context of racist and xenophobic acts, the participating States recognized the “right of the individual to effective remedies”.

<sup>11</sup> The National Police offered net 50 million Hungarian forints for helping to identify the perpetrators in all the cases, or one million forints for identifying the perpetrators in each of the Galgagyörk, Piricse, Alsózsolca cases, and 10 million forints for identifying the perpetrators in each of the Nagycséc, Tatárszentgyörgy, and Tiszalök cases. Police announcement from 25 April 2009, posted (but no

in August 2009, the reward was again increased, to 100 million forints, the highest in Hungary's history. The investigation unit was also provided with an additional support staff of 20 analysts.<sup>12</sup>

According to information provided by a National Police spokesperson, investigators met with and interviewed more than 200 witnesses, checked more than a million phone calls and information concerning more than 1.5 million cars, and examined the files in cases involving the illegal use of weapons by 360 different persons.<sup>13</sup>

In an official statement released on 7 August 2009, after the delegation's visit, the Spokesperson for the National Police said that the examination of evidence in the investigation had been aided through co-operation with Europol and Interpol and that the United States Federal Bureau of Investigation had assisted in the creation of a profile of likely perpetrators.<sup>14</sup>

The investigators broke the attacks down into two groups. The first comprised those the investigators determined were organized attacks against Roma.<sup>15</sup> In four of these cases, in Nagycsécs, Tatárszentgyörgy, Tiszalök and Kisléta, the attacks led to deaths and were being investigated as murders. At the time of the visit,<sup>16</sup> the National Police stated that they were considering the possibility the attacks had been racially motivated. The crimes were connected by similarities between the methods of the attacks and the fact that all of the victims were Roma, who had no connection to each other and appeared to have been selected as targets based on their ethnicity.<sup>17</sup>

The second group of incidents involved attacks investigators determined to have been isolated events with no connection to each other. These cases were not investigated centrally by the NNI.

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longer available) at: <<http://www.police.hu/print/nyitooldal/cikkek/dijkituzes50.html>>. See also Statement for the record by Ambassador Ferenc Somogyi at the US Helsinki Commission briefing on the rise of violence against Roma, 9 June 2009.

<[http://csce.gov/index.cfm?FuseAction=ContentRecords.ViewDetail&ContentRecord\\_id=452&Region\\_id=0&Issue\\_id=67&ContentType=H,B&ContentRecordType=B&CFID=33928152&CFTOKEN=73753149](http://csce.gov/index.cfm?FuseAction=ContentRecords.ViewDetail&ContentRecord_id=452&Region_id=0&Issue_id=67&ContentType=H,B&ContentRecordType=B&CFID=33928152&CFTOKEN=73753149)>

<sup>12</sup> Announcement by the police on 3 August 2009; last accessed 7/7/2009 but no longer available at: <[http://www.police.hu/print/nyitooldal/cikkek/orf\\_090803\\_01.html](http://www.police.hu/print/nyitooldal/cikkek/orf_090803_01.html)>.

See also: <<http://www.earthtimes.org/articles/show/280036.roma-woman-dead-daughter-critical-after-shotgun-attack--update.html>>.

<sup>13</sup> Information from Mr. György Makula, Spokesperson for the National Police, 7 October 2009.

<sup>14</sup> Press Statement of the National Police Headquarters, 7 August 2009. <[http://www.police.hu/print/nyitooldal/cikkek/orf\\_090807\\_01.html](http://www.police.hu/print/nyitooldal/cikkek/orf_090807_01.html)> (last accessed 10/08/2009).

<sup>15</sup> These cases are: Galgagyörk, Pircse, Nyíradony-Tamásipuszta, Tarnabod, Nagycsécs, Alsózsolca, Tatárszentgyörgy, Tiszalök and Kisléta. In Tarnabod the victims were not Roma but a family living in the area of the settlement populated by Roma. See the incident list in Appendix 1 for details.

<sup>16</sup> The arrest of the alleged perpetrators took place on 21 August 2009, after the field visit.

<sup>17</sup> The police observed that most of these crimes were committed in the north-eastern part of Hungary, and two were committed in Pest County. The attacks happened in those parts of small villages where the Roma constituted a large portion of the population. Press Statement of the National Police Headquarters, *op. cit.*, note 14.

Representatives of the National Police informed the delegation that racist motivation had been established by the courts in the cases of Szigetvár and Székesfehérvár. In Pécs and Pátka, the alleged perpetrators' act was motivated by revenge. No racist motivation was established by the court in the attack in Fényeslitke.<sup>18</sup>

### **Controversies Regarding Hate Crimes**

At the time of the field visit, investigations into most of the attacks were still ongoing. A number of the delegation's interlocutors, including local politicians and representatives of NGOs, criticized the police investigations as being handled unprofessionally and, in particular, for failing to pay sufficient or timely attention to possible hate motivations behind the attacks.

A number of the delegation's interlocutors placed the blame for this on the lack of guidelines or specific instructions for police and other law-enforcement personnel in the investigation of possible hate motivation behind crimes. Police officers and investigators lack specialized training on the nature and investigation of hate crimes, leaving law-enforcement agencies with insufficient capacity to identify or respond properly to cases involving possible hate motivation. In the investigations of two of the attacks – in Pécs and Tatárszentgyörgy – this may have contributed to what interlocutors identified as insufficient and ineffective police responses.

On the day following the November 2008 hand grenade attack on a house in Pécs that killed a Roma man and woman and injured two of their children, the spokesperson for the Baranya County Police told the MTI news agency that the victims were Roma, but that the information from the investigation available at the moment indicated the attack had not been racially motivated.

On the same day, in a letter requesting information about the case from the Chief of the National Police, the Parliamentary Commissioner on the Rights of National and Ethnic Minorities, generally referred to as the Minorities Ombudsman, expressed his concern that dismissing the possibility of racist motivations almost immediately was against the basic principles of investigation, particularly in a crime with such significant impact on public concerns over safety.<sup>19</sup> The Chief of the National Police acknowledged that the spokesperson had been too hasty in making the statement.<sup>20</sup> The Ombudsman also released a statement concerning the attacks on Roma families following consultation with several Roma public figures. In the statement the Ombudsman called for the establishment of a special investigation unit with national jurisdiction to investigate the

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<sup>18</sup> For a description of the cases, see Appendix 1.

<sup>19</sup> "Újabb romák elleni támadás" (Another Attack against Roma), 19 November 2008, <<http://www.kisebbségiombudsman.hu/hir-385-jabb-romak-elleni-tamadas.html>>.

<sup>20</sup> Dr. Ernő Kállai: "Report on the Activity of the Parliamentary Commissioner for the Rights of National and Ethnic Minorities 2008", p. 79. <<http://www.kisebbségiombudsman.hu/data/files/144644490.pdf>>.

previous attacks against Roma and for the authorities to pay special attention to exploring the possible bias motivation behind the crimes.<sup>21</sup>

## **Conduct of Investigations<sup>22</sup>**

The investigation in Tatárszentgyörgy was the target of even greater criticism, including from NGOs that reported on the handling of the case.<sup>23</sup> It was not until late in the afternoon after the night-time attack, in which a Roma man and his son were killed and a daughter injured, that the police classified the deaths as murders. The police originally determined that they were the result of a domestic fire caused by a faulty, illegal electrical connection to the power grid, despite the fact that the victims' relatives found the bodies of the man and his son between six and eight metres from the house and told police they had heard gunshots. This delay meant that the area surrounding the home was not secured as a crime scene until late afternoon and may have denied investigators important physical evidence related to the crime. The perceived lack of professionalism in handling the investigation also increased tensions between the local authorities and the local Roma community.

On 2 March 2009, a Hungarian Member of the European Parliament and the Legal Defence Bureau for National and Ethnic Minorities filed a complaint over the conduct of the investigation with the Independent Police Complaints Committee on behalf of the woman whose husband and son were killed in the attack. The Committee's examination of the events established that, by not closing off the scene of the crime, the officers on the scene had failed to follow police regulations and policies and, as a result, the complainant's constitutional right to proper and fair procedures had been violated.<sup>24</sup>

There was also concern that little information was made available about disciplinary action against those involved in the investigation. A 7 May 2009 press release from the

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<sup>21</sup> "Véletlen, sorozatos egybeesés vagy aggodalomra okot adó tendencia?" (A Series of Random Coincidences or a Tendency That Is Cause for Concern?), 19 November 2008, <<http://www.kisebbsegiombudsman.hu/hir-386-allasfoglalas-az-elmult-evben-tortent.html>>.

<sup>22</sup> OSCE participating States have committed themselves to "promote capacity-building of law enforcement authorities through training and the development of guidelines on the most effective and appropriate way to respond to bias-motivated crimes", "develop policies and procedures to ensure an effective police response to racially motivated violence against Roma", "provide public officials, and in particular law enforcement officers, with appropriate training on responding to and preventing hate crimes", and "consider establishing training programmes for law enforcement and judicial officials on legislation and enforcement of legislation relating to hate crimes."

<sup>23</sup> Report on the circumstances of the double murder committed at Tatárszentgyörgy on 23 February 2009 and the conduct of the acting authorities (the police, ambulance and fire services) by the European Roma Rights Centre, Legal Defence Bureau for National and Ethnic Minorities and Hungarian Civil Liberties Union, 7 May 2009, <<http://www.errc.org/cms/upload/media/03/DA/m000003DA.pdf>>.

<sup>24</sup> The Committee reiterated its earlier standpoint by stating that each time a crime is committed and the police do not do everything reasonably expected to open and effectively carry out a criminal investigation the fundamental right of the complainant to a fair procedure is violated. Független Rendészeti Panasztestület 366/2009. (XI. 11.) számú állásfoglalása (Standpoint No. 366/2009 of the Independent Police Complaints Committee). In its decision of December 2009, the National Police Chief accepted the complaint and agreed with the findings of the Independent Police Complaints Committee. The decision is available at <[http://www.police.hu/data/cms651181/ORFK\\_09011\\_2009\\_FRP\\_366\\_2009.pdf](http://www.police.hu/data/cms651181/ORFK_09011_2009_FRP_366_2009.pdf)>.

National Police stated that disciplinary measures had been taken against two police officers from the Dabas Town Police Department, but no information was provided as to their roles in the investigation, of what misconduct the two had been found responsible, or as to the severity of the disciplinary measures.<sup>25</sup> This further reduced public confidence in the commitment to the investigation.<sup>26</sup>

Further concerns over the nature of the investigations surfaced at the end of August 2009, when allegations appeared on the Internet that members of the Hungarian National Security Office (NSO) had been monitoring one of the four men ultimately charged with the murders and had information that he had purchased weapons.<sup>27</sup> On 8 September, following a preliminary examination of the report, the National Security Committee of the Hungarian parliament ordered a fact-finding investigation into the work of the NSO and its co-operation with police in the investigation of the murders. The Committee's report identified serious errors and omissions in the work of the NSO.<sup>28</sup> Prior to the first murder, the NSO had already collected significant information on the persons ultimately arrested and charged, but there had been no analysis or consolidation of this information at higher levels. The report stated that, beginning in November 2008, the National Police had filed repeated requests for information from the NSO, but received no useful information to aid with the investigation. The Committee's report also said that there had been insufficient analysis of and attention to the profile of possible suspects prepared in early 2009 by the National Bureau of Investigation. Despite the rise in ethnic tensions generated by the series of attacks and the risk this posed to domestic security, the Committee stated that there had been no tangible change in the activities or focus of the NSO.

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<sup>25</sup> European Roma Rights Centre (ERRC) submission to ODIHR: "Summary of ERRC concerns related to violence against Roma in Hungary".

<sup>26</sup> There appear to have also been inconsistencies in the investigation of a 29 September 2008 attack in Tarnabod, in north-western Hungary, where Molotov cocktails were thrown and shots fired at three homes owned by non-Roma. No one was injured in the attack, which occurred in a Roma neighbourhood in the town. Shortly after the attack, three local Roma youngsters, all 16 years old, were arrested on suspicion of having committed the crimes. The youths were kept in custody for 10 months, despite a determination by the National Bureau of Investigation that the crime was part of a series of attacks, five of which occurred after the youths had been taken into custody. After four men were arrested on 21 August 2009 and charged in connection with the crimes, the three filed a suit against the state seeking damages for wrongful imprisonment. Statement of the National Bureau of Investigation, 25 August 2009, [http://www.police.hu/sajto/sajtoszoba/nni\\_090825\\_001.html](http://www.police.hu/sajto/sajtoszoba/nni_090825_001.html), "Cigánynak lenni Magyarországon, Jelenetés 2008", Európai Összehasonlító Kisebbségkutatások Közalapítvány (Being Roma in Hungary, Report 2008, European Comparative Minority Research Foundation), p. 219.

<sup>27</sup> The information was posted on kuruc.info on 29 August 2009.

<sup>28</sup> Fact-finding Examination Report 17 November 2009, National Security Committee, National Assembly of the Republic of Hungary. The part of the report made public is accessible here: <[http://www.neki.hu/attachments/415\\_romagyilkossagok\\_bizottsagi\\_jelentes.doc](http://www.neki.hu/attachments/415_romagyilkossagok_bizottsagi_jelentes.doc)>.

## Measures Introduced to Improve the Security and Protection of Roma<sup>29</sup>

The Hungarian Government took action to prevent further attacks against Roma and their property. On 8 February 2009, the Minister of Justice and Law Enforcement ordered increased police patrols in areas with significant Roma populations. On the same day, the Cabinet ordered the provision of extra funding for law-enforcement agencies.

A number of the delegation's interlocutors said that the lack of substantive public information on specific measures and programmes like these aimed at helping to prevent further crimes compounded the lack of confidence, particularly among Roma.

The National Police did create an action plan to address the increased violence targeting Roma. The measures spelled out in the plan included the intensification of police patrols and monitoring in endangered settlements,<sup>30</sup> and increased co-operation between local police and Civil Guard groups.<sup>31</sup>

One focus for law-enforcement agencies has been increasing the number of police officers available for community patrol work. This is the aim of a police programme that provides training for security guards who will be co-opted into local police organizations to provide security for public facilities, allowing police officers presently engaged in these duties to be re-directed to work in other capacities, including patrol work.<sup>32</sup> The deputy-head of the Miskolc City Police told the delegation that the programme was being implemented in three counties (Borsod-Abaúj-Zemplén, Szabolcs-Szatmár-Bereg and Hajdú-Bihar) and supported by the National Police. The training is provided to disadvantaged youths, many of whom are Roma, bringing the added benefit that more Roma will have the prospect of finding employment as police officers.

Another approach has focused on peaceful means of preventing crime and resolving local conflicts. In December 2008, the Ministry of Justice and Law Enforcement called for the submission of micro-projects aimed at helping solve entrenched local conflicts through non-violent means, particularly through community-mediation techniques. The aim of the initiative was to use the projects selected to allow communities to become actively involved in developing their own programmes. The nine projects ultimately selected were implemented between 15 February and 15 May 2009 and included those aimed at solving local conflicts between the Roma and non-Roma communities where the situation had

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<sup>29</sup> OSCE participating States have made commitments to “take appropriate and proportionate measures to protect persons or groups who may be subject to threats or acts of discrimination, hostility or violence as a result of their racial, ethnic ... identity, and to protect their property”. In addition, the right to life is enshrined in, for example, Article 6 of ICCPR and Article 2 of the ECHR. Article 6 (2) of the Framework Convention on the Protection of National Minorities obliges States “to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.” Article 5 (b) of ICERD recognizes the right to security of person and protection by the State against violence or bodily harm.

<sup>30</sup> 104 settlements are considered as especially threatened as far as their public safety situation is concerned. These settlements are situated in 12 counties, and they amount to 3.3 % of all settlements in Hungary. Information provided to ODIHR by Hungarian authorities on 19 March 2009.

<sup>31</sup> *Ibid.*

<sup>32</sup> *Ibid.*

escalated or was close to escalating into violence. One such project was implemented in Nagybörzsöny.<sup>33</sup>

### **Community and Victim Support<sup>34</sup>**

The delegation was told that victim support – particularly in the provision of information about investigations and steps taken in particular cases – is an important component of police efforts to address incidents of violence against Roma and their effects.<sup>35</sup> Police are required, for example, to provide information sheets from the Victim Support Service to victims on first contact and also to provide information orally about the availability of victim support.<sup>36</sup>

Some of the efforts by police involved direct contact with victims. A representative of the police force responsible for Nagycséc told the delegation that he had personally visited the victims' family on a number of occasions following the murders to provide psychological support. The police also organized meetings, held about every week, with local Roma to calm emotions in order to avoid retaliatory violence and to outline the measures being taken by police to protect the community.

Some of those targeted in the attacks expressed disappointment with the level of support they received. The parents of the Roma man killed in Tatárszentgyörgy, who lived in the house next door to the house that was attacked, said they felt they had been abandoned after the attack, without the necessary financial support to take measures for their own

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<sup>33</sup> In Nagybörzsöny there had been a series of conflicts between local Roma and non-Roma. Recognizing this as a serious problem, and in spite of some local requests to invite the Hungarian Guard to the settlement “to restore order”, the local administration decided to address the entrenched tensions through a project implemented by the Foresee Research Group, together with numerous consortium partners, which combined community building and mediation methods.

<sup>34</sup> Examples of the rights of victims recognized by the international community include the rights to personal freedom and dignity, to compensation, to medical, physical and social assistance, to information about the progress of criminal investigations, and to access to justice. Some of the relevant standards are: the 1985 UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, the 1985 Council of Europe Recommendation (85) 11 On the Position of the Victim in the Framework of Criminal Law and Procedure, the 2000 Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Violations of International Human Rights and Humanitarian Law, Commission on Human Rights of the UN Economic and Social Council, the 2001 Council of the European Union Framework Decision on the Standing of Victims in Criminal Proceedings, the European Convention on the Compensation of Victims of Violent Crimes 1983, the Council of Europe Recommendation Rec (2006)8 on assistance to crime victims, and Council Directive 2004/80/EC relating to compensation to crime victims.

OSCE participating States have committed themselves to “increase a positive interaction between police and victims and to encourage reporting by victims of hate crime, i.e., training for front-line officers, implementation of outreach programmes to improve relations between police and the public and training in providing referrals for victim assistance and protection.”

<sup>35</sup> Based on the Act CXXXV of 2005 on Crime Victim Support and State Compensation, services are provided for those whose financial, social, physical and psychological conditions have deteriorated as a result of crime. Victim assistance is provided by the county offices of the Office of Justice Victim Support Service. Victim assistance covers victim support (facilitating the protection of victims' interests, granting immediate monetary aid and providing legal aid) and state compensation.

<sup>36</sup> 17/2007. (III.13.) IRM rendelet (Decree of the Minister of Justice and Law Enforcement).

safety. They said they lived in fear of another attack and that the shortcomings of the criminal investigation left them with little hope that there would be effective remedy for the loss of their family members.

The parents of the Roma man killed in Tatárszentgyörgy and the husband of the Roma woman killed in Nagycséc told the delegation that they had been provided with little information on the status of the investigations of the crimes and steps taken with regard to the case,<sup>37</sup> a complaint echoed by NGOs following the cases.<sup>38</sup> This resulted in uncertainty and greater tensions in the Roma communities affected.

The delegation learned of many cases where the police did make efforts to connect with Roma at the national and community levels following the attacks. The head of the National Police met with the head of the National Roma Minority Self-government<sup>39</sup> following the murder in Nagycséc in November 2008.

In March 2009, on the initiative of Roma leaders in Zala County, a meeting was held with representatives of the County Police to discuss the situation there. The police proposed a further meeting, which was held one week later.<sup>40</sup>

On 19 March 2009, the chief of National Police organized a meeting in Miskolc with regional Roma leaders from Borsod-Abaúj-Zemplén, Nógrád and Heves counties to discuss measures to deal with the conditions following the attacks and to propose measures to prevent such crimes in the future.<sup>41</sup> A similar event was held in Debrecen a month later, on 22 April, with officials from Szabolcs-Szatmár-Bereg, Jász-Nagykun-Szolnok and Hajdú-Bihar counties.<sup>42</sup>

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<sup>37</sup> Information received during interviews conducted in Nagycséc, Tatárszentgyörgy.

<sup>38</sup> ERRC submission: “Considering that the number of attacks against Roma appears to be growing, the small number of the perpetrators identified and held responsible and the overwhelming lack of public information on the status of the investigations create a general impression of impunity. This can give confidence to potential future perpetrators as they may rightly understand that there are almost no consequences for people who commit violent crimes against Roma.” On 27 April 2009 the Dignity for All Movement and the Roma Civil Rights Foundation submitted a petition to the heads of the police requesting that they, inter alia, inform the public about the status of the investigations weekly. See: “Cigánynak lenni Magyarországon, Jelenetés 2008” (Being Roma in Hungary, Report 2008), *op. cit.*, note 27, p. 234.

<sup>39</sup> The local, regional (county and the capital city) and national system of minority self-governments in Hungary has been developed over the past 15 years. The “national minority self-government” is the body that represents the given minority at the national level.

Minority self-governments are elected bodies that represent the interests of the given national or ethnic minority at local, regional or national level. The minority self-government system was established with the aim of ensuring cultural autonomy. Consequently, minority self-governments do not have the powers of authorities, and the local governments of settlements are not allowed to grant any regulatory competencies to minority self-governments.

<sup>40</sup> Statement by the National Police Headquarters, 11 March 2009, <[http://www.police.hu/friss/zal\\_090311\\_01.html?query=Cig%C3%A1ny%20zala](http://www.police.hu/friss/zal_090311_01.html?query=Cig%C3%A1ny%20zala)>.

<sup>41</sup> Statement by the National Police Headquarters, 20 March 2009, <[http://www.police.hu/sajto/sajtoszoba/orf\\_090320\\_01.html?query=kisebbs%C3%A9g%C3%A9t](http://www.police.hu/sajto/sajtoszoba/orf_090320_01.html?query=kisebbs%C3%A9g%C3%A9t)>.

<sup>42</sup> Statement by the National Police Headquarters, 22 April 2009, <[http://www.police.hu/sajto/sajtoszoba/orf\\_090422\\_02.html?query=kisebbs%C3%A9g%C3%A9t](http://www.police.hu/sajto/sajtoszoba/orf_090422_02.html?query=kisebbs%C3%A9g%C3%A9t)>.

The National Police provided representatives of Roma minority self-governments at the county level with information on 5 August 2009 about the current status of the investigations, measures being taken by the police to help ensure public security, and ways that the security of their settlements could be increased.<sup>43</sup> A statement to the press on the same day by the National Police provided information on the status of the investigations into nine cases of crimes committed against Roma.<sup>44</sup>

### **Established Outreach and Co-operation<sup>45</sup>**

The delegation learned that, while a number of specific measures had been taken by law-enforcement agencies in response to the attacks in 2008 and 2009, other general programmes and initiatives for co-operation between law-enforcement agencies and Roma minority self-governments were already in place at most levels and in most of the localities visited.

At the national level, a co-operation agreement was signed in 1999 between the National Police and the National Roma Minority Self-government to develop and maintain a relationship free of conflict and prejudice. The elements of the agreement, underlined in a decree issued by the Chief of National Police in 2000<sup>46</sup>, include working to improve dialogue between Roma organizations and police, combating prejudice, introducing information about Roma culture and history into the police training curriculum, and creating a scholarship system to encourage Roma youth to become police officers. Officials within county police forces and at the county level of the Roma minority self-government were also assigned to maintain regular contacts.

Co-operation agreements of this type are in place in most of the localities visited by the delegation, including in Vámospércs, Pécs, Szomolya and Miskolc. A representative of Fadd City Police told the delegation that the head of the County Police has a hotline to the county-level contact in the Roma community to facilitate crime prevention, and that similar arrangements are in place down to the village level. The same daily contacts were described in Baranya County, where the Chief of Police is in direct contact with the leaders of the Roma community at the city and county levels and with the deputy head of the National Roma minority self-government. City police maintain similar contacts. A Roma contact-point officer has been in place since 1998 to maintain effective relations with the Roma minority self-government.

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<sup>43</sup> Press Statement of the National Police Headquarters, 5 August 2009.

<sup>44</sup> See also: <[http://www.police.hu/sajto/sajtoszoba/orf\\_090807\\_01.html](http://www.police.hu/sajto/sajtoszoba/orf_090807_01.html)>.

<sup>45</sup> OSCE participating States have committed themselves to “increase a positive interaction between police and victims and to encourage reporting by victims of hate crime, i.e., ... implementation of outreach programmes to improve relations between police and the public” and to “engage more actively in encouraging civil society’s activities through effective partnerships and strengthened dialogue and co-operation between civil society and State authorities in the sphere of promoting mutual respect and understanding, equal opportunities and inclusion of all within society and combating intolerance including by establishing local, regional or national consultation mechanisms where appropriate”.

<sup>46</sup> Decree No. 7/2000 of the National Police Headquarters.

A National Police representative told the delegation that there is constant contact with the heads of the National Roma Minority Self-government and the Roma political party Lungo Drom, and the Vajdas (traditional Roma community leaders), although political divisions between Roma leaders sometimes make it difficult to “create a common platform”. Resulting programmes have led to conflict-prevention and mediation training for 500 police officers throughout the country and the provision of Romani-language training on a voluntary basis.

The delegation also met representatives of the Fraternal Association of European Roma Law Enforcement Officers (FAERLEO).<sup>47</sup> In April 2008, the National Police and FAERLEO organized in-service training in Budapest for minority police desk officers, with the aim of facilitating the resolution of potential conflicts between Roma minority communities and the police.

There are also examples of co-operation between police and human rights NGOs, including the publication in 2007 by the National Police of a booklet of guidelines on citizens’ rights and obligations when stopped and searched by the police. The guidelines were developed in co-operation with human rights NGOs, including the Hungarian Helsinki Committee, and were aimed at promoting closer co-operation with law-enforcement agencies and reducing the maltreatment and profiling by the police of minorities, most often Roma.<sup>48</sup>

## **Representation of Roma in the Police**

As mentioned in the preceding section, an express goal of the National Police and NGOs working in this field is to increase Roma representation on police forces. A number of interlocutors provided information on these activities during the field assessment visit.

A representative of the Hajdúhadház Town Police told the delegation that, in 1996, the Interior Minister declared the employment of as many Roma in the police force as possible a major objective. The Secretary General of FAERLEO told the delegation that, of 43,000 police officers in the country, only about 200 are Roma. Information provided by police representatives in the localities visited revealed much the same state of affairs.

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<sup>47</sup> FAERLEO was established in Budapest in 2006 with the support of the Open Society Institute, the Hungarian Ministry of Justice and Law Enforcement, and the National Black Police Associations in the United States and the United Kingdom. The impetus to create the Association came from Hungarian police officers, both Roma and non-Roma. The Association’s objectives include the promotion of equal opportunities for Roma in law-enforcement agencies in Hungary and other EU Member States, increasing the number of staff of Roma origin in law-enforcement agencies, the reduction of mutual prejudice between law-enforcement agencies and Roma communities, the improvement of service conditions for Roma working in law-enforcement agencies, and co-operation with national and international partner organizations. See the Association’s website at <<http://www.fajerleo.com>>.

<sup>48</sup> “Tájékoztató az állampolgárok részére a rendőri igazoltatásról” (Information for Citizens about Police Stop-and-Search Practices), National Police 2007, <[http://www.euroastra.info/files/Igazoltatasi\\_kezikonyv.pdf](http://www.euroastra.info/files/Igazoltatasi_kezikonyv.pdf)>.

Of the 220 people employed by the police in Szekszárd, only one is Roma; of the Baranya County Police Force's 1,562 personnel, no more than 50 are Roma; there are 6 Roma police officers among the total of 470 working in Pécs; although the Mezőkövesd Police Force was expecting four officers to move up from its armed security guard training programme, there were no Roma officers at the time of the visit; there were no Roma police officers serving in Hajdúhadház; and only three of the 96 Tiszaújváros Police Force personnel were Roma.

There are a number of programmes in place to support the education of Roma to help them become police officers. The delegation learned that, since 1996, the Borsod-Abaúj-Zemplén County Police have provided three Roma secondary school students with stipends annually, and three former recipients have gone on to join the police force there. The delegation also met a young Roma secondary school student who had received a scholarship from the Derecske Town Police.

FAERLEO organizes an annual law-enforcement recruitment camp to provide Roma secondary-school students with information about the requirements and application procedures for law-enforcement educational institutions and to give them assistance in applying.

To counter widespread prejudice associating Roma with criminality and to increase the number of Roma working in law-enforcement agencies, FAERLEO has also organized activities such as a public poster campaign in November and December 2008 that placed posters, showing Roma police officers, at public points such as busy metro stations around Budapest.

There are also a number of programmes focusing on Roma and police education in Pécs, including one on police matters at Gandhi High School, where only a few of the students are non-Roma. Since 2005, the 3R – *rendőr-Roma-respekt* (police officer-Roma-respect) – programme, taught by personnel from Pécs University in co-operation with 13 NGOs, has provided training on Roma history and culture to 60 police officers.

The appointment in March 2009 of the Secretary General of FAERLEO, Major György Makula, as one of the two spokespersons for the National Police has served to raise the visibility of Roma officers within the National Police force.<sup>49</sup>

### **Efforts to Improve Security at the Local Level**

Local authorities have tried to improve safety and security in neighbourhoods and settlements where Roma live, including through increasing police patrols and doubling their shifts, the installation and maintenance of proper street lighting and of surveillance cameras, and the tidying up of unmaintained areas in settlements that were believed to have provided cover for the perpetrators of the crimes. The delegation noticed that much

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<sup>49</sup> Statement by the National Police Headquarters, 6 March 2009, <[http://www.police.hu/sajto/sajtoszoba/orf\\_090306\\_02.html?query=makulaMakula](http://www.police.hu/sajto/sajtoszoba/orf_090306_02.html?query=makulaMakula)>.

of the authorities' resolve to deal with the situation at local level was conditional on political will and available funding.

The delegation was informed of initiatives in many of the localities visited, as well as to concerns on the part of local Roma self-government officials and representatives of NGOs over what they have identified as a lack of prompt and unequivocal condemnation of the violence.

The delegation was told that, following the murder of two Roma in November 2008, in addition to increasing the number of police patrols in the settlement, the Nagycsécs Mayor's Office attempted to identify and address public-security threats for the Roma inhabitants. The first step was to clean up unmaintained areas on the village outskirts to prevent them from being used as hiding places for assailants. The office repaired public lighting in the village and installed lighting where it had been absent. A tender process has already been initiated for the installation of an outdoor CCTV system to increase public security in the most-frequented public areas. The municipality also plans to build a public-security office with a CCTV monitoring desk. Police patrols were increased in the settlement.

The Mayor of Tatárszentgyörgy informed the delegation that the village authorities had installed outside security cameras and had used municipal-budget funds to pay off-duty police officers to carry out patrols to improve security. The delegation was told that the village had determined that the constant presence of two police officers would be required to provide the necessary improvement in public security, but there weren't sufficient funds to make this possible. At present, there is only one patrol officer for the settlement.

The delegation met with members of two Roma families living in Tatárszentgyörgy, including the family attacked in February 2009. The interlocutors said that they felt nothing had been done to improve public security after the murder. The street in which the murder happened, which is inhabited mostly by Roma, is unpaved. After the attack, the family targeted had asked the municipality in vain for financial help to reinforce windows and build a fence to make their home more secure. No public lighting was installed around their home, and they ultimately had lighting installed themselves.

The family told the delegation that they felt abandoned also by Roma politicians, and that they were living in constant fear, staying awake at night as they heard cars approach the neighbourhood and then drive away.

The Mayor of Tiszalök informed the delegation that the municipality submitted a tender for the installation of an outdoor CCTV system. At the same time, local Roma told the delegation that many of the public lights were not working in the settlement's Újtelep neighbourhood, where most of the Roma in the settlement live and where the murder in April 2009 occurred. The delegation itself observed that the majority of the streets in the neighbourhood are unpaved.

Although there were no attacks in Vámospércs, the municipal administration worked with the Roma minority self-government to create a “crisis team” to deal with such incidents if they happen.

### **Co-operation with Roma Minority Self-governments and Communities**

Municipal administrations co-operate with Roma communities primarily through Roma minority self-governments, but not every locality with a Roma population visited had such a body. In some settlements the local municipalities do not consider the Roma minority self-government an effective partner for co-operation in Roma-related matters because they believe the low turnout at Roma minority elections undermines their position as legitimate elected representatives.<sup>50</sup> Interlocutors working in the municipal administrations in Nagybörzsöny and Derecske informed the delegation that the Roma self-governments in their area formally existed but were largely inactive. In Vámospércs the municipal council set up a committee responsible for minority issues, where a delegate from the Roma minority self-government regularly participates. The city council of Pécs recently employed a Roma civil servant to be responsible on Roma issues.

### **Role of Local Civil Guard Associations**

Some mayors expressed concern regarding the inadequate number of police officers (Fadd, Nagybörzsöny, or Tatárszentgyörgy). The mayor of Tiszalök stated that currently the police headquarters to which Tiszalök belongs is responsible for seven settlements with a total population of about 35,000 people. There are altogether 40 police officers. In Tiszalök itself there is a branch station that should have 12 police officers, but in fact now has eight and soon will have six. Two of them are patrolling officers in a neighbouring settlement.

The delegation learned also that in many settlements in Hungary police work is complemented by associations of Civil Guards. As representative of the Pécs County Police underlined, they are open for co-operation with Civil Guard organizations as security is a “collective product”. The Civil Guard associations date back to the transition period in the 1990s, when the crime rate, particularly the theft and damage to property, doubled or tripled in some areas. There was a widespread belief at the time that the police were not able to provide effective security.<sup>51</sup> The Civil Guard consists of unarmed groups of civilians who work to deter crime by maintaining a public presence and assisting police in patrolling or maintaining order at public events. Civil Guard groups now exist in about two thirds of the country’s cities, towns and villages.

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<sup>50</sup> The delegation was informed that in Derecske, for example, where several hundred Roma were eligible to vote, only 65 requested registration as Roma minority voters. This meant that no more than 13 votes were needed to gain one of the five seats on the Roma minority self-government, while a seat on the main council required getting at least 1,500 votes.

<sup>51</sup> Their role and legal position is governed by Act 2006 No. 52.

The Civil Guard in Nagybörzsöny was established relatively late, as a reaction to the high number of burglaries in the village. The Mayor of Nagybörzsöny told the delegation that the number of crimes reported in the village had fallen by about half since the establishment of the Civil Guard there.<sup>52</sup> The President of the Baranya County Civil Guard Association informed the delegation that Roma make up the majority of the membership of the guard groups in villages where the majority of the population is Roma.<sup>53</sup> Roma are also members of the Civil Guard in the village of Szomolya.

The series of attacks against Roma led the Roma community in Tiszalök to organize volunteer neighbourhood patrols to provide themselves with more security.

### **Public Statements against the Violence<sup>54</sup>**

Government members and other state officials have made numerous public pronouncements condemning violent incidents or racist discourse directed at Roma in Hungary. The Prime Minister described the murder of a Roma man in Tiszalök in April 2009 as a “disgraceful, sinister and shameful assassination”. One Minister, a number of members of the parliament, from both ruling and opposition parties, and the head of the National Police attended the man’s funeral.<sup>55</sup>

On 13 December 2008, the President of the Supreme Court described activities aimed at stigmatizing and intimidating the Roma minority as unacceptable and called for more efficient laws prohibiting hate speech.

Following the murder in Kisléta, on 7 August 2009, the Prime Minister issued an official statement declaring that “this new inhuman attack targeted Roma, but the murderers attacked the whole nation” and that “Hungary has to be the home of mutual respect and multiculturalism and not blind hatred and exclusion.” On the same occasion, the State Secretary of the Ministry of Social Affairs and Labour, issued a statement stressing that the creation of circumstances where no Hungarian citizen is afraid for his or her security is a common responsibility.

The Minorities Ombudsman issued a statement on 19 November 2008 calling the series of attacks on Roma in Hungary alarming. “The ethnicity of the victims and the types of

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<sup>52</sup> Based on information from the mayor, in there were 98 crimes in 2007 and 52 in 2008.

<sup>53</sup> The examples given were Alsószentmárton, Siklósnagyfalu, Old, Pettend, Nemere, Kistamási and Cserdi.

<sup>54</sup> OSCE participating States have called on political leaders to “clearly and unequivocally condemn racial and ethnic hatred, violent acts motivated by discrimination and intolerance” and to “consistently and unequivocally speak out against acts and manifestations of hate, particularly in the political discourse.” The OSCE participating States have stressed the importance of “counter(ing) prejudice and misrepresentations” in the fight against intolerance “in order to address the root causes of intolerance and discrimination”.

Article 4 of ICERD stipulates that states should “condemn all propaganda and all organizations which attempt to justify or promote racial hatred and discrimination in any form”.

<sup>55</sup> Statement for the record by Ambassador Ferenc Somogyi at the US Helsinki Commission briefing on the rise of violence against Roma, *op. cit.*, note 11.

the crimes lead us to think that these attacks are not coincidental. Roma, who live on the periphery of society, who are most vulnerable, who are the subject of prejudice, are under attack,” the statement said. The Ombudsman also emphasized that it was important that political leaders, regardless of their political affiliations, stood by the victims and condemned all forms of violence as soon as possible.<sup>56</sup>

Following the rally organized by the Hungarian Guard on 9 December 2007 in Tatárszentgyörgy, the reports of anti-Roma statements made there and the growing racism in public discourse in general, the Parliamentary Commissioner for Civil Rights, the Parliamentary Commissioner for the Rights of National and Ethnic Minorities, and the Parliamentary Commissioner for Data Protection and Freedom of Information (the “three ombudsmen”)<sup>57</sup> issued a joint statement calling on all officials to condemn such forms of racism publicly. In a written reply, on 11 December 2007, the President concurred that the rally had been “expressly anti-Roma”, condemned the Guard’s ideology and described meetings of this type as “extremely harmful”.

Despite statements of this type, concerns remained over the nature of political and other public discourse. In a 23 February 2009 press statement, the Parliamentary Commissioner for the Rights of National and Ethnic Minorities (Minorities Ombudsman) identified a rise in direct and indirect anti-Roma content in public discourse paralleling the rise in attacks. “Owing to the constant emphasis on the alleged connection between Roma and criminality and the irresponsible political statements building on prejudicial thinking, basic ethical barriers have been demolished and this is obviously a feeding ground for violent acts,” the Ombudsman said in the statement.<sup>58</sup>

During the field assessment visit the delegation heard concerns from some representatives of NGOs that the reaction to the increase in anti-Roma rhetoric had come very late, that public officials had “distanced themselves from it very reluctantly”, and that there had been no clear and unequivocal condemnation of the attacks.<sup>59</sup> The head of the Human Rights Committee of the National Assembly also said that there had been a lack of clear common views among officials regarding the attacks.

Interlocutors told the delegation that an example of statements likely to re-enforce anti-Roma sentiments could be found in comments made by the Parliamentary Commissioner for Civil Rights in an interview on 2 April 2009 with the online news portal FigyelőNet. The Commissioner told the interviewer that “Gypsy crime” exists, identifying it as a type of crime by which some persons earn their living. He also referred to Roma as being “a collectivist, almost tribal-level social group”, contrasting them to “individualist” ethnic-Hungarian society, and that more attention should be paid to this specific criminal profile. The Commissioner also explained that, as Commissioner for Civil Rights, he was responsible to the majority of the Hungarian population, in contrast to the Parliamentary

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<sup>56</sup> “Véletlen, sorozatos egybeesés vagy aggodalomra okot adó tendencia?” (A Series of Random Coincidences or a Tendency That Is Cause for Concern?), *Op. Cit.*, note 21.

<sup>57</sup> <<http://www.kisebbsegiombudsman.hu/hir-130-az-ombudsmanok-nyilatkozata-az-emberi.html>>.

<sup>58</sup> <<http://www.kisebbsegiombudsman.hu>>.

<sup>59</sup> Information received during a group interview with civil society representatives.

Commissioner for the Rights of National and Ethnic Minorities. The Commissioner later issued a statement saying that the title of the interview had misrepresented his statements. Despite expressions of concern by the President of Hungary<sup>60</sup> and calls by the Parliamentary Commissioner for the Rights of Ethnic and National Minorities and a number of NGOs<sup>61</sup> for the Civil Rights Commissioner's resignation, he remained in office at the time of publication of the field assessment visit.

## **Legal Responses and Initiatives to Address Hate and Intolerant Speech**<sup>62</sup>

The Government made a number of attempts to criminalize hate speech throughout 2008. In June, new hate-speech legislation was introduced by the governing Hungarian Socialist Party and passed in the Hungarian parliament.<sup>63</sup> However, the bill was struck down by the Constitutional Court, which ruled that it would introduce excessive restrictions on the right to freedom of speech.<sup>64</sup> In August, the Minorities Ombudsman proposed an amendment to the Equal Treatment Act that would prohibit hate speech by extending the application of the provisions regulating "harassment".<sup>65</sup>

In December 2008, a law to protect human dignity through the prohibition of hate speech was passed by the parliament and then referred to the Constitutional Court by the President. The Court's decision was still pending at the time of the visit. The Government proposed amending the Constitution in light of several Constitutional Court decisions striking down civil and criminal legislation to combat hate speech, but the motion failed to gain sufficient support in the parliament.<sup>66</sup>

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<sup>60</sup> "Sólyom László veszélyt lát az ombudsman nyilatkozataiban" (László Sólyom Sees a Danger in the Statements of the Ombudsman) in: Népszabadság, 8 April 2009, <[http://www.nol.hu/belfold/solyom\\_laszlo\\_vezelyt\\_lat\\_az\\_ombudsman\\_nyilatkozataiban](http://www.nol.hu/belfold/solyom_laszlo_vezelyt_lat_az_ombudsman_nyilatkozataiban)>.

<sup>61</sup> "Hungarian Rights Groups Denounce Anti-Romani Statements by Hungary's Parliamentary Commissioner for Civil Rights", 3 April 2009, <<http://www.errc.org/cikk.php?cikk=3025>>.

See also "Ombudsmantársai is bírálják a 'cigánybűnözést' emlegető Szabó Mátét" Hét jogvédő szervezet is tiltakozik, az állampolgári jogok biztosának lemondását követelve (Máté Szabó is Being Criticized by His Fellow Ombudsmen Too) in: Népszabadság, 3 April 2009,

<[http://www.nol.hu/belfold/a\\_tobbi\\_ombudsman\\_is\\_biralja\\_a\\_ciganybunozest\\_emlegeto\\_szabo\\_matet](http://www.nol.hu/belfold/a_tobbi_ombudsman_is_biralja_a_ciganybunozest_emlegeto_szabo_matet)>.

<sup>62</sup> OSCE participating States have made commitments to "take effective measures, including the adoption, in conformity with their constitutional systems and their international obligations, of such laws as may be necessary, to provide protection against any acts that constitute incitement to violence against persons or groups based on national, racial, ethnic ... discrimination, hostility or hatred", and to "consider enacting or strengthening, where appropriate, legislation that prohibits ... incitement to hate crimes...".

<sup>63</sup> The full text is available at:

<[http://www.parlament.hu/internet/plsql/ogy\\_irom.irom\\_adat?p\\_ckl=38&p\\_izon=2785](http://www.parlament.hu/internet/plsql/ogy_irom.irom_adat?p_ckl=38&p_izon=2785)>.

<sup>64</sup> Decision of the Constitutional Court 95/2008, available at: <<http://mkab.hu>>.

<sup>65</sup> The amendment would penalize anyone making a public speech or publishing material in the media that constitutes incitement to hatred. The forum authorized to impose the administrative sanction would be the Equal Treatment Authority. <<http://www.kisebbsegiombudsman.hu/hir-356-egyuttmukodesi-megallapodas-es.html>>

<sup>66</sup> The full text is available at:

<[http://www.parlament.hu/internet/plsql/ogy\\_irom.irom\\_adat?p\\_ckl=38&p\\_izon=9045](http://www.parlament.hu/internet/plsql/ogy_irom.irom_adat?p_ckl=38&p_izon=9045)>

Two days after the European Parliament elections, the Constitutional Court declined a request by the former President of the Supreme Court to issue guidance on constitutionally acceptable limitations to freedom of speech rights.

The Equal Treatment Authority *ex officio* started an administrative procedure against the Mayor of Edelény after he made statements at a local administration meeting alleging that pregnant Roma women were involved in illegal conduct to harm their babies in order to receive higher state support. The Authority ruled that the statements constituted harassment, by creating an intimidating, hostile and degrading environment for pregnant Roma women in the settlements mentioned by the Mayor, and therefore violated the Equal Treatment Act.

The delegation was informed that, in June 2008, the Ministry of Social Affairs and Labour launched a public-service advertising campaign aimed at improving public perceptions of Roma and increasing their participation in the media. This campaign was aimed at combating prejudices that can be conducive to anti-Roma public discourse. The first stage was a poster campaign entitled “Roma desires”. Posters picturing the dreams of five Roma individuals were displayed in public places such as Metro stations and in settlements where there had been attacks against Roma or serious conflicts between the local Roma and non-Roma populations, such as Fadd, Galgagyörk and Székesfehérvár.

### **Far-right Organizations<sup>67</sup>**

The political party Movement for a Better Hungary (Jobbik Magyarországért Mozgalom, generally referred to simply as Jobbik), founded in 2002, has introduced anti-Roma elements into its political platform, especially since 2006.<sup>68</sup> A major plank of the party’s platform is the need to battle what it refers to as “Gypsy criminality”.<sup>69</sup>

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<sup>67</sup> Article 4 (b) of ICERD obliges countries to declare as illegal and prohibit organizations, as well as all organized and other propaganda activities, that promote and incite racial discrimination, and to recognize participation in such organizations or activities as an offence punishable by law.

<sup>68</sup> National Security Office, 2008 yearbook, <<http://www.nbh.hu/oldpage/bmenu7.htm>>.

<sup>69</sup> One example is the statement by Csanád Szegedi, MEP, Jobbik, on 21 November 2009: “The unfortunate and tragic Gypsy terror in Sajóbáony proved that the parties of the parliament have eroded the police and the law-enforcement bodies to such a degree that they are unable to protect the Hungarian population from Gypsy criminality. Contrary to the information provided by the media, the truth is that Gypsy criminals have attacked peaceful Hungarian citizens yet again. The issue today is not only the isolated actions of Gypsy criminals in different settlements but, unfortunately, we have to say, the fact that the Hungarian population in North-Hungary is being terrorized by the Gypsies and the parliamentary parties. The Movement for a Better Hungary calls on the national heads of the police to – even if it means using extraordinary measures – stop the Gypsy terror in Sajóbáony too. If the police that have been waiting for taxpayers’ money are unable to carry out its job it has the duty to co-operate with the New Hungarian Guard Movement. The gendarmeries of the New Hungarian Guard are ready – with the necessary legal authorization - to restore public order in Hungary.” A Jobbik fellép a tomboló a cigányterrorral szemben” (Jobbik Steps Up against the Frantic Gypsy Terror), <[http://zuglo.jobbik.hu/a\\_jobbik\\_fellep\\_a\\_tombolo\\_a\\_ciganyterrorral\\_szemben](http://zuglo.jobbik.hu/a_jobbik_fellep_a_tombolo_a_ciganyterrorral_szemben)>.

The party says it is ready to implement a “law and order” programme to crack down on crime, and advocates the reintroduction of the death penalty and the gendarmerie (*csendőrség*)<sup>70</sup>, tying access to social aid to the performance of public work, ending affirmative-action measures and segregating “unruly or aggressive” children at schools.

Jobbik has established a solid support base, both in rural areas like Borsod-Abaúj-Zemplén County, where a significant proportion of the population is Roma, and in the capital, Budapest. Ethnic-Hungarian middle- and working-class males between the ages 20 and 40 are over-represented among the party’s supporters.<sup>71</sup> Jobbik officials and representatives have been particularly effective in using mass media to disseminate anti-Roma rhetoric as a central element in the party’s political platform.<sup>72</sup>

Jobbik was able to attract only marginal support in elections prior to those for the European Parliament in June 2009, never having reached nine per cent support in any electoral district and attracting only 2.2 per cent running as part of a coalition in the 2006 parliamentary elections. The party then managed to garner 15 per cent of the vote<sup>73</sup> and pick up three seats at the elections to the European Parliament.<sup>74</sup> Jobbik received its highest level of support in areas where there was a significant Roma minority population. (*Note: In the 2010 parliamentary elections Jobbik received 12.18 per cent of the vote and gained 47 seats.*<sup>75</sup>)

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Jobbik established a paramilitary partner organization, the Hungarian Guard Tradition Protection and Cultural Association (generally known as the “Hungarian Guard”)<sup>76</sup> in August 2007, with Jobbik’s leader serving as its leader. Jobbik registered the Guard as a cultural organization, aimed at “preparing youth spiritually and physically for extraordinary situations that might require the mobilization of the people.” Since fall 2007, their programme has emphasized battling “Gypsy criminality”, and the organization’s militant attributes have become more pronounced.<sup>77</sup>

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<sup>70</sup> Often referred to as the “police of the countryside” the *csendőrség* was a paramilitary public-security entity that played a primary role in collecting Jews and Roma for deportation during World War II. The organization was disbanded in 1945.

<sup>71</sup> Szilvia Varró: “A Jobbik mint harmadik erő. II. – A tiszták” (The Jobbik Party as the Third Power, Part 2 – The Clean Ones), *Magyar Narancs* 21, no. 7 (12 February 2009): 10.

<sup>72</sup> See, for example, the Report of the Political Capital on prejudice and intolerance in Hungary <[http://www.politicalcapital.hu/letoltes/20081016\\_eloiteletesseg\\_tanulmany\\_081016.pdf](http://www.politicalcapital.hu/letoltes/20081016_eloiteletesseg_tanulmany_081016.pdf)>.

<sup>73</sup> Nationally, *Jobbik* received 14.77 per cent of the votes (427,773 votes) <[http://www.valasztas.hu/hu/ep2009/7/7\\_0\\_index.html](http://www.valasztas.hu/hu/ep2009/7/7_0_index.html)>.

<sup>74</sup> <[http://www.europarl.europa.eu/parliament/archive/elections2009/hu/hungary\\_hu.html](http://www.europarl.europa.eu/parliament/archive/elections2009/hu/hungary_hu.html)>.

<sup>75</sup> <<http://www.valasztas.hu>>.

<sup>76</sup> *Magyar Gárda Hagyományőrző és Kulturális Egyesület (Magyar Gárda)*

<sup>77</sup> National Security Office, 2008 yearbook, *op. cit.*, note 70. The uniforms, insignia and flag of the Guard resemble those of the Arrow Cross Party – Hungarian Movement (*Nyilaskeresztes Párt – Hungarista Mozgalom*), an openly fascist organization that briefly held power in Hungary during World War II and was responsible for the killing and deportation of tens of thousands of Jews and Roma.

The Hungarian Guard has organized and led marches and rallies across the country, particularly in places where inter-ethnic conflicts or attacks have occurred or crimes have been committed in which the perpetrators, alleged or otherwise, were Roma. Events at some locations have apparently been held at the request of local non-Roma residents.<sup>78</sup> The leader of the Guard has attributed its existence to the impotence of municipalities, saying “there are settlements where the inhabitants consider their lives unlivable, and they send out a call for help”.<sup>79</sup>

The Hungarian Guard has been joined by a number of other ultra-nationalist formations, including the Goy Bikers (*Gój Motorosok*) and the Nationalist Bikers (*Nemzeti Érzelmű Motorosok*). The events organized by these and other ultra-nationalist groups have attracted a great deal of media coverage.

The Hungarian Guard has organized demonstrations against “Gypsy criminality”, often with the participation of other ultra-nationalist groups in a number of the localities visited by the delegation, including in December 2007 in Tatárszentgyörgy, June 2008 in Fadd, November 2008 in Kiskunlacháza and October 2008 in Tiszalök.<sup>80</sup> At a 28 November 2008 torchlight march in Kiskunlacháza, police searches of some marchers yielded knives and daggers. At a joint Jobbik-Hungarian Guard event on 1 March 2009 in the town of Sarkad, the regional leader of Jobbik reportedly told demonstrators that the party would provide the Hungarian Guard with firearms and get rid of the “thief Gypsy leaders”.<sup>81</sup>

The Government has made serious efforts to halt the Hungarian Guard’s activities, and the courts have ruled in favour of disbanding the organization.

Following anti-Roma speeches made by Hungarian Guard leaders at the 9 December 2007 rally in Tatárszentgyörgy, the Capital Chief Public Prosecutor’s Office, in Budapest, filed a motion in the Capital Court calling for the dissolution of the Hungarian Guard Traditional and Cultural Association, arguing that its activities violated the Freedom of Association Act.<sup>82</sup> The motion referred to international human rights norms under the ICCPR, ICERD and ECHR and the jurisprudence of the Hungarian Constitutional Court regarding the right to human dignity. Prosecutors argued that the Guard’s activities violate the human dignity and equality of the Hungarian Roma, thus violating their rights and freedoms under the Freedom of Association Act, and that these are sufficient grounds for the group’s dissolution under the Act.<sup>83</sup>

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<sup>78</sup> Ferenc Szlazzsánszky: “A gárda hívásra házhoz megy” (Hungarian Guard for Home Delivery), *Hetek* 12, no. 30 (25 July 2008), <<http://epa.oszk.hu/00800/00804/00543/68659.html>>

<sup>79</sup> *Ibid.*

<sup>80</sup> Information received from local interlocutors. See also the 2008 yearbook of the National Security Office, *op. cit.*, note 70.

<sup>81</sup> “Tüntetés Sarkadon: fegyvert adna a Gárdának a Jobbik” (Demonstration in Sarkad: Jobbik Would Provide Arms for the Garda) *Békés Megyei Hírlap*, 1 March 2009, <<http://www.beol.hu/bekes/kozelet/tuntetes-sarkadon-fegyvert-adna-a-gardanak-a-jobbik-215811>>.

<sup>82</sup> Article 16 (2) (d) of the Act 1989:II. on Freedom of Association.

<sup>83</sup> Article 2 (2) of the Act 1989:II. on Freedom of Association.

Members of the Hungarian Guard demonstrated near the court building during the trial and the proceedings had to be postponed temporarily when a judge's request to be recused after she received threatening anonymous telephone calls was granted by the President of the Court.<sup>84</sup> In December 2008, the court of first instance, the Municipal Court of Budapest, ordered the dissolution of the Hungarian Guard Association, ruling that the organization's programme is based on discrimination and that it operates as a "means to create a climate of fear, while its activities – marches by its members in Roma-populated settlements and the speeches of its leaders – constitute a breach of the rights of other citizens by violating their right to dignity and equality".<sup>85</sup>

The Association appealed the decision, arguing that the Hungarian Guard Tradition Protection and Cultural Association was not the same as the Hungarian Guard Movement – the actual paramilitary formation, which is not a legal entity – and was thereby unaffected by the ruling. The Guard remained active and continued recruiting members, including adolescents and children.<sup>86</sup> On 2 July 2009, the court of second instance upheld the lower court's ruling, referring to Article 5 of the ECHR and Article 4 (b) of the ICERD in its decision.<sup>87</sup>

The Guard remained active and, in response, a 14 July Government decree created the statutory offence of "participating in the activities of a banned social organization", effective 17 July.<sup>88</sup> Based on the statute, anyone who conducts activity that has been declared illegal in a court order banning an organization faces punishment of a fine of up to 100,000 Hungarian forints (about 365 euros). Leading the activities of a banned social organization had already been covered as a misdemeanour under the Hungarian Criminal Code.<sup>89</sup>

The Guard continued holding events and, on 22 August, the town of Szentendre, to the north of Budapest, saw the swearing in of hundreds of new recruits to the "New Hungarian Guard Movement". Some participants in the event, including the head of Jobbik, took part dressed in the uniform of the banned Guard. The police brought administrative charges against 176 people for "participating in the activities of a banned social organization".<sup>90</sup>

On 18 November, the Government broadened the range of punishable conduct in connection with a banned social organization, introducing a fine of up to 50,000 forints

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<sup>84</sup> "Megfenyegették a Magyar Gárda-per bíróját" (The Judge of the Hungarian Guard Trial Was Threatened), MTI, 27 August 2008, <<http://index.hu/politika/belfold/mg080827>>

<sup>85</sup> Press statement available on the website of the Court: <<http://www.fovarosi.birosag.hu/birosagnews/getnewshu.php>>.

<sup>86</sup> Children aged eight to ten years old also participated in the recruiting event of the Guard held on 24 May 2009 in Pákozd. A recording of the event is accessible on YouTube.

<sup>87</sup> Court decision: Hungary/Fővárosi Ítéltábla/5.Pf.20.738/2009/7. The full judgment is available at: <[http://www.itelotabla.hu/fileadmin/fajlok/fovaros/2009/mg\\_itelet090716.doc](http://www.itelotabla.hu/fileadmin/fajlok/fovaros/2009/mg_itelet090716.doc)>.

<sup>88</sup> 146/2009. (VII.14.) Korm. rendelet (Government Decree)

<sup>89</sup> Article 212/A of Act 1978 :IV

<sup>90</sup> "Vona Gábort gyanúsítottként idézték be" (Gábor Vona Was Summoned as a Suspect), Népszava Online, 23 August 2009, <<http://www.nepszava.hu/articles/article.php?id=90928>>.

for anyone who participates in the activities in a banned social organization in any way or who wears the uniform thereof or any uniform resembling that of a banned social organization at a public event.<sup>91</sup>

### **Civil Society Reactions to Violence against Roma**

While underscoring that the primary responsibility for addressing intolerance rests with the States,<sup>92</sup> the OSCE participating States have acknowledged the essential role civil society can play in combating intolerance and discrimination and promoting mutual respect and understanding.<sup>93</sup> In particular, they have made commitments to “facilitate the capacity development of civil society to assist victims of hate crimes”.<sup>94</sup>

A number of NGOs, as well as private individuals, have been involved in activities to try to counter public anti-Roma prejudice and to call for greater action on the part of the Government against those responsible for the attacks on Roma and for creating the environment in which these attacks occurred.

One significant event occurred even before the series of attacks, and was prompted by the activities of the Hungarian Guard. On 18 December 2007, over 150 prominent academics and public figures signed a declaration authored by the Hungarian Civil Liberties Union condemning the activities of the Guard and commending the steps taken by the Capital Prosecutor’s Office to initiate the dissolution of the organization.<sup>95</sup>

The series of attacks led to the formation of the Méltóságot Mindenkinék Mozgalom (Dignity for All Movement) on 14 March 2009, initiated by Roma and non-Roma academics and civil society activists to protest the violent manifestations of intolerance against Roma and to draw the attention of the public and policymakers to the threat posed to social integration and coherence by anti-Roma attitudes and actions.<sup>96</sup>

On 16 February 2009, five human rights NGOs wrote a letter addressed to the President of Hungary, stating that the Roma were being made scapegoats for current economic and public security challenges and calling on him to make a statement against racism and hatred in Hungary.<sup>97</sup> This was followed on 22 February by an open letter addressed to the

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<sup>91</sup> 253/2009. (XI.18.) Korm. rendelet Government decree, in effect since 26 November 2009.

<sup>92</sup> OSCE Ministerial Council Decision No. 10/07, Tolerance and Non-discrimination: Promoting Mutual Respect and Understanding, Madrid, 30 November 2007, <[http://www.osce.org/documents/mcs/2007/12/28629\\_en.pdf](http://www.osce.org/documents/mcs/2007/12/28629_en.pdf)>.

<sup>93</sup> OSCE Ministerial Council Decision No. 13/06, Combating Intolerance and Discrimination and Promoting Mutual Respect and Understanding, Brussels, 5 December 2006, <[http://www.osce.org/documents/mcs/2006/12/22565\\_en.pdf](http://www.osce.org/documents/mcs/2006/12/22565_en.pdf)>.

<sup>94</sup> *Ibid.*

<sup>95</sup> “Értelmiségiek a Magyar Gárda ellen” (Academics against the Hungarian Guard), Népszabadság Online, 19 December 2007, <<http://www.nol.hu/cikk/475428/>>.

<sup>96</sup> See the website of the movement at : <<http://www.meltosag.net>>.

<sup>97</sup> Unofficial translation of part of the letter (the letter is accessible in Hungarian at <<http://www.ekint.org/ekint/ekint.news.page?nodeid=270>>): “The situation into which Hungary is drifting can be characterized by everyday hatred, against which the legal system in itself is powerless ... It goes

President from the Dignity for All Movement and a number of its sympathizers, calling on him to make a public statement condemning violence against Roma on the 15 March national holiday.<sup>98</sup> Following the murder in Tatárszentgyörgy on 23 February, the President called on the investigating authorities to identify the perpetrators and inform the public on the status of the case. Human rights organizations deemed his statement inadequate, as it focused on the general duties of the authorities and did not take a strong stance condemning violence against Roma.<sup>99</sup>

A number of demonstrations were organized by civil society organizations to protest against racism and violence.

On 16 May 2009, the Hungarian Democratic Charta (Magyar Demokratikus Charta)<sup>100</sup> and the Roma Civil Rights Movement (Roma Polgárjogi Mozgalom) organized a peaceful protest in Budapest against ethnic exclusion and hatred in Hungary. The then-Minister of Education, the Mayor of Budapest, the head of the Hungarian Socialist Party and the then-Foreign Minister Péter Balász took part in the demonstration.

The Movement of Citizens against the Far Right (Civilek a Szélsőjobb Ellen Mozgalom)<sup>101</sup> organized a peaceful protest against extremism on 15 August 2009 in Budapest.

Civil society organizations have also played an important role in initiating legal measures to combat hate-motivated crime and discrimination and to defend the rights of victims.

On 2 March 2009, a Hungarian Member of the European Parliament and the Legal Defence Bureau for National and Ethnic Minorities filed a complaint with the Independent Police Complaints' Committee against the law-enforcement officers responsible for investigating the 23 February 2009 attack in Tatárszentgyörgy. The complaint was filed on behalf of the wife of the man and mother of the child killed in the attack.

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hand-in-hand with the spreading racism that the whole Roma minority is blamed for the economic or public security challenges or certain crimes and that these are used to incite racism and further prejudice.” “The President symbolizes the unity of the nation and it has never been so timely to express what the unity of a nation means, that each of its members, irrespective of its minority belonging, has the same value for the Hungarian Republic and can equally count on its protection.”

<sup>98</sup> Unofficial translation of part of the letter (the letter in Hungarian is accessible at <http://www.meltosag.net/nyilt-level/>): “in recent weeks – especially following the events in Miskolc and Veszprém – such tensions erupted that endanger the already-burdened coexistence between Roma and non-Roma of Hungary. We think that political figures and the media have proved powerless in ameliorating these tensions. Therefore, we are asking you to make clear – like other public authorities in similar situations in France, Germany and Great Britain – that those who turn against Roma turn against the Hungarian nation.”

<sup>99</sup> “Civil szervezetek elégtelennek találják Sólyom László megszólalását a romákat ért támadásokkal kapcsolatban” (NGOs Consider the Statement of László Sólyom Regarding the Attacks against Roma Inadequate), 25 February 2009, [http://helsinki.hu/dokumentum/nyiltlevel%20\\_20090225.pdf](http://helsinki.hu/dokumentum/nyiltlevel%20_20090225.pdf).

<sup>100</sup> See the call for participation at the event here: <http://charta.info.hu/esemenyek/2009/tiltakozo-demonstracio-2009-majus-16-an>

<sup>101</sup> See the call for participation at the event here: <http://www.antirasszista.eoldal.hu>.

On 25 June 2009, four human rights NGOs filed a complaint with the National Police and the Capital Prosecutor's Office against a blogger for the dissemination of extremist views and inciting hatred of the Roma via the Internet, after a posting on 16 June saying that Roma had "to be subjugated, expelled from public and cultural life, and any utterance of ethnic nature has to be eliminated without mercy. Their spines have to be broken."<sup>102</sup>

In October 2009, the Hungarian Helsinki Committee filed a complaint with the Equal Treatment Authority against the Mayor of Kiskunlacháza for repeated public anti-Roma statements following the rape and murder in the town in November 2008 of a non-Roma girl. The complaint stated that the Mayor's comments associating the Roma with criminality and violence created an intimidating, hostile and offensive environment for Roma in the town and in neighbouring settlements. As these statements were made to the national media on a number of occasions, the complaint stated that the alleged harassment should be examined at the national level as well.<sup>103</sup>

## **Roma Efforts**

About 1,000 Roma held a demonstration in the town of Szikszó, in northern Hungary, to protest a recruitment event held by the Hungarian Guard on 20 July 2008.<sup>104</sup> On 14 May 2009, 200 Roma demonstrated against a Hungarian Guard march in Hajdúhadház.

The local Roma minority self-government organized a protest against a 23 October 2008 Hungarian Guard event in Tiszalök for the Hungarian national holiday.<sup>105</sup>

The delegation was informed that a Conflict-handling Working Committee was established within the National Roma Minority Self-government in response to the series of violent attacks on Roma. The Committee was created to work to maintain calm among Roma communities and assist in their recovery after such incidents, as well as to prevent incidences of retaliatory violence or violence against the police.<sup>106</sup>

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<sup>102</sup> "Jogvédő szervezetek feljelentést tettek a BRFK-n és a Fővárosi Főügyészségen közösség elleni izgatás miatt" (Human Rights NGOs filed a complaint with the National Police and the Capital Prosecutor's Office for the dissemination of extremist views and inciting hatred), 25 June 2009, <[http://helsinki.hu/Friss\\_anyagok/htmls/606](http://helsinki.hu/Friss_anyagok/htmls/606)>.

<sup>103</sup> In its decision dated 19 January 2010, the Equal Treatment Authority established that there had been a violation of the Equal Treatment Act as, according to their assessment, the statements by the mayor constituted "harassment" of the Hungarian Roma population.

The full decision is available at: <[http://helsinki.hu/dokumentum/EBH\\_hatarozat.pdf](http://helsinki.hu/dokumentum/EBH_hatarozat.pdf)>.

<sup>104</sup> "Farkaszemet néznek a romák a Magyar Gárdával Szikszón" (Roma Looked Eye-to-Eye with the Hungarian Guard in Szikszó), HVG, 20 July 2008, <[http://hvg.hu/itthon/20080720\\_magyar\\_garda\\_romak](http://hvg.hu/itthon/20080720_magyar_garda_romak)>.

<sup>105</sup> Information from the head of the Roma minority self-government. Also, Press Statement of the Szabolcs-Szatmár-Bereg Police, 23 October 2008, <[http://www.police.hu/friss/sza20081023\\_01.html](http://www.police.hu/friss/sza20081023_01.html)>.

<sup>106</sup> Information from a member of the Heves county Roma self-government, who is also member of the Conflict-handling Working Committee.

The need for attention to these concerns was highlighted by events in Miskolc in March 2009. Following false reports that Roma were being attacked by a group of skinheads roaming the city, a group of Roma armed themselves with baseball bats and began attacking people and damaging their cars. The police were able to restore order without anyone being injured.

Another significant response by Roma communities has been the organization of self-defense guards and patrols, including in Győr-Moson-Sopron, Zala and Vas counties. In most cases, the patrols were organized following Hungarian Guard events in villages in these counties. This was the case, for example, following a February 2009 Hungarian Guard march in the village of Iván, in western Hungary.<sup>107</sup>

The incidents in which Roma were murdered in 2008 and 2009 led to the creation of more of these civilian patrol units to increase security in Roma neighbourhoods.<sup>108</sup>

This was the case in Tiszalök, where local Roma set up a neighbourhood watch group following the murder in April 2009. The head of the Roma self-government in the town told the delegation that the group had 72 volunteer members, out of a local Roma community of 340 people, including children, and that there were members on patrol in the town every night. The mayor of Tiszalök informed the delegation that he organized a community forum in Újtelep, which falls within Tiszalök's jurisdiction, as the patrolling Roma had stopped cars and sometimes set up roadblocks without any authority to do so. Media reported that the Roma kept up the neighbourhood watch in several settlements even after the arrest of the suspects of the serial murders.<sup>109</sup>

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<sup>107</sup> Information reported to regional and local daily newspapers and national radio and television: by representatives of the County Roma Interests Association: Kisalföld (3 February 2009), MR and hírTV. See also The Guardian of 3 May 2009.

<sup>108</sup> "Observer: önvédelemre szerveződnek a magyar romák" (Observer: Hungarian Roma are Preparing for Self-defense), HVG, 3 May 2009, <[http://hvg.hu/itthon/20090503\\_the\\_observer\\_onvedelem\\_romak.aspx](http://hvg.hu/itthon/20090503_the_observer_onvedelem_romak.aspx)>.

<sup>109</sup> The neighbourhood watch reportedly continues in Nyírvasvári, Nyírbétek, Nyírbogát, Encs, Máriapócs, Piricse, Ónod, Tiszaújváros, Girincs, Körö, Alsószolca, Taktaharkány and Taktaszada. "A romák tovább járőröznek" (Roma Continue the Patrols), 25 August 2009, <[http://www.fn.hu/baleset\\_bunugy/20090825/romak\\_tovabb\\_jaroroznek/](http://www.fn.hu/baleset_bunugy/20090825/romak_tovabb_jaroroznek/)>.

## 5. Challenges to Combating Hate Crimes in Hungary

### **Hate Crimes in Hungarian Legislation and Jurisprudence<sup>110</sup>**

The Hungarian Criminal Code<sup>111</sup> defines five types of conduct falling under the category of hate crimes: genocide (Article 155), apartheid (Article 157), violence against a member of a community (Article 174/B), incitement against a community (Article 269) and use of banned totalitarian symbols (Article 269/B).

On 10 November 2008, the Hungarian National Assembly adopted Act No. 79 of 2008,<sup>112</sup> amending certain acts with a view to protecting order and the operation of justice, which modified Article 174/B of the Criminal Code, effective 1 February 2009. As a result, Article 174/B of the Criminal Code, governing violence against a member of a national, ethnic, racial or religious group, was extended to cover any group of the population. The name of the offence was also modified to “violence against a member of a community”. As a result of the amendment, individuals engaged in the preparation of violence against a member of a community shall also be held criminally liable.<sup>113</sup>

Protection against non-violent conduct motivated by racism or xenophobia is provided under Article 269 of the Criminal Code, according to which anyone publicly inciting hatred against the Hungarian nation or any national, ethnic, racial or other groups of the population shall face punishment for a felony offence with imprisonment for up to three years.

Certain articles of the Criminal Code, such as those covering murder or the causing of grievous bodily harm, expressly grant judges the discretion to take into account “base

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<sup>110</sup> OSCE participating States have committed themselves to consider “increasing their efforts to ensure that national legislation, policies and practices provide to all persons equal and effective protection of the law and prohibit acts of intolerance and discrimination, in accordance with relevant OSCE commitments and their relevant international obligations” and to “ensure through legislation the imposition of heavier sentences for racially motivated crimes by both private individuals and public officials”. As a member of the European Union, Hungary also adopted the framework decision on combating certain forms and expressions of racism and xenophobia by means of criminal law, which requires that racist and xenophobic motives for criminal acts should be considered aggravating features of crimes and courts should be able to take them into account when imposing punishments.

<sup>111</sup> Act No. IV. of 1978.

<sup>112</sup> Act LXXIX of 2008 on Certain Amendments Necessary to Protect Public Order and the Operation of the Judiciary

<sup>113</sup> Act LXXIX of 2008, Art. 2. Based on the amendments, the new provision is the following: (1) 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. (2) The punishment shall be imprisonment between two to eight years if the act or crime is committed: a) by force of arms; b) with a deadly weapon; c) causing a considerable injury of interest; d) with the torment of the injured party; e) as part of a group; or, f) as part of a criminal conspiracy. (3) Any person who engages in preparing violence against a member of a community is guilty of a misdemeanor punishable by imprisonment for up to two years.

motivations” when sentencing offenders.<sup>114</sup> Judges in such cases may thus take racist motivation 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 racist motivation constitutes an express aggravating circumstance in ordinary criminal offences.<sup>115</sup>

There is no specific legislation regarding property-related offences where there is evidence that the crime was motivated by racism or xenophobia. At the time of the field visit there were no measures that criminalize denying, glorifying or minimizing the effect of genocide or the Holocaust.

A number of difficulties in the prosecution of crimes involving hate motivation were apparent to the delegation during its visit, some of which have been mentioned in previous sections. These include information from a number of interlocutors that law-enforcement officials rarely investigate possible racial motivation behind crimes.<sup>116</sup>

Convictions on charges of inciting hatred against a community are rare, as the relevant practice of the Constitutional Court requires the prosecution to show a direct causal connection between hate speech and an incident of violence. The delegation heard concerns that current hate-speech laws provide “unlimited” free speech, leaving broad opportunities for the dissemination of racist propaganda.

The Supreme Court is responsible for ensuring unified application of the law and its rulings are binding on all the courts. Legal practice may also be influenced by the decisions of the Constitutional Court. However, based on the information made available to the delegation, there are no specific instructions or guidelines on the investigation of hate motivation or its consideration as an aggravating circumstance in crimes.

The uncertainty created by the jurisprudence on hate crime cases is illustrated by an attack by five men of from 17 to 20 years-of-age on a Roma woman and her daughter in Szigetvár in 22 January 2008 and the ensuing criminal proceedings. The men were charged with committing “violence against a member of an ethnic minority”, as they confessed during their first interrogation that they had travelled to Szigetvár with the sole purpose of abusing Roma people, and had attacked the women because of their Roma origin. They later recanted their confessions and were convicted by the court of first

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<sup>114</sup> Section.166 (Homicide), Section 170 (Battery) of the Hungarian Criminal Code, <<http://www.legislationline.org/documents/section/criminal-codes/country/25>>.

<sup>115</sup> ECRI Report on Hungary, ECRI, February 2009, page 14, <<http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Hungary/HUN-CbC-IV-2009-003-ENG.pdf>>. One of ECRI’s recommendations is that the Hungarian authorities draft a specific provision that would make racist motivations aggravating circumstances for ordinary offences. Without such a systematic approach, the racial motivations of offenders are not assessed on a consistent basis.

<sup>116</sup> According to official data, there were five to six registered cases of violence against member of a community each year in the period from 2005 to 2007, and there were eight in 2008. In the period from 2005 to 2007 there were between one and three registered cases of the incitement of hatred against a community, and in 2008 there were four. See statistics of the Office of the Prosecutor General, <<http://crimestat.b-m.hu/Krimstat/Krimstat200923/Adatok/bst912K1.xls>>.

instance of “violent public behaviour” and “attempted aggravated causing of bodily harm”. The court of second instance, taking into consideration the fact that racist materials had been found at some of the perpetrators’ places of residence, re-qualified the offences as racially motivated, and sentenced three of the perpetrators to prison terms.<sup>117</sup>

The delegation believes that, since the Hungarian Criminal Code covers specific crimes committed with racial bias as a motivation and contains provisions allowing the consideration of racial bias as an aggravating circumstance in crimes, the collection of ethnic data is necessary. In the view of the Hungarian Data Protection Ombudsman, when the collection of sensitive data is necessary for determining criminal conduct, such as in the case of hate crimes, their collection and processing do not violate Hungary’s Data Protection Act.<sup>118</sup>

### **Monitoring Hate Crimes<sup>119</sup>**

Interlocutors informed the delegation that current interpretations of Hungarian law render the collection of such data, or even the identification of ethnic bias as a motivation for a crime, extremely difficult. Human rights NGOs and international monitoring bodies have also raised concerns over the lack of proper collection of these data and the obstacles this creates in combating discrimination and prosecuting racially motivated crimes.

A report was published jointly by the Data Protection and Minorities ombudsmen on 11 November 2009 to clarify the regulations regarding the collection and processing of data on ethnicity.<sup>120</sup>

According to official information provided to ODIHR by the Government of Hungary, data on hate crimes is collected by the National Police, the Prosecutor General’s Office and the Ministry of Justice and Law Enforcement.<sup>121</sup> Only the citizenship, gender and the age of victims are recorded on the statistical sheet (*statisztikai lap*), however, and there

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<sup>117</sup> “Etnikai bűncselekményért ítélték el a szigetvári bántalmazókat” (The Attackers in Szigetvár Were Found Guilty of a Racist Crime), Népszabadság Online, 10 April 2009, <[http://www.nol.hu/belfold/etnikai\\_buncselekmenyert\\_iteltek\\_el\\_a\\_szigetvari\\_bantalmazokat](http://www.nol.hu/belfold/etnikai_buncselekmenyert_iteltek_el_a_szigetvari_bantalmazokat)>.

<sup>118</sup> Information received on 13 November 2009 at a conference on “The Current Questions of Responding to Xenophobia and Intolerance” organized by the Hungarian Academy of Sciences.

<sup>119</sup> OSCE Ministerial Council Decisions commit all participating States to “collect and maintain reliable data and statistics on hate crimes which are essential for effective policy formulation and appropriate resource allocation in countering hate motivated incidents”. OSCE participating States have made the commitment to “facilitate the capacity development of civil society to contribute in monitoring and reporting hate motivated incidents”.

<sup>120</sup> Dr. Ernő Kállai and Dr. András Jóri: “Report on the Examination Finding of Collection and Processing Ethnic Data”, <<http://www.kisebbsegiombudsman.hu/hir-477-jelentes-az-etnikai-adatok-kezeleserol.html>>. The report aims to address the need for the collection of ethnic data in the following contexts: reaching the target group of inclusion programs; ensuring effective legal remedies against discrimination and racially motivated crimes; fulfilling relevant international commitments and recommendations; and reacting to the widespread anti-Roma public discourse.

<sup>121</sup> The Office of the Prosecutor General publishes the statistics on a yearly basis. Hungary’s response to the ODIHR Questionnaire on hate crimes, 12 March 2009.

are no data on their ethnicity. As a result, there is no statistical information on crimes committed against Roma. Recorded cases of hate crimes are also not disaggregated further by bias motivation, so there are no available data of how many of the cases were based on bias against Roma. There are no records kept on cases where the hate motivation was considered as a base motivation and evaluated as an aggravating circumstance. As such, there is no statistical information on the extent and pattern of hate crimes.

### **Efforts at Combating Hate Speech in the Media and on the Internet<sup>122</sup>**

Despite the setbacks in establishing stronger legal protection against hate-speech the authorities have remained active in battling racist pronouncements. The extreme nationalist, anti-Roma and anti-Semitic website kuruc.info was closed down in Hungary due to its racist content, but the site moved to a server in the United States and continued to operate.<sup>123</sup> The then Prime Minister ordered the then Minister of Justice to address the problem of hate speech by taking all necessary measures to defend constitutional values and civil rights in Hungary.

In 2008, the Parliamentary Commissioner for the Rights of National and Ethnic Minorities called on the Magyar Tartalomszolgáltatók Egyesülete (Hungarian Association of Content Providers) to set up a code of ethics aimed at reducing the propagation of hate speech on the Internet.

Sanctions have been imposed on various television channels by the National Radio and Television Board for airing programmes with hateful content regarding Roma. The Board ruled that a 1 July 2008 programme on Echo TV was based on stereotypes that would foster prejudice and “could have generated hatred against the Roma minority”, and, therefore, violated the Media Act<sup>124</sup>.

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<sup>122</sup> The participating States have acknowledged that hate crimes can be fuelled by racist propaganda, including in the media and on the Internet, and have repeatedly expressed their concern regarding “racist, xenophobic and discriminatory public discourse”. Moreover, they have encouraged the “promotion of tolerance, dialogue, respect and mutual understanding through the Media, including the Internet” and the development, in close co-operation with civil society, of “concrete measures which do not endanger freedom of information and expression, in order to counter xenophobic stereotypes, intolerance and discrimination in the media and to encourage programmes to educate children and youth about prejudice or bias they may encounter in the media or on the Internet”.

<sup>123</sup> “Továbbra is üzemel a kuruc.info” (Kuruc.info Continues to Operate), Origo, 22 August 2008, <<http://www.origo.hu/itthon/20080822-szilvasy-gyorgy-a-nemzetbiztonsagi-hivatal-fellep-a-kurucinfo-ellen.html>>.

<sup>124</sup> Press Statement of the National Radio and Television Board, 1 December 2008, <[http://www.ortt.hu/hirek.php?hir\\_id=348](http://www.ortt.hu/hirek.php?hir_id=348)>.

A programme entitled “The Gypsy Question”, aired by Story TV on 26 January 2009, was also found in violation of the Media Act due to degrading and stereotypical comments about Roma made by the host.<sup>125</sup>

There have also been responses on the part of media outlets to prejudice and the apparent increase in public ultra-nationalist discourse.

The Népszava daily paper newspaper carries a crossed-out swastika on the front page of each issue as a protest against neo-fascism. The paper has said it will continue to publish the symbol on its front page until the situation in Hungary improves in this respect.

The Index daily electronic newspaper launched an initiative on 31 August 2009 to publish lengthier reports to counter popular misconceptions regarding Roma, with topics including “who are the Roma?”, “is criminality really in the blood of the Roma?” and “do all Roma live on social aid?”<sup>126</sup>

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<sup>125</sup> “Havas kontra cigányok: elmarasztalta az ORTT a tévét” (Havas versus Roma: National Radio and Television Board Ruled against the Media Figure), 26 June 2009, <<http://portal.cpress.hu/200906265067/belfold/havas-kontra-ciganyok-elmarasztalta-az-ortt-a-tevest.html>>.

<sup>126</sup> “Ki a cigány?” (Who is Roma?), Index, 31 August 2009, <[http://index.hu/belfold/2009/08/31/ki\\_a\\_cigany/](http://index.hu/belfold/2009/08/31/ki_a_cigany/)>;

“A bűnözés a cigányok vérében van?” (Is criminality really in the blood of the Roma?), Index, 9 September 2009, <[http://index.hu/belfold/2009/09/09/tenyek\\_es\\_tevhitek\\_a\\_bunozes\\_a\\_ciganyok\\_vereben\\_van/](http://index.hu/belfold/2009/09/09/tenyek_es_tevhitek_a_bunozes_a_ciganyok_vereben_van/)>;

“Segélyből él az összes cigány?” (Do All Roma Live on Social Aid?), Index, 2 September 2009, <[http://index.hu/belfold/2009/09/02/tamogatas\\_fejlesztsek\\_cigany/](http://index.hu/belfold/2009/09/02/tamogatas_fejlesztsek_cigany/)>.

## 6. *Underlying Factors and the Overall Context in Which Violent Incidents Have Occurred*

The OSCE participating States have acknowledged the importance of contextual issues in the general fight against hate crimes and committed themselves to address the root causes of intolerance and discrimination.<sup>127</sup> Therefore, throughout its discussions with interlocutors during the field visit, the delegation tried to explore underlying factors that had contributed to the tensions between the majority, ethnic-Hungarian community and the minority, ethnic-Roma community, and created the conditions in which the attacks on Roma occurred. The chief factors cited were:

- Anti-Roma public and political discourse;
- The activities of the Hungarian Guard;
- Insufficiently vigorous response to hate crimes by the authorities;
- General prejudice against Roma among the broader public;
- Lack of Roma integration; and
- Public-security concerns among the population in general.

A number of interlocutors expressed the belief that intolerance had risen with the effects of the global financial crisis and the related economic downturn in Hungary. With a larger portion of the Roma population than the national average dependent on state economic aid, this leaves the Roma more susceptible to being used as scapegoats.<sup>128</sup> These factors should be taken into consideration by the Hungarian authorities when designing policy responses.

One interlocutor, a representative of the National Police, informed the delegation that he believes the series of crimes targeting Roma were not unique, citing similar attacks ten years ago that received much less coverage. This runs counter to the assessment in a report by the National Security Committee of the Parliament released on 17 November 2009, which states that “the series of murders of Roma is the most serious series of crimes so far in Hungarian criminology”.<sup>129</sup>

The delegation would like to emphasize that hate crimes do not occur in a vacuum; they are violent manifestations of prejudice, which can be pervasive in the wider community. Since the continued lack of integration of Roma in Hungary makes them vulnerable to prejudice and intolerance and, ultimately, to racially-motivated violence, only an integrated approach that combines efforts to combat racism and intolerance with those to foster integration of Roma can eventually improve the situation.

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<sup>127</sup> OSCE Ministerial Council, Decision No. 13/06, Combating Intolerance and Discrimination and Promoting Mutual Respect and Understanding, *op. cit.*, note 95.

<sup>128</sup> Information received from the head of the Roma minority self-government of Fadd and the mayor of Derecske.

<sup>129</sup> Fact-finding Examination Report 17 November 2009, National Security Committee, National Assembly of the Republic of Hungary, *op. cit.*, note 29.

Unaddressed conflicts not only threaten to disturb social peace but also hinder the constructive resolution of socio-economic problems. In situations where relations between ethnic groups are already sensitive, hate crimes can exacerbate tensions and have an explosive impact.

Social acceptance of discrimination against particular groups is an important factor behind hate crimes. Communication based on mutual respect and tolerance can be built through direct contacts, providing an additional impetus for stepping up efforts to integrate Roma in all fields, including into the labour market, and to combat housing and educational segregation.

The delegation found numerous significant efforts by Hungarian authorities at all levels to address concerns in these areas. These can be used as examples of good practice for the development of further initiatives at all levels to deal with the conditions that contributed to the attacks and other hate-motivated incidents that were the focus of the delegation's field assessment visit.

This would include an assessment of past Roma social-inclusion programmes with a view to identifying challenges and effective approaches leading to sustainable integration. This should involve scientific analysis and public debate involving local government officials and representatives of Roma communities.

### **General Background to the Situation of Roma in Hungary**

Research<sup>130</sup> and discussions with interlocutors during the field visit show that Roma are over-represented in economically disadvantaged, underdeveloped regions, such as Borsod, Heves and Nógrád counties, and tend to be concentrated in small settlements. An increasing number of Roma families live in segregated circumstances. The average monthly income per person in Roma households is much lower than a national average; a high percentage of Roma households have incomes below what is considered subsistence level.

A steep rise in unemployment among Roma during the post-socialist transition is a major factor behind these figures. In 1971, 85 per cent of Roma men and 30 per cent of Roma women had regular employment. By 2003, only 28 per cent of Roma men and 15 per cent of Roma women between the ages of 15 and 74 had regular employment.<sup>131</sup> A great

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<sup>130</sup> For the most recent comprehensive research on the background and situation of Roma in Hungary can be found in: István Kemény, Béla Jánky, Gabriella Lengyel: "A magyarországi cigányság 1971-2003", (Budapest: Gondolat-MTA Etnikai-nemzeti Kisebbségkutató Intézet Budapest, 2004).

<sup>131</sup> *Ibid.*, p. 134. In 1971, 85 per cent of Roma men and 30 per cent of Roma women had regular employment. Between 1985 and 1993, 55 per cent of Roma workplaces ceased to exist. In late 1993, the employment rate among males aged 15-59 was 64 per cent in the general population but 29 per cent in the Roma population. Sixty-six per cent of Hungarian women aged 15-54 were employed, but only 15 per cent of Roma women. See in: István Kemény: "History of Roma in Hungary", p. 61. <[http://www.mtaki.hu/docs/kemeny\\_istvan\\_ed\\_roma\\_of\\_hungary/istvan\\_kemeny\\_history\\_of\\_roma\\_in\\_hungary.pdf](http://www.mtaki.hu/docs/kemeny_istvan_ed_roma_of_hungary/istvan_kemeny_history_of_roma_in_hungary.pdf)>. Research conducted in 2001 in the Borsod-Abaúj-Zemplén county found that 92 per cent of

majority of those that are employed work in un-skilled jobs.<sup>132</sup> Based on a poll conducted in early 2009, there is no active wage-earner in 60 per cent of Roma households.<sup>133</sup>

There are major differences between the figures for Roma and national averages when it comes to education. Just 42 per cent of Roma children from three to five years of age attend kindergarten, while the figure for the general population is 88 per cent. Roma children are twice as likely to be placed in educational institutions for children with slight mental disabilities.<sup>134</sup>

A survey conducted in 2006 found that about one in five companies in Hungary were deeply discriminatory against Roma in hiring, as well as against new entrants to the labour market, handicapped people and women.<sup>135</sup> The Equal Treatment Authority has reported that most of the discrimination cases it deals with in the labour market involve Roma complainants.<sup>136</sup>

The average life expectancy for Roma in Hungary is about ten years lower than that for non-Roma.<sup>137</sup>

Roma families are more likely to live in inferior housing than the national average, many without a direct water supply and indoor toilet facilities.<sup>138</sup>

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Roma women and 84 per cent of men were unemployed. See: Babusik F és Papp G.: “A cigányság egészségi állapota – szociális, gazdasági és egészségügyi helyzet Borsod-Abaúj-Zemplén megyében” (The health status of Roma – the social, economic and health situation in Borsod-Abaúj-Zemplén county), (Budapest: Delphoi Consulting, 2002).

<sup>132</sup> István Kemény, Béla Jánky, Gabriella Lengyel: “A magyarországi cigányság 1971-2003”, *op. cit.*, note 132, p. 135.

<sup>133</sup> In 13 per cent of the households there are two wage-earners and in 3 per cent of households three or more. Marketing Centrum, “Közvélemény-kutatás: Roma társadalom” March 2009. pp. 3, 17.

<<http://www.marketingcentrum.hu/index.php?lang=hu&page=reszletek&id=33>>.

<sup>134</sup> Data was also used in the Decade of Roma Inclusion Programme Strategic Plan

<sup>135</sup> Ferenc Babusik: “A romák foglalkoztatási diszkriminációja a munkaerő-piacon. Egy empirikus vállalatkutatás eredményei” (Discrimination against the Roma regarding employment on the labor market. The outcome of an empirical enterprise survey), (Budapest: Delphoi Consulting, 2008). <[http://www.delphoi.hu/download-pdf/roma\\_fogl\\_diszkr.pdf](http://www.delphoi.hu/download-pdf/roma_fogl_diszkr.pdf)>.

<sup>136</sup> Judit Demeter: “Az egyenlő bánásmód sérelme miatt indult hatósági eljárások tapasztalatai” (Experiences of Authority Procedures in Cases of the Violation of the Principle of Equal Treatment), “in Lejtős pálya. Antidiszkrimináció és esélyegyenlőség” (Slippery Slope. Anti-discrimination and Equal Opportunities), edited by Balázs Majtényi (Budapest, L’Harmattan, 2009): 76. See also the Third Report of the Republic of Hungary on the implementation of the Framework Convention for the Protection of National Minorities of the Council of Europe, p. 59.

<[http://www.coe.int/t/dghl/monitoring/minorities/3\\_FCNMdocs/PDF\\_3rd\\_SR\\_Hungary\\_en.pdf](http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_3rd_SR_Hungary_en.pdf)>.

<sup>137</sup> Whereas the national average life expectancy is 68 years for men and 77 years for women, the corresponding figures for Roma are 60 years for men and 68 years for women. See also E/C.12/HUN/CO/3, 22 May 2007, Paragraph 25.E/C.12/HUN/CO/3, 22 May 2007, Paragraph 25.

<sup>138</sup> See István Kemény and Béla Jánky: “Roma Population of Hungary, 1971–2003” In Roma of Hungary, edited by István Kemény, 70–225. East European Monographs, No. DCCII, New York: Columbia University Press, 2005; Ferenc Babusik: “A szegénység csapdájában. Cigányok Magyarországon – szociális-gazdasági helyzet, egészségi állapot, szociális, és egészségügyi szolgáltatásokhoz való hozzáférés” (Trapped by poverty. Roma in Hungary – socio-economic situation, health status, access to welfare and medical services), (Budapest: Delphoi Consulting, 2004).

## Ethnic-Data Collection and Processing

Hungary's data-protection rules are often cited as a major obstacle to the assessment of state programmes designed to improve conditions and opportunities for Roma.<sup>139</sup> It is widely believed that the collection of data disaggregated by ethnicity is prohibited, and that it is not possible to ascertain who is Roma, making self-declaration the only way of determination. A representative of the Prime Minister's Office told the delegation that, since data-protection laws do not allow ethnic monitoring, there is no clear picture of the percentage of Roma who benefit from social programmes like the "Road to Work". The representative also informed the delegation that this makes it difficult to reach consensus on how to create a transparent picture of who benefits from EU and state budget support or support from other sources.

The difficulty in terms of how members of the Roma minority are identified makes something as basic as determining the size of the Roma community difficult. The Central Statistical Office (Központi Statisztikai Hivatal) considers those Roma who declare their affiliation in at least one of the four voluntary questions asked at the population census.<sup>140</sup> Fears of stigmatization or prejudice, however, can result in unreliable data, and assessments based on different methodology – such as those often used by sociologists that consider people as Roma who are considered to be Roma by the broader community<sup>141</sup> - have produced different figures. State social programmes targeting Roma tend to rely on data from surveys of this type instead of the population census.<sup>142</sup>

The result of current interpretations of regulations concerning data protection and ethnic identification is that programmes aimed at improving the situation of Roma are couched within the framework of those for "disadvantaged" or "socially excluded" groups, of which Roma constitute a significant portion. There remains a real debate between those who believe the existence of ethnic registers would make it possible to measure the benefit to Roma from social programmes and those who do not believe that social problems should be "ethnicized". This second group argues that programmes aimed at helping the disadvantaged are able to help those Roma in need.

The delegation believes that, without access to proper data, adequate social-inclusion programmes cannot be designed and monitored, and their effects cannot be measured. For this purpose, the need to effectively design, monitor and evaluate Roma-inclusion programmes should be reconciled with Hungarian regulations on the collection and

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<sup>139</sup> The Chairman of the Committee on Human Rights, Minorities, Civil and Religious Affairs of the parliament mentioned the problem with the lack of proper data collection and monitoring, and is concerned that, in his view, there is no real "investigation" related to the human rights situation of Roma.

<sup>140</sup> Besides a direct question about affiliation, there are questions regarding cultural traits and traditions, mother tongue and language used in the family or circle of friends. See: <[http://www.nepszamlalas.hu/hun/kerdoiv/hun\\_4.html](http://www.nepszamlalas.hu/hun/kerdoiv/hun_4.html)>. According to the last census, in 2001, there were 190,000 Hungarian citizens – less than 2 per cent of the population – who declared themselves as Roma. Based on this data, Roma are the largest national/ethnic minority group in Hungary.

<sup>141</sup> István Kemény conducted three national surveys using this methodology, in 1971, 1993 and 2003.

<sup>142</sup> See e.g., Decade of Roma Inclusion Programme Strategic Plan.

processing of ethnic data. Existing recommendations based on the experience of the Data Protection and Minorities ombudsmen should be utilized, as should recommendations by Roma NGOs and human rights organizations.

## 7. Recommendations

Given the focus of the field assessment visit, the recommendations contained in this section, based on the evaluation of the information gathered by the delegation, focus on measures to combat racial violence and hatred. In this context, these follow a comprehensive approach, addressing the areas of national legislation, law-enforcement agencies, data collection and the monitoring of hate crimes, education and the promotion of tolerance and non-discrimination, media and constructive public discourse.<sup>143</sup>

A number of recommendations also focus on the need for sustained efforts aimed at promoting integration of the Roma minority into the mainstream of Hungarian society, as their lack of integration makes Roma vulnerable to prejudice and intolerance and, eventually, to racially-motivated violence.

Although the primary responsibility for addressing acts of intolerance and discrimination rests with the State,<sup>144</sup> and therefore the bulk of ODIHR recommendations are addressed to the authorities in Hungary, effective implementation of these recommendations and other steps to improve the situation of Roma in the country must be taken by a wide range of non-governmental as well as governmental actors.

Civil society groups can effectively contribute to combating racism and intolerance against Roma by, for example, enhancing efforts to monitor hate crimes and assist victims, developing and implementing tolerance campaigns at national and local levels, and by implementing conflict-prevention and community-based mediation programmes in partnership with local authorities and members of the Roma community.

ODIHR also wishes to emphasize the key role that can be played by Roma individuals and communities in Hungary, directly and through Roma minority self-government institutions or civil society organizations and in partnership with other communities, in ensuring that they participate actively and effectively in the formulation, implementation and assessment of relevant decisions and policies.

The OSCE's Office for Democratic Institutions and Human Rights recommends that the relevant Hungarian authorities:

1. With regard to the recent violent incidents committed against Roma
  - a) Without delay ensure vigorous and effective investigation and take all necessary measures to ensure access to effective remedies to the victims and

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<sup>143</sup> The OSCE participating States have acknowledged the importance of taking a comprehensive approach to effectively combating all forms of discrimination. OSCE Ministerial Council, Decision No. 10/07, Tolerance and Non-discrimination: Promoting Mutual Respect and Understanding, *op.cit.*, note 94.

<sup>144</sup> See an acknowledgment of this, for example, in OSCE Ministerial Council, Decision No. 9/09, Combating Hate Crimes, *op. cit.*, note 4.

- bring the perpetrators to justice. Exercise particular vigilance regarding the investigation of possible racial motivation.
- b) Take all necessary measures at all levels to ensure the protection of the members of Roma community from further violence and provide adequate response to their security concerns.
  - c) Ensure proper and prompt internal and external investigation of complaints against the police for misconduct/not properly investigating crimes against Roma; and raise awareness among the population about the role and tasks of external police oversight mechanisms such as the Independent Police Complaints Committee and the Parliamentary Commissioner for National and Ethnic Minority Rights.
2. Unequivocally condemn and speak out at the highest political level against all forms of violence motivated by racial and ethnic hatred against Roma whenever they occur. Such condemnation should be immediate, strong and clear.
  3. While respecting freedom of expression, intensify efforts to counter any incitement to violence and hate crimes against Roma, including through the Internet.
  4. Identify and address the possible gaps between domestic legislation, investigation, prosecution and judiciary practices with regard to hate crimes and relevant OSCE commitments and international human rights standards.
  5. Develop a comprehensive national strategy to combat hate crimes and consider drawing on the expertise and assistance of the relevant OSCE institutions.
  6. Recognizing the particular harm caused by violent hate crimes, make law enforcement a priority for the criminal-justice system in cases where there are reasonable grounds to suspect racial motivation and ensure vigorous and effective investigation in accordance with domestic law and consistent with relevant human rights standards. To this effect, ensure that law-enforcement officials, prosecutors and judges are well equipped to respond effectively to hate crimes. In this context:
    - a) Develop procedures and guidelines for identifying and investigating hate-motivated crimes. Consider drawing on ODIHR's expertise and assistance to share good practices. Ensure that investigators and prosecutors are specially instructed to thoroughly investigate the motive when a suspected hate crime is reported.
    - b) Reconcile the aim of effectively investigating crimes with a possible hate motivation and the Hungarian regulations on ethnic-data collection and processing. In this context, consider utilizing the recommendations and relevant experience of the Commissioners for Data Protection and for the Rights of National and Ethnic Minority Rights and various Hungarian civil society

organizations dealing with hate crimes. Consider drawing on ODIHR's assistance to share good practices from other OSCE participating States.

c) Develop and provide specific training to law-enforcement personnel, prosecutors and the judiciary in order to enhance their effectiveness in dealing with hate crimes and incorporate such specialized training into both basic and in-service training curricula. Train police officers investigating crimes to identify, investigate and register bias motives. Train prosecutors to bring evidence of bias motivations and apply the legal measures required to prosecute hate crimes. Train judges to apply legal measures dealing with hate crimes. In this work, consider drawing on ODIHR's assistance and utilizing already existing hate crime training modules for law enforcement and prosecutors.

d) Increase efforts to improve relations (positive interaction) between criminal-justice agencies and Roma communities, with a view to improving trust and confidence in law enforcement among Roma and to encouraging victims to report hate crimes and witnesses to contribute to solving and prosecuting hate crimes. In this work, consider drawing on assistance of ODIHR and other OSCE structures to share good practices from other OSCE participating States.<sup>145</sup>

e) Intensify co-operation and dialogue between law-enforcement agencies and Roma organizations in the area of combating intolerance to ensure regular reporting on issues of concern and follow-up on reported incidents, and also to provide early warning of rising tensions and enable proper resource allocation. Towards these aims, consider establishing permanent structures for police-Roma dialogue at all levels (central, regional, local), such as in a form of joint working groups. In this work, consider drawing on assistance of ODIHR and other OSCE structures to share good practices from other OSCE participating States.<sup>146</sup>

f) Acknowledging that crimes committed with a possible bias motivation severely disturb public peace and pose a threat to inter-ethnic relations and social cohesion, ensure that law-enforcement authorities publicize as far as possible the status of investigations and steps taken. Ensure that they do not perpetuate hostility or prejudice towards Roma in their regular communication with the media and the public.

7. Acknowledging that accurate data are essential for understanding fully and dealing effectively with the problem of hate crimes, create and maintain a system to monitor all incidents with a possible bias motivation and intensify efforts to collect reliable data and statistics. Such systems should include anonymous and disaggregated information

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<sup>145</sup> See, for example, the following references: Police and Roma and Sinti: Good Practices in Building Trust and Understanding, *op. cit.*, note 9, Good Practices in Building Police-Public Partnerships by the Senior Police Adviser to the OSCE Secretary General, *op. cit.*, note 9, and the HCNM Recommendations on Policing in Multi-Ethnic Societies (February 2006) <[http://www.osce.org/documents/hcnm/2006/02/17982\\_en.pdf](http://www.osce.org/documents/hcnm/2006/02/17982_en.pdf)>.

<sup>146</sup> *Ibid.*

on bias motivations and/or victim groups, and should monitor all stages of proceedings including incidents and offences reported, charges brought and convictions recorded. Consider drawing on ODIHR's assistance to share existing good practices of other OSCE participating States.

8. Intensify efforts to increase the representation of Roma in law-enforcement institutions as a sustainable means of promoting tolerance and diversity. Develop strategies to encourage and enable Roma to join police forces. In this work, consider drawing on assistance of ODIHR and other OSCE structures to share good practices from other OSCE participating States.<sup>147</sup>

9. Provide initial and in-service training on human rights (including the rights of persons belonging to national, ethnic minorities such as Roma), mediation and community relations both for senior and junior police officers. Representatives of minorities should be involved in both the planning and delivery of such trainings.<sup>148</sup>

10. Step up efforts to develop and implement – with special focus on locations where violent attacks occurred – targeted crime-prevention programmes and initiatives to combat hate crimes, such as mediation, conflict-management and community-building programmes. In this work, draw on the experiences of previously realized projects, such as the crime-prevention model programme implemented by the Ministry of Justice and Law Enforcement. In this work, consider drawing on assistance of ODIHR and other OSCE structures to share good practices from other OSCE participating States.<sup>149</sup>

11. Develop programmes, together with human rights organizations, Roma NGOs and minority self-governments, dealing with the monitoring of hate crimes and assisting victims to encourage the public to report hate crimes and assist law-enforcement agencies in apprehending and prosecuting offenders. Develop programmes to support victims of hate crimes (including both legal assistance and social services) and assist communities where such crimes have occurred.

12. Raise the capacity of and allocate sufficient resources to human rights organizations, Roma NGOs and minority self-governments dealing with monitoring hate crimes and assisting victims. In developing this capacity, draw on identified good practices.<sup>150</sup>

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<sup>147</sup> Ibid.

<sup>148</sup> See, for example, *Police and Roma and Sinti: Good Practices in Building Trust and Understanding*, *op. cit.*, note 9;

<sup>149</sup> See, for example, *Police and Roma and Sinti: Good Practices in Building Trust and Understanding*, *op. cit.*, note 9; *Good Practices in Building Police-Public Partnerships* by the Senior Police Adviser to the OSCE Secretary General, *op. cit.*, note 9; and *HCNM Recommendations on Policing in Multi-Ethnic Societies*, *op.cit.* note 146.

<sup>150</sup> See “Preventing and Responding to Hate Crimes; A Resource Guide for NGOs in the OSCE Region”, (Warsaw: OSCE Office for Democratic Institutions and Human Rights, 2009).

13. Develop and implement education campaigns promoting an open, more tolerant and inclusive society and raising awareness of human rights and of the need to combat racism and intolerance. In this context, place special emphasis on outreach to small local communities and underdeveloped regions and locations where violent anti-Roma incidents happened. Consider drawing on expertise and assistance of ODIHR and other OSCE structures in order to develop methods and curricula for tolerance and human rights education.<sup>151</sup>

14. Acknowledge that media activities cannot be permitted to (directly or indirectly) insult or promote hatred against any minority, and media organs fostering anti-Roma racial hatred should be consistently held accountable.

ODIHR also urges the authorities to:

14. Thoroughly assess the outcomes of past Roma social-inclusion policies and programmes with a view of identifying effective approaches capable of leading to effective and sustainable integration of Roma and the remaining challenges. Such assessment should bear in mind the special importance of addressing the situation in smaller and segregated settlements and poverty regions, be transparent and include all relevant stakeholders including national and local authorities, Roma representatives and civil society.

15. At all levels ensure effective implementation of Roma-inclusion policies and a transparent monitoring process of achievements and challenges in particular in the areas of education, employment and housing. Particular attention should be paid to:

- intensifying efforts to ensure that local authorities in applying legislation enacted at the central level do so in accordance with the law and in conformity with the prohibition of discrimination;
- intensifying efforts to reintegrate Roma children into mainstream schools and preventing segregation of Roma children into special education or separate classes or schools;
- developing and implementing employment programmes offering long-term solutions for unemployed Roma and decreasing their welfare dependency; and stepping up efforts to increase the representation of qualified Roma in public administration;
- intensifying efforts to address segregation of Roma in housing and to improve the infrastructure in order to ensure better living conditions for Roma.

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<sup>151</sup> See, for example: Police and Roma and Sinti: Good Practices in Building Trust and Understanding, *op.cit.*, note 9).

16. Reconcile the aim of effectively designing, monitoring and evaluating Roma-inclusion programmes and the Hungarian regulations of ethnic-data collection and processing. In this context, utilize the relevant international standards, recommendations and experience of the Data Protection and Minority Rights ombudsmen and recommendations of Roma NGOs and human rights organizations. Consider drawing on existing good practices of other OSCE participating States.

## APPENDICES

## Appendix 1: Incidents and Violence against Roma in Hungary in 2008-2009<sup>152</sup>

### 2008

#### **Szigetvár**

On **22 January 2008**, five men (aged 19-24) under the influence of alcohol boarded a train going from Barcs to Pécs. They did not have tickets, and were ordered off the train by a conductor in Szigetvár. After getting off the train, they covered their faces with hoods, scarves and ski masks, and attacked a Roma woman and her daughter, who were crossing a park on their way home. The assailants struck 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 had assaulted the women due to their racial origin. They later retracted their statements, saying instead that alcohol had caused them to act aggressively. On 27 November 2008, the Pécs City Court sentenced four of the men to prison terms of from eight to 11 months after finding them guilty of attempted assault and disturbing the peace (*garázdaság*) in connection with the attack. Although the men had also been charged with assault on a member of an ethnic minority, the judge ruled that there was reasonable doubt that the assault had been racially motivated. In April 2009, however, the Baranya County Court, as the court of second instance, ruled that a racial motivation could be substantiated based on the circumstances of the crime, on an anti-Roma poem tattooed on one of the perpetrators, on personal items with fascist and totalitarian symbols found in the homes of the accused, and racist statements they had made in public. The perpetrators received prison sentences ranging from one to two-and-a-half years (two of the sentences were suspended).<sup>153</sup>

#### **Putnok**

On **22 February 2008**, the house of a Roma family in Putnok was vandalized and threatening slogans were painted on the walls. The family was not at home at the time of the incident.

#### **Tiszaroff**

On **1 March 2008**, the house of the Roma minority self-government representative for Kunmadaras was set on fire. A swastika were and the statement: “This is what is going to happen to blood-mouthed communists, the dog of Kolompár” (“*Így járnak a véresszájú komcsik, Kolompár kutyája*”) were painted on the wall of the home before it was set on fire.<sup>154</sup>

#### **Tapolca**

On **15 March 2008**, two 17-year-olds severely beat and kicked a 32-year-old Roma man in an unprovoked attack on the street in Tapolca. The Roma man fell into a coma and was taken to hospital in critical condition. The court ordered the attackers into pre-trial

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<sup>152</sup> The following compilation is based mainly on media reports and reports of human rights NGOs, therefore on unofficial sources and does not provide an exclusive list of all anti-Roma crimes.

<sup>153</sup> “Cigánynak lenni Magyarországon, Jelenetés 2008” (Being Roma in Hungary, Report 2008), *op. cit.* note 27, p. 216.

<sup>154</sup> *Ibid.*, p. 216.

detention on charges of assault causing life-threatening injury. The police reportedly stated that there is no proof that the assault was racially motivated.<sup>155</sup>

### **Szihalom**

On **27 March 2008**, unidentified perpetrators vandalized an uninhabited house owned by a Roma family.

### **Fadd**

In Fadd, on **13 April 2008**, Molotov cocktails were thrown at a house into which a Roma family were about to move. The fire destroyed all their belongings. The family was forced to look for a new home. The person who agreed to sell them another home was allegedly threatened verbally by a member of the local self-government and told to withdraw from the agreement. She ignored the threat and sold her house to the family. On 18 April, this house was also set on fire with Molotov cocktails.

The local self-government, the Hungarian Guard and the Goy Motor Bikers organized a demonstration on 21st June in the village against “gypsy –criminality”.<sup>156</sup>

### **Pátka**

On **3 June 2008** Molotov cocktails were thrown into the homes of three Roma families in the village of Pátka. Nobody was injured, but a fire started in a room where children were sleeping in one of the homes. Three local civil guards were placed in preliminary detention on suspicion of the attempted murder of multiple persons. The mayor and a majority of the population of the village signed a petition of support for the "innocent special constables". The mayor prepared a “code on the norms of peaceful coexistence for the Roma of the village”.<sup>157</sup> On 13 June, the Hungarian Guard marched in the village, pledging support for the non-Roma people. Special police details came to the village to control the tension between Roma and non-Roma.<sup>158</sup>

### **Nyíregyháza**

On **8 June 2008**, commemorations and a demonstration were held in Nyíregyháza on the occasion of the 88<sup>th</sup> anniversary of the Treaty of Trianon, signed in 1920 between the Allied Forces and Hungary, concluding the First World War. Racist, xenophobic, including anti-Roma, speeches were made by the speakers. A Roma activist attempted to record the event but was attacked by members of the Hungarian Guard, who destroyed his video camera. Some of the statements at the event described the Roma as unwelcome in the country and told them to go back to India.

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<sup>155</sup> “Cigánynak lenni Magyarországon, Jelenetés 2008” (Being Roma in Hungary, Report 2008), *Ibid.*, p.216.

<sup>156</sup> Information received from interlocutors in Fadd.

<sup>157</sup> “Cigánynak lenni Magyarországon, Jelenetés 2008” (Being Roma in Hungary, Report 2008), *op. Cit.*, note 27, p. 217. The police closed the investigation and recommended indictment to the persecution office for attempted murder. In an interview to HVG in December 2008 the Police Chief stated that the motive of the attack was personal, fueled by an argument between two families.

<sup>158</sup> “Pátka: mi történt, ki hazudik?”, *Hírszerző*, 17 June 2008, <[http://www.hirszerzo.hu/cikk.patka\\_mi\\_tortent\\_ki\\_hazudik.69651.html](http://www.hirszerzo.hu/cikk.patka_mi_tortent_ki_hazudik.69651.html)>.

### **Fényeslitke**

On **15 June 2008**, in Fényeslitke, a 14-year-old Roma boy was stabbed to death by a local 40-year-old man following a verbal argument in front of a pub. The boy's 16-year-old brother was also seriously injured in the incident. The attacker, who was drunk, shouted that he would kill all the Roma in the village. The police did not determine that there had been any bias motivation for the crime. The accused was convicted of murder by the court of first instance and sentenced him to 11 years in prison. The verdict is under appeal.<sup>159</sup>

### **Galgagyörk**

On **21 July 2008**, shortly after midnight, from ten to 15 shots were fired at three Roma houses in Galgagyörk, a village near Budapest. No one was injured.<sup>160</sup>

### **Piricse**

On **8 August 2008**, Molotov cocktails were thrown at two Roma homes in Piricse, and one woman was shot into the leg when she stepped out of one of the houses.<sup>161</sup>

### **Székesfehérvár**

On **19 August 2008**, a group of youths aged 16 to 25 threw stones at Roma home in Székesfehérvár, seriously injuring a 12-year-old Roma girl. The police launched an investigation into a case of causing life-threatening bodily injury and violent public behaviour.<sup>162</sup> The perpetrators, who declared they were "skinheads", were found guilty of reckless endangerment.<sup>163</sup>

### **Nyíradony-Tamásipuszta**

On the night of **5 September 2008**, unidentified perpetrators fired a number of shots into a house inhabited by Roma. No one was injured. The case is under investigation by the National Bureau of Investigation as part of the larger series of nine crimes targeting Roma.<sup>164</sup>

### **Siófok**

On **17 September 2008**, a hand grenade was thrown into the yard of a Roma home at dawn in Siófok. The house was damaged, but no one was injured.<sup>165</sup>

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<sup>159</sup> "Cigánynak lenni Magyarországon, Jelenetés 2008" (Being Roma in Hungary, Report 2008), *op. cit.*, note 27, p. 218.

<sup>160</sup> The case is being investigated by the National Bureau of Investigation.

<sup>161</sup> "Cigánynak lenni Magyarországon, Jelenetés 2008" (Being Roma in Hungary, Report 2008), *op. cit.*, note 27, p. 218.

<sup>162</sup> "Bosszú lehetett az életveszélyes fehérvári kődobálás", Origo, 26.08.2008  
<<http://www.origo.hu/itthon/20080825-életveszelyes-allapotba-kerult-egy-szekesfehetrvári-roma-kislány.html>>, "Cigánynak lenni Magyarországon, Jelenetés 2008" (Being Roma in Hungary, Report 2008), *op. cit.*, note 27, p. 219.

<sup>163</sup> Based on information received at the field visit by the National Police, the alleged perpetrators were captured and racist motivation identified.

<sup>164</sup> "Cigánynak lenni Magyarországon, Jelenetés 2008" (Being Roma in Hungary, Report 2008), *op. cit.*, note 27, p. 219.

<sup>165</sup> *Ibid.*

### **Tarnabod**

On **29 September 2008**, Molotov cocktails were thrown and shots fired at three homes. No one was injured. The following day, two 18-year-old Roma men and another teenage Roma boy were arrested. The case was handled by the National Bureau of Investigation as part of their investigation into the series of crimes against Roma, and the Roma men were kept in pre-trial detention for 11 months. Four men were arrested in August 2009 on suspicion of committing the series crimes, after which the three men detained in 2008 filed a suit seeking damages from the state for wrongful detention.<sup>166</sup>

### **Kőszárhegy**

On **15 October 2008**, unidentified perpetrators threw a Molotov cocktail into the home of a Roma family in Kőszárhegy. No one was injured in the attack.<sup>167</sup>

### **Kaposvár**

On **30 October 2008**, the office of Napkerék Egyesület, an association dealing with education for Roma, was vandalized in Kaposvár. The police found a used bullet casing inside the building.

### **Nagycsécs**

On **3 November 2008**, a 43-year-old Roma man and a 40-year-old Roma woman were shot dead following a firebomb attack on two homes in the village of Nagycsécs. The perpetrators fired at the members of the Roma family after they were woken by the sound of the firebomb and tried to escape from the house. The bomb thrown at the second home did not explode. Tibor Draskovics, the then-Minister of Justice and Law Enforcement, stated that the case would be treated specially and a separate investigation group would be set up. The 1 million Hungarian forint award previously offered by the Chief of the National Police for information leading to the identification of the perpetrator(s) was raised to 10 million forints by the Minister. The case is being investigated by the National Bureau of Investigation as one of the nine major cases of attacks against Roma.<sup>168</sup>

### **Debrecen**

On **4 November 2008**, a Molotov cocktail was thrown at a Roma home in Debrecen. No one was injured in the attack.

### **Pécs**

On the night of 18 November 2008, a hand grenade was thrown into a Roma home in Pécs, a city in south-western Hungary, killing a 31-year-old woman and her 37-year-old partner instantly. Two of their children, three and five years old, were taken to hospital suffering from minor injuries and shock. Later that day, a spokesperson for the Baranya County Police told Hungary's MTI news agency that the victims were Roma, but that early indications from the investigation were that the attack had not been motivated by ethnic hatred. A 10 million Hungarian forint award was offered for information leading to

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<sup>166</sup> *Ibid.*

<sup>167</sup> *Ibid.*

<sup>168</sup> *Ibid.*, p.220.

the identification of the perpetrator(s). On 27 February 2009, two Roma brothers were arrested on suspicion of committing the murders. They knew the victims and their crime seemed to have been motivated by personal enmity.<sup>169</sup>

### **Pusztadobos**

On the morning of **20 November 2008**, unidentified perpetrators threw a Molotov cocktail at a Roma home in Pusztadobos. There were four adults and eight children in the home, but the bomb exploded outside of the house and no one was injured.<sup>170</sup> The tenants found a cardboard sign attached to their fence reading “You are going to die!” The family had moved to Pusztadobos a year earlier from Nyirmada, where they had also been targeted (the windows of their house were broken). According to media reports, the investigation is closed because it did not confirm the facts claimed by the Roma family.<sup>171</sup>

### **Alsózsolca**

On **15 December 2008**, a 19-year old Roma man was shot twice while chopping wood in his yard in Alsózsolca. He was critically wounded, and his partner received a minor gunshot wound. The case is being investigated by the National Bureau of Investigation as one of nine major crimes involving attacks against Roma.<sup>172</sup>

## **2009**

### **Tatárszentgyörgy**

In the early hours of Monday, 23 February 2009, the house of a Roma family in Tatárszentgyörgy, about 40 kilometres southeast of Budapest, was set on fire by a Molotov cocktail. As the family fled from the burning building, which was located at the edge of a group of houses, the perpetrator(s) shot and killed a 27-year-old man and his five-year-old son. The man’s wife and six-year-old daughter, as well as a three-year-old child were also injured in the attack.

Neither the police nor the forensic expert investigating the scene immediately after the attack detected the shotgun wounds on the bodies of the man and his son, and they initially determined that the blaze in the home and the two deaths resulted from an electrical fire caused by an improper, illegal connection to the power grid. As a result, the home and the surrounding area were not declared a crime scene and closed off until later in the afternoon on 23 February.

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<sup>169</sup> *Ibid.*, p. 221.

<sup>170</sup> *Ibid.*

<sup>171</sup> “Kamu volt a rendőrség szerint a pusztadobosi támadás”, Origo, 10 April 2009, <http://www.origo.hu/itthon/20090410-kamu-volt-a-rendorseg-szerint-a-pusztadobosi-molotovkoktelos-tamadas.html>

<sup>172</sup> “Cigánynak lenni Magyarországon, Jelenetés 2008” (Being Roma in Hungary, Report 2008), *op. cit.*, note 27, p. 221.

Then Prime Minister Ferenc Gyurcsány instructed the affected ministries to conduct an internal inquiry. The Police launched disciplinary proceedings against two sub-commanders. A reward of 10 million Hungarian forints was offered for information leading to an arrest. The case is being investigated by the National Bureau of Investigation as one of the nine major crimes involving attacks against Roma.<sup>173</sup>

### **Zalaegerszeg**

On the night of **4 March 2009**, at around 2 a.m., the house of a Roma family of seven was attacked in Zalaegerszeg. The family woke up to stones being thrown into the house through a window, with some landing near sleeping children. No one was injured.

### **Bocfölde**

Early in the morning of **6 March 2009**, a Molotov cocktail was thrown into the home of a Roma family in Bocfölde, in Zala County. No one was injured.<sup>174</sup>

### **Tatárszentgyörgy**

On **7 April 2009**, the house of the vice-president of the local Roma minority self-government was set on fire in Tatárszentgyörgy. There was no one at home at the time. The investigation has not excluded the possibility of insurance fraud in the incident, or possible revenge or racist motivations.<sup>175</sup>

### **Budapest**

On **15 April 2009**, three Roma youths and an 18-year-old Roma man were attacked by a group of people in hoods while waiting for a tram in front of the Keleti Train Station. They were beaten so severely that they fallen into comas by the time the ambulance arrived. The police investigated the crime as a case of assault on members of an ethnic community.

### **Old**

On the evening of **15 April 2009**, a shot was fired at a house inhabited by Roma in the Telep area of Old. The bullet went through a window and hit a painting. None of the members of the family was at home at the time of the attack.

### **Tiszalök**

On **22 April 2009** a Roma man was shot dead as he left his home in Tiszalök to go to work. The police offered a 10 million Hungarian forint award for information leading to the identification of the perpetrator(s). The case is being investigated by the National Bureau of Investigation as one of nine major crimes involving attacks on Roma.<sup>176</sup>

### **Tatabánya**

At the end of April 2009, a poster with anti-Roma statements was discovered in the Táncsics Mihály Street in Tatabánya. The statements read: “*Cigányirtás, Gázkamrát a*

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<sup>173</sup> *Ibid.*, pp. 222-232.

<sup>174</sup> *Ibid.*, p. 232.

<sup>175</sup> *Ibid.*

<sup>176</sup> *Ibid.*

*cigányoknak, Meghaltok cigányok!*” (“Kill the Gypsies. Gas chambers for the Gypsies. Gypsies, you are going to die!”) In March, anti-Roma slogans and fascist and totalitarian symbols were painted on bus stops in the same street.

### **Táska**

On **5 May 2009** unidentified perpetrator(s) fired four times at a home inhabited by a Roma family in Táska. No one was injured.<sup>177</sup>

### **Nagykanizsa**

On the night of **9 May 2009**, unidentified perpetrators painted swastikas on two homes in Nagykanizsa. The owners of the homes are siblings who earlier received a threatening letter with the same symbol ordering them to evict a Roma couple that were the tenants of one of the siblings, stating that the neighbours did not want Roma living there. The press officer of the Zala County Police headquarters said that, since the swastikas were painted counterclockwise, they weren't proper swastikas and did not constitute totalitarian symbols banned by the Hungarian Criminal Code. The ensuing investigation was into the crime of causing damage to property.<sup>178</sup> The investigation was closed on 31 July as the perpetrators could not be identified.<sup>179</sup>

### **Erdőtelek**

According to reports on **16 May 2009** from the Roma Press Center, Gyula Burai, a Roma activist was collecting supporting ballots (*kopogtato cedula*) for the MCF Roma Összefogás Párt (MCF Roma Solidarity Party) for the European Parliamentary Elections in Erdőtelek. A local shopkeeper made two statements threatening his life. The shopkeeper allegedly said to Mr. Burai: “*Addig nem nyugszom, amíg hurkot, kötelet nem teszek a nyakadba, vagy le foglak lövetni, a rohadt cigányoknak úgyis meg van ásva Erdőtelken a dögkút.*” (I will not rest until I put a rope around your neck, or will have you shot. The place for the carcasses of the stinky Gypsies has, anyway, already been dug out in Erdőtelek). On another occasion the shop owner, who is allegedly member of the Hungarian Guard, sent the activist a message, saying “*itt az ideje, hogy likvidálva legyen.*” (It is time for him to be liquidated). The activist reported the threats to the police. The case is currently before the Heves City Court.

### **Mende**

On **22 May 2009**, a fire in the shape of a swastika was lit in Mende in a street where most of the residents are Roma. No one was injured.<sup>180</sup>

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<sup>177</sup> *Ibid.*, p. 234.

<sup>178</sup> Botránys: Fordított horogkeresztet festettek két házra”, Zalai Hirlap, 11 May 2009, <[http://www.zalaihirlap.hu/cimlapon/20090510\\_botrany/](http://www.zalaihirlap.hu/cimlapon/20090510_botrany/)>.

<sup>179</sup> ”Nem találják a horogkereszt-festőket - lezárták a nyomozást Nagykanizsán”, Népszabadság Online, 10 August 2009, <[http://nol.hu/mozaik/nem\\_talaljak\\_a\\_horogkereszt-festoket\\_-\\_lezartak\\_a\\_nyomozast\\_nagykanizsan](http://nol.hu/mozaik/nem_talaljak_a_horogkereszt-festoket_-_lezartak_a_nyomozast_nagykanizsan)>.

<sup>180</sup> ”Horogkereszt alakú tűz égett a cigányok lakta utcában”, C-PRESS-Heti Válasz, 23 May 2009, <<http://portal.c-press.hu/200905234898/belfold/horogkereszt-alaku-tuz-egett-a-ciganyok-lakta-utcaban.html>>.

### **Abádszalók**

On **27 May 2009**, a man broke into a house and attacked a Roma family with a razor blade in Abádszalók. He entered the house through the window and cut the father of the family on the neck and chest, and the mother on the legs. The family managed to overwhelm the perpetrator, who was then arrested by the police.<sup>181</sup>

### **Dunaföldvár**

On **29 May 2009**, a burning Molotov cocktail was found on the window sill of the home of a Roma family in Dunaföldvár.<sup>182</sup>

### **Boldogkőváralja**

On **30 May 2009**, a Molotov cocktail was thrown the home of a Roma family in Boldogkőváralja. No one was injured.<sup>183</sup>

### **Kazincbarcika**

On **13 June 2009**, an 18-year-old Roma man was stabbed in Kazincbarcika. He later died in hospital. Based on information from the police, the crime followed an argument and was not motivated by racial bias.<sup>184</sup>

### **Nagykanizsa**

On **7 June 2009**, a Roma man waiting in the street for his mother was injured by a blank round fired at close range from a pistol. The victim testified that a young man dressed in black passed by and shouted at him to stop staring at the man. The passing man held the pistol close to his chin and fired.<sup>185</sup>

### **Karakó**

On **24 July 2009**, media reported that swastikas had been painted on the home of a Roma family in Karakó, Vas County. The symbols were accompanied by the caption: “Stinking Gypsies, you will die, get lost!”<sup>186</sup> The police opened an investigation into the crime of using banned totalitarian symbols, based on a complaint filed on 20 July.<sup>187</sup>

### **Kisléta**

A 45-year-old Roma woman was shot dead and her 13-year-old daughter received serious gunshot wounds to the neck and arm on **3 August 2009** in Kisléta. The mayor of the village told the press that witnesses had reported hearing three or four shots at around midnight. The door of the woman's home had apparently been kicked in. The police raised the reward for information on the identity of the murderers in all of the related

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<sup>181</sup> “Cigánynak lenni Magyarországon, Jelenetés 2008” (Being Roma in Hungary, Report 2008), *op. cit.*, note 27, p. 235.

<sup>182</sup> *Ibid.*

<sup>183</sup> *Ibid.*

<sup>184</sup> *Ibid.*, p. 236.

<sup>185</sup> *Ibid.*

<sup>186</sup> ” Horogkereszt egy cigány család házában”, C-Press-Tenyek.hu, 27 July 2007, <<http://portal.c-press.hu/200907245211/belfold/horogkereszt-egy-cigany-csalad-hazan.html>>.

<sup>187</sup> ”Önkényuralmi jelkép használata miatt nyomoz a rendőrség Vasban”, Romnet, 24 July 2009, <<http://www.romnet.hu/hirek/hir09072401.html>>.

attacks on Roma in Hungary to a record 100 million Hungarian forints (about 370,000 euros at the time). The National Bureau of Investigation took over the handling of the case.<sup>188</sup>

### **Verőce**

On the **5 August 2009**, skinheads beat up a pregnant Roma woman and a young Roma boy in Verőce.<sup>189</sup> The town is host to an annual event called Hungarian Island, at which participants advocate for a “white Hungary”.<sup>190</sup>

### **Nyírpilis**

On the night of **21 August 2009**, the rear window of the car of a Roma public security patrol in the village of Nyírpilis was shattered by gunfire. No one was injured.<sup>191</sup>

### **Szigethalom**

On **30 September 2009**, a number of shots were fired at the home of a Roma family. No one was injured. Police officers found a grenade in a plastic bag at the scene, in front of the gate to the home.<sup>192</sup>

### **Sajóbábony**

On **14 November 2009**, Jobbik held a “public hearing” in Sajóbábony, in which members of the banned Hungarian Guard also participated. When Roma residents of the town arrived at the public hearing, they were barred from entering. Several police officers were present to ensure security. The police intervened to prevent a physical clash between the parties. The next day, a convoy of vehicles carrying members of the Hungarian Guard approached a Roma neighbourhood in Sajóbábony. As a group of Roma from the neighbourhood gathered to watch, the lead vehicle of the convoy drove off road and into the crowd. In response, some of the Roma began to attack the car with sticks, axes and other implements. The police intervened and arrested several Roma.<sup>193</sup> Police closed the road leading into the town, while a group of about 100 people wearing Hungarian Guard uniforms remained gathered.<sup>194</sup>

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<sup>188</sup> “Roma woman dead, daughter critical after shotgun attack – Update”, EarthTimes, 3 August 2009, <<http://www.earthtimes.org/articles/show/280036.roma-woman-dead-daughter-critical-after-shotgun-attack--update.html>>. “Cigánynak lenni Magyarországon, Jelenetés 2008” (Being Roma in Hungary, Report 2008) *op. cit.*, note 27, pp. 236- 238.

<sup>189</sup> “Cigánynak lenni Magyarországon, Jelenetés 2008” (Being Roma in Hungary, Report 2008), *op. cit.*, note 27, p.238.

<sup>190</sup> “Cigányokra támadtak Verőcén”. Index, 6 August 2009, <[http://index.hu/bulvar/2009/08/06/ciganyokra\\_tamadtak\\_verocen/](http://index.hu/bulvar/2009/08/06/ciganyokra_tamadtak_verocen/)>.

<sup>191</sup> “Cigánynak lenni Magyarországon, Jelenetés 2008” (Being Roma in Hungary, Report 2008), *op. cit.*, note 27, p.239.

<sup>192</sup> *Ibid.*, p. 242.

<sup>193</sup> “Attacks against Roma in Hungary: January 2008-April 2010”, European Roma Rights Centre, <<http://www.errc.org/cms/upload/file/attacks-list-in-hungary.pdf>>.

<sup>194</sup> “Szinte állóháború Sajóbábonyban”, Népszabadság Online, 15 November 2009, <[http://nol.hu/belfold/jobbik-rendezveny\\_miatt\\_tomegverekedes\\_-\\_lezartak\\_sajobabonyt](http://nol.hu/belfold/jobbik-rendezveny_miatt_tomegverekedes_-_lezartak_sajobabonyt)>.

## **Appendix 2: List of Delegation Members**

The field assessment visit delegation was lead by Mr. Andrzej Mirga, Senior Adviser on Roma and Sinti Issues, ODIHR.

Members of the delegation:

- Honourable Mario Mauro, Personal Representative of the OSCE Chairperson -in-Office on Combating Racism, Xenophobia and Discrimination
- Mr. Vasilios Eikosipentarchos, Liaison from the Greek Chairmanship with ODIHR
- Ambassador Brendan Moran, Director of the Office of the High Commissioner on National Minorities, OSCE HCNM
- Ms. Georgia Papagianni, Senior Adviser, Office of the High Commissioner on National Minorities, OSCE HCNM
- Mr. Daniel Milo, Adviser on Combating Racism, Xenophobia and Discrimination, also Focusing on Intolerance and Discrimination against Christians and Members of other Religions, ODIHR
- Ms. Anita Danko, Officer on Roma and Sinti Issues, ODIHR
- Mr. Murat Yildiz, Police Affairs Officer, Strategic Police Matters Unit, OSCE SPMU
- Mr. Thorsten Stodiek, Police Affairs Officer, OSCE SPMU

### **Appendix 3: List of meetings**

#### Government

- Mr. Andor Ürmös, Head of Department for Roma Integration, Ministry of Labour and Social Affairs
- Mr. Gábor Sárközi, Deputy Head, Directorate General for Equal Opportunities, Ministry of Education and Culture
- Mr. András Túri, State Secretary for Law Enforcement, Ministry of Justice and Law Enforcement
- Ms. Viktória Rév, Ministry of Justice and Law Enforcement
- Mr. Ferenc Gémesi, State Secretary, Office of the Prime Minister
- Mr. Antal Paulik, Deputy-Head of the Department of National and Ethnic Minorities, Office of the Prime Minister
- Ms. Kinga Simon, Head of the Department of International Organizations and Human Rights, Ministry of Foreign Affairs
- Mr. Zoltán Pecze, Deputy-head of the Department of International Organizations and Human Rights, Ministry of Foreign Affairs
- Mr. Balázs Csuday, Senior Counselor, Department of International Organizations and Human Rights, Ministry of Foreign Affairs

#### General Prosecutor's Office

- Mrs. Zoltán Varga, Head of the Department for the Supervision of Investigations
- Mr. Ervin Molnár, Deputy-Head of Office
- Mr. Ferenc Pálvölgyi, Department Head

#### Equal Treatment Authority

- Ms. Judit Demeter, Head
- Ms. Katalin Gregor, Senior Counsellor

#### Parliament

- Mr. Zoltán Balog, MP, Chairman of the Committee on Human Rights, Minorities, Civil- and Religious Affairs

#### Police

- Mr. István Házi, Head of the National Crime Unit, National Police Headquarters
- Mr. Attila Petőfi, Head of the National Bureau of Investigations, National Police Headquarters
- Mr. György Makula, Spokesperson, National Police Headquarters
- Mr. János Sütő, Deputy-Colonel, Miskolc Police Headquarters
- Mr. Richárd Bach, Miskolc Police Headquarters
- Mr. Tamás Pucsinka, Miskolc Police Headquarters
- Mr. Emil Molnár, Miskolc Police Headquarters
- Mr. József Horváth, Investigator, Miskolc Police Headquarters
- Mr. József Horváth, Investigator, Miskolc Police Headquarters
- Mr. Péter Bánhegyi, Department Head, Miskolc Police Headquarters
- Mr. Zoltán Korontos, Chief, Pécs Police Headquarters

Mr. Norbert Felleg, Deputy, Pécs Police Headquarters  
Mr. Zoltán Ambrus, Head of the Crime-prevention Department, Pécs Police Headquarters  
Mr. Péter Rabert, Spokesperson, Pécs Police Headquarters  
Mr. József Rakos, Pécs Police Headquarters  
Mr. Ferenc Geller, Captain, Örkény Police Headquarters,  
Mr. Péter Varga, Colonel, Szekszárd Police Headquarters  
Mr. Tamás Hága, Chief, Police Headquarters, Tolna  
Mr. László Vasas, Police Headquarters, Mezőkövesd  
Mr. István Gáspár, Police Headquarters, Mezőkövesd  
Mr. István Kalapos, Police Headquarters, Tiszaújváros  
Mr. János Paronai, Police Headquarters, Tiszavasvári  
Mr. János Kozma, Deputy-Colonel, Police Headquarters, Hajdúhadáz  
Mr. László Mihályi, Deputy-Head, Police Headquarters, Derecske  
Mr. Lajos Pálfi, police student supported by Police Headquarters, Derecske  
Mr. Tamás Gyöngyösi, police student supported by Police Headquarters, Derecske

#### Self-government Authorities

Mr. Zoltán Batizi, Mayor, Municipal Self-government, Nagybörzsöny  
Mr. Attila Szabó, Member, Municipal Self-government, Nagybörzsöny  
Mrs. Imre Berente, Mayor, Municipal Self-government, Tatárszentgyörgy  
Ms. Henrietta Fazekas, Notary, Municipal Self-government, Tatárszentgyörgy  
Mr. Dezső Zsigár, Co-ordinator of the Public Works Programme, Tatárszentgyörgy  
Mrs. Lénár Zsákai, Head of the school day-care centre, Tatárszentgyörgy  
Mr. József Répás, Mayor, Municipal Self-government, Kiskunlacháza  
Mr. János Fülöp, Mayor, Municipal Self-government, Fadd  
Ms. Márta Kunszt, Deputy-Mayor, Municipal Self-government, Pécs  
Mr. János Kablár, Member, Minority Councilor, Municipal Self-government, Pécs  
Ms. Terézia Kalányos, Roma referent, Municipal Self-government, Pécs  
Mr. István Guzzi, Mayor, Municipal Self-government, Szomolya  
Mr. Ottó Gulyás, Mayor, Municipal Self-government, Nagycséc  
Mr. Sándor Gömze, Mayor, Municipal Self-government, Tiszalök  
Mr. Sándor Csikós, Member, Municipal Self-government, Tiszalök  
Mr. József Mező, Notary, Municipal Self-government, Tiszalök  
Ms. Andrea Ménes, Mayor, Municipal Self-government, Vámospércs  
Mr. István Bakó, Mayor, Municipal Self-government, Derecske  
Ms. Iklódiné Szilágyi Katalin, Notary, Municipal Self-government, Derecske  
Ms. Erika Kaszás, Education Co-ordinator, Municipal Self-government, Derecske

#### Roma Self-governments

Mr. Orbán Kolompár, Head, National Roma Minority Self-government  
Mr. Lajos Szócsi, Member, Heves-County Roma Minority Self-government  
Mr. Farkas Oszkár, Roma Minority Self-government, Nagybörzsöny  
Mrs. Károly Halász, Member, Roma Minority Self-government, Nagybörzsöny  
Ms. Angela Zsigár, Head, Roma Minority Self-government, Tatárszentgyörgy  
Mr. Sándor Bolgár, Head, Roma Minority Self-government, Fadd  
Mr. Kosztics István, Head, Roma Minority Self-government, Pécs

Mihály Balogh, Head, Roma Minority Self-government, Tiszalök  
Mr. Tibor Kozáp, Head, Roma Minority Self-government, Vámospércs

Non-governmental Organizations

Mr. Jenő Setét, Director, Roma Civil Rights Foundation  
Mr. Aladár Horváth, Chair, Roma Civil Rights Foundation  
Mr. András Kádár, Co-chair, Hungarian Helsinki Committee  
Mr. Zoltán Budai, Lawyer, Chance for Children Foundation  
Ms. Isabela Mihalache, Senior Programme Manager, Roma Initiatives, Open Society  
Institute  
Ms. Tara Bedard, Programmes Coordinator, European Roma Rights Centre  
Mr. Idaver Memedov, Advocacy Officer, European Roma Rights Centre  
Ms. Judit Gellér, Paralegal, European Roma Rights Centre  
Mr. Márton Udvari, Lawyer, Legal Defense Bureau for National and Ethnic Minorities  
Ms. Andrea Tóth, Director, Roma Press Center Association  
Mr. Dániel Vadász, International Co-ordinator, Roma Press Centre Association  
Ms. Zsuzsanna Farkas, Head, Foundation for Supporting the Poor  
Mr. Ákos Balázs, Association for Well-being  
Ms. Lídia Balogh, MA student, Central European University, Nationalism Studies  
Mr. József Boda, President, Fraternal Association of European Roma Law Enforcement  
Officers  
Mr. György Makula, Chief Secretary, Fraternal Association of European Roma Law  
Enforcement Officers  
Mr. László Illyés, Head, Civil Guard Association, Derecske  
Mr. Tibor Tóth, President, Baranya-county Civil Guard Associations  
Mr. Emil Lankovics, Public Security Association, Pécs

Meeting with Relatives of the Victims, Members of the Roma Community

Mr. and Mrs. Csaba Csorba, parents of the victim murdered Tatárszentgyörgy  
Mr. Tibor Nagy, husband of one and brother of the other victim in Nagycsécs  
Sztojka family, Kiskunlacháza  
Mr. Gyula Raffael, Pest County President of the MCF Roma Összefogás Párt (“MCF  
Roma Unity Party”)  
Géza Borda, Roma community member, Nagycsécs

## Appendix 4: Selected OSCE Commitments Regarding Roma and Sinti

### A. The mandate of ODIHR regarding Roma and Sinti:

In 1994, participating States decided to appoint a contact point for Roma and Sinti issues (CPRSI) within ODIHR to “act as a clearing-house for the exchange of information on Roma and Sinti (Gypsies) issues, including information on the implementation of commitments pertaining to Roma and Sinti (Gypsies); facilitate contacts on Roma and Sinti (Gypsies) issues between participating States, international organizations and institutions and NGOs; maintain and develop contacts on these issues between CSCE institutions and other international organizations and institutions”.<sup>195</sup>

In 1998, The OSCE Oslo Ministerial Council renewed the Contact Point’s mandate, tasking it with promoting “full integration of Roma and Sinti communities into societies they live in, while preserving their identity”.

The Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, among other documents, mandates ODIHR to assume a proactive role in analysing measures taken by participating States, as well as in particular situations and incidents relating to Roma and Sinti people. Towards this end, direct contacts can be established and developed with participating States and advice and opinions can be offered.<sup>196</sup> The regular review and assessment of the implementation of the Action Plan takes place at the relevant human dimension events.

In 2008, ODIHR was mandated to assist participating States in promoting access of Roma and Sinti children to early education<sup>197</sup> and, in 2009, the Athens Ministerial Council tasked ODIHR to assist participating States to combat acts of discrimination and violence against Roma and Sinti and to counter negative stereotypes of Roma and Sinti in the media.<sup>198</sup>

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<sup>195</sup> CSCE Budapest Document 1994:, Towards a Genuine Partnership in a New Era, Budapest, 5-6 December 1994, <[http://www.osce.org/documents/mcs/1994/12/4050\\_en.pdf](http://www.osce.org/documents/mcs/1994/12/4050_en.pdf)>.

<sup>196</sup> OSCE Ministerial Council, Decision No. 3/03, Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, *Op. Cit.*, Note 3.

<sup>197</sup> OSCE Ministerial Council, Decision No. 6/08, Enhancing OSCE Efforts to Implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, Helsinki, 5 December 2008, <[http://www.osce.org/documents/mcs/2008/12/35585\\_en.pdf](http://www.osce.org/documents/mcs/2008/12/35585_en.pdf)>.

<sup>198</sup> OSCE Ministerial Council, Decision No. 8/08, Enhancing OSCE Efforts to Ensure Roma and Sinti Sustainable Integration, *Op. Cit.*, Note 4.

## B. Commitments pertaining to improving the situation of Roma and Sinti:

In 1991, the participating States expressed their readiness to undertake effective measures in order to achieve full equality of opportunity for Roma.<sup>199</sup>

In 1992, the participating States reaffirmed the need to develop appropriate programmes addressing the problems of Roma.<sup>200</sup>

The 1999 Charter for European Security recognized the particular difficulties faced by Roma and Sinti and the need to undertake effective measures in order to achieve their full equality of opportunity.<sup>201</sup>

In 2003, the OSCE Ministerial Council adopted the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area<sup>202</sup>, in which the participating States committed themselves to undertake concrete measures to eradicate discrimination against Roma and Sinti and ensure that they are able to play a full and equal part in the societies in which they live. The importance of the implementation of the commitments included in the Action Plan has been reiterated in Ministerial Council decisions and declarations.<sup>203</sup>

In 2008, the participating States expressed their commitment to enhance their efforts to implement the Action Plan and provide for equal access to education and promote early education for Roma and Sinti children.<sup>204</sup>

In 2009 the participating States expressed their commitments to enhance OSCE efforts to ensure Roma and Sinti sustainable integration.<sup>205</sup>

## C. Commitments pertaining to hate-motivated incidents and crimes:

Participating States of the OSCE have repeatedly condemned hate crimes and pledged to take action against them. These commitments recognize the gravity of hate crimes and their potential to sow the seeds of wider violence and international conflict. The broad

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<sup>199</sup> Report of the CSCE Meeting of Experts on National Minorities, Geneva 1991, <<http://www.minelres.lv/osce/gene91e.htm>>.

<sup>200</sup> CSCE Helsinki Document: The Challenges of Change, Helsinki, 9-10 July 1992, <[http://www.osce.org/documents/mcs/1992/07/4048\\_en.pdf](http://www.osce.org/documents/mcs/1992/07/4048_en.pdf)>.

<sup>201</sup> OSCE Istanbul Document 1999, Istanbul, 1999, <[http://www.osce.org/documents/mcs/1999/11/4050\\_en.pdf](http://www.osce.org/documents/mcs/1999/11/4050_en.pdf)>.

<sup>202</sup> OSCE Ministerial Council, Decision No. 3/03, Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, *op. cit.*, Note 3.

<sup>203</sup> OSCE Ministerial Council, Decision No. 10/07, Tolerance and Non-discrimination: Promoting Mutual Respect and Understanding, *op. cit.*, note 94, Bucharest Declaration by the Chairman-in-Office, 8 June 2007. [http://www.osce.org/documents/cio/2007/06/24999\\_en.pdf](http://www.osce.org/documents/cio/2007/06/24999_en.pdf).

<sup>204</sup> OSCE Ministerial Council, Decision No. 6/08, Enhancing OSCE Efforts to Implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, *op. cit.*, note 198.

<sup>205</sup> OSCE Ministerial Council, Decision No 8/09, Enhancing OSCE Efforts to Ensure Roma and Sinti Sustainable Integration

range of OSCE commitments regarding hate crimes and incidents, which are also applicable to crimes committed against Roma, include commitments to:

- “clearly and unequivocally condemn racial and ethnic hatred”<sup>206</sup>
- “condemn publicly, at the appropriate level and in the appropriate manner, violent acts motivated by discrimination and intolerance”<sup>207</sup>
- “consistently and unequivocally [speak] out against acts and manifestations of hate, particularly in political discourse”<sup>208</sup>
- “reject and condemn manifestations of racism...discrimination and intolerance...as well as violent manifestations of extremism associated with aggressive nationalism and neo-Nazism, while continuing to respect freedom of expression”<sup>209</sup>
- “combat hate crimes which can be fuelled by racist ...propaganda in the media and on the Internet, and appropriately denounce such crimes publicly when they occur”<sup>210</sup>
- within the framework of their national legislation, while respecting freedom of expression “counter the incitement to imminent violence and hate crimes, including through the Internet” at the same time exploit fully “the opportunities offered by the Internet for the promotion of democracy, human rights and tolerance education”<sup>211</sup>
- “take effective measures, including the adoption, in conformity with their constitutional systems and their international obligations, of such laws as may be necessary, to provide protection against any acts that constitute incitement to violence against persons or groups based on national, racial, ethnic ... discrimination, hostility or hatred”<sup>212</sup>
- to “consider increasing their efforts to ensure that national legislation, policies and practices provide to all persons equal and effective protection of the law and prohibit acts of intolerance and discrimination, in accordance with relevant OSCE commitments and their relevant international obligations”<sup>213</sup>
- “consider enacting or strengthening, where appropriate, legislation that prohibits ...incitement to hate crimes...”<sup>214</sup>
- “enact, where appropriate, specific, tailored legislation to combat hate crimes, providing for effective penalties that take into account the gravity of such crimes”<sup>215</sup>

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<sup>206</sup> Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, <[http://www.osce.org/documents/odihr/1990/06/13992\\_en.pdf](http://www.osce.org/documents/odihr/1990/06/13992_en.pdf)>.

<sup>207</sup> OSCE Ministerial Council, Decision No.4/03, Tolerance and Non-Discrimination, Maastricht, 2 December 2003, <[http://www.osce.org/documents/mcs/2006/06/19330\\_en.pdf](http://www.osce.org/documents/mcs/2006/06/19330_en.pdf)>.

<sup>208</sup> OSCE Ministerial Council, Decision No. 10/05, Tolerance and Non-discrimination: Promoting Mutual Respect and Understanding, Ljubljana, 6 December 2005, <[http://www.osce.org/documents/mcs/2005/12/17441\\_en.pdf](http://www.osce.org/documents/mcs/2005/12/17441_en.pdf)>.

<sup>209</sup> OSCE Ministerial Council, Decision No. 10/07, Tolerance and Non-discrimination: Promoting Mutual Respect and Understanding, *op. cit.*, note 94,

<sup>210</sup> OSCE Ministerial Council, Decision No. 12/04, Tolerance and Non-discrimination, Sofia, 7 December 2004, <[http://www.osce.si/docs/mc-dec\\_12-04.pdf](http://www.osce.si/docs/mc-dec_12-04.pdf)>.

<sup>211</sup> OSCE Ministerial Council, Decision No. 10/07, Tolerance and Non-discrimination: Promoting Mutual Respect and Understanding, *op. cit.*, note 94,

<sup>212</sup> Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, *op. cit.*, note 206.

<sup>213</sup> OSCE Ministerial Council, Decision No. 10/05, Tolerance and Non-discrimination: Promoting Mutual Respect and Understanding, *op. cit.*, note 208.

<sup>214</sup> OSCE Permanent Council, Decision No. 621, Tolerance and the Fights against Racism, Xenophobia and Discrimination, 29 July 2004, <[http://www.osce.org/documents/pc/2004/07/3374\\_en.pdf](http://www.osce.org/documents/pc/2004/07/3374_en.pdf)>.

- “to take appropriate and proportionate measures to protect persons or groups who may be subject to threats or acts of discrimination, hostility or violence as a result of their racial, ethnic... identity, and to protect their property”<sup>216</sup>
- “recognize the right of the individual to effective remedies and endeavour to recognize, in conformity with national legislation, the right of interested persons and groups to initiate and support complaints against acts of discrimination, including racist and xenophobic acts”<sup>217</sup>
- “promptly investigate hate crimes and ensure that the motives of those convicted of hate crimes are acknowledged and publicly condemned by the relevant authorities and by the political leadership”<sup>218</sup>
- “collect and maintain reliable data and statistics on hate crimes which are essential for effective policy formulation and appropriate resource allocation in countering hate motivated incidents”<sup>219</sup>
- “collect, maintain and make public, reliable data and statistics in sufficient detail on hate crimes and violent manifestations of intolerance, including the numbers of cases reported to law enforcement, the numbers prosecuted and the sentences imposed. Where data-protection laws restrict collection of data on victims, States should consider methods for collecting data in compliance with such laws”<sup>220</sup>
- “facilitate the capacity development of civil society to contribute in monitoring and reporting hate motivated incidents and to assist victims of hate crimes”<sup>221</sup>
- “provide public officials, and in particular law enforcement officers, with appropriate training on responding to and preventing hate crimes in this regard, to consider setting up programmes that provide such training”<sup>222</sup>
- “consider establishing training programmes for law enforcement and judicial officials on legislation and enforcement of legislation relating to hate crimes”<sup>223</sup>
- “promote capacity-building of law enforcement authorities through training and the development of guidelines on the most effective and appropriate way to respond to bias-motivated crime”<sup>224</sup>
- “introduce or further develop professional training and capacity-building activities for law-enforcement, prosecution and judicial officials dealing with hate crimes”<sup>225</sup>

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<sup>215</sup> OSCE Ministerial Council, Decision No. 9/09, Combating Hate Crimes, *op. cit.*, note 4.

<sup>216</sup> Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, *op. cit.*, note 206.

<sup>217</sup> Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, *op. cit.*, note 206.

<sup>218</sup> OSCE Ministerial Council, Decision No. 9/09, Combating Hate Crimes, *op. cit.*, note 4.

<sup>219</sup> OSCE Ministerial Council, Decision No. 13/06, Combating Intolerance and Discrimination and Promoting Mutual Respect and Understanding, *op. cit.*, note 95. MC Decision No. 10/07 says: “collect and maintain reliable data and statistics on hate crimes and incidents” OSCE Ministerial Council, Decision No. 10/07, Tolerance and Non-discrimination: Promoting Mutual Respect and Understanding, *op. cit.*, note 94.

<sup>220</sup> OSCE Ministerial Council, Decision No. 9/09, Combating Hate Crimes, *op. cit.*, note 4.

<sup>221</sup> OSCE Ministerial Council, Decision No. 13/06, Combating Intolerance and Discrimination and Promoting Mutual Respect and Understanding, *op. cit.*, note 95.

<sup>222</sup> OSCE Ministerial Council, Decision No. 10/05, Tolerance and Non-discrimination: Promoting Mutual Respect and Understanding, *op. cit.*, note 208.

<sup>223</sup> OSCE Permanent Council, Decision No. 621, Tolerance and the Fights against Racism, Xenophobia and Discrimination, *op. cit.*, note 214.

<sup>224</sup> OSCE Ministerial Council, Decision No. 13/06, Combating Intolerance and Discrimination and Promoting Mutual Respect and Understanding, *op. cit.*, note 95.

- “increase a positive interaction between police and victims and to encourage reporting by victims of hate crime, i.e., training for front-line officers, implementation of outreach programmes to improve relations between police and the public and training in providing referrals for victim assistance and protection”<sup>226</sup>
- “take appropriate measures to encourage victims to report hate crimes, recognizing that under-reporting of hate crimes prevents States from devising efficient policies. In this regard, explore, as complementary measures, methods for facilitating, the contribution of civil society to combat hate crimes”<sup>227</sup>
- “explore ways to provide victims of hate crimes with access to counselling, legal and consular assistance as well as effective access to justice”<sup>228</sup>
- “engage more actively in encouraging civil society’s activities through effective partnerships and strengthened dialogue and co-operation between civil society and State authorities in the sphere of promoting mutual respect and understanding, equal opportunities and inclusion of all within society and combating intolerance, including by establishing local, regional or national consultation mechanisms where appropriate”<sup>229</sup>
- “encourage public and private educational programmes that promote tolerance and non-discrimination, and raise public awareness of the existence and the unacceptability of intolerance and discrimination”<sup>230</sup>
- promote educational programmes “in order to raise awareness among youth of the value of mutual respect and understanding”<sup>231</sup>
- establish national institutions or specialized bodies “to combat intolerance and discrimination as well as the development and implementation of national strategies and action plans in this field”<sup>232</sup>
- participating States recognized “the essential role free and independent media can play in democratic societies in countering or exacerbating misperceptions, prejudices” therefore encouraged the “adoption of voluntary professional standards by journalists, media self-regulation and other appropriate mechanisms for ensuring increased professionalism, accuracy and adherence to ethical standards among journalists”<sup>233</sup>
- “consider developing, in close co-operation with civil society, concrete measures which do not endanger freedom of information and expression, in order to counter xenophobic stereotypes, intolerance and discrimination in the media and to encourage programmes to

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<sup>225</sup> OSCE Ministerial Council, Decision No. 9/09, Combating Hate Crimes, *op. cit.*, note 4.

<sup>226</sup> OSCE Ministerial Council, Decision No. 13/06, Combating Intolerance and Discrimination and Promoting Mutual Respect and Understanding, *op. cit.*, note 95.

<sup>227</sup> OSCE Ministerial Council, Decision No. 9/09, Combating Hate Crimes, *op. cit.*, note 4.

<sup>228</sup> *Ibid.*

<sup>229</sup> OSCE Ministerial Council, Decision No. 13/06, Combating Intolerance and Discrimination and Promoting Mutual Respect and Understanding, Brussels, *op. cit.*, note 95.

<sup>230</sup> OSCE Ministerial Council, Decision No. 10/05, Tolerance and Non-discrimination: Promoting Mutual Respect and Understanding, *op. cit.*, note 208.

<sup>231</sup> OSCE Ministerial Council, Decision No. 10/07, Tolerance and Non-discrimination: Promoting Mutual Respect and Understanding, *op. cit.*, note 94

<sup>232</sup> OSCE Ministerial Council, Decision No. 10/07, Tolerance and Non-discrimination: Promoting Mutual Respect and Understanding, *op. cit.*, note 94.

<sup>233</sup> OSCE Ministerial Council, Decision No. 13/06, Combating Intolerance and Discrimination and Promoting Mutual Respect and Understanding, Brussels, *op. cit.*, note 95. It was subsequently reiterated in OSCE Ministerial Council, Decision No. 10/07, Tolerance and Non-discrimination: Promoting Mutual Respect and Understanding, Madrid, *op. cit.*, note 94.

educate children and youth about prejudice or bias they may encounter in the media or on the Internet”<sup>234</sup>

- “encourage the promotion of tolerance, dialogue, respect and mutual understanding through the Media, including the Internet”<sup>235</sup>

- “address the increasing use of the Internet to advocate views constituting an incitement to bias-motivated violence including hate crimes and, in so doing, to reduce the harm caused by the dissemination of such material, while ensuring that any relevant measures taken are in line with OSCE commitments, in particular with regard to freedom of expression”<sup>236</sup>

#### D. Commitments pertaining to hate-motivated incidents and crimes specifically mentioning Roma:

As early as in 1990, the participating States recognized the particular problems of Roma and Sinti as targets of racial and ethnic hatred.<sup>237</sup> They committed themselves to “clearly and unequivocally condemn totalitarianism, racial and ethnic hatred, anti-Semitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds. In this context, they also recognize the particular problems of Roma (gypsies).”

In 1999, the Istanbul Summit Declaration deplored violence and other manifestations of racism and discrimination against minorities, including specifically against Roma and Sinti.<sup>238</sup>

Chapter III of the Action Plan, adopted in 2003, provides a framework for addressing racial violence perpetrated against Roma and Sinti. Among other commitments, the States should ensure through legislation the imposition of heavier sentences for racially motivated crimes by both private individuals and public officials.<sup>239</sup> States should also “ensure the vigorous and effective investigation of acts of violence against Roma and Sinti people, especially where there are reasonable grounds to suspect that they were racially motivated, and prosecute those responsible in accordance with domestic law and consistent with relevant standards of human rights.”<sup>240</sup> Moreover, the participating States

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<sup>234</sup> OSCE Ministerial Council, Decision No. 10/05, Tolerance and Non-discrimination: Promoting Mutual Respect and Understanding, *op. cit.*, note 208.

<sup>235</sup> OSCE Permanent Council, Decision No. 621, Tolerance and the Fights against Racism, Xenophobia and Discrimination, *op. cit.*, note 214.

<sup>236</sup> OSCE Ministerial Council, Decision No. 9/09, Combating Hate Crimes, *op. cit.*, note 4.

<sup>237</sup> Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, *op. cit.*, note 206.

<sup>238</sup> OSCE Istanbul Document 1999, *op. cit.*, note 202.

<sup>239</sup> OSCE Ministerial Council, Decision No. 3/03, Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, *Op. Cit.*, Note 3.

<sup>240</sup> *Ibid.*

should “develop policies and procedures to ensue an effective police response to racially motivated violence against Roma and Sinti people.”<sup>241</sup>

In 2009, the participating States recognized that violent manifestations of intolerance against Roma and Sinti have increased, and that in times of global economic downturn, Roma and Sinti belong to those that are especially vulnerable to becoming subject to irrational hostility and societal blame. The states also expressed concern about that manifestations of intolerance against Roma and Sinti may not only result in increased exclusion and marginalization but might also endanger the social cohesion and peaceful coexistence in the wider society. The states were urged “to step up their efforts in promoting tolerance and combating prejudices against Roma and Sinti people in order to prevent their further marginalization and exclusion and to address the rise of violent manifestations of intolerance against Roma and Sinti as well as to unequivocally and publicly condemn any violence targeting Roma and Sinti, and to take all necessary measures to ensure access to effective remedies, in accordance with national judicial, administrative, mediation and conciliation procedures, as well as to secure co-ordination between responsible authorities at all levels in this regard”. The states were also called upon “to promote dialogue between Roma and Sinti people and the wider society in order to raise awareness of the role that intolerance and discrimination can play in threatening social cohesion, stability and security”.<sup>242</sup>

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<sup>241</sup> *Ibid.*

<sup>242</sup> OSCE Ministerial Council, Decision No. 8/09, Enhancing OSCE Efforts to Ensure Roma and Sinti Sustainable Integration, *Op. Cit.*, Note 4.

## **Appendix 5: Summary of Hungarian Governmental Measures Regarding Roma Inclusion, 2007 – 2009<sup>243</sup>**

The Hungarian Parliament unanimously adopted its decision on Decade of Roma Inclusion Strategic Plan in June 2007.<sup>244</sup> The Government adopted an action plan for implementing this Strategic Plan in 2008 and 2009.<sup>245</sup> Within the framework of the action plan, a number of measures on improving education, housing, labour market participation and health of Roma, as well as generally fighting against discrimination, were enforced.

In the past three years, the Ministry of Social Affairs and Labour (MSAL) initiated programmes in 31 settlements related to the improvement of the housing of Roma and the elimination of residential segregation. The main goal of the programme is to establish the conditions for the social inclusion of those living in colonies or colony-like areas (ghettos). In order to accomplish this, the administration has initiated the construction of social housing and infrastructure development, as well as renovation work on residential buildings within the context of the housing sub-programme. In the context of the social-welfare sub-programme, the Ministry supported the initiation of employment and training programmes, the easing of the conditions necessary for the utilization of social services, and the establishment of the conditions necessary for the integrated education of children. In 2008, another seven settlements became able to implement their own programmes, with 880 million Hungarian forints of support.

Hungary is the only country in the region to apply an Equal Opportunity Funding Policy in the fields of education and urban development. The purpose is to provide support to only those applications for programmes that ensure the reduction or elimination of the educational and territorial segregation of Roma. This policy includes “Function Extension” and “Integrated Social Urban Rehabilitation” tenders announced in 2008 in the context of the Regional Operative Programme of the New Hungary Development Plan (NHDP). A guide was also produced concerning equal opportunities within the context of the project, to be accomplished within the NHDP, aimed at the complex development of the 33 micro-regions in the most disadvantaged conditions.

Roma communities have been invited to participate in the planning and the monitoring of the governmental measures. The Government adopted the Governmental Decree on the establishment of the Council of Roma Integration (hereinafter: CRI) in December 2006. As well as representatives of the ministries concerned, members of the CRI include the Chairman of the National Roma self-government, and seven persons invited for 2 years by the Minister of Social Affairs and Labour on the basis of the proposals made by Roma NGOs. The CRI is a consultative, advisory body, which participates in the preparation,

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<sup>243</sup> This Appendix is based on information received from the Hungarian authorities in a letter dated 19 March 2009, in response to a letter of concern addressed to them by the Director of ODIHR.

<sup>244</sup> 68/2007 (VI.28.) parliamentary resolution on the Decade of Roma Inclusion Programme Strategic Plan [http://www.romadecade.org/files/downloads/Decade%20Documents/Hungarian%20NAP\\_en.pdf](http://www.romadecade.org/files/downloads/Decade%20Documents/Hungarian%20NAP_en.pdf)

<sup>245</sup> 1105/2007. governmental decision on the Government Action Plan for 2008–2009 related to the Decade of the Roma Integration Programme Strategic Plan, Government of Hungary, 27 December 2007 <http://demo.itent.hu/roma/portal/downloads/Decade%20Documents/Hungarian%20Action%20Plan%202008-2009%20EN.pdf>

implementation and monitoring of Government decisions aiming at promoting the social inclusion of Roma. The Civil Umbrella, set up in 2007, is a consultative, advisory civil organization operating alongside the CRI. The Roma Steering and Monitoring Committee operates within the context of the Council of Roma Integration – primarily based on the participation of the civil delegates in the Council.

The participation of Roma has been a determining factor in national public utility and public employment programmes. In 2008, the national budget ensured 3.5 billion forints for the implementation of public employment programmes, which involved the employment of 13,500 persons during the year. The participation of Roma in labour-market training programmes and adult training programmes is gradually increasing. The number of Roma participating in vocational training within the central “One Step Forward!” programme, aimed at the improvement of the labour-market opportunities for those with low levels of education was significant. In 2007-2008, the national budget committed 10.6 billion forints for the implementation of the “One Step Forward!” programme.

Eleven consortia partnerships from among the 39 winning tenders of the EQUAL Community Initiative initiated in 2005 launched experimental programmes related mainly to possibilities for augmenting Roma employment. The National Employment Public Foundation (NEPF) provides several hundred-million forints annually to promote the inclusion of Roma in the labour market.

Numerous employment-promotion programmes are being implemented with the support of the European Union, within the context of the Social Renewal Operational Programme (SROP) of the New Hungary Development Plan. The central programme, the Decentralized Programmes for the Employment of the Disadvantaged, has been initiated within the SROP and is being implemented by the regional labour centres and their local offices, with extensive social partnership. The START programmes, which have already been in place for a significant number of years, are aimed at providing incentives to employers to employ those who are marginalized in terms of their labour-market opportunities. Building on the favourable results of the START programmes in promoting employment for younger job-seekers, the START-PLUS and START-EXTRA programmes have also been created. The implementation of the programme makes it possible to provide support for more than 22,000 adults. A total of 2.66 billion forints was provided in 2008 within the context of job-creation tenders, supporting the work of 160-170 enterprises within the framework of two programmes.

The main goal of the Road to Work programme is to provide incentives to those long-term unemployed receiving social by helping them find work and improve their prospects for employment. Launched on 1 April 2009, the programme aims to achieve the temporary employment for six hours per day for 60,000 to 66,000 people annually.