

# **HATE CRIMES IN HUNGARY: LEGAL FRAMEWORK, STATISTICAL DATA AND VICTIM GROUPS**

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## Definition

Hungarian legal  
framework

Official statistics

Victim surveys

Typical victim  
groups

## WHAT IS A HATE CRIME?

- OSCE definition:
- „criminal offences committed with a bias motive” (MC.DEC/9/09)
- „A) Any criminal offence, including **offences against persons or property**, where the victim, premises, or target of the offence are **selected because of their real or perceived connection**, attachment, affiliation, support, or membership with a group as defined in Part B.  
  
B) A group may be based upon a characteristic common to its members, such as **real or perceived race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or other similar factor**” (ODIHR working definition)

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## SIGNIFICANCE

- impact on the victim is more severe
  - more intense trauma, identity of victim is at stake
- affects the whole group not just the victim
  - „even I might become a victim”, generalized fear, hiding protected characteristic
- might escalate to intergroup aggression
  - often results in a cycle of counter-violence
  - public security risk

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## HUNGARIAN LEGAL FRAMEWORK

- violence against a member of a community (CrC. Art. 174/B. )
- malicious motive (homicide CrC. Art. 166:2c, bodily harm CrC. Art. 170:3)
- theft or criminal damage against religious or consecrated objects or cemeteries and other burial sites (CrC. Art. 316:4b; Art. 324:4)
- violation of the freedom of conscience and religion (CrC. Art. 174/A.)
- incitement against a community (CrC. Art. 269.)
- use of totalitarian symbols (CrC. Art. 269/B.)
- public denial of the sins committed by the national socialist and communist systems (CrC. Art. 269/C.)

## VIOLENCE AGAINST A MEMBER OF A COMMUNITY

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CrC. Art. 174/B. (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 of a certain societal group, or **compels** him by applying coercion or duress to do, not to do, or to endure something, is guilty of a felony punishable by imprisonment for **up to five years**.

(2) The punishment shall be imprisonment between **two to eight years** if the act of 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) in **groups**; f) in criminal conspiracy.

(3) Any person who engages in the **preparation** for the use of force against any member of the community is guilty of a misdemeanour punishable by imprisonment for up to two years.

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## COMPARISON WITH OTHER OFFENCES

- coercion:
  - considerable injury of interest: precondition v. aggravating circumstance
  - higher sanction : 0-3 v. 0-5 years (+ aggravating circumstances)
- bodily harm:
  - injury to bodily integrity or health v. assault
  - private motion v. ex officio
  - higher sanction: 0-2 v. 0-5 years (typical form: 2-8 years)
  - further aggravating circumstances: in groups, by force of arms, with a deadly weapon
  - cumulation of crimes: violence against a member of a community + severe bodily harm
- disorderly conduct:
  - violence is not precondition
  - higher sanction: 0-2 v. 0-3 years (+aggravating circumstances)
- investigation by county/metropolitan police (IRM decree no. 3/2008. (I. 16.))

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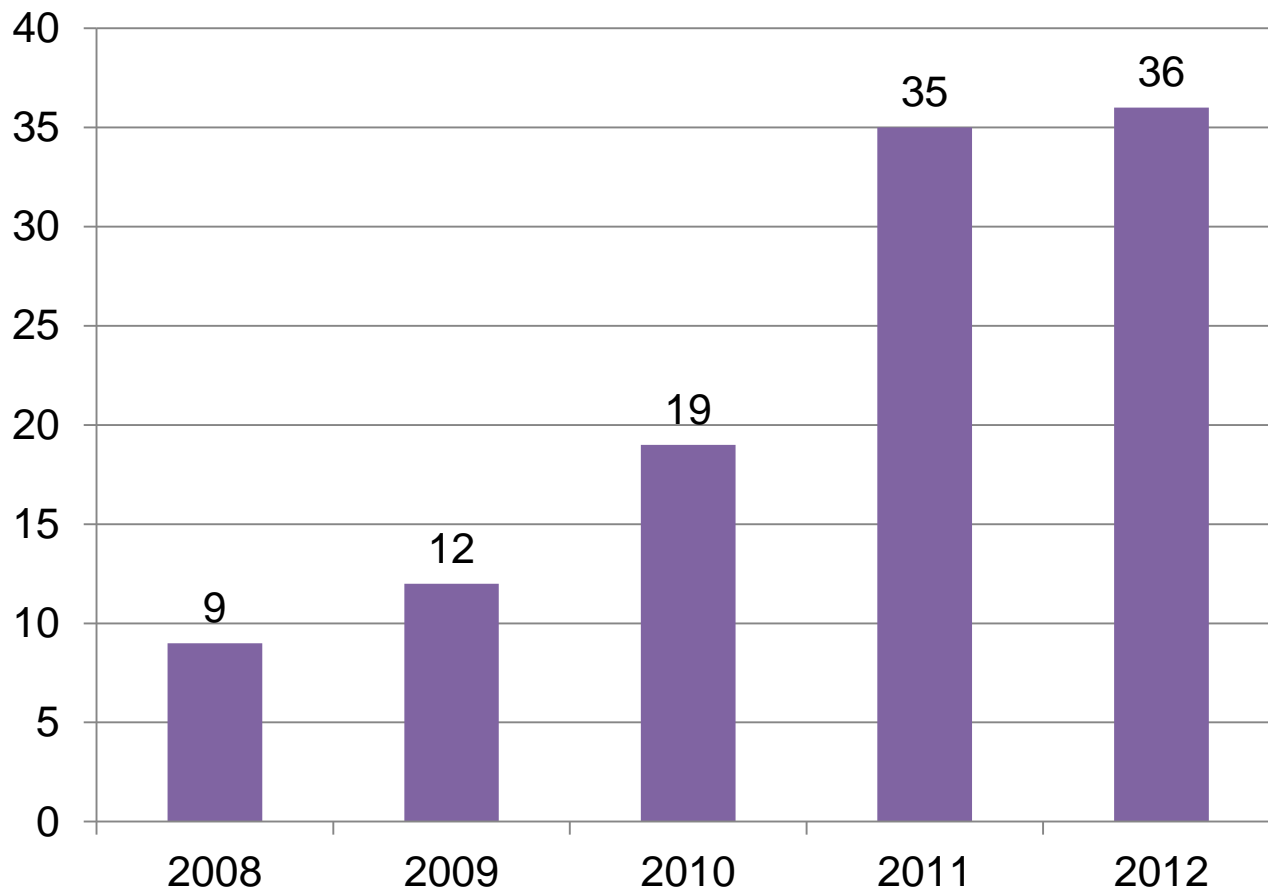
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## OFFICIAL STATISTICS

### Registered Art. 174/B. cases in Hungary (ENYÜBS)



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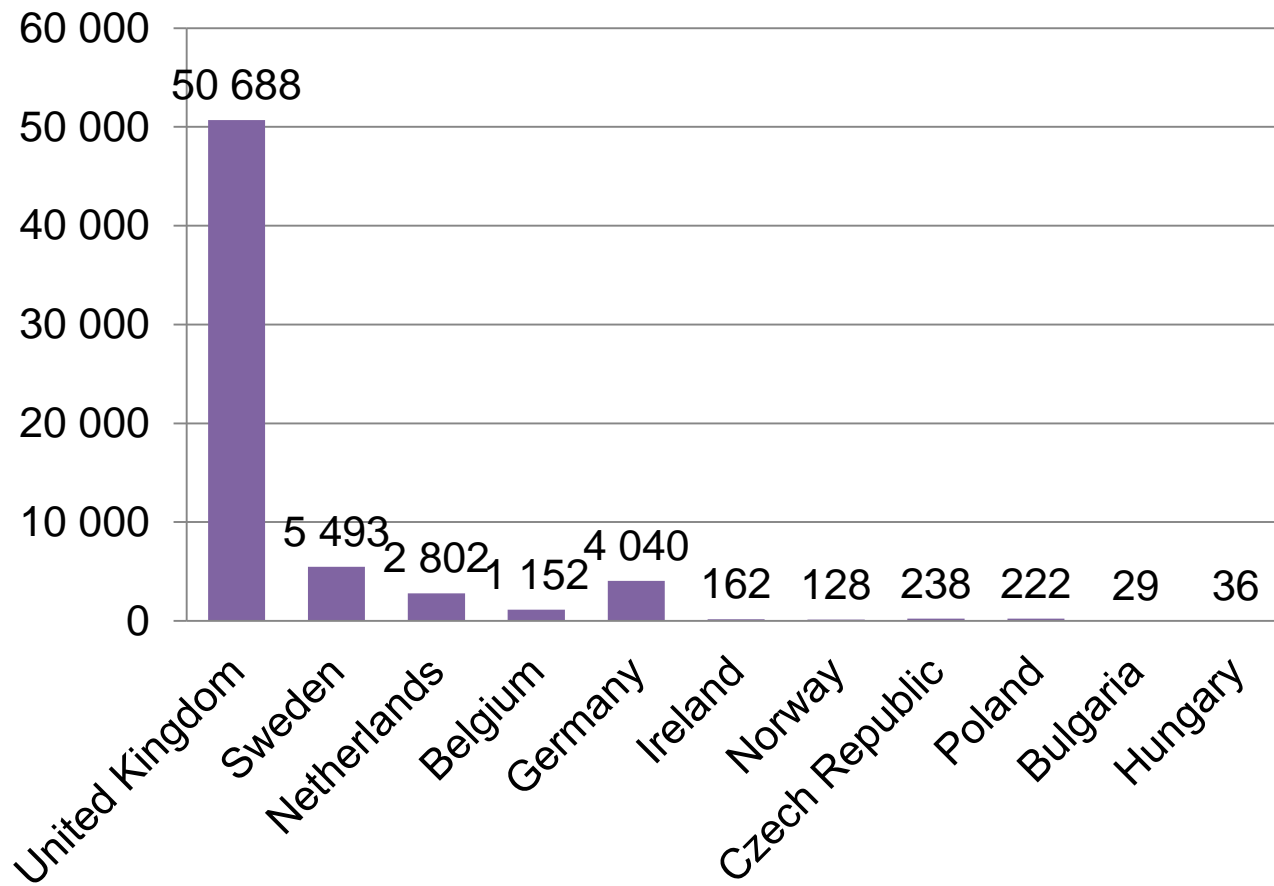
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## OFFICIAL STATISTICS IN INTERNATIONAL COMPARISON

### Registered hate crimes in some European countries (OSCE)





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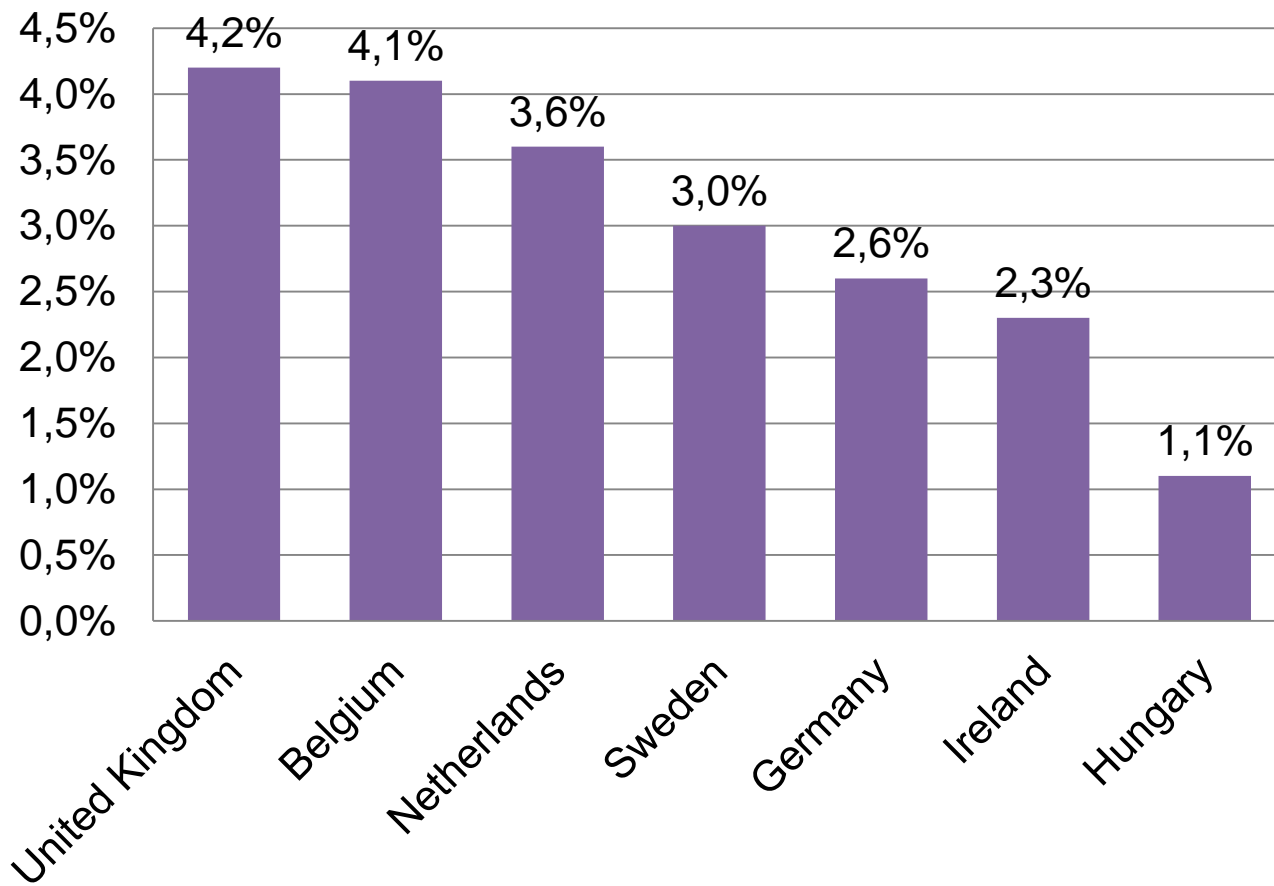
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## VICTIM STUDIES BASED ON REPRESENTATIVE SURVEYS

### Victims of hate crimes in the past 5 years (EU ICS 2005)



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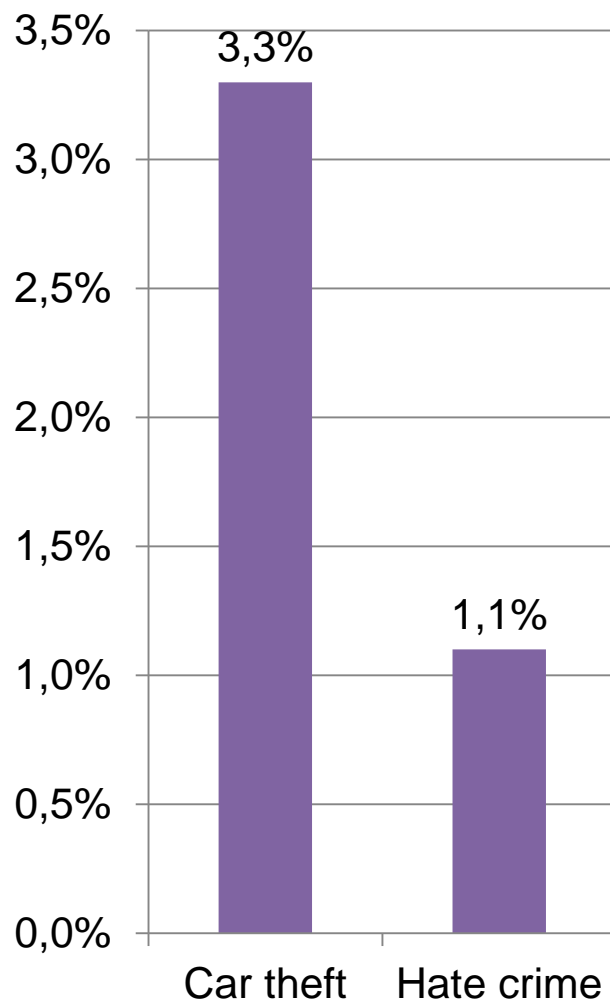
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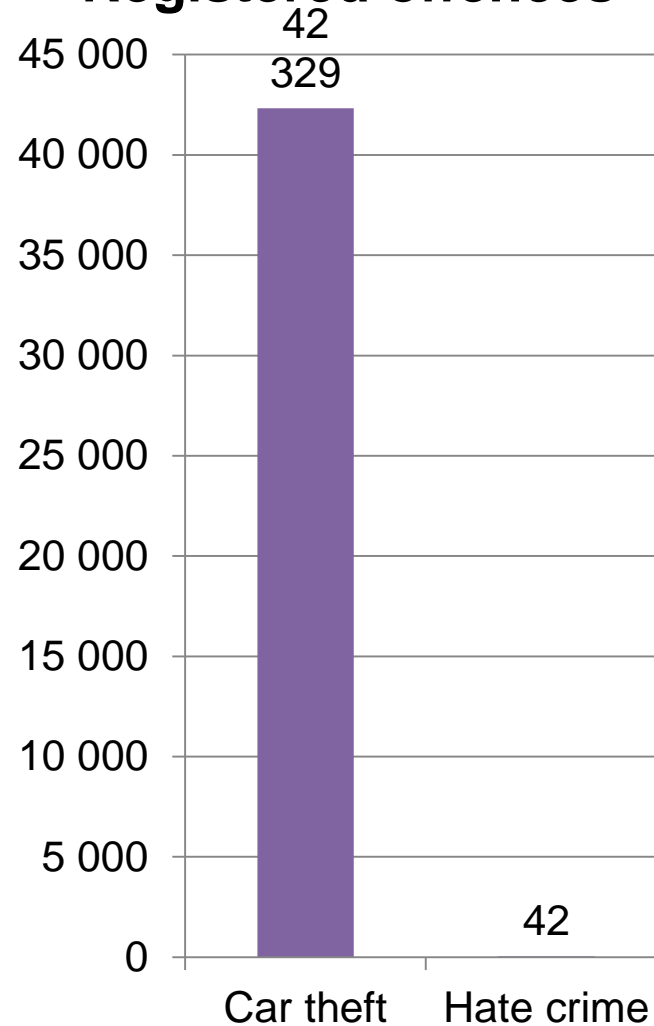


## OFFICIAL STATISTICS AND REALITY

### Victim survey



### Registered offences



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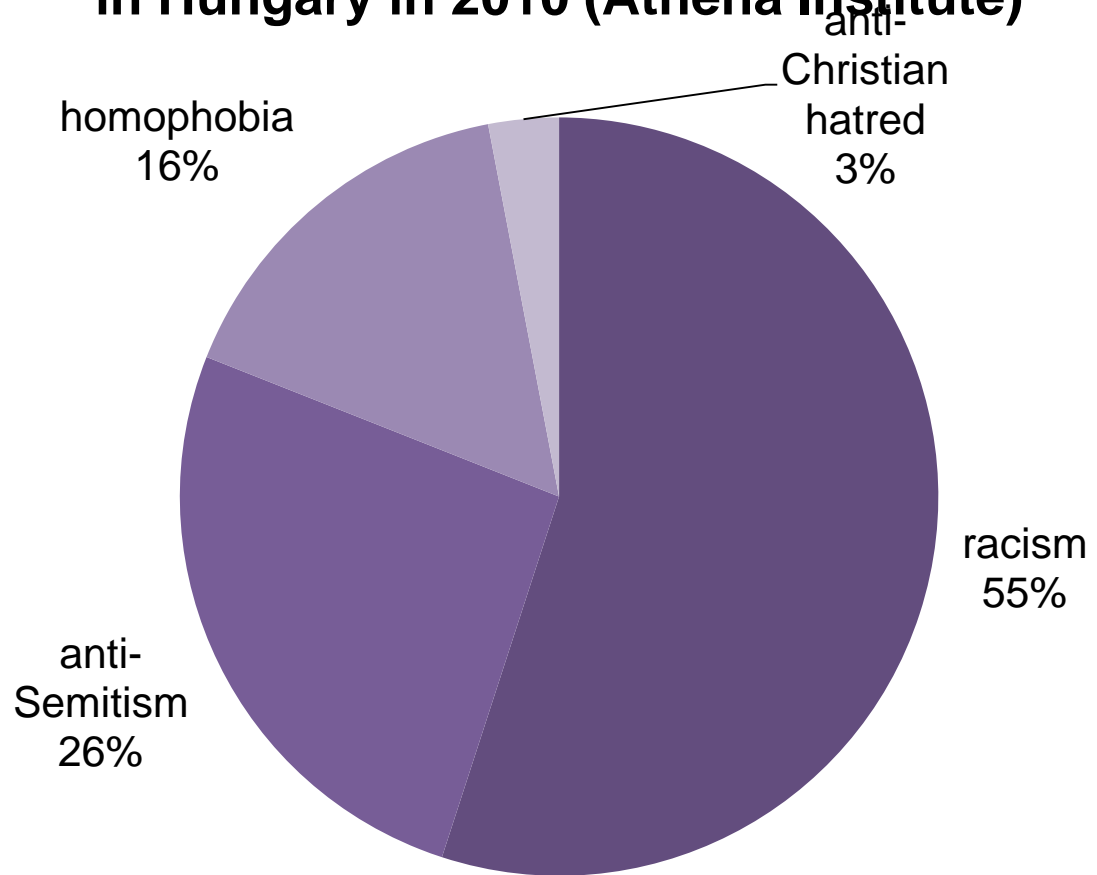


## EXPLAINING THE DIFFERENCE

- lack of comprehensive definition of hate crimes
  - not all hate crimes fall under the provision of Art. 174/B.
- underreporting
  - victims less likely to report compared to other crimes
  - causes:
    - low level of general trust in the police among members of minority groups
    - fear of hostility or prejudice by the police (secondary victimization)
    - lack of knowledge about relevant legal provisions
    - sense of shame, fear of outing
    - learned insensitivity
- misqualification
  - disregarding motivation during the investigation
  - causes:
    - low level of awareness (no trainings or guidelines)
    - social prejudices present within police forces

# SÉRTETTI CSOPORTOK

## Composition of hate crimes made public in Hungary in 2010 (Athena Institute)



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## TYPICAL CASES I.

- anti-Roma attacks
  - series of attacks / killings of Roma people (2008-2009)
  - police officer boasting about beating up a gypsy on Facebook (2011)
  - series of incidents by Betyársereg in Gyöngyöspata (2011)
  - throwing stones at Roma houses during Jobbik march in Devecser (2012)
  - threatening graffiti on the houses of Roma in Nagykanizsa (2012)
  - refusing entry and assaulting Roma client at a club (2012)
- anti-Semitic attacks
  - throwing stones at window while guests celebrating Seder (2010)
  - threatening graffiti on the wall of the synagogues in Halas (2011)
  - pig legs hung on statue of Wallenberg (2012)
  - assaulting head of Jewish community in front of a synagogue (2012)

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## TYPICAL CASES II.

- homophobic/transphobic attacks
  - gasoline bombs thrown at gay venues (2008)
  - assaulting gay men leaving gay club and passing by a nearby „national” bar (2010)
  - harassing and assaulting participants of the Budapest Pride outside the fences when leaving the march (2008-2012)
  - assaulting post-operative trans man in a gym (2011)
  - harassing comments and then assaulting a young gay man on the public transportation (2012)
- other attacks
  - setting fire on cars parking around a Muslim pray room during pray time (2011)
  - violent incidents against Afghanis around communal housing for asylum seekers in Balassagyarmat (2012)

Questions?

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