WORKING GROUP AGAINST
HATE CRIMES IN HUNGARY

Committee of Ministers of the Council of Europe
Department for the Execution of Judgments of the European Court of Human Rights DGI - Directorate General of Human Rights and Rule of Law
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Communication from the
Hungarian Working Group Against Hate Crimes

Dear Madams / Sirs,

Under Rule 9 (2) of the Rules of the Committee of Ministers for the supervision of the execution of judgments, the Hungarian Working Group Against Hate Crimes (hereinafter referred to as: Working Group) hereby submits this communication letter on the implementation of the judgments in cases

1. BALÁZS v. HUNGARY (Application no. 15529/12) Judgement of 20 October 2015;

2. R. B. v. HUNGARY (Application no. 64602/12) Judgement of 12 April 2016; and

3. KIRÁLY AND DÖMÖTÖR v. HUNGARY (Application no. 10851/13) Judgment of 17 January 2017.

In the present communication letter we reflect on the statements of the Hungarian Government's latest group action report submitted on 19 May 2025 [DH-DD(2025)620].

The three cases are dealt with in a standard procedure as a group of cases under the leading case of Balázs v. Hungary concerning violations of the prohibition of discrimination read in conjunction with the prohibition of inhuman or degrading treatment on account of the authorities' failure to carry out effective investigations into the question of possible racial motivation behind the ill-treatment inflicted on the Roma applicants by law enforcement agents in their official capacity or off-duty; or violations of the right to respect for private life on account of inadequate criminal investigations into offences allegedly committed in the context of anti-Roma demonstrations (Article 14 read in conjunction with Article 3; Article 8).

The Working Group was established in 2012 by five Hungarian NGOs to join forces for a more effective approach against hate crimes. Today, besides representatives of Amnesty International Hungary, Háttér Society, the Hungarian Helsinki Committee (HHC) and the Hungarian Civil Liberties Union (HCLU) individual experts from the academia also take part in the work. The Working Group regularly delivers its opinion on draft laws and makes proposals to strengthen state responses to hate crimes; conducts research to better understand the phenomenon of hate crimes and to identify new tools in the fight against hate incidents; develops curricula and conducts training programs; its member organisations provide legal advice and representation free of charge for victims of hate crimes.

The Working Group has previously submitted four Rule 9 (2) communications. These communications were authored by lawyers affiliated with the Working Group: they represented the applicants in the present group of cases, assisted victims of hate crimes before domestic authorities and courts, provided anti-hate crime training, engaged in advocacy and counselling of the target groups.

It has to be acknowledged that the Hungarian Government has taken significant steps in order to efficiently police hate crimes. First, the Criminal Code (Act C of 2012) that entered into force on 1 July 2013 introduced disability, sexual orientation and gender identity among the characteristics of the potential victim groups to the relevant hate crime provision ('violence against a member of a community'). Second, In July 2019, the Hungarian Chief of Police issued Instruction no. ORFK 30/2019. (VII. 18.) on the tasks of the police with regards to hate crimes.[1]

In spite of the positive legislative developments, shortcomings in the application of the law persist. These shortcomings substantively hinder the fight against hate crimes, and they continue to stem primarily from the lack of sufficient training and the intolerant, harassing tone used and campaigns carried out by the Government against vulnerable groups. Based on the analysis presented in the Working Group's current submission, we respectfully draw the attention of the Committee of Ministers to the fact that despite the above acknowledged developments, there are still areas where no or only little improvement has been made.

As a result of this, we respectfully urge the Committee of Ministers to keep the procedure open and require further progress from the Hungarian government.

The Hungarian government failed to comply with the guidance provided in the decision of the Committee of Ministers and the request of 22 May 2024, because the in the latest action report as of 19 May 2025 authorities

- did not provide further and more recent case-law examples beyond the statistical data that is publicly available;
- did not indicate how the awareness raising and training measures provided to prosecutors

[1] For a detailed overview of the Instruction see Háttér Society: *Victim-Centered and Intersectional Approaches in the Response to Hate Crimes. A handbook of good practices* (2024), p. 38–40. available at: https://en.hatter.hu/sites/default/files/dokumentum/kiadvany/counterhate-handbook-en-web.pdf.

and judges contributed to giving effect to the legislative amendments, if at all;

- did not meaningfully consider abolishing the statute of limitation, however, in other types of crimes the law changed accordingly;
- did not provide any information about the practical experiences, outcome and impact of the hate crime officers' work, and no annual reports addressing these questions are prepared;
- did not provide any substantive information on the results of consultations with NGO experts and Roma minority governments; the 2025 action report verbatim repeats the relevant part of the previous 2022 report (see par. 40); there is no central initiative to organise training with Roma communities, training activities are sporadically organised and depend mainly on whether the local police organise them or not;
- did not provide any information and documentation with respect to the monitoring process of complaints, including statistics on the reasons for their rejection;
- did not provide information neither on how often victims had recourse to these tools, nor on the measures taken to inform victims about such possibilities;
- did not provide further information regarding the improvement of the data recording system.

1. As regards individual measures

1.1. Statute of limitations

The Committee of Ministers requested the Hungarian authorities to review the domestic legal framework and to consider introducing an *ex officio* practice of re-examining ill-treatment investigations at an earlier stage of the Convention proceedings, and to provide information on whether Section 400 of the Code of Criminal Procedure would allow such practice; and to reflect on the possibility of extending or abolishing the statute of limitation for crimes of ill-treatment/torture.

The Group Action Plan of the Hungarian government details the relevant and applicable legal regulations. However, there is no reference to the call of the Committee of Ministers whether the legal framework might be changed. This indicates that the Hungarian government does not intend to introduce an *ex officio* practice of re-examining ill-treatment investigations, and to extend the prescription period for crimes of ill-treatment by law enforcement officers.

According to Section 400 (6) of Code of Criminal Procedure, the reopening of the investigation is possible in the following cases: (a) new pieces of evidence or circumstances arise, (b) a false or falsified means of proof has been used; or (c) a member of the prosecution or the investigating authority has breached his or her duty in a manner contrary to criminal law. The Group Action Plan did not provide information on whether Section 400 of the Code of Criminal Procedure would allow the re-examining of investigations in the government's view. The Working

Group argues that the judgement of the European Court of Human Rights qualifies as a new circumstance that provides a basis for reopening the investigation. If ill-treatment is substantiated by the Court, this shall be interpreted as a breach of the criminal law, which serves as a reason to reopen a procedure. However, we are not aware of any reopened investigation following a judgment of the European Court of Human Rights.

With regard to the compensation which could be awarded in a civil procedure to victims of criminal offences (referred to in the CM decision under Point 2.), it should be stressed that it is only possible if the defendant has been finally convicted by the court, and the civil lawsuit can only be filed within the 5-year limitation period. Thus, this is not possible for the cases of the Balázs group.

According to Sections 72 (1) and (2) of Act CXXX of 2016 on the Code of Civil Procedure, legal representation of the plaintiff (the victim) is mandatory in the procedure. Pursuant to Section 11 (1) of Act LXXX of 2003 on Legal Aid, the State shall provide legal representation for the plaintiff, who is deemed to be indigent, and shall advance or bear the costs thereof on behalf of the party. It must be stressed that this option is only available to people living in extreme poverty. A large portion of the population who are not in a situation of extreme poverty but are still below or close to the poverty threshold do not qualify for the service, although they are in practice are also unable to afford a lawyer's fees. According to the rules laid down by Sections 5 (1) and 6 of the Legal Aid Act , in 2025, the state pays for legal services on behalf of those who have no real estate or property of higher value and where the net monthly income per person in a family does not exceed HUF 28 500 (approximately EUR 73), or in case of single persons HUF 42 750 (approximately EUR 109; the state advances the fee of the legal services for those whose net monthly income does not exceed HUF 253 319 (approximately EUR 649). These thresholds are extremely low even in the Hungarian context. The administration of requesting legal aid is extremely difficult, as filling in the form and providing various certificates on the personal financial situation is challenging even for highly educated people. Furthermore, since lawyers contracted by the Legal Aid Service are extremely underpaid, the service is understaffed. Therefore, clients report that legal aid lawyers often carry out a low-quality job without effective representation of their interests. Furthermore clients report to the HHC that it is very difficult to find a lawyer for representation.

The Working Group therefore concludes that due to the restrictive interpretation of the Criminal Code and lack of an accessible legal aid scheme victims – such as the applicants in the examined group of cases – are left without effective ways to seek justice and compensation for damages for the ill-treatment by authorities.

2. <u>As regards general measures</u>

2.1. Climate of intolerance

First and foremost we would like to emphasize that although there are certain improvements regarding the legal framework relevant to the implementation of the judgments in the group of

cases at hand, notably the inclusion of further protected characteristics in the hate crime provision of the Criminal Code and the adoption of Instruction no. ORFK 30/2019. (VII. 18.) on the tasks of the police with regards to hate crimes, the Hungarian Government and other right-wing political actors continue to exhibit a very strong anti-minority rhetoric that undermines many of these forward-looking steps and essentially goes against the requirement of equal treatment. The Working Group underlines that the Government's rhetoric regarding vulnerable groups persistently weakens the impact of the legal amendments and the related protocols duly adopted. As mentioned in our previous submissions, the Government periodically launches campaigns that stir up hatred against minorities; both migrants and refugees,[2] as well as members of the LGBTQ+ community[3] have fallen victim to such hate campaigns. Lately non-governmental organizations providing support, advice and representation for these groups became targets of the Government propaganda.[4]

There are also certain cases where intolerance against Roma people is openly promoted by the Hungarian Government. Additionally, in 2022 for the first time in Hungarian history an extremist, openly far-right political party called Mi Hazánk (*Our Homeland*) that is openly collaborating with widely known hate groups was elected into Parliament. One of the party's main mottos before the election was "*We cannot be a gypsy country!*", which was shown on billboards across the country. Six candidates of Mi Hazánk won seats in Parliament and the party signed a formal cooperation agreement with the Magyar Önvédelmi Mozgalom (*Hungarian Self-Defence Movement,* hereinafter: MÖM*)*, and in 2024 at a meeting in Sopron, the party president introduced the leader of the Betyársereg (*Bandit Army*), another right-wing extremist group, as the "*police minister*" of their future government. A typical activity of these extremist organisations is the arbitrary patrolling of the Roma population to intimidate and "control" them. In doing so, they act as if they were sharing the performance of specific law enforcement and crime prevention tasks with the police, often in towns with large Roma populations. Over the past three years, more than 100 such group patrols - referred to as "patrol walks" - have been recorded, which constitute either the petty offence of unauthorised public security activity or the criminal offence of organising such activities. HCLU has been monitoring these "*patrols*" for

[2] For instance see: Human Rights Watch. Hungary Begins a New Official Hate Campaign (2017), available at: https://www.hrw.org/news/2017/09/29/hungary-begins-new-official-hate-campaign; Hungarian Helsinki Committee: Five Years and Counting: Attacks against Civil Society since the Adoption of the "Stop Soros" Law (2023), available at: https://helsinki.hu/en/wp-content/uploads/sites/2/2023/06/Attack-against-NGOs.pdf; or the documentary by Partizán titled '10 Years of Hate' available at: https://www.youtube.com/watch?v=kzgA6i54ne8.

[3] For details see: Amnesty International Hungary, Háttér Society, Hungarian Helsinki Committee, Hungarian Civil Liberties Union: Legislating Fear: Banning Pride is the latest assault on fundamental rights in Hungary (2025), available at: https://hatter.hu/kiadvanyaink/legislating-fear-banning-pride-is-the-latest-assault-on-fundamental-rights-in-hungary, and the joint submission of Háttér Society and the Hungarian Helsinki Committee to the UN Special Rapporteur on the right to freedom of assembly and association (June 2025), available at: https://hatter.hu/sites/default/files/dokumentum/kiadvany/hhc-hatter-submission-to-the-un-special-rapporteur-16-june-2025-1-1.pdf.

[4] See for instance: Human Rights Watch. Hungary Begins a New Official Hate Campaign (2017), available at: https://www.hrw.org/news/2017/09/29/hungary-begins-new-official-hate-campaign; Hungarian Helsinki Committee: Five Years and Counting: Attacks against Civil Society since the Adoption of the "Stop Soros" Law (2023), available at: https://helsinki.hu/en/wp-content/uploads/sites/2/2023/06/Attack-against-NGOs.pdf; or the documentary by Partizán titled '10 Years of Hate' available at: https://www.youtube.com/watch?v=kzgA6i54ne8.

years. Based on their experience, although the police have for some time ensured adequate protection for assemblies falling under the scope of the Act on the Right of Assembly, they have not fulfilled their statutory obligations in dealing with unannounced group rallies that do not qualify as assemblies. While monitoring the rallies, HCLU found that such informal marches instil profound fear among Roma, yet they are the rarest cases in which minor offence procedures or criminal proceedings are initiated. Given that these arbitrary patrolling is typically directed against Roma residents, initiating proceedings commensurate with the prevalence of these acts would not only curb unauthorised arbitrary activities but would also significantly strengthen the Roma citizens' trust in the police.

2.2. Training and awareness raising

2.2.1. Training courses for police officers on hate crime

The Working Group welcomes the efforts reported by the Hungarian Government taken for the hate crime-specific training of police officers. However, there are several concerns regarding the police training measures described in the Government's communication. First, the Government explicitly refers to a b-learning training developed by Háttér Society, a civil society organisation (member of the Working Group). As correctly noted in the Government's submission, the training material was developed within the framework of the project titled "*Counter-Hate: Improving the assistance of victims of hate crimes through a victim-centered and intersectional approach"* implemented by Háttér Society with its international partners. The development of the training was financed by the Citizens, Equality, Rights and Values program of the European Commission, no public funding from Hungary was received, the state authorities declined to endorse the project.. According to the records of Háttér Society, 15 members of the police took part in the pilot training held on 28 November 2023, and another 20 participated in the updated training held on 17 February 2024. In contrast, the Government reported that 20 police officers participated in either the training sessions (Háttér Society's Conuter-Hate training appears 7 times in the Annexed table to the Action Report). In all, this training was prepared and provided exclusively by a civil society organization, and although members of the police took part in the training provided, the extremely small numbers of the police officers involved and the overall reluctance demonstrated by the authorities in providing explicit support for the project demonstrates that the participation of police officers thereto mainly served "tick-box" purposes rather than demonstrating a genuine will for necessary reforms.

The Government further indicates that the National Police Headquarters (ORFK) has prepared presumably in 2024 (no date is indicated) a training material for police and law enforcement personnel entitled "*The implementation of police tasks related to the handling of hate crimes*". However, the Government's description refers to this material in the future tense ("*will be available as mandatory training*"), which can suggest that the training has not yet been implemented and that no officers have completed it. Moreover, the Government provides no information on the content or methodology of this training. The training is, nevertheless,

included in the Appendix as an online training, claiming that 20,496 participants completed it in 2024 which number is clearly impossible even in the case if the training was made available for police officers since the total number of the police is approximately twice as much as the number of the eventual participants. However, no information is available regarding the duration or confirmation that this training has indeed become available to police personnel, and no answer was received for the freedom of information request submitted by the Working Group within the statutory deadline.

The Government also refers to a training of trainers organised between 10 and 13 December 2024 by the Council of Europe's Roma and Traveller Division, in cooperation with the Department for the Execution of Judgments of the European Court of Human Rights, the Government Agent of Hungary before the ECtHR, the Ministry of Interior, and the National Police Headquarters. According to the table annexed by the Government, this training appears twice. Once as "*Council of Europe Directorate of Roma and Travellers – Professional training on hate crimes*" and again as "*Council of Europe Roma Affairs Division – Hate crimes*". In both cases only one participant is recorded, raising serious questions as to the extent and impact of this measure. A legal expert from the Working Group was invited and provided information about the work of NGOs active in fighting discrimination and prejudice-motivated crimes.

Despite the fact that the Government supplemented a table of training as an Appendix, there is still a lack of transparency. The Government states that "*details of the hate crime training provided by the regional authorities in their areas of competence are set out in the Appendix*". The Appendix lists when and where such trainings were held, the number of participants, and the dates, but it does not provide any information on the content of these trainings. It also includes the aforementioned Háttér Society training and other trainings organised by non-governmental entities; therefore, it cannot be claimed that all these trainings (if any) were provided by the regional authorities. The Appendix also includes conference participation of member(s) of the Hungarian police, these events by no means qualify as training sessions.

In summary, the Working Group is unaware of any long-term strategy on training members of the Police on hate crimes. The list of training sessions listed in the Appendix lacks transparency: it does not give information on the composition of the participants (e.g. how many hate crime experts and how many regular police officers attended those), only the target group is specified, and no details are provided on the content and methodology of the trainings and no access is granted to the training materials, thus no substantive evaluation is possible. The listed trainings do not give any impression of following a well-planned and disciplined training schedule, the Police still heavily rely on trainings provided by external organisations.

2.2.2. Training courses for judges in connection with hate crime

The Government's comments contain no information about the training of judges. In the Appendix, there is a mention of a training co-organised by the Judges for Social Awareness Association, the Office of the Commissioner for Fundamental Rights, but it was held at the

Baranya County Police HQ, for only one online participant. The program lasted for five hours. There is no information about the participant's profession.

In reply to our freedom of information request, the National Office for the Judiciary (NOJ) provided a limited and highly insufficient response to our questions on training. The request aimed to assess the extent to which Hungarian courts and judges participated in hate crime–related training and initiatives. The NOJ attached a short table listing four training events organised by the European Judicial Training Network (EJTN) in 2024–2025. One of the 4 trainings took place in 2025 and three in 2024, and the participation was minimal. In total, seven individuals attended these events (including only four judges, the remaining participants were judicial clerks). Three of the events were online. The topics covered hate crimes, online hate speech and victims' rights, but without providing access to the training materials, we cannot establish whether any of these trainings have been specifically designed or implemented to enhance judicial understanding of hate crime cases in Hungary.

Furthermore, it should be noted that the *CooSpace online training platform* operated by the NOJ includes an e-learning repository ("*Tudástár*") containing materials related to hate crimes. However, the NOJ's response provided no information as to whether any judges or judicial staff completed these e-learning courses during the relevant period. The absence of such data further indicates a lack of monitoring or evaluation regarding the actual participation of judicial personnel in training.

This underlines that there is no systemic or institutionalised training program on hate crimes for Hungarian judges. The NOJ's reply confirms that Hungary has not implemented meaningful measures to ensure the training of judges. The participation of a handful of judges and court staff in foreign or international online seminars cannot be regarded as a measure fulfilling the requirements set by the Balázs group judgments.

2.2.3. Training courses for prosecutors in connection with hate crime

While the training of newly appointed and early-career prosecutors on hate crime issues represents a positive development, the overall scale and scope of the measures described by the Government appear insufficient to ensure full and effective implementation of the Court's judgments.

The Working Group submitted a freedom of information request concerning hate crime–related training of prosecutors between 1 January and 31 December 2024 to the Chief Prosecutor's Office (COP), and received an answer on 12 November 2025.

According to the COP's response, no specialised courses have been organised on this topic, but the annual training and continuing education plan, which targets approximately 30 different training topics, include courses on identifying hate crimes and preparing to take action against them.

The CPO described that all trainee prosecutors are required to participate in training courses.

As part of the preparatory course for the "B" legal examination on criminal law, criminal procedure law, lectures were given on "*Crimes against freedom, dignity and certain fundamental rights*". In the 2024 training year, 90-minute lectures entitled "*Hate Crimes*" were held for approximately 60 trainee prosecutors. The annual training course for junior prosecutors included a one-hour lecture entitled "*Possibilities for effective action against hate crimes, decisions of the European Court of Human Rights, activities of the Working Group Against Hate Crimes, and the 2019 protocol on hate crimes*". On 14 February 2024, 40 people participated in the training, and all junior prosecutors are required to participate in the training at least once every five years. A 45-minute lecture entitled "*Hate Crimes*" was given on 12 June 2024 to 122 participants as part of an online course organised for novice prosecutors. The training is mandatory for prosecutors appointed less than three years ago. On 7 October 2024, the 33 deputy chief prosecutors in charge in the capital and the counties discussed, among other things, more effective action against hate crimes, the identification and protection of victims, and treating them with respect, as well as methodological issues related to the supervision and management of investigations. On 16 October 2024, a lecture entitled "*Current legal issues in the investigation of abuse and coercive interrogation committed in official proceedings in light of the decisions of the European Court of Human Rights*" on the topic was given at a training session for 40 designated investigative prosecutors.

The CPO also shared that the prosecution service participated in and co-organised a number of international training events. A one-day EJTN webinar on *"Online Hate Speech"* on 21 March 2024 was attended by 1 prosecutor, and in the two-day EJTN seminar on "*Antisemitism and Hate Crimes*" held in Poland between 16–17 May 2024 a Hungarian prosecutor acted as the activity coordinator. It was also pointed out that the Council of Europe's HELP programme, which offers online human rights courses, including those on hate crimes, hate speech, and anti-discrimination, is made available to junior prosecutors and trainee prosecutors.

In conclusion, the CPO underlined that hate crime–related content is regularly incorporated into general and mandatory trainings, particularly for trainee and junior prosecutors, and that information on such materials is accessible to all staff internally.

The response of the CPO demonstrates a certain level of awareness and engagement with the issue, and the topic appears periodically in both national and international educational activities. However, the impact and reach of the measures described continue to be limited. The actual number of prosecutors trained remains relatively small. According to the publicly available information, the Hungarian prosecutorial service employed 1869 prosecutors, 91 junior prosecutors, and 111 trainee prosecutors in the beginning of 2024. The number of trained prosecutors would be sufficient if a vertical and geographical balance were ensured, i.e. prosecutors were trained at all levels spreading across the entire country. But these training appear to have been directed exclusively at new or early-career prosecutors, without extending to the majority of practising prosecutors who are responsible for the supervision and prosecution of hate crime cases.

The data provided does not indicate the existence of a structured, mandatory, and recurrent

national training framework that covers prosecutors at all levels: training is mainly directed at newly appointed, trainee, or junior prosecutors, with only occasional sessions for senior staff or specialised units. There is no indication that the majority of experienced prosecutors or those in leadership positions are systematically required to undertake hate crime–related training.

Most training activities described consist of short, one-hour or 45–90 minute lectures, which are unlikely to provide a comprehensive understanding and practical skills for identifying and prosecuting hate crimes effectively. There is no evidence of interactive, case-based, or skills-oriented methodologies, nor of any evaluation mechanism to ensure knowledge retention.

Overall, the CPO's reply confirms that hate crime issues are not entirely missing from prosecutorial training. However, the measures described remain fragmented, quantitatively limited, and primarily targeted at junior staff.

In the absence of evidence of systematic, mandatory, and recurrent training that includes prosecutors at all levels, and without detailed information on the content, methodology, and duration of the training provided, it cannot be concluded that the measures taken so far are adequate to ensure the consistent and effective handling of hate crimes throughout the prosecutorial system.

A comprehensive and institutionalised training framework should be introduced on hate crimes, ensuring that prosecutors at all levels (regardless of seniority or position) receive appropriate and regular training.

2.3. Statistical data and data recording

As we indicated in our previous communications, data on crimes reported to the authorities are collected in the Uniform Investigative and Prosecutorial Criminal Statistics (ENYÜBS). As of July 2018 ENYÜBS contains data according to two new categories: whether the crime is a hate crime and if so, information about the protected characteristic of the victim. These two new fields introduced in the statistical form were clearly a significant improvement. However, if the authorities fail to recognize the bias motivation, the crime at hand will not be documented in the relevant category at all. The 2024 action report mentioned that the list of protected characteristics was extended in order to ensure that ENYÜBS includes hate crimes based on disability, sexual orientation and gender identity (45). Although this was an important improvement, we would like to highlight that the protected characteristic in itself is not necessarily enough to have a deep understanding of the phenomenon of hate crimes, because for instance both anti-semitic and anti-muslim crimes are listed under the protected characteristic 'religion', and the current system of registration is blind to cases raising intersectionality, i.e. multiple protected characteristics.

Apart from the shortcomings indicated in our previous submissions, such as the fact that statistical forms are often not fully completed, there is a lack of timeliness regarding the data recorded and the system does not allow for the tracking of a case from reporting to sentencing,

an additional significant problem is that no data has been released since the introduction of the new system on the official website of the crime statistics system. Furthermore statistical data are only available approximately a year later and based on freedom of information requests submitted to the Prosecution Service, which provided the Working Group with the following data:

Year	Indictment	Judgment	Judgment different from the indictment
Section 216 - Violence against a member of the community			
2023	10	8	-
2024	9	7	-
Section 332 - Incitement against the community			
2023	1	1	-
2024	2	3	1

The above data provided by the Prosecution Service indicate that charges are pressed in only a very small number of cases that were registered with the police: in 2023 there were 26 registered cases registered with the police, and 10 indictments were submitted. In 2024, 28 cases were registered, and the prosecution service pressed charges in 9 cases. As of 13 October 2025, ENYÜBS indicates that there were 3 (and not 2 - as the Government submitted) registered crimes in the category of using an authoritarian symbol. The number of cases registered as incitement against the community and public denial of the crimes of national socialist or communist regimes remained almost the same (3 and 2 respectively), while using an authoritarian symbol almost doubled; in 2024, 27 crimes were registered in the latter category.

The section 332 of the new Criminal Code (Incitement against the Community) was amended in 2016 in order to extend its scope to crimes committed not only by using threatening expression that involves a direct possibility of a violent act but also if it instigates hatred. We would like to draw the Committee's attention to the fact that this amendment has not resulted in any change regarding the jurisprudence of the provisions on incitement against a group according not only to our opinion but also that of the Minority Ombudsperson. The Minority Ombudsman states in General Comment No. 5/2020.[5] that expressions instigating hatred that do not involve the direct possibility of a violent act remain outside the scope of criminal procedures despite the

[5] The report, although it was published, currently is unavailable on the website of the Commissioner for Fundamental Rights.

above mentioned amendment. The General Prosecutor reinforced the Minority Ombudsman's view stating that despite the amendment of section 332 of the Criminal Code, state authorities continue to interpret incitement against a group in a way that requires the real and direct possibility of violence. Although the Minority Ombudsman proposed in her General Comment that the Minister of Justice together with the General Prosecutor examine and analyse how the interpretation of the statutory definition of incitement against a group may be changed and extended, especially during police investigation, no steps have been taken in this regard to our knowledge. The Minority Ombudsperson, in General Comment No. 4/2025.[6] on the possibilities of combating hate crimes and hate speech, has once again articulated her position regarding the amendment. In agreement with the ECRI's recommendation, the Minority Ombudsperson considers it necessary to review the judicial and law enforcement practice concerning incitement against a community, in order to ensure that future legal practice develops in line with the Fundamental Law and the 2016 amendment.

The publicly available statistics only represent a snapshot of the status of cases at a given moment, they do not allow to follow a case, or draw wider and more comprehensive conclusions on trends. As no timely information is available on cases, the number of cases and the number of indictments do not necessarily correlate, and they do not allow drawing wider conclusions.

In addition to the lack of available timely data, there is a concerning level of underreporting corroborated by the experience of Working Group members who assist victims of hate crime. These combined make criminal remedies illusory for the victims. There are no victim surveys either which could provide comprehensive data on the prevalence of hate crimes in Hungary.

2.4. Individual cases

Recently, in cases taken by the Working Group, the classification of the criminal offenses committed has typically been appropriate or has become appropriate following guidance from the ORFK hate-crime instructor being notified by the Working Group. However, we present below two cases in which we detected serious errors in the application of the law. In both cases, the Hungarian Helsinki Committee, a member of the Working Group, is representing the victims.

Six years ago, in 2019, far-right groups commemorated the 1945 Breakout of the Hungarian-German troops. After the event a group of students participating in the counter-demonstration was attacked by a group of black-dressed people, three of them physically assaulted the students and took away their flags representing LGBTQ and a leftist student movement. There was a lot of evidence available (CCTV cameras, witness statements, names of the perpetrators), the police were able to identify only two of the attackers (who an anonymous caller has already identified by name) and confirm that they were on the scene. One of the attackers admitted this, in fact he said that one of his peers jumped into the crowd where the crime happened.

In the case of the other attackers, the police submitted a recommendation for indictment to

[6] The report, although it was published, currently is unavailable on the website of the Commissioner for Fundamental Rights.

the prosecution. However, despite the evidence, the prosecution found it insufficient to press charges for a hate crime. As a result, the criminal proceedings were terminated. The Hungarian Helsinki Committee representing the victims continued the procedure through private prosecution. In April, 2025 the Court found one of the attackers guilty of violence against a member of the community but acquitted the other attacker being present at the scene supporting his peers. The procedure is pending before the second instance court at the moment.

The victims reported a third attacker to the police being present and recorded on video and photo on the scene, he was also named and identified from previous media appearances. The police and the prosecution rejected the launch of any further investigations into the crime, so the victims turned to the ECtHR on the grounds of inadequate investigation by the authorities and violation of their right to private life.

In 2024 far-right demonstrators were attacked by groups consisting of mainly foreign antifascist activists. In these cases, Police took action with particular speed and force, a clearly innocent person was arrested by the court and then released on the initiative of the prosecution. Despite the undoubtedly necessary measures, the differences between the two series of cases are striking.

2.5. Cooperation with Roma self-governments

According to the cooperation agreement signed by the ORFK and the National Roma Self-Government on 16 September 1999, and the ORFK Instruction No. 22/2011 (X. 21) governing the implementation of this agreement and many other related tasks, the police have the duty of producing reports on the cooperation, and the duty of annual meetings and discussion of case studies with Roma self-governments, Roma and pro-Roma civil organizations. The Working Group has no information on the annual reports or the possibility of meetings. Although the police organized more than 60 Roma-Police Cafés since 2023, from representatives of Roma organizations and other Roma activists, we have the information that many times they are not invited to these occasions.

The Working Group respectfully notes that the Action Report submitted in 2022 contains the very identical text on the cooperation with Roma self-governments as the one currently under review. The lack of additional information or description on the steps taken unequivocally suggest that no meaningful progress has been made; the Roma Cafés cannot be regarded as fulfilling the tasks laid down in the cooperation agreement between the National Roma Self-Government and the Police.

2.6. Victim support

The system of victim support in Hungary is a non-transparent, complicated and difficult-to-access service as services are provided by two different entities: Victim Support Services

(hereinafter: VSS) are operated by the district Government Offices under the supervision of the Prime Minister's Offices, and the professional support and coordination is ensured by the Ministry of Justice. Meanwhile, the Victim Support Centres (hereinafter: VSC) as well as Victim Support Points belong to the Ministry of Justice. Apart from a propagandistic answer, no meaningful explanation was provided as to why the Government set up a parallel structure instead of empowering the already existing one. This is even more problematic when looking at the fact that victim support has already been an under-sourced area. Financial aid, state compensation and certification of victim status can only be received from the VSSs, while both the VSSs and VSCs provide information for the victims, offer help in accessing legal representation, witness assistance and emotional support. Therefore, the VSCs do not seem to have any added value. Furthermore, the VSCs operate in county seat towns where VSSs have been situated for a long time already; the action report states that "The Ministry of Justice aims to expand Victim Support Centres into a national network", which has not happened yet.

Socially disadvantaged victims do not have the financial means to access the victim support at all (for instance instant financial aid – aiming at providing financial help for necessary living costs – is to be requested personally at the county seat in 8 days from the date of the crime and victims often do not have money for the travel). Although the action report states that psychologists employed in VSCs are trained and ready to provide the necessary assistance for victims of hate crimes (46), we are not aware whether these psychologists are provided with a specialised training on dealing with victims of hate crimes and the action report does not mention any provision to this effect either. The legislation as yet does not prescribe psychological help to be offered by the VSCs, therefore, there is no guarantee that victims in need of psychological support are in fact provided with this service.

2.7. Dissemination

In its submission, the Government only mentions that the judgments have been published on its website, and were sent to the National Office of the Judiciary (NOJ) and the Office of the Prosecutor General for dissemination among the judiciary and prosecution authorities. These actions, while necessary, are insufficient to ensure that the substance of the Court's findings is actually internalised and reflected in domestic practice.

The Government provided no information about whether commentaries or explanatory notes were prepared, explaining their implications for investigative and judicial duties in hate-crime cases. The Government report also gives no indication that these judgments were shared with or explained to police personnel, victim support services or civil society organisations.

Access to the Court's case-law is essential for the effective implementation of the Convention at the national level, as it enables ensuring the conformity of national decisions and can prevent violations. Dissemination must go beyond publication, ensuring practical awareness of the Court's reasoning. The Government has not shown that any monitoring or evaluation took place

to determine whether prosecutors or judges have received the information and adjusted their practice as a result of these judgments.

Although the publication of the judgments on the governmental website and their circulation to judicial authorities are welcome, these measures cannot be regarded as sufficient dissemination in the sense required by the Committee of Ministers. These steps appear limited to formal compliance and do not ensure the effective incorporation of the Court's findings into domestic practice.

3. Summary

Based on the Working Group member's direct experience based on representing hate crime victims in domestic procedures, we are of the opinion that besides the acknowledged developments delivered, the Hungarian Government does not fulfil its obligations deriving from the ECtHR's judgements related to the handling of hate crimes. Underreporting continues to be prevalent, thus the vast majority of hate crimes remain unknown to state authorities. Even if the crime is reported by the victim, hate motive is sometimes still not recognized by the police, victims often do not receive any support (in spite of not opting out of the victim support system). Police training remains casuistic, lacks any comprehensive strategy, thus it is inefficient. There is also no strategy or clear objectives for the training provided to judges and prosecutors; these training appears to be ad hoc, and it is impossible to assess its actual impact. Cooperation with non-governmental organisations is rarely fulfilled and most often not initiated by the state authorities. Data collection has not been improved. Furthermore, the hate-mongering and scapegoating of vulnerable minorities with the active participation and support of the Government have a strong chilling effect on victims: they are afraid to come forward and report the hate incidents, and the hate rhetoric infiltrates into all parts of the society, including the justice system and the law enforcement forces.

Based on the arguments of the present communication, the Working Group Against Hate Crimes considers that further progress shall be required from the Hungarian Government and closure of the procedure would be early at the present stage.

4. Recommendations of the Working Group

Based on the evaluation and observations presented above, the Working Group respectfully proposes the following recommendations are made by the Committee of Ministers to the Hungarian Government:

1. Refrain at the governmental level from inciting hatred against minority groups in their public statements and instead promote acceptance and zero tolerance against any form of hate crimes. If a hate crime is committed against a member of a minority group, the Government and/or the police shall stand up for the victims in proportion to the severity of the crime.
2. Ensure consistent law-enforcement against unlawful bias-motivated patrols.

3. Set up by 30 June 2026 a working group on the interpretation of Section 400 (6) of the Criminal Code with the task to explore the interpretation on the rules concerning statute of limitation, and develop a protocol of the impugned provision for cases where the ECtHR finds a violation.
4. Adopt a training program by 30 June 2026, in which mentors working with hate crimes at local police stations and specialists working at county police headquarters receive regular training on hate crimes with the participation of the relevant stakeholders, i.e. representatives of the victim support services and civil society organisations with relevant mandates. Introduce training programs by 30 June 2026 that ensure that every police officer is familiar with Instruction no. ORFK 30/2019. (VII. 18.) on the tasks of the police with regards to hate crimes to ensure that hate crimes are duly recognized when reported by victims or witnesses.
5. Develop and introduce by 30 June 2026 multidisciplinary and inter-sectoral trainings integrated into the regular training of prosecutors and judges with the participation of the relevant stakeholders, i.e. representatives of the victim support services and civil society organisations with relevant mandates.
6. Prepare by 31 December 2026 a victim survey with the involvement of professional organizations (e.g., universities, criminological research institution, civil society organizations operating in the field) to assess the incidence of hate crimes and the extent of underreporting. Conduct the study based on the survey by 31 December 2027.
7. Establish a working group by 30 June 2026 with a mandate to review the data collection at all levels (i.e. the police, the Prosecution Service and court) in order to ensure that individual cases can be tracked in the registration system and that collected data are disclosed in a short deadline.
8. Organize professional consultations at county and national level among the police, Roma self-governments and local and civil Roma organizations by 30 June 30 2026 to define the scope and form of cooperation set out in the agreement between the National Police Headquarters and the National Roma Self-Government concluded on 16 September 1999 and ORFK Instruction No. 22/2011 (X. 21) governing the implementation of this agreement. Prepare the cooperation plans at county level by 31 December 2026.
9. Set up a working group by 30 June 2026, consisting of the Ministry of Justice, victim support services, victim support centres, the police, and civil society organisations with relevant mandates to explore the appropriate human and financial resources and the conditions necessary for the effective functioning of the opt-out system in victim support. The working group shall develop its one-year action plan on the above topics by 31 December 2026, and shall begin its implementation in January 2027.