



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
Council of Europe
F-67075 STRASBOURG CEDEX
DGI-execution@coe.int

Budapest, 31 March 2023

**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 of

1. BALÁZS v. HUNGARY (Application no. 15529/12) Judgement of 20 October 2015
and
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
and
4. M.F. v. HUNGARY (Application no. 45855/12) Judgement of 31 October 2017.

This communication letter is an addendum to our communication submitted on 11 November 2022 to the Committee of Ministers, in which we reflected on the statements of the Hungarian Government's latest group action report (DH-DD(2022)822). In this previous communication, we noted that our Working Group requested public interest data from relevant state offices, such as the Ministry of Justice, the General Prosecutor's Office and the National Police Headquarters (hereinafter: ORFK) in order to obtain more information about the facts and figures stated in the Government's latest action report. As these requests had only been partially answered before, we would like to draw the Committee's attention to the rest of the relevant public interest data in this submission, so that the

WORKING GROUP AGAINST HATE CRIMES IN HUNGARY

Amnesty International Hungary • Háttér Society • Hungarian Helsinki Committee • Hungarian Civil Liberties Union
www.gyuloletellen.hu • info@gyuloletellen.hu



Committee of Ministers has updated information on all matters addressed in both the Government's action report and our previous communication letter.

I. The relevant training of judges and prosecutors

We have already outlined the main parameters of the relevant training for police officers, hate crime mentors and area specialist officers and have emphasized that the nature of these training sessions is neither regular, nor systematic. However, we would like to include newly received data concerning the relevant training of judges and prosecutors in our communication as well.

The National Office for the Judiciary (NOJ) informed us that between 1 January 2020 and 31 December 2021 four courses were organised for judges within the field of hate crimes. Two of these courses were not attended by judges at all and one was attended by only one judge. However, the course organised by the Hungarian Academy of Justice relating to hate crimes was attended by 84 judges altogether.

The Government's above-mentioned action report states that there is a regular training of prosecutors and deputy prosecutors as part of the prosecution of hate crimes. Based on the data provided by the General Prosecutor's Office, training on hate crime prosecution was organised only for deputy prosecutors and prosecution clerks in the past two years. For both the former and the latter group, there was one educational session on the prosecution of hate crimes in 2021 and one in 2022. As far as prosecutors are concerned, they did not receive any relevant training in this field during this period of time. This information is in stark contrast with the action report's claim that prosecutors receive regular training in this field.

II. ORFK's Instruction on the Cooperation and Relations Between the National Roma Self-Government and the Police

In its latest action report, the Government makes reference to the implementation of ORFK Instruction No. 22/2011 (X. 21) on the cooperation and liaison between the body established for the performance of general police tasks and Roma minority self-governments. According to the Government, this entails the preparation of regular reports on the implementation of provisions of the ORFK Instruction and the monitoring of



WORKING GROUP AGAINST
HATE CRIMES IN HUNGARY

complaints, denunciations and reports from the Roma population and from human rights organisations, in which they specifically object to discriminatory police measures and procedures on the grounds of Roma origin (59 and 60).

Since the above-mentioned annual police reports dealing with the practical implementation of the cooperation agreement between Roma self-governments and the police are not publicly accessible, we requested the ORFK to send us these reports. However, our public interest data request was denied on the basis that these documents include data compiled by an organ performing public duties as part and in support of its decision-making process. For this reason, the ORFK has not made these reports available to us or anyone else. We find it rather problematic that although the police are obliged to produce reports on their cooperation with the Roma national minority self-governments, these reports are not publicly available and even pro-Roma or Roma NGOs are denied the possibility to access them upon request. In our view, the reporting obligation stemming from the ORFK Instruction falls short of its own aims, if these reports are kept undisclosed.

The ORFK Instruction requires that the police hold annual meetings and discuss case studies with representatives of the Roma self-government and that they consult Roma and pro-Roma NGOs when drawing up the relevant police tasks for the year. Based on these provisions, we requested public interest data regarding the number and subject of the abovementioned meetings throughout the past ten years, and the names of civil society organizations that have made recommendations relating to the identification of relevant police tasks. We note that none of the Working Group members were aware of this possibility. In its answer, the ORFK informed us that the data required is not at their disposal. For this reason, contrary to the ORFK Instruction's provisions, we are unaware whether any meetings between the police and the Roma self-governments had in fact been conducted and whether civil society organizations had ever been involved in the process of determining relevant police tasks.

Based on the above, no information is available either publicly or upon request regarding the implementation of the cooperation agreement between the police and the Roma national minority self-government. Furthermore, even the party concluding the agreement, the ORFK is unable to provide essential information on the implementation of its own Instruction. For this reason, it is not apparent how the Government could assess the results and potential successes of the agreement between the police and the Roma self-government.



Last but not least, regarding complaints about discriminatory or unlawful police measures, the Government reports that in 2021, twelve complaints were filed by the Roma population, including several complaints about police action not based on membership of a minority group, but only two of them were well founded (61). We requested data on the number of complaints received by the police about discriminatory police measures between 2012 and 2022. The ORFK informed us that they had the necessary data only for the period between 2013 and 2021. During these nine years, altogether 60 complaints were received by them but only two complaints were deemed well founded. This means that between 2013 and 2020 none of the complaints received by the police about discriminatory police measures were well founded in Hungary. In our view, these numbers spectacularly highlight the dysfunctional nature of these complaint mechanisms.

III. Statistical data provided by the General Prosecutor's Office

Information regarding the collection of statistical data on hate crimes and the number of criminal procedures for violence against a member of a community and incitement against a community registered in 2020 and 2021 were included in our previous communication letter. However, we had not been provided with data on the number of charges and convictions for committing violence against a member of a community or incitement against a community.

The General Prosecutor's Office informed us that the data requested by us was only available for the year 2020, as statistical data for 2021 were still being processed. This in itself supports our earlier claim that there is an immense lack of timeliness regarding the data recorded and the system does not allow for the tracking of a case from reporting to sentencing. Furthermore, the Prosecutor's Office was unable to provide us information on the number of cases where despite the fact that the prosecution did not bring charges for violence against a member of a community or incitement against a community, the final court decision classified certain acts as such.

The data we did receive distinctly confirms the extremely low number of cases, which in our view largely stems from latency. In 2020, charges for violence against a member of a community were brought in altogether eight cases and a total of six final court decisions have classified an act as such. As regards incitement against a community, in 2020, the



WORKING GROUP AGAINST
HATE CRIMES IN HUNGARY

prosecution brought charges for this offence in one case, which was confirmed by a final court decision.

IV. Data regarding the system of victim support

As mentioned in our previous communication letter, the professional support and coordination of the Victim Support Services (hereinafter: VSS) is ensured by the Ministry of Justice. The Ministry informed us that the VSSs and the Ministry itself had not taken part in any hate crime related campaigns, projects or other initiatives between 1 January 2020 and 31 December 2021. In this period of time, altogether two hate crime victims reached out to the VSSs. This number clearly confirms the experiences of the members of the Working Group in that most hate crime victims are unaware of this possibility and/or do not have access to the Victim Support Services. This number also substantiates our previous remark that socially disadvantaged victims do not have the financial means to access the victim support at all.

Regarding psychological support offered by the VSSs, we were informed by the Ministry that all VSS offices in Hungary offer this service. However, taking into account the extremely low number of hate crime victims turning to the VSSs, this opportunity remains mostly unused by them.

V. Summary

In light of the above, we reiterate our standpoint that the Hungarian Government does not fulfil its obligations deriving from the ECtHR's judgement related to the handling of hate crimes to date, which means that further progress shall be required from the Hungarian Government and closure of the procedure would be early at the present stage.

Respectfully,

In representation of the Working Group:
Máté Szabó, Director of Programs, HCLU