
The Working Group Against Hate Crimes: a unique good practice in Hungary ⁽²⁰⁾

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Abstract

The essay provides an overview of a unique and innovative cooperative initiative by an NGO-coalition to monitor and strengthen law enforcement responses to hate crimes and to identify new tools in the fight against hate incidents in Hungary. The Working Group Against Hate Crimes, in close collaboration with national and local police, conducts research, delivers opinions on legislation, develops curricula, designs training and education modules, and partakes in regular case-analysis with officers.

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Inspired by the energizing discussions on the subject matter at the Budapest CE-POL 2017 Research and Science Conference, the following few pages will introduce a unique Hungarian good practice, a novel NGO-coalition initiative working in close and successful collaboration with all participants of the criminal justice system: police, prosecutors and judges.

It needs to be added that with Hungary's determined and widely documented drifting into illiberalism (Pap 2017) with a subsequent anti-NGO, especially anti-human rights NGO rhetoric and policies (HHC 2017, Zalan 2017, Independent 2017) on behalf of the government such cooperation becomes more and more a rarity. Events like the conference organized under the auspices of the NGO-coalition in November 2017 ⁽²²⁾ in collaboration with the National University of Public Service with the participation of almost 100 law enforcement officers, prosecutors and judges are exceptional in Hungary.

The *Working Group Against Hate Crimes* (Gyűlölet-bűncselekmények Elleni Munkacsoport, GYEM) was formed in January 2012, when five Hungarian human rights NGOs joined forces for a more effective approach against hate crimes. There has been a fluctuation among some members, currently four of the founders are active:

- Amnesty International Hungary, the Hungarian chapter of the international NGO fighting for the recognition of human rights;
- Háttér Society, a support provision NGO fighting for equal rights and social acceptance for LGBTQI people;
- the Hungarian Helsinki Committee, an NGO aiming to protect human rights and constitutional values, and ensure justice for the oppressed, refugees and detainees;
- and the Hungarian Civil Liberties Union (TASZ), an NGO fighting against undue interference and misuse of power, and striving to educate citizens about their basic human rights and to ensure their enforcement.

Besides the representatives of these organizations, individual academic experts (such as the author) also take part in the work of the working group. ⁽²³⁾

The Working Group is not a legal entity, it is hence ineligible for applying for separate funding, which makes its achievements particularly noteworthy. The Working Group's principal objective is to fight hate crimes.

⁽²²⁾ <http://gyuloletellen.hu/aktualitasok/konferencia-meghivo-hatekony-allami-valaszok-gyulolet-buncselekmenyekre>

⁽²³⁾ See the website: <http://gyuloletellen.hu/munkacsoport>

According to its strategy ⁽²⁴⁾, to achieve this, it follows the following goals:

- Establishing a more effective legal and institutional framework for state responses to hate crimes;
- encouraging victims to initiate legal proceedings;
- creating a social environment rejecting hate crimes.

Its activities are, thus, manifold:

- The Working Group regularly delivers opinions on draft laws and makes proposals to strengthen state responses to hate crimes.
- The Working Group conducts research to better understand the phenomenon of hate crimes and to identify new tools in the fight against hate incidents. Its members actively contribute to academia. Its members and the Working Groups itself is active in monitoring and preparing (shadow) country reports. For example, it prepared a submission for the UN Universal Periodic Review (UPR) of Hungary in April 2016 (GYEMUPR 2016).
- The Working Group develops curricula and conducts training programs for professionals dealing with hate crimes. Several of its activities have, for example been included in the European Union Agency for Fundamental Rights' (FRA) 2017 annual report. (FRA 2017: 82, 85)
- The NGOs participating in the working group provide legal advice and representation free of charge for victims of hate crimes before authorities and courts.
- The Working Group also fosters good professional relations with NGOs, the police, the public prosecutor's office, other authorities and the judiciary. It is noteworthy that despite the fact that some member NGO's are active in representing clients against the police, and for example all of the successful hate crime-related cases before the European Court of Human Rights which found Hungary in violation of the European Convention on Human Rights have been argued by Working Group members, this non-confronting approach and activity works well, and the very authorities that are opposing parties in legal proceedings are open and appreciative in several parallel relations.

The Working Group provides an example for constructive criticism in relation to law enforcement authorities, defying the stereotype that human rights NGOs are opponents and obstacles to policing. For example, in the above mentioned UPR submission, the Working Group calls for the improvement of police officers' working conditions and financial position:

"On 1 January 2012 a special hate crime network at the National Police was established to effectively tackle hate crimes in Hungary. Police officers in every county were appointed to

⁽²⁴⁾ http://gyuloletellen.hu/sites/default/files/gyem_strategia_final_2016_2019.pdf

coordinate the hate crime related investigations, but none of them operate in full time, this sort of work is an additional task for them without any further resources allocated. Appointment to a hate crime officer does not depend on special hate crime related expertise... (the Working Group) calls on the government of Hungary to take effective measures to provide compensation and extra time for them to carry out their duties” (GYEM UPR 2016).

As a result of the Working Group’s lobbying efforts, for example, in the new Criminal Code that entered into force in July 2013, the provisions on hate speech and hate crime explicitly protect groups based on sexual orientation, gender identity and disability, and the law still penalizes preparation of hate crimes.

Between 2012 and 2014 the Legal Defense Bureau for National and Ethnic Minorities, a former member of the Working Group, implemented a project in partnership with the Hungarian Helsinki Committee and Háttér Society titled “Creating a National Hate Crimes Strategy and Action Plan”. During the project, the organizations held open forums for members of vulnerable groups (Roma, LGBT, migrants) in order to receive up to date and genuine information from those who are the most frequent victims of hate crime in Hungary. The Working Group conducted over 25 in depth interviews with police officers, prosecutors, judges and victim support officers, and held 10 public forums with the members of potential victim groups. Personal interviews were conducted with stakeholders (police officers, prosecutors, judges, victim support officials, representatives of ministries) to gain information relating to hate crimes. Working Group meetings were also set up with participants from NGOs and government agencies to discuss a national strategy and action plan combating hate crimes. The Working Group gained information also through needs assessment interviews conducted by the Hungarian Helsinki Committee between February-April 2015 in the framework of the EU funded project titled „Increasing the Capacity of Law Enforcement Authorities to Tackle Racist Crime, Hate Crime and Homophobic Crime through Experiential Learning. The interviews provided information from the target groups of judges, prosecutors, police officers and legal professionals.

Furthermore, the Working Group

- translated the investigation guidelines of the International Association of Chief of Police (IACP) to Hungarian. (IACP 2013) The Working Group also assessed the implementation of the UN recommendations for Hungary related to the issue of hate crimes;
- developed a set of recommendations on reforming data collection and guidelines on the data protection aspects of the bias motivation indicator guidelines the Working Group assembled for the police, (Indikátorok, 2017) and a compilation of the hate-crime related case-law of the European Court of Human Rights (Borbála et al 2016);

- assembled a collection of law enforcement problems in hate crime procedures in Hungarian and in English (GYEM Problems 2016) ⁽²⁵⁾;
- wrote a comprehensive commentary to the Hate Crime provision of the new, 2012 Criminal Code (Dorottya et al, 2013);
- organized professional conferences in collaboration with the Law Enforcement Subcommittee of the Hungarian Academy of Sciences, the Hungarian Association of Police Science and the Faculty of Law Enforcement of the National University of Public Services;
- continuously develops and facilitates training programs: it has trained 60 prosecutors, 25 defense lawyers and more than 600 police officers, including all members of the front line police hate crimes network, and police chiefs of Budapest districts. At several instances, following consultations, law enforcement agencies had actually revised legal classifications in several cases. Working Group members hold regular meetings and engage in case-analysis with members of the special hate crime network; engage in proactive communication with the coordinator of the group.

News on the work of the Working Group appear frequently in the media, just as members, who continue to provide legal representation (in domestic and international litigation), as well as improving victims' support by communicating proactively with state and NGO victim support services. The Working Group's website is regularly updated, containing member organizations' cases and press releases on activities and positive developments.

Also, the Working Group maintains a collection of domestic hate crime case-law, along the monitoring and maintaining of an up to-date database on hate crimes in the media. The number of visitors to the website constantly increases, just as the number of requests from victims (seeking advice of legal representation) to the Working Group and its member organizations, and the scope of protected groups covered gradually expands. Stories of cases with a positive outcome for the victim also regularly appear on the website. The research of the Working Group includes underreporting.

The Working Group adopted and published its bye-law, has an annual operational plan (reviewed every three months), and reviews its strategic goals annually ⁽²⁶⁾ and sends newsletters every three months to the increasing number of subscribers.

⁽²⁵⁾ The cases, processed with a standardized method are published in anonymized form on the website of the Working Group. Based on the analysis of the cases, the following typical issues were identified: under-classification, failure to take police, failure to take investigative steps, restricted access to a legal remedy.

⁽²⁶⁾ The Working Group has a staff member ("whacker") in charge of monitoring the completion of tasks.

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