



Unemployed Roma coal miner digging out pieces of anthracite from a slag heap, Farkaslyuk, Hungary

Hate crime, hate speech and the marginalisation of the Roma

By Richard Field for the Budapest Times

A nation is judged by the way it treats its weakest members –so wrote Aristotle in the third century BC. One wonders what he would make of last Thursday's conviction and sentencing of five Roma and one Hungarian to a total of 29 years in prison for what prosecutors said was a racially motivated attack on a Hungarian student. Four of the six suspects had been held in detention since their arrest on 23 October 2009 even though their victim did not sustain any permanent or life-threatening injuries. If their conviction is upheld on appeal, most of them will serve out the balance of their sentences in prisons usually reserved for murderers and repeat violent offenders. To the extent several of the defendants regularly intimidated, assaulted and robbed students at a local college they deserve to be punished. What is disconcerting about the verdict is that this is the second time in less than half a year Roma have been convicted of committing hate crimes against Hungarians when Roma tend to be the victims of such crime.

Hungary's record on civil rights widely criticised

According to an Amnesty International report last year *Violent Attacks Against Roma in Hungary*, Hungarian prosecutors rarely charge non-Roma assailants

with an “assault on another person for being part... of a national, ethnic, racial, or religious group” under Article 174/B of the Hungarian Criminal Code. Figures provided by the Hungarian Civil Liberties Union (HCLU) indicate that between 2005 and 2009 there were 24 hate crime cases involving the indictment of 38 defendants, all of whom were found guilty of committing a crime against a member of a community. Because Hungarian police are prohibited from identifying the ethnicity of defendants in legal proceedings it is difficult to determine to what extent hate crime laws have been turned on their head and are being used against the very ethnic minorities they are intended to protect.

The Amnesty report is one of several documenting human-rights abuses in Hungary. Even the tersely worded 2009 *Human Rights Report on Hungary* issued by the United States Bureau of Democracy, Human Rights and Labor devotes ten single-spaced pages to alleged human-rights violations ranging from the unlawful detention and forced repatriation of asylum seekers, to the use of excessive force by the police and limitations on people’s rights of peaceful assembly.

Abuse by authorities too

Many of the human-rights violations cited appear to have been perpetrated by law-enforcement officers against the very people they are supposed to serve and protect.

Comparing the findings of these reports with the Human Rights Watch 1996 report *Rights Denied: the Roma of Hungary*, Hungary’s human-rights record does not appear to have improved much over the past 15 years despite joining the European Union and being a party to the International Convention on the Elimination of All Forms of Racial Discrimination and the European Convention for the Protection of Human Rights and Fundamental Freedom.

In its 2010 report *Attacks Against Roma in Hungary* the European Roma Rights Center documents at least 48 attacks on Roma between January 2008 and July 2010, including a number that were racially motivated. Some of the crimes involve attacks on Roma homes using Molotov cocktails and even hand grenades. In at least two highly publicised cases shots were fired at the victims as they fled their burning homes, resulting in several fatalities.

On 22 January 2008 in Szigetvár a Roma and her daughter were violently kicked by five individuals wearing steel-tipped boots. Police started investigating a possible racial motivation only after the perpetrators confessed to attacking the women because they were Roma. Pécs City Court found them guilty of causing bodily harm and public nuisance but found no grounds for the crime being racially motivated. Encouragingly the second-level court found the defendants guilty of against a member of a community.

On 15 April 2009 an 18-year-old Roma male and three minors were waiting for a tram in front of Budapest's Keleti train station when they were severely beaten by a group of hooded individuals. Here, too, the police are investigating it as an assault on members of an ethnic community.

On the night of 22 February 2009 a 27-year-old Roma man and his four-year-old son were shot dead as they fled their home that had been set on fire by Molotov cocktails. The initial police investigation treated the case as an accident. Only when Viktoria Mohácsi, then a Roma Member of the European Parliament, discovered the remains of the Molotov cocktails, spent cartridges and lead shot among the victims' clothing did the local police declare it a crime scene, especially as the autopsy found that they had died from bullet wounds and not smoke inhalation as originally claimed.

Last September an extended Roma family was celebrating the baptism of its newest member when six policemen allegedly attacked the family and guests with tear gas and rubber batons. Anyone resisting was arrested and charged with assault on a law-enforcement officer. This and other incidents suggest that it is not merely skinheads and members of extremist organisations that are responsible for racially motivated attacks on Roma but law-enforcement officers as well.

Police terror

The theft of a television or lawn-mower often gives police a pretext for raiding Roma neighbourhoods, usually late at night. It seems that this frequently involves kicking in the front door, inspecting everyone's identification documents and conducting a room-to-room search (often without a warrant). It also regularly involves beatings and arrests. The terror lasts for several hours as the police make their way from one house to the next, overturning furniture,

emptying shelves and cabinets, and physically and verbally abusing the terrified Roma inhabitants. If local police are able to operate with impunity it is because prosecutors and judges will nearly always take the word of a police officer over that of a Roma, especially when corroborated by a fellow officer. Furthermore, law enforcement agencies are extremely reluctant to initiate disciplinary action against their own. Police are rarely suspended and almost never discharged. None have been indicted for hate crimes.

Furthermore it is common for police accused of brutality to charge their victims with assault on a police officer, thereby sowing confusion and creating legal grounds for taking their accusers into preventative custody. Judges often suspend cases brought against individual police pending the outcome of cases brought by the police against their accusers.

The misery of Ózd

Racially motivated abuse is just one way Roma's civil liberties are violated. I witnessed a far more pernicious and insidious example of institutional racism during a recent visit to the northern city of Ózd.

The hills surrounding Ózd are barren and brown having been nearly completely denuded of their pine forests some 15 years ago. The forestry authorities blame the destruction of Ózd's forests on illegal collection of firewood by Roma. The Roma claim much of the forest was actually cleared, either legally or illegally, by the county forestry authorities who neglected to plant new saplings. After 15 years of steady erosion the soil is too thin to support reforestation.

Much of Ózd's Roma population spend hours every day foraging for fuel. In the neighbouring village of Farkaslyuk (population 2,000) dozens of families take turns mining the southern rim of an enormous slagheap for pieces of discarded anthracite. The work involves using picks and shovels to burrow under the rim and extract hard pieces of coal from among the sands, stone and debris removed from the nearby mine. The work is dangerous. The overhang can collapse at any time and the slopes are precarious and steep. But many consider it less risky than gathering twigs, saplings or wood of any kind.

In Ózd anyone transporting or possessing firewood must be able to prove he purchased it from an authorized dealer. Otherwise the wood in his possession is considered contraband subject to confiscation (along with the vehicle used to transport it), and its bearer is subject to a minimum fine of HUF 10,000 (EUR 36.66).

At 8pm on the evening of Sunday, 8 October a 40- year-old man was transporting some firewood in a cart with his two sons. The younger son of 16 years was pushing the cart while his father and older brother pulled. A police cruiser pulled up and two policemen demanded to know the source of the wood. When the man was unable to prove he had obtained it legally, the police took all three into custody.

The three were interrogated at the police station. Law permits the interrogation of minors only in the presence of a parent or guardian who is not being charged with the same crime, but such niceties are frequently overlooked. In addition to charging them with possession of contraband they charged the father with endangering the life of a minor. After signing their statements the three were taken to Miskolc and held in preventative detention for three days at a cost to Hungarian taxpayers of some HUF 100,000 (EUR 366.60).

According to police records, the value of the "contraband" wood was HUF 3,200 (EUR 12).

In response to demands that the police crackdown on so-called "gypsy crime" one of the first acts of the Fidesz government last year was to make it possible for police to detain suspects for up to 72 hours even in the case of petty theft. Roma tend to commit petty thefts, making them particularly susceptible.

Papers, please

To be Roma in Ózd is to constantly suffer the indignity of having one's identity papers inspected by the police and being fined HUF 5,000, HUF 10,000 or HUF 15,000 (EUR 18.32, 36.64, 54.97) for even the slightest infringement. In December 2010 two policemen stopped a Roma youth as he was coming out of his own house. Asked what he was doing in the house, the boy said he lived there. Inspecting his identification, the police noticed that his official address

was registered at another house in the same town and fined him HUF 16,000 (EUR 58.64).

HUF 16,000 is the amount the government pays families every month after each child. And for many Roma children it is the difference between eating once a day or eating only once every second day. So when police go out of their way to fine Roma they are literally depriving them of the means to feed themselves and their children.

Such random checks are not limited to Roma males. In Farkaslyuk police regularly check the identification of schoolchildren on their way to and from school and even mothers escorting their children to and from kindergarten.

The wheels of injustice

The few Roma affluent enough to afford cars are routinely stopped and searched. As it is, most Roma rely on a bicycle for transport. Soon they won't be able to afford bicycles either because police rarely miss an opportunity to cite Roma cyclists for missing reflectors, headlights, bells, brake pads, name tags, winter tyres and any other number of minor offences. Often the bicyclist is given the choice of paying a HUF 20,000 (EUR 73.29) fine and having the bicycle confiscated or paying HUF 40,000 (EUR 146.59) and keeping the bicycle.

The Ózd police are equally strict when it comes to inspecting carts pulled or drawn by hand, for many Roma the only means of transporting food and fuel.

Last year police fined a Roma youth who had set out to cut some grass for his family's animals HUF 20,000 (EUR 73.32) for allegedly brandishing an instrument "threatening to public safety" in the form of a sickle, which they promptly confiscated.

Hungarian rust belt

Traditionally a center of mining and agriculture Ózd became home to one of Hungary's largest steelworks in the 1950s despite its remote location in the foothills of the Matras.

At its peak the steelmill employed 15,000 people with an additional 4,000 working in nearby mines. When these closed shortly after the fall of communism over half of Ózd's adult population lost their jobs. Over the next 20

years those who could afford to moved away. Today only 37,000 live in a city that in 1989 had 62,000 residents.

Here as elsewhere the collapse of Hungary's heavy industry and collective farming system fell on Roma the hardest. One of the men mining the slagheap had previously worked in the mine from the age of 16 until its closing in 1989. "In the mines nobody cared if you were a gypsy," he said. "Everyone looked out for one another." His story is typical, and perhaps even symbolic, of the plight of the nation's Roma. Regarded as the equal of any other industrial or agricultural worker under communism, Hungary's Roma went from being employed full-time in the mines, factories and agricultural cooperatives to being unemployed and having to scrounge for coal and food.

Under communism miners and steel workers were among the highest-paid professions. All that changed in 1989 with the abrupt closure of the steelmill and mines. Former colleagues suddenly found themselves competing with one another for a rapidly shrinking pool of jobs.

Today Roma make up over one-third of Ózd's population. Out of 9,800 working-age Roma only 300 are employed by a public or private company. Last year the local government employed 400 Roma as public service labourers for six to eight hours a day for up to nine months cleaning public areas, repairing roads, clearing drainage ditches and streams, and maintaining cemeteries. The opportunity to earn minimum wage for nine months out of the year helped to offset drastic cuts in entitlement and social spending.

Political price

Recently the Fidesz government limited to four hours a day and to three months the amount of public service work local governments may provide the long term unemployed. These cuts in social spending combined with a dramatic increase in the cost of basic foodstuffs constitutes a serious threat to Hungary's Roma.

Because of its large industrial workforce, Borsod-Abaúj-Zemplén was the most "proletarian" of Hungary's 19 countries and its residents tended to return Hungarian Socialist Party (MSZP) candidates to parliament and local city councils. The second half of the last decade witnessed a mass defection of

MSZP supporters to the extreme political right, including entire institutions such as the police.

Today, an estimated 70 per cent of Borsod-Abaúj-Zemplén county policemen are reputed to support the far-right party Jobbik (even though civil servants are prevented from joining political parties or canvassing on their behalf) and one of the independent police trade unions representing about 13 per cent of the national police force even signed a cooperation agreement with Jobbik in May 2009.

If one considers that the policemen patrolling Roma neighbourhoods are typically between 18 and 25 years old and coming of age during a period of extreme nationalist and xenophobic sentiment not witnessed since the Second World War, it's easy to understand how so many policemen in Ózd would believe all Roma are criminals and treat them accordingly, when in fact Roma are no more likely to commit crimes than non-Roma.

Families left destitute

Ordinarily an individual unable to pay a fine is given the option of paying it in installments over time or performing public service. In Ózd 90 per cent of such requests are rejected. Fines not paid within 15 days of delivery are automatically forwarded to a court receiver's office. Entitled by law to charge fees and penalties on top of the original fine, by the time the office issues its first collection notice the total amount of the arrears to be collected has usually increased two or three fold. In the case of the youth fined HUF 16,000 in front of his home, within two months the office had lifted HUF 47,000 (EUR 172.21) in fines, penalties, fees and interest from his account.

Often funds not legally subject to foreclosure, including child-support payments, maternity-leave payments and welfare, are remitted by banks to court receivers along with whatever income they might have, leaving the families destitute. As an authorised collection agent, the court receiver's office is also authorised to place liens on real estate and other property. In Hungary it is not unheard of for court-appointed receivers to collaborate with real estate and car crime syndicates.

One wonders why the police issue so many citations. In the case of one unfortunate Roma, HUF 400,000 (EUR 1,465) of child-support arrears resulted in the auctioning off of his HUF 8 million (EUR 29,316) house and HUF 4 million (EUR 14,658) worth of vehicles for less than 5 per cent of their fair market value.

Perhaps all of this is coincidence and it is unfair to imply there is a conspiracy by law-enforcement officials, prosecutors, courts and court receivers to systematically dispossess Roma of their money and property. Over half of Farkaslyuk's 300 homes are currently the subject of foreclosure proceedings handled by the court receiver's office on behalf of the local government, utility companies and banks.

Political failings

In 1996 it was virtually unheard of for any Hungarian politician to publicly attack any recognized nationalities, ethnicities or religions. Fifteen years later it has become all too common as the direct result of the meteoric rise of the so-called Jobbik – the Movement for a Better Hungary.

It is difficult to understand why political, civic and business leaders have countenanced fanatical hate speech from the likes of Jobbik's Gábor Vona and Krisztina Morvai for so long. Part of the problem is that according to law only speech deliberately intended to incite violence against a particular community qualifies as hate speech. Obviously this is a ridiculous standard, one that parliament needs to change.

There is already plenty of evidence to suggest that Vona's followers are regularly inspired by his fascist rhetoric to terrorise Roma neighbourhoods nationwide. Members of the Magyar Garda are frequently identified among those either assaulting Roma or coming to the defence of their assailants.

As this article was going to press some 2000 Magyar Garda were converging on the eastern village of Gyöngyöspata to attend a rally on Saturday, and were already terrorising the inhabitants and assaulting children on their way to and from school, apparently as retribution for the attacks on students that was the subject of Thursday's trial.

Former president of the republic László Sólyom's inexplicable reticence with regard to Jobbik sent the wrong message to Hungary's political, civic and business leaders. After all, if the president (and former chief justice of the Constitutional Court) is not prepared to speak out in defence of civil liberties and democratic principles, then why should anyone else? Apparently the most salient lesson of the 20th century has been lost on Sólyom and the rest of Hungary's elite: for evil to triumph it is enough that good men do nothing.

Fortunately, the good men and women at the Hungarian Civil Liberties Union and other non-government organisations are doing something. In response to these conditions, the HCLU set up 13 legal advisory offices in Borsod-Abaúj-Zemplén county to inform victims of their rights and ensure they have access to competent lawyers.

Unless and until political, civic, business and religious leaders take Hungary's international treaty obligations seriously with regard to protecting the civil liberties of ethnic, national and religious minorities, the democratic values underpinning the nation's fledgling democracy, already greatly weakened by ill-considered changes to the Constitution of late, will continue to erode and recede until, like the barren brown hills of Ózd, a once-flourishing political, ethical and civil culture is reduced to a wasteland.