

THEMATIC SITUATION REPORT

Racism, discrimination, intolerance and extremism: learning from experiences in Greece and Hungary

This report addresses matters related to, in particular, the right to human dignity being inviolable (Article 1), freedom of thought, conscience and religion (Article 10), non-discrimination, including on the grounds of religion or belief (Article 21), and the right to an effective remedy and fair trial (Article 47) falling under Chapters I 'Dignity', II 'Freedoms', III 'Equality' and IV 'Justice' of the Charter of Fundamental Rights of the European Union.

The FRA highlights the chapters of the EU Charter of Fundamental Rights by using the following colour code:

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FRA

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Introduction

The objective of the European Union Agency for Fundamental Rights (FRA) is to provide the European Union (EU) and its Member States with assistance and expertise on fundamental rights issues when implementing EU law. To achieve this objective, Council Regulation (EC) No. 168/2007 (Founding Regulation) requires the agency to “formulate and publish conclusions and opinions on specific thematic topics [...] either on its own initiative or at the request of the European Parliament, the Council or the Commission”. The regulation also states that the agency should “produce thematic reports on topics of particular importance to the Union’s policies”¹

FRA collects objective, reliable and comparable data and information across all or some EU Member States. Not all issues are relevant to all EU Member States in the same way. Specific topics may warrant analysis of the situation in specific Member States, as was the case when the agency published ‘thematic situation reports’ on a single country in close cooperation with the authorities of the Member States concerned. To date, FRA has published two thematic situation reports focusing on specific Member States: *Coping with a fundamental rights emergency: The situation of persons crossing the Greek land border in an irregular manner* and *Violent attacks against Roma in the Ponticelli district of Naples* in Italy. In several of its research projects, the agency covers a selected number of Member States, for example, the project on experiences of discrimination, social marginalisation and violence among Muslim and non-Muslim youth covered three Member States, the project on access to justice in cases of discrimination eight Member States and the project on perceptions and experiences of antisemitism nine Member States.²

Thematic situation reports provide a better understanding of drivers and barriers to the effective implementation of policies related to fundamental rights, thereby enabling the identification of transferable practices relevant to other EU Member States and to the Union’s policies. This is noted in the Conclusions of the General Affairs Council meeting of 23 May 2011 which, under the Hungarian Presidency, invited FRA, “to build on its practice of issuing thematic situation reports in the context of fundamental rights issues that are of relevance for the implementation of European Union

law by the institutions and by Member States in their respective competence”³

In the conclusions of its Justice and Home Affairs Council meeting on combating hate crime on 5 and 6 December 2013, the Council of the EU welcomed the important role of FRA in providing expert and independent analysis relating to fundamental rights within the remit of its mandate. The conclusions called attention to recent FRA reports, which document the extent and impact of hate crimes in Europe and which recommend action to render hate crimes more visible and acknowledge victims’ rights at three levels: legislation, policy and practice. In particular, the Council invited FRA, the European Police College (Cepol), the European Police Office (Europol) and Eurojust, the EU agency that deals with judicial cooperation in criminal matters, to continue their efforts to counter hate crime. The Council suggested that they pool their expertise, taking into account their respective mandates. FRA should continue to assess in an objective, reliable and comparable manner the extent of racism, xenophobia, antisemitism and other forms of hate crime through EU-wide surveys. The agency should also work together with EU Member States to facilitate exchange of good practices and assist them at their request in their effort to develop effective methods to encourage reporting and ensure proper recording of hate crimes.⁴

In its conclusions on the evaluation of FRA of the same Council meeting, the Council invited EU Member States to make full use of FRA’s expertise, within the limits of its mandate.⁵

The fight against racism, xenophobia and related intolerance is a permanent feature of FRA’s Multi-annual Framework, which sets out the agency’s areas of work. The current framework, covering the period 2013–2017, includes the thematic area of discrimination based

1 Council Regulation (EC) No. 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights, OJ L 53 2007, p. 4–5.

2 See: FRA (2011a), FRA (2009a), FRA (2010a), FRA (2011b) and FRA (2012a), and FRA (2013a).

3 Council of the European Union (2011), Conclusions on the Council’s actions and initiatives for the implementation of the Charter of Fundamental Rights of the European Union, 3092nd General Affairs Council meeting Brussels, 23 May 2011, available at: http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/genaff/122181.pdf.

4 Council of the European Union (2013), Council conclusions on combating hate crime in the European Union, Justice and Home Affairs Council meeting, Brussels, 5–6 December 2013, available at: http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/jha/139949.pdf.

5 Council of the European Union (2013), Council conclusions on the evaluation of the European Union Agency for Fundamental Rights, Justice and Home Affairs Council meeting, Brussels, 5–6 December 2013, available at: http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/jha/139961.pdf.

on sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.⁶

The most relevant EU legislation in this regard are Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law and Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. EU Member States are also committed to respecting and protecting the values enshrined in Article 2 of the Treaty on European Union (TEU): “The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.”⁷

In its Annual reports, FRA analyses the situation concerning discrimination, racism and related intolerance in all EU Member States. The Annual report published in June 2013 states that “crimes motivated by racism, xenophobia and related intolerances, the mainstreaming of elements of extremist ideology in political and public discourse and ethnic discrimination in healthcare, education, employment and housing persist throughout the European Union (EU)”⁸. Against this backdrop, FRA noted growing alarm at the national, EU and international levels at ongoing manifestations of discrimination, racism and related intolerance in two EU Member

States, namely Greece and Hungary,⁹ combined with the phenomenon – unique in the EU – of the representation in national parliaments of parties with extremist rhetoric, with Golden Dawn (*Χρυσή Αυγή*) in Greece mainly targeting irregular migrants and the Movement for a Better Hungary (*Jobbik Magyarországért Mozgalom*) in Hungary mainly targeting Roma and Jews. Golden Dawn organises its members into paramilitary groups and directly engages in violent criminal activities, while Jobbik openly supports similar activities by paramilitary organisations or groups. In both EU Member States, and despite their efforts to stop such activities, evidence from recent polls shows that the popularity of these parties remains relatively high, in particular among younger age groups.

FRA therefore took the initiative to develop the present thematic situation report to examine closely the effectiveness of responses by public authorities, statutory

6 See: Council Decision No. 252/2013/EU of 11 March 2013 establishing a multiannual framework for 2013-2017 for the European Union Agency for Fundamental Rights, OJ 2013 L 79.

7 Treaty on European Union (TEU), OJ 2012 C 326, p. 187.

8 FRA (2013b).

9 Council of Europe Commissioner for Human Rights (2013), *Report by the Council of Europe Commissioner for Human Rights following his visit to Greece, 28 January to 1 February 2013*, CommDH(2013), 16 April 2013, available at: <https://wcd.coe.int/ViewDoc.jsp?id=2053611>; OHCHR (2012), ‘UN Special Rapporteur on the human rights of migrants concludes the fourth and last country visit in his regional study on the human rights of migrants at the borders of the European Union: Greece’, News Item, 3 December 2012, available at: www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12858&LangID=E; The Greek Ombudsman (2013), *The phenomenon of racist violence in Greece and responses to it*, Special report, September 2013, available at: www.synigoros.gr/resources/docs/eidikiekthesiratsistikiviva.pdf; Human Rights Watch (2013), *Unwelcome Guests – Greek Police Abuses of Migrants in Athens*, available at: www.hrw.org/sites/default/files/reports/greece0613_ForUpload.pdf; European Parliament (2013), *Parliamentary questions: racist statements made by Greek MPs in the Hellenic Parliament*, available at: www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+E-2013-009567+0+DOC+XML+V0//EN; Human Rights Committee (2010), *Consideration of reports submitted by States parties under Article 40 of the Covenant, Concluding observations of the Human Rights Committee – Hungary*, CCPR/C/HUN/CO/5, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fHUN%2fCO%2f5&Lang=en; Legal Defence Bureau for National and Ethnic Minorities, Minority Rights Group International and Serbian Institute of Budapest (2010), *Shadow report to Hungary’s fifth periodic report under the ICCPR*, available at: www2.ohchr.org/english/bodies/hrc/docs/ngos/LDBNEM_Hungary100.pdf; Council of Europe, European Commission against Racism and Intolerance (ECRI) (2012), *ECRI conclusions on the implementation of the recommendations in respect of Hungary subject to interim follow-up*, available at: www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Hungary/HUN-IFU-IV-2012-008-ENG.pdf; OSCE, ODIHR (2010), *Addressing violence, promoting integration: Field Assessment of Violent Incidents against Roma in Hungary*, Warsaw, available at: www.osce.org/odihr/68545; Hungary, Government (2013), *Memorandum: remarks of the Government of Hungary on the report of the European Parliament on the situation of fundamental rights in Hungary*, available at: www.kormany.hu/download/1/03/f0000/Hungarian%20Memorandum%20on%20the%20Tavares%20report.pdf.



human rights bodies and civil society organisations to counter racism, discrimination, intolerance and extremism. This includes identifying barriers that may prevent the effective implementation of actions taken and what could be done to remove such barriers, as well as drivers that may not be fully used.

The research shows that the situation in the two EU Member States presents some commonalities. Public authorities in both countries are, for example, reluctant to acknowledge the gravity and social impact of these phenomena. Both countries must contend with the influence on public opinion of parties with links to paramilitary activities and extremist rhetoric. It also shows that important differences exist, for example in the level of formal legal protection afforded against discrimination and hate crime, or in the efforts made to include migrants and minorities in society. These differences highlight the need to adopt in the report a case study approach to ensure that the specificity of the national context is taken into consideration. The report

is, therefore, structured in two sections that examine the situation in each Member State and a final section that presents common conclusions and considerations relevant to the wider context of the EU and its Member States.

The analysis presented in this report mainly draws from fact-finding meetings senior FRA staff held in both EU Member States with government officials, prosecutors, law enforcement agencies, members of parliament, statutory human rights bodies and civil society organisations during the second half of 2013 (see Annex). These meetings were achieved with the support of the agency's national liaison officers for Greece and Hungary. The FRA would like to thank the governments of Greece and Hungary, as well as all other organisations with which it met for their full support in conducting these meetings. The analysis also draws on secondary data collected through desk research or provided by FRA's interlocutors during or after meetings.

Case study 1: Responding to racism, xenophobia and related intolerance in Greece

Members of the Hellenic Parliament, government representatives and public officials with whom FRA met say that in the past few years Greece has witnessed a steep increase in phenomena of racist violence, discrimination and intolerance, as well as extremism. They attribute the increase in these phenomena to a combination of two interlinked factors: the social and political impact of the acute economic crisis, particularly the dramatic increase in youth unemployment;¹⁰ and, the very large number of third-country nationals, particularly asylum seekers and irregular migrants, many living in conditions of severe deprivation in the Athens city centre.¹¹

During the meetings with all interlocutors in Greece, it became apparent that the existing legal apparatus does not offer sufficient protection against racism, xenophobia and related intolerance. Recently, however, efforts to introduce new legislation to address issues of migration and racism have intensified.

Several FRA interlocutors consider that the significant public sector reductions in human and financial resources, resulting from the financial and public

administration reforms of the first and second Economic Adjustment Programmes,¹² have considerably stretched the capacity of public authorities to address these phenomena effectively.

These interlocutors also suggest that the increase in the number of irregular migrants and asylum seekers present in Greece can largely be attributed to what they consider an unequal distribution among EU Member States of the burden of receiving third-country nationals, who seek asylum or better employment opportunities in the EU.¹³ They also suggest that this burden provides one explanation for the growing influence of the extremist party Golden Dawn¹⁴ and its electoral gains in 2012, as well as for the threats and assaults perpetuated on migrants by extremist groups.

Representatives of statutory human rights bodies and civil society organisations with whom FRA met also spoke of a steep increase in racist violence, discrimination, intolerance and extremism in Greek society. However, without diminishing the importance of the influence of the economic crisis, they also claim that the ineffective responses of public authorities over a considerable period of time are a key contributing factor. They argue that the lack of effective public authorities' answers could be attributed to a combination of limited awareness by policy makers of the extent and wider social impact of racism and intolerance, as well as the limited expertise of public officials, particularly in law enforcement, in tackling such phenomena effectively.

10 According to Eurostat, in June 2013 Greece's total unemployment rate stood at 27.3 % (15–74 years of age) and youth unemployment at 58.2 % (under 25 years of age); these rates represent unemployed persons as a percentage of the labour force based on the International Labour Office (ILO) definition. Data are presented in harmonised and seasonally adjusted form.

11 Estimates of the number of irregular migrants, based on the interpretation of apprehension data, suggest a maximum of 390,000 migrants in 2011; see: Maroukis, T. (2012), *Update report Greece: The number of irregular migrants in Greece at the end of 2010 and 2011*, Database on irregular migration, available at: http://irregular-migration.net/fileadmin/irregular-migration/dateien/4.Background_Information/4.5.Update_Reports/Maroukis_2012_Update_report_Greece_2.pdf. In 2012, foreign resident population in Greece, including EU and non-EU citizens, amounted to 975,374 people, representing 8.8 % of the total population. This rate is more than twice the EU average but below the rate in Austria, Belgium, Cyprus, Estonia, Germany, Ireland, Latvia, Luxembourg and Spain. The respective figure for 2001 was 762,191 foreign resident persons and for 2004 891,197 foreign resident persons (data available at: http://epp.eurostat.ec.europa.eu/portal/page/portal/population/data/main_tables).

12 European Commission, Economic and Financial Affairs, Financial assistance to Greece, 29 September 2013, available at: http://ec.europa.eu/economy_finance/assistance_eu_ms/greek_loan_facility/.

13 In regard to asylum, reference was often made to the need to reassess Council Regulation (EC) No. 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national, OJ 2003 L 050, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003R0343:EN:HTML>.

14 BBC News (2013), 'Profile: Greece's far-right Golden Dawn party', 1 October 2013, available at: www.bbc.co.uk/news/world-europe-24346993.

In addition, they underlined that while the intensity and frequency of racist violence and intolerance has grown in recent years, there is ample evidence that these phenomena have been present for a long time. Reports of national statutory human rights bodies, such as the Greek National Commission for Human Rights (NCHR),¹⁵ international bodies, such as the Council of Europe's European Commission against Racism and Intolerance (ECRI), international civil society organisations, such as Human Rights Watch, as well as FRA have repeatedly and consistently underscored the persistence of phenomena of racism and intolerance in the country, and the lack of effective measures to tackle them.

In 2001, NCHR highlighted, for example, that "particularly violent, unheard of for modern Greek society, actions by Greek citizens but also public (police) officials, in the years 1999-2001, mainly against foreign migrants legally residing in Greece, but also against members of the Roma community, make it clear that the state must immediately introduce and implement new, comprehensive legislation for the protection from and the eradication of 'racial discrimination' in Greece".¹⁶ In 2003, ECRI noted that "many of the problems encountered by groups exposed to racism and intolerance stem directly from the majority population's attitude towards them. When national authorities contemplate taking measures conducive to ethnic or religious tolerance, the majority's reaction is often so vehement that authorities prefer to desist or even backtrack. Despite the efforts of Greek authorities to alert the public to the dangers of racism, media, politicians, civil servants, religious leaders, including those of the dominant religion, and the general public still too often make racist remarks about immigrants, refugees and asylum seekers including, Roma, Jews and anyone not of Greek origin or not professing the dominant religion in Greece."¹⁷

Against this backdrop, the prevailing assumption that phenomena of racist violence, discrimination and intolerance, as well as extremism, should be mainly attributed to emerging issues – such as the economic crisis and migration – does not contribute to developing effective responses. This assumption, shared by practically all interlocutors from public authorities in Greece, ignores the evidence of past reports, such as those cited above, on wider issues of social intolerance and equal treatment. These issues are undoubtedly fuelled by the severe impact of the economic crisis, but

are not necessarily caused by it. Acknowledging these wider issues would be an essential step in developing targeted and effective responses.

The gravity of the situation concerning racist incidents is well substantiated through data collected by the Racist Violence Recording Network,¹⁸ which NCHR, the United Nations High Commissioner for Refugees (UNHCR) Office in Greece and other civil society organisations developed in 2011. The network reports that victims increasingly identified perpetrators as persons wearing the distinct black t-shirts with Golden Dawn insignia.¹⁹ According to the network's 2012 *Annual report*, in 91 cases victims of racially motivated attacks described perpetrators as being organised in groups often with large dogs and dressed in black; at times, they wear military fatigue pants and full-face helmets or cover their faces 'patrolling' specific areas, attacking mostly visible minority ethnic groups on the street, in squares or public transport stops. In eight cases, victims identified persons linked to Golden Dawn, known to them because they were seen to be active in public events organised by the party in their area or because they are known as members of the party's local branches.

During meetings with FRA, NCHR, the Ombudsperson and civil society organisations suggested that incidents involving verbal abuse are also becoming more frequent in public places. This is also illustrated in the warning that the US Department of State issued in November 2012²⁰ to US visitors on the "rise in unprovoked harassment and violent attacks against persons who, because of their complexion, are perceived to be foreign migrants. US citizens most at risk are those of African, Asian, Hispanic, or Middle Eastern descent. [...] The US Embassy has confirmed reports of US African-American citizens detained by police authorities conducting sweeps for illegal immigrants in Athens."²¹

Anti-migrant prejudice, discrimination and hate crime

The principal legal instrument addressing hate crime and hate speech in Greece is Law N. 927/1979 on

15 Hellenic Republic National Commission for Human Rights, available at: <http://www.nchr.gr/>.

16 NCHR (2001), *Annual report*, Athens, p. 202, available at: www.nchr.gr/images/pdf/aithsies_ektheseis/2001/ekthesi2001_gr.pdf.

17 ECRI (2003), *Third report on Greece*, 5 December 2003, available at: http://hudoc.ecri.coe.int/XML/ENGLISH/Cycle_03/03_CbC_eng/GRC-CbC-III-2004-24-ENG.pdf.

18 For more information, see the UNHCR website on racism at: www.unhcr.org/1againstracism.

19 Racist Violence Recording Network (2012), *Annual report* (online), UNHCR, available at: http://www.unhcr.org/1againstracism/11940/?doing_wp_cron=1379691703.1676959991455078125000.

20 This warning notice was still current at the time of writing in October 2013.

21 U.S. Department of State, Bureau of Consular Affairs, available at: http://travel.state.gov/travel/cis_pa_tw/cis/cis_1127.html.



punishing acts or activities aiming at racial discrimination.²² Such acts and activities can be prosecuted *ex officio* since 2005 (Article 71.4 of Law N. 3386/2005). The law provides that anyone who publicly, orally or in writing or through pictures or any other means intentionally incites people to perform acts or carry out activities that may result in discrimination, hatred or violence against other persons or groups of persons on the sole ground of the latter's racial or ethnic origin or religion²³ is punishable by a maximum imprisonment of two years and/or pecuniary penalty or both. The penalties also apply in cases where someone establishes or participates in organisations that aim at organising propaganda or activities of any form whatsoever, leading to racial discrimination. The law prohibits the public expression orally, in writing or through pictures or any other means of offensive ideas against any individual or group on the grounds of the latter's racial or ethnic origin or religion. The penalty in this case is maximum imprisonment of one year and/or fine.

The notion of bias motivations based on ethnic, racial, religious or sexual orientation as aggravating circumstance was added in 2008 through Article 23 of Law N. 3719/2008²⁴ amending Article 79 of the Criminal Code. The article was further amended in 2013 through Article 66 of Law N. 4139/2013²⁵ adding genetic characteristics and gender identity as bias motivations and providing that sentences imposed may not be suspended.²⁶

ECRI highlighted in 2009 that the Greek authorities had "acknowledged themselves that Law 927/1979 continues to be rarely applied although information indicates cases of incitement to racial hatred in Greece."²⁷ Another critique of Law N. 927/1979 is that it is only applicable if race, ethnic origin or religion is

the sole ground motivating an action.²⁸ For example, the Supreme Court dismissed an appeal in cassation in 2010 concerning the publication of an antisemitic book, since the defendant was found not to revile Jews "solely because of their racial and ethnic origin, but mainly because of their aspirations to world power, the methods they use to achieve these aims, and their conspiratorial activities."²⁹ More recently, however, on 20 November 2013, the first instance Magistrate Court of Athens accepted racism as bias motivation in sentencing two alleged Golden Dawn members to 41 months imprisonment for torching a shop belonging to a migrant.

All those who participated in meetings with FRA during June 2013 shared the view that existing legislation has never been applied effectively. Prosecutors FRA met, for example, argued that it is very difficult to investigate bias motivation in order to use it as an aggravating circumstance in the assessment of penalties, therefore relevant legal provisions cannot be applied in practice. The Supreme Court Vice-Prosecutor pointed out that while the racist motive may be obvious in many cases, judges do not always consider it. This can be because police investigation protocols do not provide them with sufficient evidence in that respect, or because insufficient attention is paid to such evidence in court proceedings.

The 2013 report of the Council of Europe Commissioner for Human Rights echoed this view: "The Commissioner was informed [...] that legislative amendments aimed at creating a special criminal offence of acts of racist violence has been under consideration by competent authorities. Legal practitioners have indicated that such a provision would facilitate the prosecution of racist violence and the inclusion of racist motivation in the early stages of criminal proceedings, including the indictment, instead of in the last phase of assessment of the criminal penalty by the court."³⁰

The Special Prosecutor on Racist Violence, appointed in November 2012 on the initiative of the Athens Prosecutor's Office, suggested to FRA that police and judicial investigations would significantly improve on the basis of two conditions: if acts of violence with a bias motivation were recognised as criminal offences

22 Law N. 927/1979 ΦΕΚ 139 1979 Τεύχος Α, available at: http://www.et.gr/idoocs-nph/search/pdfViewerForm.html?args=5C7QrtC22wGrY_r85_PxvndtvSoClrL8ndsiOD8jfQt5MXD0LzQTLWPU9yLzB8V68knBzLCmTXKaO6fpVZ6Lx9hLsljUqeiQcrBRwr3vI0KOPULbJlJtZHK8N633ajxYbx_Vaj5Egl.

23 The ground of religion was added in 1984 through Art. 24 of Law N. 1419/1984.

24 Law N. 3719/2008 - ΦΕΚ 241 Τεύχος Α, available at: <http://nomoi.info/ΦΕΚ-A-241-2008-σελ-1.html>.

25 Law N. 4139/2013 - ΦΕΚ 74 Α, available at: www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=YTbYbcYuEkl%3D&tabid=132.

26 Council of Europe, European Commission against Racism and Intolerance (ECRI) (2009), *ECRI Report on Greece (fourth monitoring cycle)*, Strasbourg, Council of Europe, 2 April 2009, available at: www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-IV-2009-031-ENG.pdf.

27 Council of Europe, ECRI (2009), *ECRI Report on Greece (fourth monitoring cycle)*, Strasbourg, Council of Europe, 2 April 2009, p. 13, para. 17, available at: www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-IV-2009-031-ENG.pdf.

28 Sitaropoulos, N. (2002), *Transposition in Greece of the European Union Directive 2000/43 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin*, www.mmo.gr/pdf/library/Greece/Sitaropoulos_GR-RACISM.pdf.

29 Greece, Supreme Court Decision 3/2010, available at: www.areiospagos.gr/nomologia/apofaseis_DISPLAY.asp?cd=H9946F7BRL9LVHZJYRVYLEKBG78DDI&apof=3_2010.

30 Council of Europe, Commissioner for Human Rights (2013), *Report by Nils Muižnieks following his visit to Greece, from 28 January to 1 February 2013*, CommDH(2013), Strasbourg, 16 April 2013, para. 65, available at: <https://wcd.coe.int/ViewDoc.jsp?id=2053611>.

in their own right; and if racist motivation was explicitly mentioned as an aggravating circumstance for specific crimes in the Criminal Code. NHRC representatives and those of the Racist Violence Recording Network also stressed the need for a distinct offence for crimes with a racist motive.

Representatives of the Police Directorate of Internal Affairs noted during their meeting with FRA that it is difficult to identify a racist motive during investigations and that specialised training on intelligence gathering and investigation would be useful. One means to improve the investigation of bias motivation would be the effective implementation of Police Circular (7100/4/3) of 25 May 2006. This circular requires that the police investigate the motivation of criminal offences; collect relevant information; and record/report incidents perpetrated on grounds of national or ethnic origin, colour, religion, disability, sexual orientation and gender identity when confessed by perpetrator(s) or reported by victim(s) or witness(s) and when there are indications that perpetrator(s) and/or victim(s) belong to different racial, ethnic, religious or social groups. In addition, racist motivation must be investigated in complaints against the police by persons belonging to vulnerable ethnic, religious and social groups or by foreigners.

A position paper published by the Hellenic League for Human Rights on 3 October 2013 argues that the racist motive must be investigated at the beginning of the criminal prosecution, during the pre-trial phase. It notes, in particular, that “[...] a crime motivated by racial hatred should either (a) be considered as a crime with distinct offences, or (b) be combined with longer sentences for some specific types of crime (e.g. crimes against life, physical integrity, personal freedom, property), or finally (c) constitute a general aggravating circumstance, defining a fixed sentencing period. This cannot be separated from the responsibility of the Ministry of Justice’s political leadership to finally send a clear message of punishing hate crimes, by ensuring the implementation of the provision 7100/4/3 of 25 May 2006 that concerns the obligation of the authorities to investigate the possible racist motives of alleged criminal offences”.³¹

The Police Circular (7100/4/3), however, was not followed up by efforts to ensure its practical implementation, for example through systematic training or operational guidelines, according to reports by the national statutory human rights bodies. In May 2010, the Ministry of Public Order completed a *Guide of police conduct towards religious and vulnerable social*

groups, including migrants, Roma, persons with disabilities and lesbian, gay, bisexual and transgender (LGBT) persons. Reportedly, the guide was developed in cooperation with civil society organisations and the Ombudsperson, but it was neither published nor distributed.³² Police officers with whom FRA met were not aware of the Circular or the Guide nor did they consider that they were adequately trained to investigate bias motivation effectively. The National Human Rights Action Plan, which was published at the beginning of December 2013, states, however, that the Guide has recently been distributed to all police officers. The Action Plan also makes specific reference to the need to update the relevant Police Circular (7100/4/3) by the beginning of 2014.³³

Concerns on the effectiveness of anti-racist legislation led to the introduction of a draft law on combating manifestations of racism and xenophobia by the coalition government in 2011, thereby transposing Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law (Framework Decision on Racism and Xenophobia). The explanatory memorandum, attached to the 2011 draft law, noted that Law N. 927/1979 had rarely been used and could not be considered a sufficiently robust instrument to confront the challenge of Greece’s transition to a multicultural society.³⁴ Parliament debated the draft law intensely, and a major partner in the coalition government elected in 2012 opposed it.

Two other draft laws seeking to transpose the Framework Decision on Racism and Xenophobia were tabled in May 2013 by parties participating in the coalition government, which led to intense political controversy. The two socialist parties, the Panhellenic Socialist Movement (PASOK) and the Democratic Left (DIMAR), proposed an entirely new draft law, which includes a provision on the protection from deportation of third-country nationals, who are victims and material witnesses, as well as their parents, spouses and children.³⁵

31 Hellenic League for Human Rights (2013), *A road map: what to do with Golden Dawn*, available at: <http://www.hlhr.gr/index.php?MDL=pages&SiteID=961>.

32 Το ΒΗΜΑ (2013), ‘Εξαγγελίες για αντιμετώπιση της αστυνομικής αυθαιρεσίας που έμειναν στα χαρτιά’, 22 January 2013, available at: <http://www.tovima.gr/society/article/?aid=494196>; Police Guide, available at <http://www.tovima.gr/files/1/2013/kodikas.pdf>.

33 Greece, Ministry of Justice (2013), National Human Rights Action Plan, available at: <http://www.opengov.gr/ministryofjustice/?p=5239>.

34 Explanatory memorandum to the 2011 draft law, 16 November 2011, available at: www.hellenicparliament.gr/UserFiles/2f026f42-950c-4efc-b950-340c4fb76a24/kfovia-eis.pdf.

35 Parliamentary report on the 2011 draft law, available at: www.hellenicparliament.gr/UserFiles/c8827c35-4399-4fbb-8ea6-aebdc768f4f7/8090296.pdf and the text of the draft law, available at: www.hellenicparliament.gr/UserFiles/c8827c35-4399-4fbb-8ea6-aebdc768f4f7/8090308.pdf.



The third coalition party, New Democracy, proposed a different draft law amending Law N. 927/1979; the proposed amendment did not comprise the provisions on the protection of victims or material witnesses.³⁶ In June 2013, the main opposition party, the Coalition of the Radical Left (Syriza), proposed yet another draft law, which provides for a distinct criminal offence with racist bias motivation, adds bias motivation as an aggravating circumstance in the Criminal Code and provides for the protection and support of victims irrespective of their residence status.

The status of these draft laws remains, as at the beginning of December 2013, unclear, since the coalition government (New Democracy and PASOK) tabled on 20 November 2013 a new draft law on combating manifestations of racism and xenophobia to transpose the Framework Decision on Racism and Xenophobia. This new draft law amends the aforementioned Law N. 927/1979. It also merges the previous legislative proposals of the coalition government parties, New Democracy and PASOK, providing for increased sanctions and penalties for those who publicly encourage or cause hate or violence against individuals or a group of individuals on the basis of their race, skin colour, religion, genetic origin, ethnic or national origin and disability, posing a danger for public order or a threat to life, freedom or physical integrity of these persons. The draft law also punishes public denial or appraisal of crimes of genocides, war crimes, crimes against humanity, the Holocaust and Nazi crimes when this behaviour is against a group of people defined on the basis of their race, skin colour, religion, genetic origin, ethnic or national origin and disability, and when the behaviour incites hatred or violence, or has a threatening, offending character against such group or a member of it. The addition of disability as a bias motivation goes beyond the requirements of the Framework Decision on Racism and Xenophobia and can be considered as a positive measure. This draft law does not include sexual orientation and gender identity as bias motivations. There was speculation that these may be added through an amendment, but by 8 December 2013 such an amendment had not been tabled. It should be noted, however, that the government has considered an amendment concerning civil unions for same sex couples to this draft law to comply with a relevant decision of the European Court of Human Rights (ECtHR) of 7 November 2013.³⁷ The ECtHR considered not justified the exclusion of same-sex couples from

the scope of Law N. 3719/2008 providing for a “pact of common life”. The court found Greece in violation of Article 14 in conjunction with Article 8 of the European Convention on Human Rights (ECHR). After the government signalled its intention to amend the draft anti-racist law, the Greek-Orthodox bishop of Piraeus criticised the move in a widely published statement, threatening to excommunicate those members of parliament who voted for the amendment.³⁸ By 15 December 2013, it was unclear if this amendment would be tabled.

Enhanced penalties are foreseen in cases where the perpetrator is a public official during the execution of his or her duties. This draft law does not, however, foresee deprivation of political voting and election rights. It also does not include any new provision regarding the enhancement of bias motivation as an aggravating circumstance or the integration in the Criminal Code of the criminal offence with racist bias motivation as a distinct offence. Protection for victims or witnesses is included in another draft law codifying legislation on migration and integration, which provides for protection from deportation and residence permits on humanitarian grounds for third-country nationals who are victims or witnesses of severe crimes or hate speech, or crimes with bias motivation.³⁹ The new draft law also provides for criminal responsibility of legal entities, but it does not include public entities. It designates the National Council for Radio and Television as a competent body for imposing sanctions and penalties for offences committed through a radio or television programme. With regard to cyber hate, the new draft law criminalises dissemination of racist and xenophobic material through computer systems, if the systems used or the perpetrators are located in Greece. On 3 December 2013, the draft law passed the first stage of parliamentary scrutiny. Human Rights Watch argued that the law should include measures to combat racist and xenophobic violence, and encourage reporting of violent hate crimes, also by waiving the fee of € 100 that is generally required to file a complaint.⁴⁰

Important steps to tackle racist violence were taken in December 2012, when the Ministry of Public Order created under Presidential Decree two regional departments in Athens and Thessaloniki, as well as

36 Parliamentary report on the draft law amending Law N. 927/1979⁹, 30 May 2013, of which the draft text is available at: www.hellenicparliament.gr/UserFiles/2f026f42-950c-4efc-b950-340c4fb76a24/t-trop927-pro-eis.pdf.

37 ECtHR (2013), *Vallianatos and Others v. Greece*, [GC], 7 November 2013, available at: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-128294>.

38 Open letter, available at: <http://www.imp.gr/2012-03-27-20-22-23/654-καλούμε-την-κυβέρνηση-να-μην-προχωρήσει-στην-υλοποίηση-αυτής-της-ύβρεως-κατά-του-θεού-και-των-ανθρώπων.html>.

39 Greece, Ministry of Interior, Draft law on Ratification of the Migration and Social Integration Code, in public consultation since 16 October 2013, available at: www.opengov.gr/types/?p=1943.

40 Human Rights Watch (2013), ‘Greece: Strengthen Anti-Racism Bill’, 3 December 2013, available at: <http://www.hrw.org/news/2013/12/03/greece-strengthen-anti-racism-bill>.

68 anti-racist units, staffed by 197 police officers.⁴¹ A two-day training course was provided in February 2013 on the prevention and prosecution of crimes perpetrated on grounds of racial or ethnic origin.⁴² The Presidential Decree foresees cooperation with non-governmental organisations (NGOs) and international organisations and includes reference to victim support services. On 10 January 2013, a countrywide hotline (11414) was established together with an online form for reporting racist crime.⁴³ By September 2013, 214 complaints were registered through the hotline, according to information provided by the Ombudsperson.

During the meeting with FRA, representatives of the Racist Violence Recording Network, who participated in the training of police officers for these specialised units, raised concerns as to their effectiveness in terms of staff selection or adequacy of operational training. Another problem the Racist Violence Recording Network representatives identified was the lack of provisions in the current legal framework for the protection from arrest and detention of hate crime victims or material witnesses, if they are in the country illegally.

Police trade unionists have also raised concerns about human and financial resources to operate the anti-racist units.⁴⁴ The operation of the 24-hour 11414 hotline requires special operational training. Sharing of good practice with other EU police forces that have similar practices could be useful. During meetings with the responsible police officers, FRA was informed that such training has not been provided nor has there been any exchange of experience and good practice with other police forces. In regard to the need for anonymity and confidentiality, police respondents were unsure as to how the hotline operators should react to anonymous complaints in the current framework of police operational guidelines. The online complaint form, nevertheless, allows for anonymous reporting.

On 24 July 2013, the government presented a draft law⁴⁵ on restructuring the police. This draft law makes no reference to the newly established departments and does not include them explicitly in the organograms of the regional directorates. The only reference to racism is found in the draft law's Article 6 paragraph 3, which states that under the Security Branch, the Directorate of State Security is competent on issues of state security and especially on those concerning the protection of the state and the democratic system, such as weapons' and explosives control, racism and terrorism, the protection of Greek and foreign dignitaries. The Police Internal Affairs Directorate also issued a *Special Report* in October 2013 that proposed a substantial police services reform. The reform was designed to combat abusive behaviour and corruption, reinforce the respect and protection of human rights and aid in the development of a professional ethos with emphasis on addressing racist behaviour effectively. The report's proposals also highlight that disciplinary measures must be implemented immediately and fully, especially in the most extreme cases involving excessive and unjustified use of force. The proposals underline that it is essential to seek responsibility for any lack of internal control measures in the hierarchy.⁴⁶

FRA was informed that the Police Academy introduced during the academic year 2012–2013 a course on racism and xenophobia, although in the spring of 2013 educational and training initiatives on the relevant section of the police website⁴⁷ focused on combating trafficking (20 April 2013); the treatment of vulnerable persons in returns procedures (23 April 2013); or the screening of illegal immigrants (13 April 2013). FRA was also informed that, since March 2013, six three-hour sessions on racism and xenophobia were introduced in the training provided by the National School for Judges.

Nevertheless, the paucity of targeted, operational awareness raising and training was also underlined by the Police officers' trade union, which informed FRA that police officers need better training to deal with racist incidents more effectively. As an additional barrier, they mentioned that police officers work under

41 Greece, Presidential Decree 132/2012 ΦΕΚ 239-A, available at: www.et.gr.

42 Other bias motivations, such as religion or belief, sexual orientation or gender identity are not included. See: Greece, Ministry of Public Order and Citizen Protection, Hellenic Police, *Γενικά*, available at: www.astynomia.gr/index.php?option=ozo_content&lang=..&perform=view&id=23730&Itemid=1027&lang=.

43 Greece, Ministry of Public Order and Citizen Protection, Hellenic Police, *Καταγγελίες περιστατικών ρατσιστικής βίας*, available at: www.astynomia.gr/index.php?option=ozo_content&perform=view&id=18224&Itemid=0&lang=.

44 PoliceNET (2012), *Δεν υπάρχουν αστυνομικοί για τα τμήματα αντιρατσιστικής βίας*, 5 December 2012, available at: www.policenet.gr/portal/arthradimosieymata/2012/05122012-6554.html.

45 Greece, Ministry of Public Order, Draft law on restructuring of the Greek Police and other provisions, available at: www.opengov.gr/yptp/?p=960.

46 Greece, Ministry of Public Order and Citizen Protection, Hellenic Police (2013), *Wide investigation for the active engagement of police in illegal activity of Golden Dawn and possible participation in committing criminal acts, racist violence and corruption*, Presentation of the Special Report, October 2013, available at: <http://www.astynomia.gr/images/stories/2013/prokirikseis13/parousiasi.pdf>. The full text of the Special Report is not publicly available.

47 Greece, Ministry of Public Order and Citizen Protection, Hellenic Police (2013), *Ανακοινώσεις που αφορούν την Αστυνομική Ακαδημία 2013*, available at: www.astynomia.gr/index.php?option=ozo_content&perform=view&id=24396&Itemid=528&lang=.



challenging conditions, including severe pay cuts, while the intensity of their work is increasing due to the social impact of the economic crisis.

As early as 2004 the police officers' trade union had already participated in an EU-funded project, also involving Dutch and Swedish police, that surveyed around 300 police officers on diversity issues.⁴⁸ The findings indicated little interest in diversity issues, in particular among senior ranks, and lack of awareness of its positive aspects. Based on the outcome of this project, the trade union proposed recruiting police officers with an ethnic minority background to better reflect ethnic diversity in society.

The Racial Equality Directive and the Employment Equality Directive were transposed into Greek legislation through Law N. 3304/2005⁴⁹ which prohibits discriminatory treatment on the grounds of ethnic or racial origin or religious or other beliefs, disability, age or sexual orientation, during transactions regarding provision of goods or services to the public. For such offences, the law foresees imprisonment of between six months and three years and a fine of between €1,000 and €6,000. Following the provision of Article 3 paragraph 2 of the Racial Equality Directive, it does not cover difference of treatment based on nationality and is without prejudice to provisions and conditions relating to the entry into and residence of third-country nationals and stateless persons on the territory of Member States, and to any treatment which arises from the legal status of the third-country nationals and stateless persons concerned.⁵⁰

The task for the promotion of equal treatment was assigned to three institutions: The Ombudsperson, tasked with the promotion of equal treatment in regard to public authorities; the Committee for Equal Treatment supervised by the Ministry of Justice, Transparency and Human Rights, tasked with the promotion of equal treatment in regard to individuals and private entities; and the Labour Inspectorate supervised by the Ministry of Employment and Social Security, tasked with the promotion of equal treatment in regard to employment.

The assignment of the equality body tasks to three distinct entities did not prove effective, and in

February 2010 NCHR proposed merging the three equality bodies into one, namely the Ombudsperson. The Greek Economic and Social Committee expressed its opinion in a 2011 report,⁵¹ which largely reflected this view and noted that whereas the Ombudsperson in general fulfils its tasks, neither of the other two bodies function effectively. The Committee for Equal Treatment, which is the competent authority on all discrimination areas by private entities except in employment, received very few complaints and its work has been minimal because there is confusion about its role and a lack of awareness of its existence and effectiveness. The Economic and Social Committee refrained from reporting about the Committee for Equal Treatment in its latest annual report published in July 2012, because the Labour Inspectorate never issued a report on equal treatment in employment, as it has no relevant data or complaints. The Economic and Social Committee concluded that the Labour Inspectorate cannot effectively perform its tasks in regard to awareness raising, recording incidents and tackling widespread phenomena of unequal treatment in employment.⁵²

The Ombudsperson informed FRA that the investigation of complaints by third-country nationals or non-Greek EU citizens concerning discrimination on grounds of racial or ethnic origin is hampered, because the ground of nationality is not included. This limitation of the current legislation has also been highlighted in annual reports by the Ombudsperson.

The Special Secretary of the Labour Inspectorate told FRA that the institution would require resources, operational training and field methodology, as well as legal and practical tools to accomplish its role as an equality body. Cases of discrimination concerning workers who are irregular migrants cannot now be reported by them, for example, as the complainant would face detention and deportation, except in cases of trafficking victims. A relevant case is that of agricultural migrant workers in Manolada⁵³ who were shot at and injured in April 2013 by their employers when they asked for their wages to be paid. This case required, for example, a special intervention so that the workers would be treated as victims of trafficking, thus avoiding their arrest and deportation

48 Police Officers' Trade Union (2004), *Diversity in the Police*, Final report, available at: http://poasy.gr/web/index.php?option=com_rokdownloads&view=file&task=download&id=60---

49 Greece, Law N. 3304/2005 (ΦΕΚ 16/α) on implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, 21 January 2005, available at: www.ypakp.gr/uploads/files/2538.pdf.

50 Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (*Racial Equality Directive*), OJ 2000 L 180, Art. 2.2.

51 Economic and Social Committee (2009), *Opinion on the implementation of the principle of equal treatment principle of equal treatment irrespective of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation*, – approved on 4-02-2011), p. 17, available at: www.oke.gr/opinion/op_247.pdf.

52 Economic and Social Committee (2011), *Annual report on the implementation of the principle of equal treatment principle of equal treatment irrespective of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation*, p. 15, available at: www.oke.gr/opinion/op_280.pdf.

53 Greece, Ministry of Public Order, press statement, available at: www.minocp.gov.gr/index.php?option=ozo_content&perform=view&id=4589&Itemid=570&lang=GR.

and ensuring that they remain in the country legally to testify as witnesses.

FRA identified a number of initiatives combating discrimination and promoting diversity, some of which are included in a report by the National Centre for Social Research, which noted the absence of a comprehensive anti-discrimination and equal opportunities strategy: "The main policy developments have been confined to legislative amendments – mostly on immigration – and EU funded interventions, such as the National Strategy for Equal Opportunities, implemented in the framework of '2007: European Year of Equal Opportunities for all' and the National Strategy Report on Social Inclusion 2008–2010."⁵⁴

The National Strategy for the Integration of Third-Country Nationals,⁵⁵ issued in April 2013, addresses issues related to equal treatment and combating discrimination on racial or ethnic grounds. The strategy refers to measures targeting the majority population only in the context of intercultural dialogue, although the Common Basic Principles for Immigrant Integration in the EU clearly refer to a mutual accommodation principle by immigrants and residents of EU countries.⁵⁶ The strategy notes that "the participation of migrants in social life is only possible when they are sufficiently aware of the way of life, the customs and the values of the host society, when they have directly or indirectly accepted the dominant national and European ideology." There is no reference, however, to concrete measures to improve mutual understanding or mechanisms of consultation involving migrants, public authorities, as well as the host society. Similarly, a new draft law regulating migration issues provides for a national level inter-ministerial migration policy committee, but it does not refer to the participation of migrant communities, local integration councils, statutory human rights or equality bodies or civil society stakeholders.⁵⁷ It is unclear whether the operation of Local Migrant Integration Councils, which can help

build social cohesion, will be reviewed. According to research,⁵⁸ only about 15 of the country's municipalities have established or are about to establish such councils, foreseen in Law N. 3852/2010, either due to lack of resources or lack of interest. Among the actions supported by the European Integration Fund is contribution to the two-way process underlying integration policies by developing platforms for consultation of third-country nationals, exchange of information between stakeholders and intercultural, inter-faith and religious dialogue platforms between communities and/or between communities and policy and decision-making authorities.⁵⁹

The Strategy will be implemented through actions co-funded by the European Integration Fund,⁶⁰ which has allocated steadily more funds:⁶¹ €1,527,626.75 in 2007; €2,063,575.78 in 2008; €2,653,009.62 in 2009; €2,946,352.32 in 2010; €3,280,005.77 in 2011; €4,115,432.00 in 2012; and €4,178,416.00 in 2013. The overview table of actions for 2012⁶² provides some information on initiatives to be funded (with national contribution at 25 %).⁶³ It is, however, unclear what part, if any, of the resources are specifically allocated to tackling racism, as part of the integration process. It would be useful to publish the output, outcome and impact of such EU-funded actions for previous years in order to assess its effectiveness and, on this basis, develop future proposals.

Regarding migrant youth, Law N. 3838/2010 provisions which allowed children of third-country nationals who were born and completed their primary education in Greece to acquire citizenship status are not included in the draft law on the Ratification of the Migration and Social Integration Code. In early 2013, the supreme administrative court, Hellenic Council of

54 National Centre for Social Research (2012), *Combating discrimination in Greece: State of the art, challenges and policy interventions*, p. 91, available at: www.gsdb.gr/ocd/resources/book/EKKE_discrimination_book_en.pdf.

55 Greece, Ministry of Interior, General Secretariat for Population and Social Cohesion (2013), 'National Strategy for the integration of third country nationals', 23 April 2013, available at: www.ypes.gr/UserFiles/f0ff9297-f516-40ff-a70e-eca84e2ec9b9/ethniki_stratigiki.pdf.

56 Council of the European Union (2005), Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, a common agenda for the Integration of third-country nationals in the European Union, COM(2005) 389, Brussels, 1 September 2005, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52005DC0389:EN:HTML>.

57 Greece, Ministry of Interior, draft law on the ratification of the Migration and Social Integration Code, in public consultation since 16 October 2013, available at: www.opengov.gr/ypes/?p=1943.

58 Greece, National Centre for Social Research (2012), *Migrant Integration: views, policies and practices*, p. 53, available at: http://www.ekke.gr/open_books/EntaxiMetanaston.pdf.

59 Council of the European Union (2007), Council Decision 2007/435/EC of 25 June 2007 establishing the European Fund for the Integration of third-country nationals for the period 2007 to 2013 as part of the General programme Solidarity and Management of Migration Flows, OJ 2007 L 168/18.

60 European Integration Fund, available at: http://ete.ypes.gr/?page_id=220.

61 European Commission, Home Affairs, Country overview: Greece, available at http://ec.europa.eu/dgs/home-affairs/financing/fundings/mapping-funds/countries/greece/index_en.htm.

62 See Overview table at: http://ete.ypes.gr/wp-content/uploads/2013/09/AnnualProgram2012_en.doc.

63 € 232,105.26 is allocated for offices supporting discrimination victims; €300,000 for production of pilot material for radio broadcasts related to migrant communities; € 400,000 for intercultural mediation in selected hospitals; € 250,000 for interreligious dialogue; € 249,473.69 for seminars to members of migrant organisations; € 202,587.11 on 'art crossroads'; € 495,260.82 for the development of cooperation networks at Mediterranean and European levels.



State, declared these provisions unconstitutional, as they did not take sufficient account of the requirement for a “genuine bond to the Greek state and society that constitute a timeless unity of a particular community with a common culture, relatively consistent morals and customs, common language with a long tradition, elements that are transmitted through generations through smaller social units (family) and organised state units (education).”⁶⁴

Promoting diversity and combating racism among children and youth through education is of critical importance, as what children learn and experience in schools can affect their families and communities. The Ministry of Education acknowledged during its meeting with FRA that diversity and anti-racism are important issues that still need to be tackled.

There is evidence of several educational programmes, mostly relying on teachers’ initiatives, which tackle racism and discrimination and promoting diversity.⁶⁵ A 2011 survey of 294 teachers showed that almost all (92 %) wanted to participate in educational programmes related to diversity, but only about half of them (54 %) actually knew where to find relevant material.⁶⁶ In regard to major educational programmes, FRA could not find information regarding their implementation, such as on the Ministry of Education’s Action Plan, which was developed in 2012 to promote diversity, prevent and combat racism, discrimination and violence in schools and includes relevant guides and educational material for students and teachers. The action plan was co-funded by the European Social Fund.⁶⁷

An initiative announced in 2013 by the Ministry of Education concerns the establishment of a Monitoring Centre on Violence in Schools, including racist violence. FRA was informed that the Ministry of Education established an anti-bullying network in early 2013 and launched a school-based survey co-funded by the European Social Fund on school violence and bullying, which includes questions on hate motivation, their discrimination experiences and recording respondents’ ethnic origin. Initial findings of this survey show that 32 % of violent incidents in schools were related to the parents’ ethnic origin. In total, 42,000 school children

participated in the first round of this survey through an online questionnaire.

On 4 November 2013, the Ministry of Education, in response to a parliamentary question, announced additional measures, specifically the appointment of a primary or secondary school teacher as coordinator of activities in the regional Directorates of Education Ministry, the assignment of one or two teachers in each school as mediators and the creation in the Ministry of a task force to promote anti-racist messages on the internet, in the media and at the meeting places of students and adolescents.⁶⁸ No information is yet available, however, on the practical implementation of these measures, which will require significant efforts especially in regard to teacher capacity building and training. In addition, a new ‘political education’ course was introduced during the current school year to contribute to democratic citizen education. The three -hour a week course, which will be compulsory for secondary education students aged 15 and 16, blends three pre-existing courses in economics, sociology, and politics and law. The courses will be taught based on existing textbooks that were drafted much earlier and do not reflect current needs. As an illustration, the textbook for the course on politics and law has no reference to issues of social inclusion in regard to minority groups, such as Roma or migrants and no reference to racism. The sociology course textbook makes little and mostly academic reference to racism and omits any reference to minorities in the chapter on the composition of Greek society.

Intercultural and interreligious dialogue can be important in promoting diversity and the National Strategy for the Integration of Third-Country Nationals includes such measures. Nevertheless, Athens has no mosque to serve the needs of a large community of Muslims, whether they are Greek citizens or not. In 2006, the construction and administration of a mosque was detailed in Law N. 3512/2006,⁶⁹ and in 2011 technical and legal issues were resolved through Law N. 4014/2011. In 2013, the competent authorities issued a call for tender for the construction of the mosque, at an estimated price of € 946,000, which the state would fund. The call for tender was repeated three times, because construction companies did not respond.⁷⁰ On 14 November 2013 the Ministry of Infrastructure, Transport and Networks announced that an offer for a mosque of 600-square-metre mosque without a

64 [Translated by FRA] Council of State Decision, Plenary, 460/2013, available at: <http://www.ste.gr/portal/page/portal/StE/ProfatesApofaseis>.

65 ESF funded and Ministry of Education Commissioned desk research, teachers’ survey available at: www.i-red.eu/?i=institute.el.projects.78.

66 Available at: www.i-red.eu/resources/projects-files/sxedio-drasis_ereyna-katagrafi-axiologisi_anagon_ekpaideytikon.pdf.

67 Action Plan against racism and discrimination and pro diversity at school, Survey and Guide to educators, Model Material and other relevant material, available at: www.i-red.eu/?i=institute.en.projects.

68 Ministry of Education press release available at: <http://www.minedu.gov.gr/grafeio-typoy-kai-dimosion-sxeseon-main/deltia-typoy-main/10335-04-11-13.html>.

69 Law N. 3512/2006 ΦΕΚ264Α, on Islamic Mosque of Athens, available at: www.minedu.gov.gr/publications/docs2012/120306_3512_islam_temenos_athhn.pdf.

70 Available at: <http://static.diavgeia.gov.gr/doc/%CE%92%CE%9B9%CE%931-%CE%9F%CE%A30>.

minaret had been accepted.⁷¹ The Minister said that he felt proud that the mosque would be built during his tenure.

Media can play a key role in promoting diversity and combating racism and intolerance. They also have a moral and legal obligation to report objectively and without prejudice. The Code of Conduct of the Athens Journalists' Association contains provisions (Articles 1 and 2), which require journalists to impart information without any prejudice related to their own political, social, religious, racial or cultural views or beliefs and to make no distinction on grounds of national origin, sex, race, religion, political beliefs, economic and social status.⁷²

Article 4 of Presidential Decree 77/2003⁷³ regulating radio and television news and political broadcasts prohibits the presentation of individuals in a way that, under specific conditions, could encourage their ridicule, social isolation or discrimination on grounds of racial or ethnic origin, nationality, religion and language, among others. It also prohibits broadcasting racist and xenophobic and intolerant views, in particular concerning ethnic or religious minorities and other vulnerable population groups.

Representatives of civil society organisations, as well as some public officials, suggested to FRA that print and audio-visual media often do not follow these rules, which contributes to fostering a climate of intolerance, especially towards irregular migrants and asylum seekers. Members of the Management Board of the National Council for Radio and Television⁷⁴ told FRA, for instance, that on occasion extremist views have been openly promoted by small private TV stations and in some cases xenophobic statements were aired by major television channels, but that the Council applied financial penalties only in a very small number of cases.⁷⁵

According to Law N. 2863/2000 establishing the National Council for Radio and Television, broadcasters are obliged to form self-regulatory ethics committees, which must enter into multi-party self-regulatory agreements that define and adopt rules of conduct and ethical standards as to media content. Research indicates, however, that in practice this co-regulatory measure has "[...] remained a dead letter. To the extent

that they have actually been established, these committees have been inactive, not having imposed any sanctions as provided for by the relevant law."⁷⁶

Article 6 of the Audio-visual Media Services Directive does indeed stipulate that EU "Member States shall ensure by appropriate means that audio-visual media services provided by media service providers under their jurisdiction do not contain any incitement to hatred based on race, sex, religion or nationality."⁷⁷

Presidential Decree 109/2010⁷⁸ transposing the Audio-visual Media Services Directive provides under Article 7 that audio-visual service providers must ensure that programmes do not cause hate due to race, sex, religion, beliefs, nationality, disability, age and sexual orientation, and they must also not take advantage of people's superstitions and prejudices. The National Council for Radio and Television is empowered through Article 4.2 to temporarily suspend broadcasting of television programmes – under certain conditions that include notification of the European Commission – if their content "encourages hate on grounds of race, sex, religion, beliefs, nationality, disability, age and sexual orientation". Such a penalty has not, however, been applied to date and the National Council did not provide FRA with information concerning any relevant complaints received.

Barriers to the effective implementation of responses

FRA Annual reports have noted that Greece has very limited data on either racist violence or discrimination on grounds of race or ethnic origin. In regard to discrimination, only one of the three Equality Bodies, the Ombudsperson, collects complaints data. As current legislation does not include the ground of nationality and given that the competence of the Ombudsperson is limited to public authorities, only one or two complaints are received annually concerning non-Greek citizens. As to Greek nationals, the Ombudsperson investigated 29 cases involving Roma in 2009 and 36 in 2010. The police also informed the Ombudsperson, on request,

71 Press statement, available at: <http://www.yme.gr/index.php?tid=21&aid=3831>.

72 Available at: www.esia.gr/gr/1peri/deontology.html.

73 Available at: www.sapphogr.net/dikaiwma/law/a75pd77.pdf.

74 The independent authority that supervises and regulates the radio/television market, founded in 1989, for more information, see: www.esr.gr.

75 For example, Case 574, 23 November 2010, available at www.esr.gr.

76 ELIAMEP (2011), *Does media policy promote media freedom and independence? The case of Greece*, Case study report, available at: www.mediadem.eliamep.gr/wp-content/uploads/2012/01/Greece.pdf.

77 Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (*Audiovisual Media Services Directive*), available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:095:0001:0024:EN:PDF>.

78 Greece, Presidential Decree 109/2010, ΦΕΚ190, 5 November 2010, available at: www.esr.gr/arxeion-xml/uploads/PD.109-2010.pdf.



that 16 racist incidents were recorded in the first four months of 2013.

Police officials informed FRA that a mechanism has been established under the Ministry of Justice to record racist incidents, with a database under development to compile data to be provided by the police twice a year (Police Circular 7100/11/21 of 21 August 2012). However, details regarding the implementation of this measure were not available. FRA was informed that in 2012 the police recorded officially 84 incidents with possible racist motive and 41 such incidents between January and the end of June 2013.

In 2011, NCHR, the United Nations High Commissioner for Refugees Office in Greece and other civil society organisations established, as noted above, the Racist Violence Recording Network⁷⁹ to collect data on incidents of racist violence. This network recorded 154 racist crime incidents in 2012⁸⁰ and 104 incidents in the first eight months of 2013. Although the data are not officially sanctioned by the competent public authorities, the legal status of NCHR is that of a public advisory body under the Prime Minister's Office.⁸¹ This initiative merits the attention and support of state authorities, because, apart from collecting valuable data, it would be a first step towards the development of a multi-agency approach to tackling hate crime and extremism.

In September 2013, the Ombudsperson issued a report on the phenomenon of racist violence.⁸² It recorded 281 such incidents in the period between January 2012 and April 2013. These incidents include those recorded by the Racist Violence Recording Network. On 12 September 2013, the Ministry of Justice announced in response to a parliamentary request for data concerning the prosecution of racist crimes that 16 Prosecution Offices had not dealt with any related offences. The Prosecution Office of Athens initiated two prosecutions in regard to racist hate speech, two prosecutions for racist behaviour, and two prosecutions for racist motivated violence. The Prosecution Office of Thessaloniki dealt with six cases of racist motivated violence and the Prosecution Office of Herakleion dealt with seven cases related to racist behaviour and racist violence. All

these cases are in different stages of the investigation process, as described in the Ministry's response.⁸³

Tackling racist violence, discrimination and intolerance effectively requires both preventative and punitive action engaging law enforcement and other public authorities at all levels. It also requires meaningful engagement with local minority and majority communities because racist behaviour and attitudes occur in a community context. This is particularly important in the acute economic crisis context, which affects both minority and majority members of local communities and can trigger tensions and conflicts.

The 1997 United Kingdom's Home Office report on racial harassment and violence showed that perpetrators share a key feature, namely a negative attitude towards ethnic minorities that is shared by the community to which they belong and which serves to legitimise their actions: "In turn, the wider community not only spawns such perpetrators, but fails to condemn them and actively reinforces their behaviour. The reciprocal relationship suggests that the views of the 'perpetrator community' also need to be addressed in efforts to reduce racial harassment."⁸⁴

In light of this, FRA found no evidence of systematic efforts to tackle racism, discrimination and intolerance through a multi-agency approach involving cooperation and coordination of law enforcement, local authorities, schools, health providers and public administration. FRA also found no evidence of local community involvement in the design, development or implementation of relevant policies. There is a legal framework in place, for example, for the establishment and operation of "local crime prevention councils"⁸⁵ based on Article 16 of Law N. 2713/1999. Out of a total of 325 municipalities, 82 have put such councils into place, but there is no information on their operation and impact.⁸⁶ Police and Justice Ministry officials, as well as civil society representatives, said in the meetings with FRA that in most cases these councils are not functioning or that their practical engagement with public authorities, in particular law enforcement, is questionable.

79 For more information, see: www.unhcr.gr/1againstracism.

80 Racist Violence Recording Network (2013), *Annual Report 2012*, available at: www.unhcr.gr/1againstracism/11940.

81 Greece, Law N. 2667/1998 ΦΕΚ Α-281, available at: www.greeklaws.com/pubs/uploads/1068.pdf.

82 Ombudsperson (2013) Special report on the phenomenon of racist violence in Greece, available at: www.synigoros.gr/?i=human-rights.el.
diakritiki-metaxeirisi-astunomiki-prostasia.125089.

83 Greece, Ministry of Justice (2013), Response to Parliamentary Question 634/19-08-2013, 12 September 2013, available at: <http://www.hellenicparliament.gr/UserFiles/67715b2c-ec81-4f0c-ad6a-476a34d732bd/8190637.pdf>.

84 Sibbitt, R. (1997), *The perpetrators of Racial Harassment and Racial Violence*, Home Office Research Study 176, UK Home Office, available at: www.nationalarchives.gov.uk/ERORecords/HO/421/2/P2/RDS/PDFS/HORS176.PDF.

85 For more information, see: www.astynomia.gr/index.php?option=ozo_content&perform=view&id=194&Itemid=191.

86 The list of municipalities is available at: www.astynomia.gr/index.php?option=ozo_content&perform=view&id=193&Itemid=190&lang=

At the same time, all public officials, representatives of human rights bodies and civil society organisations with whom FRA met expressed a strong interest and willingness to engage in multi-agency partnerships and outlined some concrete obstacles and barriers that should be resolved. These include legal impediments, hindrances to operational cooperation and coordination caused by a lack of capacity due to limited experience and technical know-how as well as limited human and financial resources, especially in regard to local authorities.

Policy makers and representatives of public authorities with whom FRA met identified the effective policing and control of irregular migration as a key priority in their efforts to tackle racism, discrimination and extremism. This is based on the assumption that a key factor for the increase in racist or extremist attitudes and behaviours is the presence of a large number of irregular migrants. Under this assumption, reducing their number should lead to a decrease in such phenomena.

Such assumptions, which ignore how deeply held beliefs and attitudes can shape behaviour, can negatively impact on the effectiveness of responses to racism, xenophobia and related intolerance. Law enforcement operations aiming to control irregular migration, for example, if conducted through discriminatory ethnic profiling practices, can create fear and sow mistrust among minority ethnic groups, who are also the primary targets of extremists and the most likely victims of racist violence. This reduces the likelihood that they will report such incidents to the authorities or cooperate with them to provide the necessary intelligence undermining authorities' efforts to tackle racist violence and extremism.

The administrative appeals court of Koblenz, Germany, reflected on these issues in an October 2012 ruling. It held that the identity check of a black German architecture student on a train in December 2010 violated the German Constitution (Article 3 paragraph 3) because it was based on his 'racial' characteristics.⁸⁷

In 2010, FRA published a Data in focus report on *Police stops and minorities*⁸⁸ based on data from its European Union Minorities and Discrimination Survey (EU-MIDIS) showing, for Greece, that 20 % of the Albanian migrants interviewed, half (53 %) of the Roma and 36 % of the majority population respondents living in the same area

did not trust the police. In 2013, the results on Greece of the FRA EU LGBT survey showed that 26 % of LGBT respondents and 45 % of transgender respondents did not report to the police the last incident of physical or sexual attack or threat of violence they experienced, because they feared a homophobic or transphobic reaction. The *EU LGBT survey – Results at a glance* report stresses that law enforcement based on equality and non-discrimination is a cornerstone of democratic societies. In the context of ongoing immigration into the EU and movement within and between Member States, as well as the presence of established national minorities, law enforcement in the EU must work increasingly with ethnically and culturally diverse communities. Considering that law enforcement not only fights crime, but also addresses the needs and rights of victims and witnesses, and their wider communities, law enforcement can be examined as a public service to the diverse European population. The success of the police as a public service is linked to how different communities are, and feel, treated by the police.

In August 2012, the police launched a major operation, code-named Xenios Zeus,⁸⁹ aiming at "the removal of illegal migrants from the borders and the city centre of the [Greek] capital". This operation involved 2,500 police officers in the border region with Turkey and 2,000 officers in Athens. The police press release on the operation noted that "the removal and return of illegal migrants to their countries is a matter of national necessity and survival". It also stressed that "the size and intensity of the operation does not affect the obligation to fully respect human rights. Clear and precise instructions were issued to all police officers participating in the operation to respect absolutely the personality, as well as the religious or other beliefs of every migrant."⁹⁰

Police operations in the context of immigration checks should be based on the instructions of Police Circular (7100/22/4) of 17 June 2005, according to which there must be serious grounds for suspicion of an individual's criminal activity before any apprehension or body search should be undertaken.

Nevertheless, the UN Special Rapporteur on the Human Rights of Migrants noted in the December 2012 regional study on the human rights of migrants at the borders of

87 Germany, Ministry of Justice of Rheinland-Pfalz (2012), 'Ausweiskontrolle eines dunkelhäutigen Deutschen durch die Bundespolizei: Verfahren nach Entschuldigung beendet', Press release No. 30/2012, available at: www.mjv.rlp.de/icc/justiz/nav/699/broker.jsp?uMen=6993f1d2-a512-11d4-a737-0050045687ab&uCon=0998fb32-0ba3-10dc-32ae-477fe9e30b1c&uTem=aaaaaaaa-aaaa-aaaa-000000000042.

88 FRA (2010b).

89 'Xenios Zeus': In ancient Greek mythology Zeus was protector of the rights of hospitality, see: Liddel and Scott Lexicon, available at: <http://archimedes.mpiwg-berlin.mpg.de/cgi-bin/archim/dict/hw?lemma=ce/nios&step=entry&id=d004>.

90 Greece, Police Headquarters (2012), 'Police Operation "XENIOS ZEUS" in Athens and Evros to tackle illegal immigration', Statement of the Spokesman of the Greek Police', Press release, 4 August 2012, available at: www.astynomia.gr/index.php?option=ozo_content&lang='.'&perform=view&id=18424&Itemid=950&lang=



the European Union that, "I regret the 'sweep operations' in the context of operation Xenios Zeus, which have led to widespread detention of migrants in different parts of the country, many of whom have lived and worked in Greece for years."⁹¹

In addition, in June 2013, a Human Rights Watch report noting that the right to liberty and security of the person is a principle of international human rights law argued that "the widespread detention of foreigners for hours for the purpose of verifying their legal status amounts to arbitrary deprivation of liberty". The report recalls that – in January 2013, following its visit to Greece – the United Nations Working Group on Arbitrary Detention warned that "any detention on discriminatory grounds constitutes arbitrary detention and furthermore, that detention without any legal basis also renders the detention arbitrary."⁹²

While immigration checks need to be conducted, the efficiency and effectiveness of the way operation Xenios Zeus is carried out is questionable: between August 2012 and June 2013 a total of 123,567 third-country nationals were apprehended, but only 6,910 persons, or 5.6 %, were actually found to reside in the country illegally (see Table 1).

In its special report on racist violence, the Ombudsperson noted that these apprehensions are abusive as those apprehended produced valid residency documents in many cases. The report considered the operation to be inefficient and problematic from a constitutional point of view, since the deprivation of personal liberty of those apprehended is not necessary. It notes that the operation also undermines other police initiatives

addressing racist violence by indirectly nurturing negative stereotypes.⁹³

Despite this criticism, the police resumed operation Xenios Zeus in Athens on 29 September 2013; 150 officers apprehended 334 persons resulting in 41 arrests. Although the stated aim of this operation was to combat and prevent criminality, only two of these arrests concerned criminal offences: one for possession of illegal narcotic substances and one for possession of forged documents. Of the others, four were arrested for pending deportation orders and 35 for illegal entry into the country.⁹⁴

Those arrested for irregular entry face detainment and expulsion. They are mostly detained in new pre-departure detention centres, which were established in unused military installations throughout the country. These installations generally provide for better conditions than the detention centres visited by FRA in the Evros border region in 2011. The establishment of these new centres met with strong local protest by municipalities, influenced in some cases by activities of the Golden Dawn party. In the spring and summer of 2013, riots broke out at these new detention centres, because living conditions had deteriorated due to funding and other problems. This underscores the need for better coordination between administrative levels, an aspect reported as highly problematic in the FRA 2011 report on the situation of persons crossing the Greek land border in an irregular manner. The report noted in particular the problem of inertia among key local authorities, who when interviewed at the time by FRA were not aware of the relevant legislation, which assigned them specific responsibilities in regard to detention

Table 1: Apprehensions and arrests under operation Xenios Zeus

Operation 'Xenios Zeus'	1st Phase	2nd Phase	TOTAL
Date	4.8.2011–13.2.2013	14.2.2013–18.6.2013	4.8.2011–18.6.2013
Apprehensions	82,767	40,800	123,567
Arrests	4,820	2,090	6,910
Ratio of arrests to apprehensions %	5.8 %	5.1 %	5.6 %

Source: Greek police, 2013

91 OHCHR (2012), UN Special Rapporteur on the human rights of migrants concludes the fourth and last country visit in his regional study on the human rights of migrants at the borders of the European Union: Greece, News item, 3 December 2012, available at: www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12858&LangID=E.

92 HRW (2013), *Unwelcome guests – Greek police abuses of migrants in Athens*, available at: www.hrw.org/sites/default/files/reports/greece0613_ForUpload.pdf.

93 Ombudsperson (2013), Special report on the phenomenon of racist violence in Greece, available at: www.synigoros.gr/?i=human-rights.el.diakritiki-metaxeirisi-astunomiki-prostasia.125089.

94 Greece, Hellenic Police (2013), Press release, Attica General Police Directorate, 29 September 2013, available at: www.astynomia.gr/index.php?option=ozo_content&lang='..'&perform=view&id=32484&Itemid=1173&lang=

centres. In this regard, the 2011 FRA report, which had been discussed at the time with the Greek authorities, specifically noted a need to involve proactively local authorities concerning the establishment of reception or detention facilities for third-country nationals.⁹⁵

Despite the establishment of the new centres, a large number of third-country nationals is still detained in police cells. According to police data, 2,702 third-country nationals were detained in police station cells in July 2013. During its missions, FRA met with detainees who had been held in cells of the central Police station of Omonia for many months, some more than six months. The detainees, as well as the police officers, said that lengthy multi-month detention created problems, especially as there is limited space in these cells, which are designed for temporary detention pending judicial proceedings.

In January 2013, the First Instance Criminal Court of Igoumenitsa acquitted 15 migrants who had escaped from detention at the local police station because the deplorable detention conditions put their health in extreme danger. The court found the detention conditions in violation of Article 3 of the European Convention on Human Rights, and that both the conditions and the duration of detention while awaiting expulsion but without any criminal charges, were in violation of Articles 3, 8 and 13 of the convention. The court considered that the conditions constituted a state of necessity and they should therefore not be held liable for the crime of escape.⁹⁶

An essential precondition for the effectiveness of police responses to racist violence is that victims and witnesses report incidents to the police. This they will do, if they have trust in law enforcement agencies and the criminal justice system. Therefore, any allegations of police misconduct against members of minority ethnic groups, who are the most likely target of racist crime, should be investigated independently and thoroughly.

A number of reports by international and national statutory human rights bodies have repeatedly warned, however of complacency and systemic failure to address incidents of racist abuse by police officers. In a report on its visit to Greece in 2008, the Committee for the Prevention of Torture (CPT) makes reference to a climate of impunity within law enforcement agencies. Information gathered by the CPT in the framework of its 2009 visit to Greece suggests that the situation had not improved, with the CPT again identifying reluctance to investigate allegations of ill treatment by law

enforcement officials.⁹⁷ This chimes with observations in the FRA situation report on *Coping with a fundamental rights emergency – The situation of persons crossing the Greek land border in an irregular manner*, which documented inhumane conditions in detention centres operated by the police.⁹⁸ In 2009, ECRI reiterated its call on the Greek government to “carry out effective investigations into alleged cases of racial discrimination or racially-motivated misconduct by the police and ensure as necessary that the perpetrators of these acts are adequately punished.”⁹⁹

In July 2012, Amnesty International noted that while Greek authorities acknowledge human rights abuses by law enforcement officials, they categorise them as ‘isolated incidents’, thereby failing to acknowledge the extent and depth of this systemic problem. Over the past 10 years, the ECtHR has found Greece in violation of Article 2 on the right to life or Article 3 on the prohibition of torture or other ill-treatment of the European Convention on Human Rights in 11 cases concerning human rights violations by law enforcement officials.¹⁰⁰

In April 2013, the Council of Europe Commissioner for Human Rights urged Greek authorities to “eliminate the institutional culture of impunity and establish an independent and well-functioning complaints mechanism covering all law enforcement officials”. In this regard, it should be noted that the Office for Addressing Incidents of Arbitrariness established by Law N. 3938/2011 and Presidential Decree 78/2011 can only carry out investigations upon a request by the Ministry of Public Order.

In 2013, the Ombudsperson received 17 complaints concerning inappropriate police officer behaviour with alleged racist motivation, the bulk of these complaints from persons of Asian and African descent. The police investigated nine of these complaints. Six were dismissed as groundless, one was pending at the time of writing, and in one case the police established offensive behaviour and refusal of service but without racist motivation.

95 FRA (2011a).

96 Greece, Criminal Court of First Instance of Igoumenitsa, Decision N. 682/2012.

97 CoE, CPT (2010), *Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 17 to 29 September 2009*, CPT/Inf (2010) 33, para. 23, available at: www.cpt.coe.int/documents/grc/2010-33-inf-eng.pdf.

98 FRA (2011a).

99 Council of Europe, ECRI (2009), *ECRI Report on Greece (fourth monitoring cycle)*, 2 April 2009, CRI (2009) 31, para. 178, available at: <http://www.coe.int/t/dghl/monitoring/ecri/country-by-country/greece/GRC-CbC-IV-2009-031-ENG.pdf>.

100 Amnesty International (2012), ‘Police violence in Greece – Not just ‘isolated incidents’’, available at: https://doc.es.amnesty.org/cgi-bin/ai/BRSCGI/3724_Greece_cover_%20%20contents%20web?CMD=VEROBJ&MLKOB=31754011212.



The Code of Police Ethics, under Article 2, requires police officers “to respect the life and personal security of every individual; not to cause or tolerate acts of torture or inhuman or degrading treatment or punishment and to report, as appropriate every violation of human rights”. It further requires them under Article 5 “to develop relations of mutual trust and cooperation with citizens and to avoid prejudice on grounds of colour, gender, ethnic origin, ideology or religion, sexual orientation, age, disability, family situation, economic and social status or any other specific individual characteristic.”¹⁰¹ In this light, thorough, independent investigations of any allegations of police abuse would contribute to building up trust and improving cooperation with law enforcement. These actions could be usefully supplemented with a broader independent assessment of issues concerning police institutional cultures.

The case of Golden Dawn

The growing number of incidents of racist violence attributed to members or sympathisers of Golden Dawn was reported on several occasions by international organisations, national statutory human rights bodies and civil society organisations. The party was founded in 1985 and developed its activities during the 1990s focusing mainly on the issue of the name of the Former Yugoslav Republic of Macedonia and migration. Until 2010, it received between 0.07 % and 0.47 % of the vote in national or European elections. Its first electoral success was in 2010 when it managed to secure one seat on the Athens municipal council with 5.29 % of the vote.

In the national elections of 6 May and 17 June 2012, however, Golden Dawn received 6.97 % and 6.92 % of the vote, respectively, securing 18 seats in the Hellenic Parliament. This was a spectacular increase from the 0.29 % the party received in the previous 2009 elections. An analysis of the demographic characteristics of Golden Dawn voters showed that almost 75 % were men, around 40 % were aged 18–34 years, and 27 % had higher education degrees.¹⁰²

According to its manifesto, Golden Dawn is a “social and nationalist movement opposed to communist internationalism and universalism-liberalism”. The

manifesto identifies “people’s biological and spiritual heritage” as the main constituting element of the state, which will replace social stratification based on income with “organically collaborating groups of people with different abilities and production skills based on meritocracy”. The party also supports both irredentism and expansionism. Members of the party leadership have denied the existence of the Holocaust and openly supported the legacy of National Socialism (Nazism) and Adolf Hitler. The party’s symbol bears a striking resemblance to the swastika and its leader has on several occasions publicly used the Nazi salute (*Hitlergruß*). The party retains close contacts with the German neo-Nazi organisation, Free South Network (*Freie Netz Süd*); its leadership visited the Hellenic Parliament on 1 February 2013 in response to an invitation from Golden Dawn parliamentarians.

Since 2009, the media and civil society organisations have reported on a series of attacks by Golden Dawn members on Greeks and migrants. In 2012 and in 2013, Members of Parliament representing Golden Dawn participated in attacks against migrants, for example, by destroying their open markets stall and verbally or physically abusing members of the public who objected. Such incidents were shown on major television channels and issues of impunity were raised, as the police did not intervene during these incidents. Golden Dawn also staged events such as the distribution of food and medicine, the provision of free medical examinations or blood donations open only to those who could prove they were Greek citizens through their identification papers. In parallel, members of the party were reported to be visiting schools to distribute leaflets with racist content intimidating migrant schoolchildren and teachers who opposed these visits. FRA has no evidence of formal investigation into these allegations, although Golden Dawn activities in schools reportedly date back to 2006.

In December 2012, Golden Dawn parliamentarians insulted Greek Muslim Members of Parliament and in August 2013 Golden Dawn asked for the abolition of positive action measures concerning university entry for students belonging to the Greek Muslim minority.

The government showed its growing awareness of the need for decisive measures and its determination to tackle this problem following the September 2013 murder of a young Greek man allegedly by a Golden Dawn member and the subsequent arrest of the Golden Dawn leadership and a number of police officials on serious criminal charges. The Ministry of Public Order dispatched 32 criminal investigation files to the Supreme Court, which conducted a criminal investigation on Golden Dawn, charging its leadership with crimes ranging from murder and bodily harm to money laundering, bribery and participation in a criminal

101 Greece, Code of Police Ethics, Presidential Decree 254/2004, available at: www.astynomia.gr/images/stories/Attachment14238_KOD_FEK_238A_031204.pdf.

102 For a detailed analysis of the electoral results of the national elections in May and June 2012 by age, gender, education and other categories based on exit polls, see: Melzer, R. and Serafi, S (2013), *Right-wing extremism in Europe*, Friedrich-Ebert-Stiftung, pp. 94–95, available at: <http://library.fes.de/pdf-files/dialog/10031.pdf>.

organisation. Reportedly, the case file contains thousands of pages of testimony and evidence on criminal activities of Golden Dawn members. The parliament meanwhile waived the parliamentary immunity of Golden Dawn members charged with criminal offences. By overwhelming majority, it approved on 2 December 2013 changes in the rules of parliamentary procedure to allow the suspension of state or any other funding to any political party under investigation for criminal activities.

At the same time, the police launched its own intensive internal investigation resulting in the arrests of police officers,¹⁰³ including senior officials,¹⁰⁴ on very serious charges, reportedly related to Golden Dawn. On 30 October 2013, the Internal Affairs Directorate of the police presented an outline of a special report on a *Wide investigation for the active engagement of police in illegal activity of Golden Dawn and possible participation in committing criminal acts, racist violence and corruption*. The report notes that, following investigations into the activities of 319 police officers, two coast guard officers, 12 citizens and 104 police precincts, as well as one Golden Dawn office, 15 police officers were arrested, 10 of whom were directly or indirectly linked to Golden Dawn activities, and arms and ammunition were confiscated. In parallel, the directorate recorded 142 allegations of “extreme police behaviour” concluding that there are neither “coherent groups of police officers in service with a common criminal intent” nor any invisible group within the Greek police, which on the whole is described as a “pillar of the democratic order”. However, the investigation revealed a coordinated inaction of specific police officers who participated in criminal activities in dereliction of their duty and abuse of their power. The investigation further uncovered problems of inadequate oversight and hierarchical control, bureaucratic attitudes and moral cynicism. This special report concludes by recommending a substantial reform of the police, with an emphasis on combating abusive behaviour and corruption, reinforcing the respect and protection of human rights, and the development of a professional ethos. In particular, it recommends the adoption of an ethics code that provides for the dismissal of police officers breaching this code through illegal, deviant, violent or racist behaviour. The report also points to the need for

special management training for middle ranking police officers.¹⁰⁵

The need for drastic and effective measures to tackle the racist and extremist violence that has plagued Greek society for far too long was underscored by another event: the murder of two young supporters of Golden Dawn, reportedly by an extremist left-wing group, outside the party’s offices in Athens on 1 November 2013. While legal measures and police action taken to tackle extremism are essential, the experiences of other Member States, particularly those which are also mobilising the efforts of civil society and local communities, could also be usefully considered.¹⁰⁶

The European Commission welcomed the government’s efforts, confirming its confidence in the Greek justice system. Despite the extraordinary efforts and measures taken, however, Golden Dawn remains the third largest party in polls conducted in October and November 2013. The latest poll conducted between 28 and 30 November shows that Golden Dawn has actually gained ground, based on voting intention, reaching 8.4 % from 7.8 % in October 2013 (undecided voters at 17.9 %). This points both to the need to recognise the extent and gravity of these issues¹⁰⁷ and on the need to take measures tackling extremism and racism locally, where public opinion is formed through the daily interaction of minority and majority communities.¹⁰⁸

103 See: Press release of 1 October 2013, available at: [www.astynomia.gr/index.php?option=ozo_content&lang=..&perform=view&id=32569&Itemid=1179&lang=.](http://www.astynomia.gr/index.php?option=ozo_content&lang=..&perform=view&id=32569&Itemid=1179&lang=)

104 See: Press release of 1 October 2013, available at: [www.astynomia.gr/index.php?option=ozo_content&lang=..&perform=view&id=32569&Itemid=1179&lang=.](http://www.astynomia.gr/index.php?option=ozo_content&lang=..&perform=view&id=32569&Itemid=1179&lang=)

105 See: Special Report (2013), *Wide investigation for the active engagement of police in illegal activity of Golden Dawn and possible participation in committing criminal acts, racist violence and corruption*, October 2013, available at: <http://www.astynomia.gr/images/stories/2013/prokirkiseis13/parousiasi.pdf>.

106 As an illustration, in Germany, see relevant actions of the Federal Ministry for Labour in the context of project Xenos concerning the disengagement of young people from extremist groups, available at: http://www.esf.de/portal/generator/6664/xenos__ausstieg__zum__einstieg__inhalt.html; and the work of the Network for Democracy and Courage, available at: <http://www.netzwerk-courage.de>; similar work is undertaken by Cultures Interactive, available at: <http://www.cultures-interactive.de>. In Sweden, Exit is a project by the NGO Fryshuset supporting those who want to leave extremist groups, available at: <http://exit.fryshuset.se/english>; in 2012–2014, the Ministry of Justice with the Institute for Strategic Dialogue will develop an EU funded project identifying measures taken at policy level and by civil society, and gather best practices in prevention, intervention and response to far-right extremism, available at: <http://www.strategicdialogue.org/sweden-actionresearch>. The Irish police *An Garda Síochána* developed and operates since 2009 a National Model of Community Policing, available at: <http://www.garda.ie/Documents/User/National%20Model%20of%20Community%20Policing%20-%20Jan%2026th%202009.pdf>.

107 See: <http://www.ethnos.gr/article.asp?catid=22767&subid=2&pubid=63927703>.

108 Doxiadis, A., Matsaganis, M. (2012), *National populism and xenophobia in Greece*, available at: http://counterpoint.uk.com/wp-content/uploads/2013/01/507_CP_RRadical_Greece_web-1.pdf.



Case study 2: Responding to racism, xenophobia and related intolerance in Hungary

During the meetings FRA held with government and public officials, statutory human rights bodies and civil society organisations in Hungary, it became apparent that while the legal apparatus offers a good level of formal protection in principle against racism, xenophobia and related intolerance, there is evidence to suggest that this apparatus and the policies that derive from it are nevertheless not implemented effectively. Secondary data and information analysed by FRA also point to a number of barriers concerning the implementation of relevant legal and policy provisions.

Despite evidence to the contrary, many public officials with whom FRA met maintained that discrimination, racism, intolerance and extremism are not a particular problem in Hungary. Limited awareness, as well as a lack of acknowledgement of the extent of these phenomena and their negative impact on social cohesion can be a barrier to fighting these phenomena. It could also hamper Hungary's efforts to promote the social integration of minority ethnic groups such as Roma.

The effective implementation of measures to combat discrimination, racism, xenophobia and related intolerance and promote social integration requires clear awareness of these issues at all levels of governance, as well as strong political will. The sections below examine action taken to fight discrimination, racist crime, intolerance and extremism, providing examples of existing legislation where relevant.

Social prejudice can also be related to the presence, actions and indirect influence on society of extremist parties, groups and organisations, such as the now banned Hungarian Guard, its spin-offs and other like-minded groups. All of these factors feed into an ongoing process, and elements of extremist ideology are increasingly found in political, media and public discourses in Hungary, as is the case in a number of other EU Member States.¹⁰⁹ This, in turn, can have a negative impact on the effectiveness of policies and

measures to tackle discrimination, racism, intolerance and extremism.

Cases of discrimination, racist violence and intolerance in Hungary have already been reported in the past by international bodies such as the Council of Europe's European Commission against Racism and Intolerance. In 1997, the first ECRI report on Hungary noted that, as in other countries, the Roma population faced particular problems and disadvantages, exacerbated by widespread discrimination, and urged the authorities to make a particular effort to develop targeted policies. It also noted some problems with antisemitism and proposed targeted policies.¹¹⁰ In 2000, the second ECRI report noted growing acknowledgement of problems of racism and discrimination particularly towards Roma. However, it expressed concern in regard to the incidence of discrimination towards Roma in all fields of life, including the administration of justice, as well as police ill-treatment. Given new patterns of migration, the report also called for greater consideration of the situation of non-citizens. The report also warned that, although "membership of neo-Nazi and extreme-right wing parties is at present relatively limited", care needs to be exercised to counter expressions of intolerance or antisemitism in political discourse and public debate.¹¹¹ In 2004, the third ECRI report considered progress in legislation and policy in dealing with racism, intolerance and discrimination as limited in a number of respects, noting problems with racially motivated violence, including acts of police brutality. The report noted anti-semitic, racist, xenophobic and intolerant expressions in the media, by some politicians, as well as within mainstream society, and added that initiatives at national level to combat racism and discrimination do not always

¹⁰⁹ FRA (2013b).

¹¹⁰ ECRI (1997), *First report on Hungary*, CRI(97)53, available at: http://hudoc.ecri.coe.int/XML/Ecri/ENGLISH/Cycle_01/01_CbC_eng/01-cbc-hungary-eng.pdf.

¹¹¹ ECRI (2000), *Second report on Hungary*, CRI(2000)5, available at: http://hudoc.ecri.coe.int/XML/Ecri/ENGLISH/Cycle_02/02_CbC_eng/02-cbc-hungary-eng.pdf.

successfully filter down to local level.¹¹² In 2009, the fourth ECRI report welcomed positive developments, particularly concerning Roma inclusion, but also noted an alarmingly sharp rise in racism in public discourse.¹¹³ In 2012, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance acknowledged the important steps taken in the fight against racism, racial discrimination, xenophobia and related intolerance, but also stated in the conclusions that “racial discrimination, racism and negative stereotypes against the Roma minority within State institutions, including the police and the judiciary, is a reality that Hungary should not deny”, and called for regular and mandatory human rights training for State agents, including the police and the judiciary. It also appealed for efforts to improve relations between the police and Roma, in order to restore confidence and increase reporting of racist acts to the authorities. The Special Rapporteur also noted a lack of adequate implementation of the broad range of initiatives developed and that the insufficiency of funding to ensure their effective implementation remains a major challenge.¹¹⁴

Despite measures taken by the authorities, intolerance, as a key element of extremist ideology, continued to manifest itself in the public sphere. On 26 November 2012, for example, a Member of Parliament for the Jobbik party, called for the drawing up of a list of Jews who, in his view, represented a security risk in Hungary: “I think now is the time to assess [...] how many people of Jewish origin there are here, and especially in the Hungarian Parliament and the Hungarian government, who represent a certain national security risk for Hungary.”¹¹⁵ The Speaker of the Parliament then called for tightening of House rules to allow such behaviour to be censured. On 5 January 2013, a prominent conservative commentator responded in a column in the *Magyar Hírlap* daily newspaper to the New Year’s Eve stabbing of two Hungarian youths allegedly by Roma perpetrators, saying: “A significant part of the Roma are unfit for coexistence. They are not fit to live among people. These Roma are animals, and they behave like animals. When they meet with resistance, they commit murder. They are incapable of human

communication. Inarticulate sounds pour out of their bestial skulls ... These animals should not be allowed to exist.”¹¹⁶ On 14 March 2013, another journalist, known for his antisemitic and anti-Roma views, was awarded the Táncsics prize for journalism for his work on the collapse of the Soviet Union and Yugoslavia. A number of previous holders of the Táncsics prize returned their awards in protest. Upon the request of the Minister for Human Resources, the 2013 prize winner in turn, returned his award on 21 March 2013. The minister was of the opinion that his antisemitic and anti-Roma views were contrary to those of the Hungarian state.

Anti-Roma prejudice, discrimination and hate crime

Act No. CLXXIX of 2011 on the rights of nationalities, which entered into force on 1 January 2012, recognises the Bulgarian, Greek, Croatian, Polish, German, Armenian, Roma, Romania, Ruthenian, Serbian, Slovak, Slovene and Ukrainian nationalities, which are defined as “ethnic groups resident in Hungary for at least one century.”¹¹⁷

According to Hungary’s *National Social Inclusion Strategy – Extreme Poverty, Child Poverty, the Roma (2011–2020)* published in December 2011, out of 750,000 Hungarian Roma, the majority (500,000–600,000) live in disadvantaged regions and in conditions of extreme poverty. In this context, Hungary aims to “[...] pay particular attention to the ethnic group of the Roma as experiences show that they are the poorest of the poor and have been least reached by the various inclusion programmes”. The Strategy notes that efforts are also made to “[...] keep track of, if necessary, via special, anti-discrimination programmes, the development of the situation of the Roma” and concludes that “[...] we need effective measures to combat discrimination and prejudice against the Roma”.¹¹⁸ FRA was informed during its meeting with the State Secretary for Social Inclusion that the strategy would be updated by the end of 2013, based on the experiences and feedback during the previous two years.

112 ECRI (2004), *Third report on Hungary*, CRI(2004)25, available at: <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Hungary/HUN-CbC-III-2004-25-ENG.pdf>.

113 ECRI (2009), *Fourth report on Hungary*, CRI(2009)3, available at: <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Hungary/HUN-CbC-IV-2009-003-ENG.pdf>.

114 Human Rights Council (2012), *Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Githu Muigai*, A/HRC/20/33/Add.1, Paras. 55 – 58, available at: http://www.ohchr.org/Documents/Issues/Racism/A.HRC.20.33.Add.1_en.pdf.

115 Reuters, available at: <http://www.reuters.com/article/2012/11/27/us-hungary-antisemitism-idUSBRE8AQ0L920121127>.

116 Human Rights Watch (2013), ‘Hungary’s Alarming Climate of Intolerance’, available at: www.hrw.org/news/2013/01/18/hungary-s-alarming-climate-intolerance.

117 Hungary, Act No. CLXXIX of 2011 on the rights of nationalities, Appendix No. 1 to Act No. CLXXIX of 2011, p. 74, available in English at: [www.venice.coe.int/webforms/documents/?pdf=CDL-REF\(2012\)014-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-REF(2012)014-e).

118 Ministry of Public Administration and Justice, State Secretariat for Social Inclusion (2011), *National Social Inclusion Strategy – Extreme Poverty, Child Poverty, the Roma (2011–2020)*, p. 6, available at: http://ec.europa.eu/justice/discrimination/files/roma_hungary_strategy_en.pdf.



The anti-discrimination legal framework (Equal Treatment Act) has been in force since January 2004.¹¹⁹ Article 8 lists 20 protected grounds that apply to individuals or groups, including racial origin; colour; nationality; affiliation with a nationality (in the sense of Act No. CLXXIX of 2011 on the rights of nationalities, see below); religious or ideological conviction; political or other opinion; sexual orientation; and sexual identity.

Other provisions of the Act concern protection from harassment and unlawful segregation: "Harassment is a conduct violating human dignity related to the relevant person's characteristic defined in Article 8 with the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment around a particular person. Unlawful segregation is a conduct that separates individuals or groups of individuals from others on the basis of their characteristics as defined in Article 8 without a reasonable explanation resulting from objective consideration."

Act No. CLXXIX of 2011 on the rights of nationalities regulates their participation in public life, with Article 9 under Chapter 2 stating: "Hungary forbids all policies and practices which a) are aimed at or result in the assimilation of nationalities into the majority nation or the exclusion and segregation of nationalities from the majority nation [...] c) persecute or intimidate a nationality or individuals belonging to a nationality due to their affiliation, make their living conditions more cumbersome or prevent them from the exercise of their rights".¹²⁰

Despite these legal provisions, anti-Roma prejudice is still very much in evidence, as noted in Hungary's 2011 National Social Inclusion Strategy: "[...] Right through to today's day and age, the social exclusion of Roma

has resulted in the perpetuation of mutual distrust, aggression and prejudice and a declining feeling of security".

FRA's Annual Report on the situation of fundamental rights in the EU, as well as other reports by national and international organisations, consistently show that Roma in Hungary suffer unequal treatment, discrimination, segregation, and harassment. Many also become victims of hate speech or hate crime. Statistics published by the national equality body, the Equal Treatment Authority, also show that Roma file approximately 10 % of all the discrimination complaints it receives (see Table 2).

The prejudiced attitudes identified in Hungary are felt at the level of society at large and often translate into an uneasy cohabitation between the Hungarian population as a whole and Roma, the largest ethnic minority group in Hungary,¹²¹ in particular. A 2011 survey of attitudes towards Roma in Hungary found, for example, that 60 % of a representative general population sample shared the view that "the inclination to criminality is in the blood of Gypsies". Another 42 % agreeing that "it is only right that there are still pubs, clubs and discos where Gypsies are not let in".¹²²

The national strategy recognises the problem, which is a very important step towards addressing the issue of Roma inclusion, but civil society organisations have criticised the fact that it pays little attention to Roma discrimination and anti-Gypsyism. These organisations argue that the strategy does not contain "concrete anti-prejudice or anti-discrimination measures or tools", nor does it describe any "concrete action, measure, tool, accountable person/body in charge, or dedicated

Table 2: Complaints from Roma persons received by the Equal Treatment Authority, 2008–2012

	2008	2009	2010	2011	2012
All applications	1,153	1,087	1,323	1,014	822
Applications related to Roma	112 (9.7 % of all applications)	104 (9.6 % of all applications)	128 (9.7 % of all applications)	118 (11.6 % of all applications)	81 (9.9 % of all applications)
Violations established	4	3	6	6	4

Source: Equal Treatment Authority

119 Hungary, Act No. CXXV of 2003 on equal treatment and the promotion of equal opportunities, available in English at: www2.ohchr.org/english/bodies/cescr/docs/E.C.12.HUN.3-Annex3.pdf.

120 Hungary, Act No. CLXXIX of 2011 on the rights of nationalities, p. 74, available in English at: [www.venice.coe.int/webforms/documents/?pdf=CDL-REF\(2012\)014-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-REF(2012)014-e).

121 Hungary, Central Statistical Office (2011), Population census 2011, 1.1.6.1 Population by mother tongue, nationality and sex, available at: www.ksh.hu/nepszamlalas/tables_regional_00.

122 Bernát, A., Juhász, A., Krekó, P., Molnár, C. (2013), *The roots of radicalism and anti-Roma attitudes on the far right*, p. 2, available at: www.tarki.hu/en/news/2013/items/20130305_bernata_juhasz_krekol_molnar.pdf.

funding to enforce the fight against racially or ethnically motivated crimes".¹²³

Media reporting, according to the Hungarian Association of Journalists, has not countered such prejudice, often presenting Roma as criminals or in a similarly negative light. This view is confirmed by a content analysis of print and broadcast media conducted by the Centre for Policy Studies, covering the years 1988, 1993, 1997, 2000 and 2010–2011. This research shows that a substantial proportion (37 %) of media reports in 2010–2011 covering Roma related to crime and criminality: "The Hungarian practice of attributing news value to ethnicity only in case when the perpetrator is Roma, but not when he or she belongs to some other minority living in Hungary (or to the majority, for that matter), has naturally contributed to the strenuous assumption of a direct connection between Roma identity and criminality. Although research revealed already in the 1980s that criminality is not any higher among Roma than in groups of a similar social standing, these results have not influenced public opinion about Roma."¹²⁴

The way Roma are represented in the media should be examined in the light of ethics codes by which media workers in Hungary have to abide, such as that of the Hungarian Association of Journalists¹²⁵ or that of the Hungarian Editors' Forum.¹²⁶ Section 2 on the freedom and responsibility of journalists of the Hungarian Association of Journalists states, for instance: "Journalists are obliged to respect human rights. They must not incite hatred or propagate racial discrimination against peoples, nations or ethnicities. They must not spread libel about anyone, or attempt to defame anyone because of his/her religion, beliefs, gender, physical or mental state, age or difference in way of living."

Part of the problem is that practicing journalists in Hungary generally do not receive any specific on-the-job anti-racism or diversity training, although anti-racism seminars are conducted at the academy of journalism.¹²⁷ The Equal Treatment Authority carried out 72 awareness-raising and training events between September 2010 and March 2013 that drew on real-life cases they had dealt with to thematise and discuss equality issues,¹²⁸ but these did not target the media.

Studies and several of the interlocutors with whom FRA met noted that strained community relations and tensions between Roma and non-Roma often fuel the rhetoric of Jobbik, a democratically elected party that has made anti-Roma statements a pillar of its political strategy.¹²⁹ Negative stereotypes are often linked to Roma unemployment and reliance on benefits, which, according to some FRA government interlocutors, was an important element of the Roma inclusion policies developed by previous governments. A report published in 2013 by the Fundamental Rights Commissioner highlights the fact that opposition to Roma is affected by radical ideologies and, if not effectively addressed, is likely to continue to contribute to a climate of mistrust and fear.¹³⁰

In this regard, nearly all the state representatives with whom FRA met considered the Public Works Programme¹³¹ to provide an efficient means of countering anti-Roma prejudice by reducing reliance on state benefits. The programme "aims to introduce a principle which focuses on the work-centred attitude of the economy, society and the state, and which can help boost employment rate ... Via communal work projects large numbers of people can be offered employment in order to achieve goals which provide added value. The Programme supports personalised communal work, by which public work employees create added value – in individual work phases, as part of a supply chain – for

123 Partners Hungary Foundation, Decade of Roma Inclusion Secretariat (2012), *Recommendations to the Hungarian National Social Inclusion Strategy*, p. 6, available at: www.habitat.hu/files/CivilekRomaStrat_angol_vegleges_marc6.pdf.

124 Center for Policy Studies (2013), *Pushed to the Edge – Research report on the representation of Roma communities in the Hungarian mainstream media, 2011*, p. 8, available at: http://cps.ceu.hu/sites/default/files/publications/cps-working-paper-pushed-to-the-edge-2013_0.pdf; see also, Centre for Independent Journalism (2011), *Minorities in the Hungarian media: campaigns, projects and programmes for integration*, available at: www.cij.hu/hu/wp-content/uploads/2011/02/toth-b-kisebbsmedia-web-eng_final.pdf.

125 EthicNet (2013), *Ethical code of the national association of Hungarian journalists*, available at: http://ethicnet.uta.fi/hungary/ethical_code_of_the_national_association_of_hungarian_journalists.

126 Főszerkesztők Fóruma (2012), *Self-regulatory ethical guidelines*, available at: http://foszerkesztokforuma.files.wordpress.com/2012/01/english_ethical-guidelines_final.pdf.

127 See: www.muosz.hu/szervezet_fo.php?page=akademia.

128 See: <http://egyenlobanasmod.hu/tamop/kepzesek>.

129 See, among others, Bíró, N. and András-Róna, D. (2011), 'Tudatos radikalizmus. A Jobbik útja a parlamentbe (2003–2010)', in: Láncki, A. (ed.), *Nemzet és radikalizmus: Egy új pártcsalád felemelkedése*. Budapest, Századvég.

130 Office of the Commissioner for Fundamental Rights (2013), *Annual Report 2012*, available at: <http://www.ajbh.hu/documents/14315/129172/Annual+Report+2012/de07c143-0041-463a-afba-491a6b8d1680?version=1.0>.

131 See: Nemzeti Foglalkoztatási Szolgálat (2013), *Amit a közfoglalkoztatásról tudni kell*, available at: www.afsz.hu/resource.aspx?ResourceID=nfsz_kozfoglalkoztatas_tudnikell; Nemzeti Foglalkoztatási Szolgálat (2013), *Tájékoztató a közfoglalkoztatást érintő, 2013. január 1-jén hatályba lépett legfontosabb jogszabályváltozásokról*, available at: www.afsz.hu/resource.aspx?ResourceID=nfsz_kozfoglalkoztatas_jogszabalyvaltozas.



which demand from the central administration can be secured.”¹³²

The main thrust of the argument in favour of the Public Works Programme is that if the majority population see more Roma engaging in paid work, this could, in time, help counter negative stereotypes. The Deputy State Secretary for Public Employment at the Ministry of Interior manages the programme centrally and the Employment Centres administer it regionally. Under the programme, people who would normally receive social benefits, many of whom are Roma, are encouraged to engage in paid work in the public interest. The remuneration is twice the amount that would be received under a social benefits scheme, but lower than the minimum wage, arguably as an incentive to look for work beyond the Programme.

The government drew up a framework agreement with the Roma Self Government for 100,000 jobs for Roma under this Start programme.¹³³ The *Medium-term concept of the public work scheme (2012–2014)* puts a premium on involving Roma. The Roma Self Government ran an information campaign between May 2012 and March 2013 to inform Roma about the programme and encourage them to participate. The Roma Self Government also liaised with relevant stakeholders, including employment centres and employers. The government informed FRA that the goals of the *Medium-term concept of the public work scheme (2012–2014)* have so far been achieved, although an independent evaluation has not yet been published.

Concerns were, however, raised by the Legal Defence Bureau for National and Ethnic Minorities (NEKI) that some provisions of the programme may be discriminatory when compared to provisions applying to regular employment. People working under this programme are, for instance, entitled to fewer holidays. They are entitled to 20 days of holiday a year, regardless of the length of time they have worked within the programme, compared to, for regular employment, an initial 20 days with further days added for length of service. They also receive a lower minimum wage than those in regular work. As of 1 January 2013, their programme wages are 75,500 HUF/month against a minimum wage of

98,000 HUF/month.¹³⁴ According to the government, this does not constitute a disproportional disadvantage, because it is justified by the objective of the legal relationship and is compensated by other rules more favourable to public work employees.

Another concern NEKI raised is that if someone is laid off while working within the programme, they risk exclusion from the social benefits programme for three years. NEKI claims that this has led to a climate of fear among some Roma, who end up doing any work that local councils provide them. These two factors are particularly worrying, as NEKI often receives complaints about working conditions under the programme: participants have claimed that they are doing hard physical labour, sometimes under conditions lacking basic amenities and facilities and that they have not been issued adequate protective gear.¹³⁵ According to the government, the Commissioner for Fundamental Rights, as well as work safety and labour supervisors and officials of the employment authorities supervising the working conditions of public employees, should ensure that employment and working conditions are in line with legal requirements. In its 2012 Annual Report, the Commissioner for Fundamental Rights said that the public works scheme could only provide a temporary solution. The Commissioner also asked that free legal advice and aid be provided to workers in such schemes in order to ensure better access to justice in regard to equality and non-discrimination.

The 2011 National Social Inclusion Strategy acknowledges the existence of problems related to racism and intolerance, and considers a series of measures as priorities, including improving the representation of Roma in the media; enabling the majority society to learn about Roma culture by creating a Roma Cultural Centre; and developing programmes with the cooperation of the police, Roma self-government and civil society organisations on crime prevention, drug prevention and

132 Hungary, Ministry for National Economy (2012), *Employment and labour market conditions are favourable in Hungary*, available at: www.kormany.hu/download/6/67/90000/employment%20and%20labour%20market%20conditions%20are%20favourable%20in%20Hungary.pdf.

133 See: Government Regulation No. 1338 of 2011 (X. 14.) on the implementation of the framework agreement (a *Kormány és az ORÖ között kötött keretmegállapodásban foglalt számszerűsíthető célkitűzések elérése érdekében kidolgozott részletes intézkedési tervről szóló 1338/2011. (X. 14.) Korm. határozat*).

134 Act No. CVI of 2011 on the amendment of the law on public employment, and related and other laws (a *közfoglalkoztatásról és a közfoglalkoztatáshoz kapcsolódó, valamint egyéb törvények módosításáról szóló 2011. évi CVI. törvény*), Para. 4(a); Government Decree No. CLXX of 2011 (VIII. 24.) on the wages in public employment (a *közfoglalkoztatási bér és a közfoglalkoztatási garantált bér megállapításáról szóló 170/2011. (VIII. 24.) Korm. rendelet*), Para. 1(a); see also the note of the employment centre on wages: Hungary, Public Employment and Logistics Department (2013), 'Tájékoztató – a közfoglalkoztatáshoz kapcsolódó legfontosabb bérek és juttatások változásairól', 10 January 2012, available at: http://www.afsz.hu/resource.aspx?ResourceID=nfsz_kozfoglalkoztatas_berekjuttatasok.

135 NEKI (2013), *Szociális ellátások és közmunka*, available at: <http://dev.neki.hu/szocialis-es-kozmunka>.

conflict management involving local communities.¹³⁶ Establishing the Nationality and Roma Cultural and Methodological Centre (*Nemzetiségi és Roma Kulturális és Módszertani Központ*) reportedly presents difficulties for local authorities in Székesfehérvár, Miskolc, Sárospatak and Ózd, following protests by local residents that were largely incited by Jobbik.¹³⁷

Meanwhile, Roma continue to be painted in a negative light, contributing to the persistence of intolerant attitudes. In particular, the notion of ‘Gypsy criminality’ is exploited by Jobbik and like-minded organisations. Studies have shown that incidents involving Roma arrested or convicted for criminal activities fuel anti-Roma rhetoric: “Jobbik and the Hungarian Guard widely exploited these cases [Olaszliszka in 2006; Kiskunlacháza in 2008; Veszprém in 2009] to increase the focus on openly racist statements in the media and posters on alleged ‘Gypsy criminality,’ especially in the campaign for elections to the European Parliament in 2009.”¹³⁸

Tensions and violent incidents against Roma have increased in recent years. The following case is considered important in the Hungarian legal context, because it established the notion of criminal liability for violence against members of an ethnic group.¹³⁹ On 22 January 2008, five men attacked two Roma women in the city of Szigetvár, admitting, following their arrest, that the attacks were racially motivated but later retracting this admission. On 4 October 2009 the court of second instance ruled that racial motivation could be proven, because the perpetrators had made racist statements in public and had totalitarian symbols in their homes. Three of the defendants were found guilty of violence against members of an ethnic group and sentenced to prison terms of 30, 26 and 18 months. Two of the sentences were suspended.

A long-awaited verdict was reached on 6 August 2013 in a case involving a series of nine attacks against Roma

families in north-eastern Hungary,¹⁴⁰ which resulted in six deaths and multiple injuries. The defendants – four men – used guns, grenades and petrol bombs against Roma over a 14-month period in 2008 and 2009. In one attack, on 23 February 2009 in Tatárszentgyörgy, a 27-year-old Roma man and his four-year-old son were shot dead when they attempted to escape their house, which had been set on fire by Molotov cocktails.

The court found three of the defendants guilty of multiple premeditated murders carried out with particular cruelty. It acknowledged the anti-Roma bias that motivated these murders and sentenced the perpetrators to life imprisonment. The fourth man was found guilty of being an accessory to multiple premeditated murders carried out with particular cruelty and was sentenced to 13 years in prison.

Not long before, the issue of incitement to hatred against a member of the majority population by a member of a minority group was raised when a young Hungarian student was attacked with a knife by seven people, six of whom self-identified as Roma. The incident took place in a Budapest neighbourhood with a sizeable Roma population on 30 September 2009.¹⁴¹ In October 2011, the court found the defendants guilty of violence against a member of an ethnic group and sentenced one of the perpetrators to 3-1/2 years in prison.¹⁴² This prompted a heated debate, with some commentators arguing that the relevant provisions in the Criminal Code should be regarded as a tool offering protection only to minorities.¹⁴³

The Chief Prosecution Office of Borsod-Abaúj-Zemplén County provided FRA with details of a similar case involving crimes against the majority population. In what became known as the ‘Sajóbabony case’, a criminal procedure was initiated against a number of Roma who perpetrated acts of violence against non-Roma who, under this criminal procedure, were treated as members of a community. On 15 November 2009,

136 Hungary, Ministry of Public Administration and Justice, State Secretariat for Social Inclusion (2011), *National Social Inclusion Strategy – Extreme Poverty, Child Poverty, the Roma (2011–2020)*, p. 104, available at: http://ec.europa.eu/justice/discrimination/files/roma_hungary_strategy_en.pdf.

137 See: Kovács, I., ‘Senkinek nem kell? Ózdról is kiutálnák a roma kulturális központot’, *Hvg.hu*, available at: http://hvg.hu/itthon/20130515_Ozd_roma_kuturkozpont_tuntetes.

138 OSCE, ODIHR (2010), *Addressing violence, promoting integration: Field Assessment of Violent Incidents against Roma in Hungary*, Warsaw, ODIHR, p. 6, available at: www.osce.org/odihr/68545.

139 Ungár, T. (2009), ‘Etnikai bűncselekményért ítélték el a szigetvári bántalmazókat’, *Népszabadság*, 10 April 2009, available at: http://nol.hu/belfold/etnikai_buncselekmenyert_italtek_el_a_szigetvari_bantalmozokat?ref=sso.

140 See: Hungary, Bíróság (2013), ‘A Budapest Környéki Törvényszék sajtóközleménye a 2013. aug. 6-án hozott elsőfokú ítéletről’, Press release, 7 August 2013, available at: www.birosag.hu/szakmai-informaciok/sajtokozlemeny/budapest-kornyeki-torvenyszek-sajtokozlemeny-2013-aug-6-hozott; see also: Amnesty International Hungary (2009), ‘Violent Attacks Against Roma in Hungary’, available at: http://amnesty.hu/item/violent-attacks-against-roma-in-hungary-report?category_id=21.

141 Origo (2013), ‘Cigányozni vagy magyarozni veszélyesebb?’, available at: www.origo.hu/itthon/20130510-mikor-kiket-italnek-el-kozosseg-elleni-eroszak-vadjaval.html.

142 Hungary, Municipal Court, 24 October 2011, see: www.fovarositorvenyszek.hu/sites/default/files/allomanyok/sajto/kozlemenyek/111024_r_jozsef_masodfok.pdf.

143 Czene, G. (2013), ‘A bíróság megint romák között talált rasszistákat’, *Népszabadság Online*, available at: http://nol.hu/lap/mo/20130510-a_birosag_megint_romak_kozott_talalt_rasszistakat?ref=sso.



members of the disbanded Hungarian Guard held an event on private land in Sajóbáony. A group of local Roma, some armed with tools, appeared on site and began verbally abusing them. A number of Roma then set upon a car with three passengers in it, members of the former Hungarian Guard, smashing its window with an axe and verbally abusing the passengers. Police present at the time did not intervene to defuse the situation. The Roma defendants argued that they were protecting themselves against members of the former Hungarian Guard and not against Hungarians per se. The Tribunal in Miskolc ruled, however, that the attacks were targeting Hungarians and convicted the perpetrators for violence against members of a community, sentencing them to prison. At the time of writing, the second instance procedure at the Regional Court of Appeal in Debrecen had not yet started.

An important question arising in this case is whether people engaging in activities of an organisation disbanded by a court order are eligible to be defended as members of a community. The relevant legal provision is Section 216 of the Criminal Code, which makes violence against a member of a community defined by a protected characteristic an offence. According to the Chief Prosecution Office of Borsod-Abaúj-Zemplén County, the ECtHR decision of 9 July 2013, which upheld the Hungarian Supreme Court ruling of 15 December 2009 disbanding the Hungarian Guard Association, said they would therefore not be eligible for such a defence.¹⁴⁴

The Chief Prosecution Office of Borsod-Abaúj-Zemplén County further informed FRA that in another similar case, Roma people carrying Molotov cocktails, bats and poles attacked a car in Miskolc in March 2009. A bat with the inscription 'Death to Hungarians' was seized from the perpetrators. The defence was comparable to that presented in the Sajóbáony case and the defendants were found guilty of committing violence against a member of a community, in this case the Hungarian community. The defendants received a prison sentence. No final judgement had been delivered on the case at the time of writing, as the court of second instance was still processing the case.

Marches co-organised and attended by assorted extremist organisations and groups confronting local Roma with verbal and physical threats and harassment, including death threats, is one way that anti-Roma prejudice has been expressed in Hungary. For example, according to Amnesty International, Jobbik organised events, such as a demonstration 'against gypsy-terror' on 6 March 2011 in Gyöngyöspata, calling for

the protection of Hungarians, which was attended by between 1,500 and 3,000 people.¹⁴⁵

The National Assembly reacted by setting up an ad hoc committee to investigate the events in Gyöngyöspata.¹⁴⁶ The committee concluded that "Jobbik and organisations related to the party purposively generated an unstable situation regarding public security, which they took political advantage of."¹⁴⁷

The public prosecutors' office informed FRA that it responded to the events in Gyöngyöspata by filing a lawsuit for the dissolution of the 'Civil Guard Association for a Better Future' based on the Criminal Code: Section 216 on violence against a member of a community; Section 332 on incitement against a community; and Section 352 on unlawful organisation of public security activities; as well as under Article 171 on unlawful conduct of public security activities of the 2012 Act on Misdemeanours, the Misdemeanour Procedure, and the Misdemeanour Registry.¹⁴⁸

When the court of first instance rejected the lawsuit, the prosecution filed an appeal, on the grounds that the actions of 'For a Better Future' were considered racist. The prosecution argued that increased patrolling carried out by members of the association while wearing uniforms and marching in military formation against what they termed 'Gypsy criminality' was racist conduct that infringed upon the rights of Roma people. The prosecution services also argued that securing public order through the use of legitimate force is a function of the state and thus the actions of the association breached the peace. The large police presence required to ensure public order in Gyöngyöspata reinforced this point. The appeal was successful, and the court of second instance ordered a new trial. The case was still pending at the time of writing this report.

In a public statement, Amnesty International and the Hungarian Helsinki Committee argued that the police did not intervene in the Gyöngyöspata incident, and that the illegal activities perpetrated by the extremist groups involved were not investigated or prosecuted. They also claimed that the police dismissed Roma

144 ECtHR, *Vona v. Hungary*, No. 35943/10, available at: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-122183>.

145 Amnesty International (2012), 'Hungary: Report into vigilante activities in Gyöngyöspata fails to address discrimination', Public statement EUR 27/001/2012, 4 April 2012.

146 Hungary, National Assembly, Decree No. 34 of 2011 (VI 7).

147 Hungary, Parliament (2012), *Az egyenruhás bűnözés folyamatát, Hattérét és a gyöngyöspatai eseményeket feltáró, valamint az egyenruhás bűnözés felszámolását elősegítő eseti bizottság jelentése*, 29 March 2012, available at: www.parlament.hu/irom39/06574/06574.pdf.

148 Hungary, Act II of 2012 on Misdemeanours, the Misdemeanour Procedure, and the Misdemeanour Registry System (2012. évi II. törvény a szabálysértésekről, a szabálysértési eljárásról és a szabálysértési nyilvántartási rendszerről).

claims that their complaints were received incorrectly and that proceedings were initiated under the wrong statutory provisions, which resulted in the acquittal of those few individuals who had been charged.¹⁴⁹ Similarly, a report into violent incidents against Roma in Hungary, issued by the Organization for Security and Co-operation's Office on Democratic Institutions and Human Rights (OSCE/ODIHR), notes that the initial official response to the violent incidents was slow and not sufficiently robust.¹⁵⁰

Antisemitism and other forms of prejudice

Hungary has adopted a firm stance on antisemitism. The Prime Minister announced a 'zero tolerance policy' on the occasion of the 14th World Jewish Congress plenary assembly, which was exceptionally held in Budapest, rather than its normal venue in Jerusalem, in May 2013. The speech acknowledges that antisemitism is an issue of serious concern that needs to be tackled urgently.¹⁵¹ The Deputy Prime Minister reiterated the 'zero tolerance' policy message at an international conference on antisemitism hosted at the Hungarian Parliament in October 2013.¹⁵² Nevertheless, Jobbik staged a demonstration during the annual Jewish Congress "in memory of victims of Bolshevism and Zionism", even though the Prime Minister had asked for the use of all lawful means to prevent this demonstration and asked the Supreme Court to examine legal means to enforce the relevant constitutional provisions. However, after a court overruled a police ban, the demonstration took place.

The Hungarian authorities informed FRA of a series of measures taken to tackle antisemitism. These include constitutional provisions under the Fourth Amendment of the Hungarian Constitution regulating hate speech,

which stipulate that "freedom of expression may not be exercised with the aim of violating the dignity of the Hungarian nation or of any national, ethnic, racial or religious community". Hungary has also adopted legal measures that criminalise Holocaust denial, violence against a member of a community, incitement against a community, publicly denying the crimes of National Socialist and Communist regimes, and the use of symbols of totalitarian regimes. The year 2014 has also been designated Hungarian Holocaust Memorial Year, commemorating the events that took place in Hungary 70 years ago. Furthermore, a number of paramilitary groups, such as the Hungarian Guard, were banned. And, finally, parliamentary house rules on hate speech were revised to allow members of parliament to be fined or excluded from proceedings. The educational core curriculum also has several provisions promoting respect for human rights and social diversity, as well as points on how to teach pupils and students about the Holocaust.

The World Jewish Congress nevertheless commented that "the Prime Minister did not confront the true nature of the problem: the threat posed by the anti-Semites in general and by the extreme-right Jobbik party in particular. We regret that Mr [Viktor] Orbán did not address any recent anti-Semitic or racist incidents in the country, nor did he provide sufficient reassurance that a clear line has been drawn between his government and the far-right fringe. As the Jewish people have learnt throughout history: Actions speak louder than words, no matter how well intended they are."¹⁵³

The effectiveness of efforts to counter antisemitism had been previously criticised. The US Department of State's 2012 religious freedom report, for example, highlights that: "Jewish groups expressed concern over an increase in actions by members of the governing parties at the local and national levels aimed at rehabilitating the reputation of historic figures known for anti-Semitic views and support of fascism. Some members of the Jewish community stated that the government sent mixed messages by condemning societal anti-Semitism while condoning or actively participating in these rehabilitations."¹⁵⁴

Examples of such rehabilitation include the introduction of changes in the national school curriculum, making it compulsory in primary school to teach and study novels written by known antisemites such as Albert

149 Amnesty International (2012), *Hungary: Report into vigilante activities in Gyöngyös fails to address discrimination Public statement*; Hungarian Helsinki Committee (2011), *Event of concern in Hungary during the period of the country's EU Presidency*, available at: http://helsinki.hu/wp-content/uploads/HHC_Events_of_concern_in_Hungary_during_the_countrys_EU_presidency_2011 June.pdf.

150 OSCE, ODIHR (2010), *Addressing violence, promoting integration: Field Assessment of Violent Incidents against Roma in Hungary*, Warsaw, ODIHR, 15 June 2010, p. 5.

151 Hungary, Prime Minister's Office (2013), *Speech by Prime Minister Viktor Orbán at the 14th Plenary Assembly of the World Jewish Congress*, available at: www.kormany.hu/en/prime-minister-s-office/the-prime-ministers-speeches/speech-by-viktor-orban-at-the-14th-plenary-assembly-of-the-world-jewish-congress.

152 Hungary, Ministry of Public Administration and Justice (2013), *Deputy Prime Minister delivers speech at conference on antisemitism*, available at: www.kormany.hu/en/ministry-of-public-administration-and-justice/news/deputy-prime-minister-delivers-speech-at-conference-on-antisemitism.

153 World Jewish Congress (2013), *WJC reaction: Orbán speech did not confront true nature of problem in Hungary*, available at: www.worldjewishcongress.org/en/news/13469/wjc_reaction_orb_n_speech_did_not_confront_true_nature_of_problem_in_hungary.

154 United States Department of State, Bureau of Democracy, Human Rights and Labor (2012), *International religious freedom report for 2012*, available at: www.state.gov/j/drl/rls/irf/religiousfreedom/#wrapper.



Wass, who was convicted of war crimes committed in Romania during the Second World War,¹⁵⁵ or by József Nyírő, a Member of Parliament who supported the Hungarian Nazi movement. Official tributes have also been paid to Miklós Horthy, who was responsible for the deportation of more than 400,000 Hungarian Jews¹⁵⁶ and for naming a Budapest street after Pál Teleki, a former prime minister who introduced antisemitic laws in 1920, 1939 and 1941.

The findings of FRA's online survey on perceptions and experiences of antisemitism, discrimination and hate crime, in which 5,847 self-identified Jewish people participated in eight EU Member States (528 in Hungary),¹⁵⁷ indicate that antisemitism is an issue of concern to Jewish respondents in Hungary.¹⁵⁸ Of all the respondents, 90 % perceived that antisemitism is a problem in Hungary in comparison to the average of 66 % for all eight EU Member States covered by the survey. The three areas in which Jewish respondents in Hungary perceive antisemitism to be the biggest problem are: on the internet (86 %; eight EU Member States average: 75 %); in political life (84 %; eight EU Member States average: 44 %); and as regards the desecration of Jewish cemeteries (79 %; eight EU Member States average: 50 %). Survey findings show that 91 % of Jewish respondents perceive that antisemitism has increased in Hungary over the last five years against the eight-EU Member State average of 66 %. Of the Jewish respondents in Hungary, 30 % said they had experienced insults, harassment and/or a physical attack in the 12 months preceding the survey because they were Jewish, while the eight-EU Member State average was 21 %. The survey shows that 43 % of Jewish respondents in Hungary said they had witnessed other Jews being insulted, harassed and/or physically attacked in the 12 months preceding the survey versus the eight-EU Member State average of 27 %. In 79 % of cases, Jewish respondents identified someone with a right-wing political view as the person who made negative statements about Jews compared to the eight EU Member State average of 39 %, while another 32 % identified someone with a Christian view as the person who made negative statements about Jews versus the eight-state average of 19 %. Ninety percent of Hungarian Jewish respondents did not report the most serious incident of antisemitic harassment they

had experienced in the past five years to any organisation compared to the eight-state average of 76 %, with 52 % saying that their main reason for not reporting was that nothing would happen or change if they did so. This compares with an average of 47 % across the eight EU Member States covered by the survey. Of all the Jewish respondents in Hungary, 48 % said that they had considered emigrating from the country because they did not feel safe there as Jews in the past five years against the eight EU Member State average of 29 %.

Implementing the policy of zero tolerance will require sustained effort. In April 2013, the Prime Minister's Office intervened to prevent a planned drive of the Patriotic Bikers organisation (*Nemzeti Érzelmű Motorosok*) in Budapest. This organisation had aimed to drive through the city, passing by the Dohány street synagogue on 21 April 2013, under the event slogan of "*Adj gázt!*" (literally "give gas", meaning "put your foot down") – a direct reference to the murder of Jews by gas in concentration camps during the Holocaust.

The bikers' demonstration was planned to coincide with the annual March for Life, which commemorates the victims of the Holocaust. The legal basis called upon to ban the demonstration was the Fourth Amendment of the Constitution. According to media reports, the police did not initially ban the meeting, but, following an intervention by the Prime Minister, reversed their decision. The bikers' organisation brought the case to court, but their petition was rejected. It later planned a similar event on a different route, but reportedly this was again banned after a renewed intervention by the Prime Minister.¹⁵⁹

Concerns about growing expression of xenophobic attitudes towards asylum seekers and refugees had already been raised in 2011 by the United Nations High Commissioner for Refugees (UNHCR), following "unscheduled visits by the UN Special Rapporteurs on the Promotion and Protection of the Rights to Freedom of Opinion and Expression (April), and on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance (May). Both Rapporteurs expressed concerns about xenophobia, racism and intolerance encountered by refugees and asylum-seekers in Hungary as well as the harsh conditions of detention imposed on asylum-seekers."¹⁶⁰ In December 2012, UNHCR, in an update to its October 2012 position

155 Szegő, I.M. (2007), 'Wass Albert még mindig háborús bűnös', *Index*, 22 May 2007, available at: <http://index.hu/tudomany/tortenelem/vekwass62372/>.

156 Human rights Watch (2013), 'Hungary's Alarming Climate of Intolerance', available at: www.hrw.org/news/2013/01/18/hungary-s-alarming-climate-intolerance.

157 The eight EU Member States are Belgium, France, Germany, Great Britain, Hungary, Italy, Latvia and Sweden.

158 FRA (2013a). The survey methodology is explained in: FRA (2013c); data available through data explorer tool at: <http://fra.europa.eu/DVS/DVT/as2013.php>.

159 Simon, Z. (2013), 'Hungary Bans Anti-Semitic Rally on Holocaust Memorial Day', available at: www.bloomberg.com/news/2013-04-08/hungary-should-scrap-anti-semitic-demo-jewish-group-says.html.

160 UNHCR (2012), *Hungary as a country of asylum – Observations on the situation of asylum-seekers and refugees in Hungary*, p. 3, available at: www.refworld.org/pdfid/4f9167db2.pdf.

paper, urged EU Member States to refrain from returning asylum-seekers to Hungary under the Dublin II Regulation. It did, though, acknowledged the progress Hungary had made in its asylum practice.¹⁶¹ The update noted that some improvements were observed with regard to the detention of asylum-seekers. It pointed, for example, to the monitoring of conditions by the National Police headquarters and by the Chief Prosecutor's Office. It added that a comprehensive and structural review remains necessary to ensure that fundamental improvements to the strict detention regime and the related conditions imposed on detained asylum-seekers and irregular migrants are guaranteed in law and sustained in practice.

During its meeting with FRA, the NGO Menedék argued that the recent arrival of relatively large numbers of asylum seekers for the first time in Hungary (Table 3) had led to expressions of racist and xenophobic sentiments in towns hosting reception and detention centres, such as Balassagyarmat, Bicske, Debrecen or Vámoszabadi. Jobbik organised a public demonstration in May 2013, for example, with the aim of asking for the Debrecen reception centre to be shut down because, Jobbik claimed, the presence of asylum seekers led to an increase in criminality in the town. The police pointed out that the presence of asylum seekers did not, in fact, lead to higher recorded levels of criminality.¹⁶² In the words of FRA's interlocutors at Menedék, the local population feared "too many black people outside" the

reception centres. The police have increased foot and vehicle patrols in public areas where local residents and foreigners have previously been involved in conflicts. The government said the increased patrolling had cut crime and improved citizens' perception of their security, thereby helping to prevent an increase in hostile sentiments towards refugees.

A number of studies, including a general population study published by the Equal Treatment Authority,¹⁶³ show that discrimination based on sexual orientation and negative discourse concerning LGBT people is widespread in Hungary, and that LGBT people have faced discrimination to a greater degree in recent years.¹⁶⁴ In its 2013 report on the extent of equal treatment awareness, the Equal Treatment Authority notes that despite significant steps in the last two decades towards establishing equal rights for LGBT people, discrimination, prejudice, hate speech, and violent attacks persist.

The difficulties faced by the organisers of the LGBT Pride Festival in obtaining permits to hold this event in 2011 and in 2012 testify to such prejudice, although they did not experience similar problems in 2013.¹⁶⁵ In 2012, the Budapest Chief of Police issued an order not to grant a permit for the Budapest Pride March on the grounds that traffic flow could not be guaranteed through alternative routes or means of transport. The police decision and the reasoning behind it was almost

Table 3: Asylum applications lodged in Hungary, 2008 – First semester 2013

	2008	2009	2010	2011	2012	Until 03 July 2013
Number of applicants	3,175	4,670	2,105	1,720	2,155	11,868

Sources: 2008-2012: Eurostat, Asylum and new asylum applicants by citizenship, age and sex Annual aggregated data, available at: http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyappctza&lang=en; 2013: Estimated by Hungarian Helsinki Committee (2013), Brief information note on the main asylum-related legal changes in Hungary as of 1 July 2013, p. 3, available at: <http://helsinki.hu/wp-content/uploads/HHC-update-hungary-asylum-1-july-2013.pdf>

161 UNHCR (2012), *Note on Dublin transfers to Hungary of people who have transited through Serbia – update*, December 2012, available at <http://www.refworld.org/docid/50d1d13e2.html>.

162 See: Migráns Szolidaritás Csoport (2013), 'Press release 2013.05.18: the Jobbik threat against the Debrecen reception centre', available at: <http://migszol.com/cikk/514>.

163 Hungary, Equal Treatment Authority (2011), *Az egyenlő bánásmóddal kapcsolatos jogtudatosság növekedésének mértéke – fókuszban a nők, a romák, a fogyatékos és az LMBT emberek*, available at: www.egyenlobanasmod.hu/tamop/data/MTA_1hullam.pdf.

164 See: Immigration and Refugee Board of Canada (2012), *Hungary: Situation and treatment of sexual minorities, including legislation, state protection, and support services*, HUN104102.E, available at: www.refworld.org/docid/5035fcf7328.html.

165 The European Parliament's Intergroup on LGBT rights (2012), 'Hungary: increasingly hostile climate for LGBT people', Press release, 13 April 2012, available at: www.lgbt-ep.eu/press-releases/hungary-increasingly-hostile-climate-for-lgbt-people; Human Rights Watch, 'Hungary: Revoke Denial of Pride March Route' available at: www.hrw.org/news/2012/04/11/hungary-revoke-denial-pride-march-route.



identical to the 2011 decision and was issued by the same person.

The organisers of the Pride event brought the case to court with legal assistance from the Hungarian Civil Liberties Union, which found that the arguments used by the police were largely irrelevant. The Civil Liberties Union said that even if the pride march led to some traffic disruption, the scale of the disturbance would not be sufficient to support a ban.¹⁶⁶ They also noted that the route planned for the march was more or less the same as that generally used for demonstrations organised in Budapest.¹⁶⁷

The issue of cyberhate poses a particular challenge for the Hungarian authorities. An openly racist, xenophobic, anti-Roma, antisemitic and homophobic web portal (<https://kuruc.info>) continues to operate. The authorities cannot shut it down as its server is located in the U.S.. In early October 2013, Kuruc.info was frequently visited,¹⁶⁸ and appeared to have more page views than several national daily newspapers, such as *Népszabadság Online* or *Magyar Nemzet*.¹⁶⁹

Kuruc.info has strong ties to Jobbik, with the party's campaign ads and a digest of its activities regularly and readily available on the portal. On 9 October 2013, for instance, when typing the link for Kuruc.info in a web browser, a window with advertisement for Jobbik appeared.

The Metropolitan Chief Prosecution Office informed FRA that it had tried to take measures to shut down Kuruc.info, including requesting legal assistance from the US authorities. The latter responded that they were unable to intervene due to the provisions of the First Constitutional Amendment on free speech, as the website does not contain material constituting a direct threat or inciting to violence against a specific person. The Facebook profile of Kuruc.info was removed upon the request of the Hungarian Jewish Action and Protection Foundation (*Tett és Védelem Alapítvány*), but a new profile was created within hours.¹⁷⁰ The Foundation has asked Facebook to remove the profile of Kuruc.info but apparently with little success.¹⁷¹

A provision was introduced into the Criminal Code that came into force on 1 July 2013 on the permanent suppressing of computer data (§ 77, *Az elektronikus adat végleges hozzáférhetetlenné tétele*), which would enable the Hungarian authorities to temporarily suppress internet content constituting acts against the state as defined in Chapter XXIV of the Criminal Code. Such acts include organising against the constitutional order.

Barriers to the effective implementation of responses

Concerns about the effective implementation of measures to tackle prejudice and hate crime through legal instruments have been expressed in Annual Reports by the Hungarian Commissioner for Fundamental Rights. The Commissioner's recent publication on the prevention of hate speech notes that legal prohibitions are not sufficient in themselves. A broader effort to bring about change in social attitudes through education and communication tools is needed.¹⁷²

Criminal justice data relating to the provisions of the Criminal Code are available via two databases maintained by the General Prosecutor's Office (*Legfőbb Ügyészség*): the Unified Criminal Statistics of Investigation Authorities and Public Prosecution (ENYÜBS) for cases registered by the police and prosecution; and the Prosecution Information System (VIR) for criminal court cases. The only data broken down by the crimes recorded in these databases relate to the public denial of crimes of totalitarian regimes, as defined under Section 335 of the Criminal Code. As these databases are not linked, developments related to individual cases cannot easily be tracked through the system.¹⁷³

These databases provide a limited picture of how racist and related crimes are prosecuted in Hungary (Table 4). The Department for Supervision of Investigations and Preparation of Indictments informed FRA that less than a quarter of criminal procedures initiated between 2009 and 2012 for crimes against public peace, which include incitement against a community, Holocaust denial

166 Index (2012), 'Mégis lehet megfelfelvonalás', available at: http://index.hu/belfold/2012/04/13/megis_lehet_megfelfelvonalas.

167 HCLU (2012), 'Again, the Banning of the Budapest Pride March Requires Legal Remedy', available at: <http://tasz.hu/node/2649>.

168 See: www.alexa.com/siteinfo/kuruc.info.

169 See: www.alexa.com/topsites/countries/3/HU.

170 See: <http://tev.hu/en/ujra-toroltek-a-szelsojobbaldali-portal-facebook-profiljat>.

171 A search on Facebook using the keyword "Kuruc.Info" leads to several profiles (23 November 2013).

172 Hungary, Office of the Commissioner for Fundamental Rights (2013), *Good Practices for Tolerance - With Communication for Equal Dignity - Inclusive Speech contra Hate Speech* - Report on the Workshop *Kommunikációval az egyenlő méltóságért - Befogadó beszéd kontra gyűlöletbeszéd*, Budapest, 29 April 2013, available at: <http://www.theioi.org/downloads/78t14/NOTE-Hate%20speech%20workshop-April%202013-OCFR%20Hungary.pdf>.

173 Balogh, L., Dinók, H., Pap, A. L. (2012), 'A jog által láthatatlan? A gyűlöletbűncselekmények szabályozási kérdéseis gyakorlati problémái', *Fundaentum*, No. 4, available at: www.fundaentum.hu/sites/default/files/fundaentum-12-4-08.pdf

Table 4: Number of cases relating to racist and related crime recorded and prosecuted in Hungary, 2008 – first semester 2013

	2008	2009	2010	2011	2012	2013 (First semester)
Recorded cases of violence against member of a community	12	12	18	34	36	23
Prosecuted cases of violence against member of a community	n/a	7	12	28	16	17
Recorded cases of incitement against a community	5	11	7	6	5	2
Prosecuted cases of incitement against a community	n/a	1	4	0	0	0
Recorded cases of use of totalitarian symbols	207	91	76	59	58	22
Prosecuted cases of use of totalitarian symbols	n/a	25	11	13	7	7
Recorded cases of public denial of the crimes of totalitarian regimes	n/a	n/a	n/a	n/a	n/a	n/a
Prosecuted cases of public denial of the crimes of totalitarian regimes	-	Provision in effect since April 2010	0	0	1	1

Notes: Data on outcomes and convictions of prosecuted cases was unavailable.

Sources: Hungarian Police for recorded cases; Unified Criminal Statistics of the Investigation Authorities and the Public Prosecution; Prosecution Information System for prosecuted cases

and the use of symbols of totalitarianism, resulted in an indictment. In most cases, the complaints were dismissed and investigations were terminated. A total of 114 procedures were initiated in 2009; 103 in 2010; 101 in 2011; and 105 in 2012.

According to the Department for Supervision of Investigations and Preparation of Indictments, one of the difficulties prosecutors face in cases relating to incitement against a community is the strict interpretation of what constitutes incitement to hatred by the Curia (the highest judicial authority of Hungary) and the Constitutional Court. In their interpretation, incitement to hatred can only be established when a person incites to a violent act that leads to a clear and present danger. This strict interpretation is one of the principal factors leading to the high rate of dismissals and the low number of indictments in cases involving racist and related crime. However, according to the government, the Fourth Amendment to the Fundamental Law of Hungary on the right to freedom of speech, which may not be exercised with the aim of violating the human dignity of others, might in future change the Constitutional Court's practice.

The low number of indictments contrasts with OSCE/ODIHR reports of about 40 violent attacks and incidents against Roma in an 18-month period between 2008 and 2009. These attacks involved the use of incendiary devices and firearms. They resulted in the deaths of seven Roma and the injury of many others. During the attacks, Roma houses and property were also vandalised, destroyed or set on fire, including with Molotov cocktails. According to ODIHR, anti-Roma prejudice probably motivated the majority of these attacks and incidents.¹⁷⁴

FRA's EU-MIDIS survey also shows that 22 % of Roma surveyed in Hungary said they had been victims of serious harassment, assault or threat, termed 'in-person crime', in the 12 months preceding the survey.¹⁷⁵ The vast majority (85 %) did not report their experiences, mostly because they were not confident the police would be able to do anything about it.

174 OSCE, ODIHR (2010), *Addressing violence, promoting integration: Field Assessment of Violent Incidents against Roma in Hungary*, Warsaw, ODIHR, available at: www.osce.org/odihr/68545.

175 FRA (2009b).



In addition, the European Network against Racism (ENAR) reports that few racist incidents were reported in Hungary in 2009–2010. Because victims did not trust the police, they thought nothing would happen if they reported an incident, or they feared the police would treat them as perpetrators rather than victims.¹⁷⁶

The Metropolitan Chief Prosecution Office informed FRA that the notion of 'hate crime' is not explicitly recognised in Hungarian criminal law. Only a few sections of the Criminal Code address hate crime, namely: Section 216 on violence against a member of a community; Section 332 on incitement against a community; and Section 335 on the use of symbols of totalitarianism.

As a result, the Metropolitan Chief Prosecution Office considers that no reliable official data are available on hate crime in Hungary, which echoes the relative paucity of criminal justice data identified above. The most reliable source of data on hate crime, according to the Prosecution Office, is the Athena Institute, a civil society organisation that collects data on hate crime from the media, and from reports by state actors and other civil society organisations.¹⁷⁷ The government informed FRA that the Prime Minister's Office has also recently concluded an agreement with the Brussels Institute of the Action and Protection Foundation, an independent Jewish non-profit organisation, to monitor antisemitic incidents in Hungary.

Civil society organisations with whom FRA met are concerned that the new Criminal Code in force since 1 July 2013 does not provide adequate protection to victims of hate crime, despite the amendments to Section 216 on violence against a member of a community and Section 332 on incitement against a community. These provisions extended protection against incitement to hatred to (perceived) membership in a "national, ethnic, racial, or religious group, or certain other groups of the population", particularly based on disability, gender identity or sexual orientation.

Amnesty International formulated a critique similar to that of the Department for Supervision of Investigations and Preparation of Indictments. It argued that "[...] despite such provisions in law, there has been a systemic problem in their implementation in the past. This is mainly due to a lack of procedures and guidelines for police and prosecution services on the investigation of such crimes. Amnesty International's research also highlighted the lack of specialised units and expertise on investigation of hate crimes within the Hungarian

police ... The existing lack of procedures and guidelines on how to deal with hate crimes will continue to lead to problems of implementation of the legislation in practice."¹⁷⁸

The government informed FRA that a system capable of more accurate registration of the exact motivation of hate crimes is under development, including relevant training to assist staff in categorising hate crime more precisely.

During FRA's meetings in Hungary, concerns were raised about how the police handle cases involving anti-Roma bias motivation. NEKI informed FRA, for example, that in an incident in May 2012 in Nagykanizsa, anti-Roma graffiti was recorded by the police merely as property damage, while the bias motivation was not taken into account. NEKI filed a complaint with the police, arguing that the incident should be prosecuted as a crime against the community. The police then investigated the incident as such, but as no offenders were found, the case was suspended.

A number of possible explanations were advanced by several of FRA's interlocutors as to why bias motivations are often overlooked by the police. Among these, the latent climate of intolerance and prejudice that also exists within the police force was mentioned.¹⁷⁹

Another contributing factor could be that proving hate crime is more complex, resource intensive and time consuming than proving other types of crime. Police officers are often focused on closing cases quickly rather than on investing considerable resources in identifying bias motivations.

178 Amnesty International Hungary (2013), *New Hungarian Criminal Code: a missed opportunity to do more on hate crimes*, available at: www.amnesty.org/en/library/asset/EUR27/003/2012/en/8afaf662-b3c7-4a7e-aa66-f70c3a22f084/eur270032012en.html.

179 Kádár, A., Körner, J., Moldova, Z., Tóth, B. (2008), *Control(l)ed Group, Final Report on the Strategies for Effective Police Stop and Search (STEPSS) Project*, Budapest, Hungarian Helsinki Committee, available at: <http://helsinki.hu/wp-content/uploads/books/en/Controlled-group.pdf>; Nemzeti és Etnikai Kisebbségi Jogok Országgyűlési Biztos (2008), *Jelentés – A rendőrség kisebbségekkel kapcsolatos egyenlő bánásmódjának biztosítékrendszeréről és annak hiányosságairól*, iktatószám: 5224/2008, available at: www.kisebbségiOmbudsperson.hu/data/files/197862598.pdf; Pap, A. L. (2007), 'Police ethnic profiling in Hungary – Lessons from an international research', in: *Regio – A review of Studies on Minorities, Politics, Society*, Vol. 10, pp. 117–140, available at: http://epa.oszk.hu/00400/00476/00007/pdf/Regio_2007_eng.pdf; Tóth, B. (2011), *Az etnikai profilalkotás a bűnmegelőzésben és a bűnüldözésben*, PhD értekezés, available at: www.uni-miskolc.hu/~wwwdeak/tothb_tezis.pdf; Dombos, T., Háttér Support Society for LGBT People in Hungary (2013), *Hate crimes in Hungary: legal framework, statistical data and victim groups*, Presentation, COMPHEE training, 14 March 2013, available at: http://gyuloleletellen.hu/sites/default/files/dombos_comphee_2013marc.pdf.

176 ENAR (2010), *ENAR Shadow Report 2009–2010: Racism and Discrimination in Hungary*, Brussels, ENAR, p. 25.

177 See: Athena Institute, available at: www.athenainstitute.eu.

Recognising bias motivation requires special knowledge and training, which police officers do not always have, as FRA learned from meetings with the police. ODIHR informed FRA that it had held a training session on hate crime and how to recognise bias motivations in Budapest in October 2012, which some 20 police officers attended.¹⁸⁰ The Ministry of the Interior also informed FRA that it had organised a number of trainings on combating racism and antisemitism. There was a shared view among FRA's interlocutors that more targeted operational training would be useful for law enforcement and criminal justice officers.

An important related initiative concerns the development of a protocol that can assist police in recognising, recording and investigating bias motivation effectively. The Tackling Hate Crime Working Group, formed in January 2012 and consisting of five NGOs (Amnesty International Hungary; Háttér Support Society for LGBT People in Hungary; the Hungarian Civil Liberties Union; the Hungarian Helsinki Committee; NEKI), is implementing this work in cooperation with the police.¹⁸¹

In September 2012, NEKI, Háttér and the Hungarian Helsinki Committee also began work on a project aimed at creating a national hate crime strategy and action plan that will involve cooperation between police, prosecutors, judiciary, and victim support services, as well as academia and relevant NGOs. As part of the project, open forums were held to discuss the issue of hate crime with those most at risk of becoming victims, such as Roma, LGBT people, migrants and asylum seekers.¹⁸² In 2013, the Tackling Hate Crime Working Group also prepared a position paper on the state infrastructure dealing with hate crime.¹⁸³ The aim of the Working Group is to get legal provisions implemented more effectively, so that bias motivations are better recognised and handled by law enforcement agencies and the criminal justice system.

There have been instances where the behaviour of law enforcement officials towards Roma has given

cause for concern, as evidenced by ECtHR case law.¹⁸⁴ The United Nations Human Rights Committee has also noted "[...] virulent and widespread anti-Roma statements by public figures, the media, and members of the disbanded Magyar Gárda. The Committee is also concerned at the persistent ill-treatment and racial profiling of the Roma by the Police."¹⁸⁵

There is no specific complaints mechanism dealing with racist and related abuse by police officers. Taking into account research findings, including by FRA, that many victims of racist crime do not report incidents of victimisation either because they do not trust the police or fear they would not be treated appropriately if they did so,¹⁸⁶ the options for victims to seek redress are limited. Nevertheless, if victims are subjected to abuses of police power that meet the threshold for criminal liability, they can file a report with the competent Prosecutorial Investigation Office. Abuses of power by the police that are not regarded a violation of fundamental rights are examined and decided upon by the head of unit at the police responsible for the staff member against whom allegations of abuse were made. An appeal against the decision may be submitted to the hierarchical superior of the head of unit, whose decision on the case is subject to judicial review.¹⁸⁷ Decisions handed down by the Chief of the Police, the Director-General of the Anti-Terrorist Task Force, or the head of Internal Investigations cannot be appealed and can only be the subject of a judicial review.

In cases where abuses of police power primarily relate to violations of fundamental rights, a complaint can be filed with the Independent Law Enforcement Complaint Board.¹⁸⁸ If the board establishes that there such a violation has indeed taken place, it issues a non-binding recommendation to either the Head of the National Police, the Director-General of the Anti-Terrorist Task Force or the head of Internal Investigations. These three are responsible for delivering final decisions on individual complaints; their decisions can only diverge

180 See also: ODIHR (2012), *Training against hate crimes for law enforcement (TAHCLE) – Programme description*, available at: www.osce.org/odihr/94898?download=true.

181 Háttér Society (2013), *Submission by Háttér Support Society for LGBT People in Hungary for the OSCE ODIHR Annual Report on Hate Crimes 2012 (22 March 2013)*, available at: www.hatter.hu/kiadvanyaink/osce-hatecrime-2012.

182 Háttér Society (2013), *Submission by Háttér Support Society for LGBT People in Hungary for the OSCE ODIHR Annual Report on Hate Crimes 2012 (22 March 2013)*, available at: www.hatter.hu/kiadvanyaink/osce-hatecrime-2012.

183 Hungary, *Gyűlölet-bűncselekmények Elleni Munkacsoport (2013), Előítélet (nem) számít!? – a rendőrség a rendes ügymenetben kezeli a gyűlölet-bűncselekményt is*, available at: <http://gyuloleletellen.hu/aktualitasok/elotelet-nem-szomit-rendorseg-rendes-ugymenetben-kezeli-gyulolelet-buncselekményt>.

184 See: ECtHR, *Balogh v. Hungary*, No. 47940/99; ECtHR, *Borbála Kiss v. Hungary*, No. 59214/11.

185 Human Rights Committee (2010), *Consideration of reports submitted by States parties under Art. 40 of the Covenant – Concluding observations of the Human Rights Committee – Hungary*, CCPR/C/HUN/CO/5, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fHUN%2fCO%2f5&Lang=en.

186 See: FRA (2012c) and (2012d); ENAR (2010), *ENAR Shadow Report 2009-2010: Racism and Discrimination in Hungary*, Brussels, ENAR, p. 25.

187 Hungary, Act No. XXXIV of 1994 on the Police, amended by Act No. XC of 2007, Art. 93/B., and by Act No. CXLVII. of 2010, Art. 109, para. 2, and Act No. CCXIV. of 2012, Art. 109, Section (4) d).

188 Hungary, Act No. XXXIV of 1994 on the Police, amended by Act No. XC of 2007, Art. 6/A-6/C.



Table 5: Intake of Roma applicants in the Hungarian National Police, 2008–2013

	Law enforcement secondary school-based training		Intake of Roma applicants from the Roma application call	
	Number of applicants	Intake	Secondary school diploma	BSc/Msc diploma
2008	3,275	995	15	-
2009	4,117	980	24	2
2010	6,016	1,360	51	3
2011	5,175	1,200	16	-
2012	3,830	640	24	-
Total	22,413	5,175	130	5

Source: Hungarian National Police

from the board's recommendations on the basis of detailed and reasoned arguments.¹⁸⁹

In this context, the Hungarian authorities have taken initiatives to encourage more Roma to join the police. While the number of Roma who join the police is still relatively low (Table 5), the police informed FRA that they are represented at nearly every hierarchical level.

The Ministry of Interior informed FRA of initiatives to enhance cooperation between the police and communities at the local level. One of the principal initiatives consists of encouraging Roma pupils to become police officers, with about 40 % of Roma pupils in schools that were visited beginning educational programmes at the police college. Since 2004, the Ministry of Interior has organised 'career orientation camps' for Roma secondary school students to improve the recruitment of Roma into the national and regional police forces. The Ministry concluded 'student contracts' with 16 secondary school students of Roma origin in 2011/2012 and 24 students in 2012/2013.

More could still be done to further develop community policing in Hungary. The European Roma Rights Centre pointed out in its meeting with FRA, for instance, that policies could be better implemented to put two directives into practice. The first, adopted on 30 December 2011, concerns preventative and assessment activities carried out by the police, particularly by a liaison officer with a minority ethnic background.¹⁹⁰ It also specifies that the police should cooperate with schools, for example by asking police officers to give presentations on conflict prevention in a multi-

¹⁸⁹ Hungary/Act No. XXXIV of 1994 on the Police, Art. 93/A, amended by Act No. XC of 2007, Art. 93/B., and by Act No. CXLVII. of 2010, Art. 109, Section (2) and Act No. CXXIV. of 2012, Art. 109, Section (4) e).

¹⁹⁰ Hungary, 27/2011, ORFK utasítás a multikulturális környezetben végrehajtott rendőri intézkedésekről, XII. 30.

cultural environment. The other directive, adopted on 21 October 2011, concerns the cooperation between police and minority self-governments.¹⁹¹ This directive foresees that cooperative working groups should be set up within the police at the national and local levels. These groups are tasked with finding appropriate people to become the liaison officers. The directive also contains rules on training, problem-handling, conflict management and preventative programmes.

In line with the latter directive, such local agreements were reportedly concluded between local Roma Self-Government, the police and civil society organisations, for example in Somogy County, Győr-Moson-Sopron County, Vas County, Veszprém County, Komárom-Esztergom County, and Hajdú-Bihar County.¹⁹² On 13 November 2013, the police also organised a conference to discuss efforts concerning Roma inclusion through recruitment in the police and the army.

The case of Jobbik

Jobbik, which was established as a political party in 2003, participated in the 2006 elections as part of the Third Way Alliance of Parties (*Jobbik a Harmadik Út pártszövetség*, MIÉP) together with the Hungarian

¹⁹¹ Hungary, 22/2011. ORFK utasítás az általános rendőrségi feladatok ellátására létrehozott szerv és a roma kisebbségi önkormányzatok közötti együttműködésről, kapcsolattartásról, X. 21.

¹⁹² For more information see: www.romnet.hu/hirek/2011/05/19/egyuttmukodik_a_rendorseg_a_cigany_kisebbségi_onkormanyzatokkal_somogyban; www.kisalfold.hu/gyori_hirek/egyuttmukodik_a_megyei_rendorseg_es_a_cigany_kisebbség_foto/2351782; www.vasmegeye.hu/vasi-mozaik/181968; www.vasmegeye.hu/vasi-mozaik/181968; www.vsmcko.hu/index.php?option=com_content&view=article&id=93&Itemid=137; www.dehir.hu/hajdu-bihar/osszefognak-a-megyei-romak-es-a-rendorseg/2012/03/08; www.tataon.hu/tatabanya/rendor-roma-egyuttmukodes.

Justice and Life Party (*Magyar Igazság és Élet Pártja*) and the Independent Smallholders, Agrarian Workers and Civic Party (*Független Kisgazda, Földmunkás és Polgári Párt*), but it failed to win enough votes to enter parliament. In 2010, Jobbik received 996,851 votes (16.67 %), securing 47 seats in parliament. On 19 November 2013 a poll by Tárki was published showing that for voters aged 18-47, Jobbik comes second in approval ratings. The ratings are higher for young voters aged 18-22 (30 %) and 23-27 (28 %).¹⁹³ Another poll by Tárki, published on 27 November 2013, showed that voter support among all voters for Jobbik was 7 %, while among decided voters it was 13 %.¹⁹⁴

Jobbik describes itself as a “principled, conservative and radically patriotic Christian party”. In its election manifesto, Jobbik referred to ‘Gypsy issues’ as one of the most severe problems facing Hungarian society, with ‘gypsy crime’ the most pressing issue. It proposed strengthening the police and establishing a dedicated rural Gendarmerie. Jobbik also proposed employment in public works projects as preconditions for receiving social welfare.¹⁹⁵ Academic research has shown that the electoral success of Jobbik has influenced the mainstreaming of elements of extremist ideology in the Hungarian public sphere.¹⁹⁶

On 8 May 2007, 10 members of Jobbik founded the Hungarian Guard Association (*Magyar Gárda Egyesület*), with the stated aim of preserving Hungarian traditions and culture. On 18 July 2007, the association founded the Hungarian Guard Movement (*Magyar Gárda Mozgalom*) with the objective of defending Hungary, which was considered “defenceless physically, spiritually and intellectually”, through the physical and mental training of its members, participation in disaster management and public safety matters, as well as the initiation of a social dialogue regarding these issues through public events.

In a press release dated 28 May 2011, Jobbik acknowledged that the Hungarian Guard “was established as a protective force – with the objective of bringing about public security in the countryside, something that the state and police could no longer guarantee”, but argued

that it was not armed. In the same press release, Jobbik also claimed that the secret services were implicated in murders of Roma people in order to discredit the party politically.¹⁹⁷ The Athena Institute highlighted several instances in 2012 and in 2013 where the New Hungarian Guard operated training camps for education, military training and shooting exercises.¹⁹⁸

Links between Jobbik and extremist groups were also identified by the Jewish Centre for Public Affairs, which said that the party “maintains close ties with the fascist-Hungarist subculture by backing organisations such as the Army of Rascals, the Hungarian National Guard, and the Sixty-Four Counties Youth Movement. The leaders of the Hungarian National Guard, which is also affiliated with *Jobbik* and is the successor of the formerly banned Hungarian Guard, promote anti-Semitic and Holocaust-denial views.”¹⁹⁹

Following the dissolution of the Hungarian Guard by the Budapest Metropolitan Court in July 2009 for violating Act II of 1989 on the Right of Association, a new organisation, the New Hungarian Guard (*Új Magyar Gárda*) was almost immediately formed. Although the police reportedly asked prosecutors in 2009 to investigate it, this New Hungarian Guard continues to operate.²⁰⁰ On 29 November 2013, media reported that Jobbik and uniformed members of the New Hungarian Guard staged a “demonstration of public security” and a torch-lit march in the city of Kaba.²⁰¹ A member of parliament belonging to Jobbik addressed the meeting, as the local party website advertised.²⁰²

Meanwhile, marches and patrols continued to be organised between 2011 and 2013 in towns and villages with large Roma populations by various extremist organisations and groups, such as the Civil Guard Association for a Better Future (*Szebb Jövőért Polgárőr Egyesület*); the New Hungarian Guard; the Outlaw’s Army (*Betyársereg*) the Sixty-four Counties Youth Movement (*Hatvannégy Vármegye Ifjúsági Mozgalom*); the Soldiers of Defence Force (*Véderő*).

193 For more information see: www.portfolio.hu/en/economy/hungary_far-right_jobbik_party_2nd_most_popular_among_young_and_middle-aged_voters.26941.html.

194 For more information, see: www.politics.hu/20131127/tarki-poll-fidesz-retains-lead-party-support-virtually-unchanged.

195 Jobbik (2010), *Radical change. A guide to Jobbik’s parliamentary electoral manifesto for self-determination and social justice*, available at: <http://www.jobbik.com/sites/default/files/jobbik-RADICALCHANGE2010.pdf>.

196 Kovács, A (2013) ‘The Post-Communist Extreme right: The Jobbik Party in Hungary’ in: Wodak, R., KhosraviNik, M. and Mral, B. (eds.), *Right-wing Populism in Europe: Politics and discourse*, London, Bloomsbury.

197 See: http://www.jobbik.com/truth_about_gy%C3%B6ngy%C3%B6spata_and_ethnic_violence_hungary.

198 Athena Institute (2013), *New Hungarian Guard, Recent activities*, available at <http://www.athenainstitute.eu/en/map/olvas/42>.

199 Jewish Centre for Public Affairs (2010), ‘Antisemitism in Hungary’, available at:

200 For more information, see: <http://ujmagyargardamozgalom.com/> (website hosted in the USA).

201 MTI (2013), ‘Jobbik, New Hungarian Guard demonstrate in Eastern Hungary’, 30 November 2013, available at: <http://www.politics.hu/20131130/jobbik-new-hungarian-guard-demonstrate-in-eastern-hungary>.

202 For more information and the poster, see: <http://kaba.jobbik.hu/>.



Such activities were reported in Cegléd,²⁰³ Devecser,²⁰⁴ Gyöngyöspata,²⁰⁵ Hajdúhadház²⁰⁶ and Miskolc.²⁰⁷ In each case, local Roma were confronted with verbal and physical threats and harassment, including death threats.

In April 2013, a statue of Horthy Miklós situated in a church (*a Hazatérés Temploma*) was re-unveiled in an event organised by *Jobbik* in front of the church on Szabadság Square.²⁰⁸ As mentioned above, Miklós was responsible for the deportation of more than 400,000 Hungarian Jews.²⁰⁹

The Hungarian authorities have taken action against extremist organisations, successfully banning the Hungarian Guard Association,²¹⁰ and initiating processes for banning the Civil Guard Association for a Better Future on grounds that their anti-Roma activities threaten public order. Proposed bans of such organisations are regulated by the provisions of: Act No. CLXXV of 2011 on the freedom of association, on the status of public utility, the operation and supporting of civil organisations;²¹¹ Act No. CLXXXI of 2011 on the registration of civil organisations by courts and on the rules of procedures;²¹² and Act No. CLXV of 2011 on the

civil guard and on the rules of its activity.²¹³ In 2013, Resolution No. 1691/2013 (X. 2.) was adopted concerning a seven-year strategy related to the Internal Security Fund to be set up for 2014–2020 including measures against violent extremism.

In addition, rules on criminal and petty offences were introduced into the new Criminal Code, which came into force on 1 July 2013. This enables the police to prevent paramilitary groups from engaging in racist violence, as well as from patrolling areas inhabited by Roma.²¹⁴ Act II of 2012 on minor offences foresees punishment for anybody participating in the activity of a dissolved civil organisation, or anybody publicly wearing the uniform or the vestment of a civil organisation dissolved by the court, as well as anyone publicly wearing a uniform or a vestment reminiscent of the uniform or the vestment of a civil organisation dissolved by the court. According to the Criminal Code, the offence of ‘misuse of right of association’ can punish anybody who participates in the management of a civil organisation that has been dissolved by court by imprisonment of up to three years. According to information provided by the government, police powers for investigating such minor offences have been made more effective, for example, by allowing the police to order the search of a house, apartment, room or other enclosed space, if there is reasonable suspicion that it contains relevant evidence.

The Department for the Protection of Public Interest informed FRA that prosecution services have a statutory right to file lawsuits aiming at the dissolution of civil guard associations registered as legal entities when the activities of such associations contravene the Fundamental Law, are criminal in nature, or infringe upon the rights or freedoms of others.

- 203 Athena Institute (2012), ‘Growing extremist activity in Hungary – Incident report #6’, available at: www.athenainstitute.eu/en/context/read/37.
- 204 HCLU (2012), *Súlyos rendőrségi mulasztás Devecserben*, available at: <http://tasz.hu/node/2812>.
- 205 See: Athena Institute (2011), ‘Incident Report #2’, available at: www.athenainstitute.eu/en/context/read/15; Ecopolis Foundation (2012), *Gyöngyöspata 2011: the laboratory of the Hungarian far-right. A case study of political mobilization and interethnic conflict*, available at: http://pdc.ceu.hu/archive/00006555/01/Ecopolis_Gyongyospata2012.pdf; ENAR (2011), *ENAR Shadow Report 2010-2011: Racism and related discriminatory practices in Hungary, Brussels, ENAR*; HCLU (2011), *Shadow Report about the Events at Gyöngyöspata*, available at: <http://tasz.hu/en/news/shadow-report-about-events-gyongyospata>.
- 206 Hungarian Helsinki Committee (2011), Event of concern in Hungary during the period of the country’s EU Presidency, available at: http://helsinki.hu/wp-content/uploads/HHC_Events_of_concern_in_Hungary_during_the_countrys_EU_presidency_2011June.pdf; see also: ENAR (2011), *ENAR Shadow Report 2010-2011: Racism and related discriminatory practices in Hungary, Brussels, ENAR*.
- 207 ATV (2012), *Három tüntetés Miskolcon: A romák, a DK és a Jobbikosok is felvonultak*, 17 October 2012, available at: www.atv.hu/belfold/20121017_forrongo_hangulat_harom_tuntetes_miskolcon_percrol_percre.
- 208 For more information, see: http://www.jobbik.com/horthys_statue_was_unveiled_budapest_city_center.
- 209 Human rights Watch (2013), ‘Hungary’s Alarming Climate of Intolerance’, available at: www.hrw.org/news/2013/01/18/hungary-s-alarming-climate-intolerance.
- 210 ECtHR, *Vona v. Hungary*, No. 35943/10, available at: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-122183>.
- 211 Hungary, *Az egyesülési jogról, a közhasznú jogállásról, valamint a civil szervezetek működéséről és támogatásáról szóló 2011. évi CLXXV. törvény*.
- 212 Hungary, *A civil szervezetek bírósági nyilvántartásáról és az ezzel összefüggő eljárási szabályokról szóló 2011. évi CLXXXI. törvény*.

213 Hungary, *A polgárőrségről és a polgárőri tevékenység szabályairól szóló 2011. évi CLXV. Törvény*.

214 Hungarian Helsinki Committee (2011), Event of concern in Hungary during the period of the country’s EU Presidency, available at: http://helsinki.hu/wpcontent/uploads/HHC_Events_of_concern_in_Hungary_during_the_countrys_EU_presidency_2011June.pdf.

Prosecutors cannot, however, initiate the dissolution of associations that do not have the status of legal entities, as a necessary consequence of their organisational form. This limits their ability to deal with loosely organised groups that engage in extremist and racist activities, such as the Sixty-four Counties Youth Movement (*Hatvannégy Vármegye Ifjúsági Mozgalom*); the Conscience 88 Group (*Lelekiismeret'88*); the National Protection Force Heritage and Civil Guard Association

(*Nemzeti Őrsereg Hagyományőrző és Polgári Egyesület*); the Outlaw's Army (*Betyársereg*); Soldiers of the Defence Force National Liberating Front (*Véderő Honvédei Nemzeti Felszabadító Front*); Pax Hungarica (*Pax Hungarica Mozgalom*); or the Hungarian National Front (*Magyar Nemzeti Arcvonal*). Consequently, prosecutors can only take action against individuals involved in the activities of organisations such as these under the general terms of the Criminal Code.



Conclusions and considerations for the EU and Member States

Growing alarm has been expressed at the national, EU and international levels with regard to manifestations of violent racism and other forms of intolerance especially in two EU Member States, Greece and Hungary. An additional important concern was the substantial parliamentary representation of parties using paramilitary tactics or being closely associated with paramilitary groups and using extremist rhetoric in order to target irregular migrants (in Greece) and the Roma and Jews (in Hungary). In this context, the Agency took the initiative to collect data and compile the present thematic situation report in order to examine the effectiveness of responses by public authorities, statutory human rights bodies and civil society organisations to racism, discrimination, intolerance and extremism. Despite the fact that this report focuses on two Member States, the identification of barriers to counter such phenomena is of relevance to the EU as a whole. The proposals below could therefore be considered for use in all EU Member States, to ensure that racism and related intolerance do not gain any further ground in the European Union.

In order to address fundamental rights problems that exist in the EU in an efficient, effective and sustainable manner, they must first be acknowledged. Indeed, it appears that there is increasing recognition at EU level for the fact that a pre-emptive and pro-active approach is needed. On 23 September 2013, Ministers and representatives of 17 EU Member States meeting in Rome to discuss how to react to racist statements made against Cécile Kyenge, Italy's first black minister issued a declaration reminding political leaders of their responsibilities to be "models of unity, acceptance of diversity, and tolerance and not actors of division and intolerance". The declaration also calls upon Member States and the European Commission to prepare, discuss and approve

a proposal for a "Pact 2014–2020 for a Europe of diversity and fight against racism".²¹⁵

In this light the conclusions and considerations of this report, based on the examples of Greece and Hungary, are relevant to all EU Member States. They should be read in combination with the Agency's Opinion on the impact of the Framework Decision on Racism and Xenophobia with special attention to the rights of victims of crime published on 15 October 2013 following a request by the Council of the European Union through its Working Party on Fundamental Rights, Citizens Rights and Free Movement of Persons (FREMP).²¹⁶

The evidence presented here have shown that legal and policy provisions tackling racism, discrimination, intolerance and extremism need also to be implemented effectively and efficiently on the ground through well-coordinated practical measures that reach the citizen. The evidence also shows that implementing these measures requires systematic and independent assessment to ensure that they benefit those targeted with the desired impact.

In this light it is important to ensure that national legislation transposing Council Framework Decision 2008/913/JHA is effective and provides adequate protection to victims of and witnesses to racist crime, similar to that provided to victims of trafficking. In addition, clear provisions relating to bias motivation should be introduced in the national legal apparatus.

European Commission funded programmes play an important role supporting innovative, transnational projects that allow sharing of experience between Member States. In this light the Commission could

²¹⁵ EU Member States present were Austria, Belgium, Bulgaria, Croatia, Cyprus, France, Greece, Ireland, Latvia, Lithuania, Malta, Poland, Portugal, Romania, Sweden and the United Kingdom. The declaration also received the support of Hungary, Luxembourg, the Netherlands, Slovenia and Spain. It is available at: http://www.acidi.gov.pt/_cfn/5241a6c15a424/live/Rome+Declaration.

²¹⁶ FRA (2013d).

consider targeting its funding programmes to tackling hate crime, racism, xenophobia and intolerance as specific key priority expanding the focus of the 2014–2020 available programmes, where they are not foreseen as a specific activity area to be covered by EU funding instruments for the period 2014–2020.²¹⁷

Awareness must be raised among public authorities, in particular law enforcement agencies and the criminal justice system, statutory human rights bodies and civil society organisations about the ethnic, religious and cultural diversity of all European societies. This can improve the implementation of legal provisions, so as to foster the successful social inclusion of members of minority groups, which is an issue that concerns not only minorities, but also the majority society. This would serve to enhance community relations and provide relevant stakeholders with a solid basis to tackle racism, discrimination, intolerance and extremism.

Increasing public trust in law enforcement and criminal justice is an indispensable tool in the fight against hate crime and racism. In this light, it would be useful to consider independent investigations into forms of institutionalised racism, as a way of developing more effective responses to phenomena of racism. An example is the 1999 Inquiry in the United Kingdom into the matters arising from the death of Stephen Lawrence, a young Black British man, on 22 April 1993 in order to identify lessons to be learned for the investigation and prosecution of racially motivated crimes. The inquiry, which uncovered “a combination of professional incompetence, institutional racism and a failure of leadership by senior officers”, eventually led to reforms in law enforcement, criminal justice and the state’s response to racism.²¹⁸

The sections below contain a number of considerations and initiatives derived from good practice in Member States and results of work undertaken by the Agency that EU Member States could take into account when developing policies and actions to combat racism, discrimination, intolerance and extremism. They should be read in conjunction to the conclusions of the Fundamental Rights Conference on “Combating hate crime in the EU” organised by FRA in cooperation with the Lithuanian Presidency of the Council of the

EU in Vilnius on 12–13 November 2013.²¹⁹ The conference brought together over 400 representatives from international organisations, EU institutions and bodies, national administrations and parliaments, representatives of law enforcement agencies, the judiciary, civil society, and academia.

Annex II presents a brief overview of current EU funding opportunities that could support relevant policies and actions.

National strategies to fight racist and related crime

■ EU Member States should consider adopting specific national strategies to tackle racist and related crime, as was the case in Spain²²⁰ or the United Kingdom.²²¹ It is important to ensure that key actors, including relevant public authorities, in particular law enforcement and judicial authorities, statutory human rights bodies, local authorities and civil society are involved in a meaningful way in the development, as well as in the implementation and evaluation of the impact of such strategies, which could focus on how to:

- prevent hate crime
- increase reporting
- improve recording
- improve operational responses
- prosecute hate crime
- provide effective victim support, and
- prevent reoffending

Tackling racist and related crime

■ EU Member States are asked to review that in cases of crime committed with a discriminatory motive, the police, prosecution services and courts acknowledge and pay proper attention to the discriminatory nature of the offence. In this regard, it is important that the terminology used to refer to

217 The Fundamental Rights and Citizenship Programme 2007–2013 included among its objectives and hate crime, racism, xenophobia and intolerance, as well as antisemitism, and fight against homophobia, including relevant training and networking between legal professions and legal practitioners. These strands are not covered by the Rights and Citizenship Programme 2014–2020. For more details, see Annex II.

218 United Kingdom, Home Office (1999), *The Stephen Lawrence Inquiry*, London, The Stationery Office, para. 4.6.1, available at: www.archive.official-documents.co.uk/document/cm42/4262/4262.htm.

219 FRA (2013e).

220 Spain, Ministry of Labour and Immigration (2011), *Comprehensive strategy against racism, racial discrimination, xenophobia and related intolerance*, Madrid, Deputy Directorate General for Administrative Information and Publications.

221 United Kingdom, Home Office (2012), *Challenge it, Report it, Stop it: The Government’s Plan to Tackle Hate Crime*, London, Crown, available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/97849/action-plan.pdf; see also: United Kingdom, Crown Prosecution Service (2009), *Policy for Prosecuting Cases of Racially and Religiously Aggravated Crime*, London, CPS, available at: http://report-it.org.uk/files/cps_policy_on_racial_and_religious_hate_crime.pdf.



bias-motivated crime is appropriate to highlight the discriminatory motives for which such crimes are committed. The use of political categories, such as ‘right-wing extremism’ or ‘left-wing extremism’ can lead to hate crimes being overlooked and victims not being acknowledged as victims of discriminatory crimes, in particular where crimes are not perpetrated by members of extremist groups.²²²

- EU Member States could assess the extent to which the enhancement of penalties can be applied as a means of ensuring that bias motives are taken into consideration in a timely fashion and throughout criminal proceedings.
- EU Member States should respect the right of victims of crimes committed with a discriminatory motive to have “a review of a decision not to prosecute” or to discontinue proceedings “in accordance with their role in the relevant criminal justice system” (Article 11, Victims’ Directive).
- Law enforcement agencies and criminal justice systems in EU Member States would benefit from exchanging guidelines and protocols used to recognise, investigate and prosecute hate crime.

They would also benefit from sharing hands-on training and capacity building modules to increase the operational skills of frontline police officers or to increase prosecutors’ ability to deal with hate crime. This could be achieved through exchanges of best practices facilitated by Eurojust, the European Police College, the European Crime Prevention Network²²³ or the Office for Democratic Institutions and Human Rights (ODIHR).

The *Training against hate crimes for law enforcement* programme provided by ODIHR is of particular relevance. The programme is “designed to improve police skills in recognising, understanding and investigating hate crimes. Implementation of the programme should improve police skills in preventing and responding to hate crimes, interacting effectively with victim communities, and building public confidence and co-operation with law-enforcement agencies.”²²⁴

FRA’s *Fundamental rights-based police training manual*, also provides law enforcement agencies with tools to train police officers adequately.²²⁵

- Law enforcement agencies could also consider using a wide practical definition of hate crime in the initial phase of recording incidents, as is the case in Croatia²²⁶ and the United Kingdom,²²⁷ for example. Using a simple formula in the initial phases of the process could lead to a higher rate of recording of hate crime incidents, which would lift one of the first barriers to countering racist violence effectively. This would lead to closer scrutiny of suspected cases of hate crime during the phase of investigation. Eventually, this would lead to more efficient prosecution and better recognition of hate crimes by the criminal justice system.
- EU Member States need reliable data on racist and related crimes if they are to fight these successfully. Not having such data precludes the authorities from devising and implementing targeted policies that would lead to addressing racist crime effectively. Efforts need to be sustained wherever steps are taken in that direction. This includes drawing upon the knowledge and expertise of law enforcement agencies and criminal justice systems in other EU Member States,²²⁸ as well as on that of international organisations. Civil society organisations active in the field should also be involved in the process.

Increasing trust in the police

- One of the principal barriers to reporting racist and related incidents is that victims and witnesses often do not trust the police. EU Member States should assess existing safeguards against institutional forms of discrimination, including clear mission statements, robust systems of performance review with regard to preventing institutional discrimination and inclusive and effective independent complaint mechanisms.²²⁹
- EU Member States could also consider implementing practical systems of third-party reporting, as well as making it possible for incidents to be reported at any time and in a location other than a police station. Such systems enable victims and witnesses to report racist and related incidents

222 See: FRA (2013e), points 2.5 and 2.6.

223 See: European Crime Prevention Network, available at: www.eucpn.org.

224 ODIHR (2012), *Training against hate crimes for law enforcement (TAHCLE): programme description*, available at: www.osce.org/odihr/94898?download=true.

225 FRA (2013f).

226 Croatia (2012), *Kazneni zakon, Narodne novine*, No. 125/2011, 144/12, 21 December 2012, available at: http://narodne-novine.nn.hr/clanci/sluzbeni/2011_11_125_2498.html.

227 True Vision, Association of Chief Police Officers (2013), *The agreed definition of ‘monitored hate crime’ for England, Wales and Northern Ireland*, available at: http://report-it.org.uk/files/hate_crime_definitions_-_v3_0.pdf.

228 For example, in Germany, the Criminal Police Reporting Service for Politically Motivated Crime (*Kriminalpolizeilicher Meldedienst*), see: www.verfassungsschutz.de/embed/vsbericht-2012.pdf; or the Swedish National Council for Crime Prevention, see: www.bra.se/#&panel1-1.

229 See: FRA (2013e), points 4.8 and 4.9.

online, by phone, by text messaging or through social networks, as well as through contacting civil society organisations or statutory human rights bodies. Cases could then be brought to the police or the criminal justice system for further investigation and, where relevant, prosecution.²³⁰

Establishing such systems would entail close cooperation between law enforcement agencies, statutory human rights bodies and civil society organisations. Third-party reporting and self-reporting of hate crime are particularly useful where establishing trust in the police requires efforts over a long period of time.

- EU Member States should also explore ways in which trust in the police can be increased among members of minority groups and tackle ethnic discrimination and racist abuse on the part of the police and other officials effectively.
- One such avenue could be through developing and implementing suitably adapted community policing practices. Inspiration could be drawn from findings of the Stephen Lawrence Inquiry in the United Kingdom that pertain to restoring police/community relations, to building up trust in law enforcement, to training police officers, and to the make-up of the police to reflect as far as possible the cultural and ethnic mix of the communities the police serve.²³¹ A further resource here is ODIHR's manual on *Police and Roma and Sinti: good practices in building trust and understanding*.²³²

Another means to build trust in the police is for victims of racist and related abuse or discrimination by police officers to be able to seek redress. This entails establishing fully independent and functional police complaints mechanisms responsive to racist abuse on the part of police officers.

Law enforcement can also benefit from more diverse recruiting policies, such as those practised by the Hungarian police that targets citizens of Roma origin to better reflect the diversity of the population.

230 See, for example, practices adopted by Police Scotland in the United Kingdom in partnership with a wide variety of partners ranging from Housing Associations to Victim Support offices and Voluntary Groups who perform the role of 3rd Party Reporting Centres to ensure all victims/witnesses are able to report Hate Crimes – more information available at: <http://www.scotland.police.uk/contact-us/hate-crime-third-party-reporting/>.

231 See: House of Commons, Home Affairs Committee (2009), *The Macpherson Report—ten years on, Twelfth Report of Session 2008–09*, HC 427, London, House of Commons, available at: www.publications.parliament.uk/pa/cm200809/cmselect/cmhaff/427/427.pdf.

232 ODIHR (2010), *Police and Roma and Sinti: good practices in building trust and understanding*, SPMU Publication Series Vol. 9, Vienna, OSCE, available at: www.osce.org/odihr/67843.

- Law enforcement fights crime and addresses the needs and rights of victims and witnesses, and their communities. EU Member States should consider involving the police, as a public service to their diverse societies, in providing support to victims of hate crime, which will also contribute in increasing trust in and cooperation with the police, thus improving the fight against all forms of crime. Police officers who ensure that people are able to exercise their fundamental rights and freedoms earn the respect and trust of the public.²³³

Victim support provided in close cooperation with civil society and representatives of minority groups can ensure the active participation of the police in victim support and enable them to handle and question sensitive witnesses in a climate of trust.

- EU Member States should consider replacing discriminatory ethnic profiling through intelligence based policing practices²³⁴ that comply with fundamental rights.

Law enforcement deployed for large scale immigration control operations should include officers with specialised training in immigration and asylum issues, and on how to detect and identify forged documents. Officers should have clear operational instructions with respect to immigration stops, including: permissible grounds for conducting immigration checks; permissible grounds for conducting a pat-down and a search of personal belongings; the circumstances and how officers may stop and search children; appropriate procedures for the care of children accompanying the individual subject to an immigration stop; developing and implementing the necessary technical capacity to allow police patrols to check the validity of identity documents in the street, so as to avoid unjustified deprivation of liberty.²³⁵

Countering extremism

- EU Member States should review their legislation and relevant procedures in order to ensure that the formation of associations or of political parties

233 FRA (2013f), which integrates human rights training into the heart of police training, in line with the European Union's goals in the field of justice and home affairs.

234 See also: FRA (2010b) and FRA (2010c).

235 See also: FRA (2010d).



does not serve as a basis for promoting hatred or prejudice or for committing hate crime.²³⁶

- Discriminatory ethnic profiling can contribute to furthering the lack of trust in the police as evidenced by FRA research. Moreover, ethnic profiling does little to promote public safety, while it can contribute to scapegoating and ostracising entire communities.

EU Member States would benefit from becoming involved with the Radicalisation Awareness Network²³⁷ launched by the European Commission in September 2011: “The best prevention is to stop people from getting involved in violent extremist or terrorist activities in the first place, or to convince them to turn away from such ideas and methods. This task cannot be left to a small number of authorities and actors to deal with. The nature of the phenomenon requires work with a broad range of partners to gain a better understanding of the behaviours and tactics, and to mitigate or prevent that activity.”²³⁸

- EU Member States should consider so-called exit strategies and programmes for persons involved with extremist groups and organisations. This entails synergies between law enforcement agencies, the criminal justice system and civil society organisations.
- One concrete example is the ‘Exit to entry’ programme under the German Federal Ministry of

Labour and Social Affairs, which aims to help young people leave extremist groups.²³⁹

- Extremist ideologies target also young people. EU Member States should regularly collect data on school based violence and bullying with focus on bias motivation and develop effective educational programmes for schools that build inter-cultural respect.

Multi-agency partnerships

- Implementing policies to tackle discrimination, racism, intolerance and extremism effectively on the ground requires effective operational coordination and sharing of knowledge and experiences among a variety of actors, including local authorities, law enforcement, educational authorities, statutory human rights and equality bodies, other service providers and civil society. EU Member States should consider developing and providing support to existing local initiatives, such as the initiative of five mayors of major cities against racism and extremism.

FRA’s toolkit for local, regional and national public officials on *Joining up fundamental rights* can be a useful tool in this regard.²⁴⁰ The toolkit offers support to policy makers and practitioners who seek to coordinate fundamental rights initiatives across government levels and to implement them together with local authorities and civil society. It draws on the practical experiences of local, regional and national government officials, policy makers and practitioners. The toolkit offers advice on how to integrate fundamental rights thinking into policy development, service delivery and administrative practices.

236 See, for example, OSCE/ODIHR and Venice Commission (2011), *Guidelines on Political Party Regulation*, Warschau, OSCE/ODIHR, para. 47, first sentence, available at: www.osce.org/odihr/77812?download=true; see also: ECtHR (2013), *Factsheet on hate speech*, available at: www.echr.coe.int/Documents/FS_Hate_speech_ENG.pdf; Council of Europe, Parliamentary Assembly (2010), *Fight against extremism: achievements, deficiencies and failures*, Resolution 1754 (2010), available at: <http://www.assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17898&lang=en>.

237 European Commission (2011), *RAN De-radicalisation (DERAD)*, available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/radicalisation_awareness_network/about-ran/ran-derad/index_en.htm. Hungary has participated in the work of the network.

238 European Commission (2011), *Radicalisation Awareness Network*, available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/radicalisation_awareness_network/index_en.htm. Hungary has participated in the work of the network.

239 Friedrich Ebert Stiftung (2012), *Tunnel Licht blicke: Aus der Praxis arbeitsmarktorientierter Ausstiegsarbeit der Projektträger des XENOS-Sonderprogramms ‘Ausstieg zum Einsteig’*, available at: www.esf.de/portal/generator/19214/property=data/2012__11__15__handbuch__anlage.pdf; see also Institute for Strategic Dialogue (2009), *Stepping out: supporting exit strategies from violence and extremism*, available at: www.strategicdialogue.org/ISD%20Network%20of%20Former%20Extremists%20Feasibility%20Assessment-Nov%202009-FINAL.pdf; and www.counterextremism.org, which is an “online repository of specialist knowledge related to countering polarisation and radicalisation in Europe and across the world”.

240 The toolkit is available on FRA’s website: <http://fra.europa.eu/en/joinedup/home>.

Raising awareness of diversity

- EU Member States should encourage the media – while respecting media freedom – to take self-regulatory measures and ensure that the information and programmes they publish or broadcast do not contribute to the vulnerability of victims and to breeding a climate of hostility towards individuals sharing protected characteristics.²⁴¹

In this regard, the Council of Europe guide on its standards on media contribution to social cohesion, intercultural dialogue, understanding, tolerance and democratic participation can be especially useful.²⁴²

- EU Member States could also consider tools promoting diversity and human rights education developed by FRA.

FRA's *Diversity toolkit for factual programmes in public service television* focuses on how to promote the principles of cultural diversity in broadcast organisations and television programmes. It brings together practical elements (checklists, references) and good practice advice. It provides examples from news and current affairs programmes from a dozen European countries to illustrate difficulties facing journalists when they report on minority issues.²⁴³

Discover the past for the future – A study on the role of historical sites and museums in Holocaust education and human rights education in the EU provides examples of how memorial sites link the history of the Holocaust to human rights, ensuring that the past resonates in the present and its lessons are brought to bear on contemporary issues.

Excursion to the past – teaching for the future emphasises the link between teaching about the Holocaust and Nazi crimes and about human rights and democracy. Teachers and guides of memorial sites, however, often lack human rights training. The handbook explains the role of Holocaust memorial sites, what schools and teachers could consider when planning visits to such sites, and such visits can be used to teach about the Holocaust and human rights.

241 See: FRA (2013e), Points 2.4, 8.4 and 8.7; Council of Europe, Committee of Ministers (2011), Recommendation of the Council of Europe Committee of Ministers to member states on a new notion of media, CM/Rec(2011)7, adopted on 21 September 2011, available at: <https://wcd.coe.int/ViewDoc.jsp?id=1835645&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383>.

242 Council of Europe (2009), *Living Together: A handbook on Council of Europe standards on media's contribution to social cohesion, intercultural dialogue, understanding, tolerance and democratic participation*, available at: http://www.coe.int/t/dghl/standardsetting/media/doc/livingtogether_en.pdf.

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FRA (2012d), *EU-MIDIS Data in Focus Report 6: Minorities as victims*, Luxembourg, Publications Office, available at: <http://fra.europa.eu/en/publication/2012/eu-midis-data-focus-report-6-minorities-victims-crime>.

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Annex 1: FRA meetings with public authorities, statutory human rights bodies and civil society organisations

GREECE		
Public authorities	Statutory human rights bodies	Civil society organisations
Appointed prosecutor for racist violence and intolerance crimes	Ombudsperson	Racist Violence Recording Network, Coordinator
Special Secretary of Labour Inspection Authority (SEPE-Equality Body for Employment in private sector)	Deputy Ombudsperson	Greek Forum of Migrants
General Secretary of Population and Social Cohesion of the Ministry of Interior Affairs	National Human Rights Commission	Forum of Refugees
Vice Minister for Education		Lawyers' Team for Refugees and Migrants
General Secretary of the Ministry of Public Order		Greek Transgender Support Association
General Secretary of the Ministry of Interior Affairs		
General Secretary for anti-crime policy of the Ministry of Justice		
Director of the Racist Violence Police Directorate		
Vice Prosecutor of the Supreme Court		
Mayor of Athens		
Mayor of Thessaloniki		
Vice Commander of Athens Police Station of Omonia Square		
President of Panhellenic Federation of Police Officers (P.O.A.S.Y.)		
Head of Directorate of Internal Affairs of the Police, Ministry of Public Order		
Deputy Supervisor, Department of Strategic Planning and Legislative Services		
Director of Asylum Service		
Special Standing Committee on Parliamentary Ethics members		

HUNGARY		
Public authorities	Statutory human rights bodies	Civil society organisations
Ministry of Public Administration and Justice, Deputy State Secretary for Public Law Legislation	Equal Treatment Authority (<i>Egyenlő Bánásmód Hatóság</i>)	Action and Protection Fundation (<i>Tett és Védelem Alapítvány, TEV</i>)
Ministry of Interior, Deputy State Secretary for Regulation and Coordination	Office of the Commissioner for Fundamental Rights (<i>Alapvető Jogok Biztosának Hivatala</i>)	Association of Hungarian Journalists
Ministry of Human Resources, State Secretary for Social Inclusion and Minister of State for Public Education		Athena Institute (<i>Athena Intézet</i>)
Constitution Protection Office		Eötvös Károly Institute (<i>Eötvös Károly Intézet</i>)
Speaker of the National Assembly		European Roma Rights Centre (<i>Európai Roma Jogok Központja, ERRC</i>)
Constitutional, Judicial and Standing Orders Committee		Háttér Support Society for LGBT People (<i>Háttér Társaság a Melegekért</i>)
Committee on Human Rights, Minority, Civic and Religious Affairs		Hungarian Civil Liberties Union (<i>Társaság a Szabadságjogokért, TASZ</i>)
Committee on Education, Science and Research		Legal Defence Bureau for National and Ethnic Minorities (<i>Nemzeti és Etnikai Kisebbségi Jogvédő Iroda, NEKI</i>)
Constitutional Court		Menedék Hungarian Association for Migrants (<i>Menedék Migránsokat Segítő Egyesület</i>)
Prosecutor General		People Against Patriarchy Association (<i>Patriarchátust Ellenzők Társaság Egyesület – Patent</i>)
Head of Prosecutors' Office of Borsod County		Tom Lantos Institute
Head of Prosecutors' Office of Budapest County		
Hungarian National Police		
Legal representative of the local government of Bőny Municipality		
President of the Assembly of Borsod-Abaúj-Zemplén County Government		
Media Council of the National Media and Infocommunications Authority		
National Roma Self-Government		



Annex 2: EU funding opportunities

In the period 2014–2020 a number of EU programmes provide opportunities for funding to governments, local administration and civil society for a range of activities in developing and implementing policies and initiatives regarding migration management and migrant and asylum seekers' integration, multi-agency partnerships and crime prevention at local level, training, cooperation and coordination of state and non-state actors, as well as promoting human rights and strengthening social cohesion.

Asylum and Migration Fund

Period: 2014–2020

Budget: €2,780 million

Legal basis: Proposal for a Regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund, COM(2011) 751 final, <http://ec.europa.eu/home-affairs/news/intro/docs/751.pdf>.

The general objective of the Fund shall be to contribute to an effective management of migration flows in the Union as part of the area of freedom, security and justice, in accordance with the common policy on asylum, subsidiary protection and temporary protection and the common immigration policy. It draws on the capacity building process developed with the assistance of the European Refugee Fund, the European Fund for the Integration of third-country nationals and the European Return Fund.

This EU funding instrument could support projects and initiatives that would aim at:

- supporting legal migration in line to the economic and social needs of the Members States
- promoting the effective integration of third-country nationals, including of asylum seekers and beneficiaries of international protection;
- enhancing fair and effective return strategies in the Member States with emphasis on sustainability of return and effective readmission in the countries of origin;
- enhancing the solidarity and responsibility sharing between the Member States, in particular towards those most affected by migration and asylum flows.

Particular actions that could be funded include:

- material aid, education, training, support services, health and psychological care;
- social assistance, information or help with administrative and/or judicial formalities and information or counselling on the possible outcomes of the asylum procedure, including on aspects such as voluntary return;
- legal aid and language assistance;
- specific assistance for vulnerable persons;
- information for local communities as well as training for the staff of local authorities;
- establishment, development and improvement of accommodation infrastructure and services;

Finally regarding integration of migrants, in particular information packages and awareness-raising campaigns addressed both to the majority population and to migrants, as well as setting up and developing integration strategies and capacity building of implementing organisations would be beneficial for building up the capacity of the country as host society.

Fundamental Rights and Citizenship Funding Programme 2007–2013

This funding frame is part of the General Programme "Fundamental Rights and Justice". It aims at contributing to the strengthening of the area of Freedom, Security and Justice.

<http://ec.europa.eu/justice/grants/programmes/fundamental-citizenship/>

The objectives and tools related to hate crime, racism and intolerance concerned:

- combating racism, xenophobia and antisemitism;
- the fight against homophobia;
- training and networking between legal professions and legal practitioners.

Such themes are key in confronting hate crime through capacity building of state and non-state actors and awareness raising of the public and professional groups.

Rights and Citizenship Programme 2014–2020 – DG Justice

Period: 2014–2020

Budget: €389.2 million

Legal basis: Proposal for a Regulation of the European Parliament and of the Council establishing for the period 2014 to 2020 the Rights and Citizenship Programme, COM(2011) 758, http://ec.europa.eu/justice/newsroom/files/1_en_act_part1_v5_frc_en.pdf

The Rights and Citizenship Programme is the successor of three 2007–2013 programmes: Fundamental Rights and Citizenship, Daphne III, the Sections “Antidiscrimination and Diversity” and “Gender Equality” of the Programme for Employment and Social Solidarity (Progress).

The general objective is to contribute to the creation of an area, where the rights of persons, as enshrined in the Treaty on the Functioning of the European Union and in the Charter of Fundamental Rights of the European Union, are promoted and protected. In particular, this Programme should promote the rights deriving from European citizenship, the principles of non-discrimination and equality between women and men, the right to the protection of personal data, the rights of the child, the rights deriving from the Union consumer legislation and from the freedom to conduct a business in the internal market.

Such instrument can fund actions promoting the effective implementation of the principles of non-discrimination on the grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, including equality between women and men and the rights of persons with disabilities and of the elderly.

Training and capacity building of competent state and non-state actors could be funded among other activities:

- Analytical activities, such as collection of data and statistics; development of common methodologies and, where appropriate, indicators or benchmarks; studies, researches, analyses and surveys; evaluations and impact assessments; elaboration and

publication of guides, reports and educational material; monitoring and assessment of the transposition and application of Union legislation and of the implementation of Union policies; workshops, seminars, experts meetings, conferences.

- Training activities, such as staff exchanges, workshops, seminars, train-the-trainers events, development of online/other training modules.
- Mutual learning, cooperation, awareness raising and dissemination activities, such as identification of, and exchanges on, good practices, innovative approaches and experiences, organisation of peer review and mutual learning; organisation of conferences and seminars; organisation of awareness-raising and information campaigns, media campaigns and events, including corporate communication of the political priorities of the European Union; compilation and publication of materials to disseminate information as well as results of the Programme; development, operation and maintenance of systems and tools using information and communication technologies.
- Support for main actors, such as support for Member States when implementing Union law and policies; support for key European level networks whose activities are linked to the implementation of the objectives of the Programme; networking among specialised bodies and organisations, national, regional and local authorities at European level; funding of experts’ networks; funding of European level observatories.

Internal Security Fund – instrument for financial support for police cooperation, preventing and combating crime, and crisis management

Period: 2014–2020

Budget: €1,128 million

Legal basis: Proposal for a Regulation of the European Parliament and of the Council establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management, COM(2011) 753 final, <http://ec.europa.eu/home-affairs/news/intro/docs/753.pdf>.



This programme will provide financial support to police cooperation, exchange and access to information, crime prevention and the fight against cross-border as well as serious and organised crime, including terrorism, the protection of people and critical infrastructure against security-related incidents and the effective management of security-related risks and crisis, taking into account common Union policies (strategies, programmes and action plans), legislation, practical co-operation and threat and risk assessments.

This funding tool provides opportunities to raise capacity of police forces through joint operational training and sharing of best practices, know-how and expertise. Among others it can fund:

- Actions improving police cooperation and coordination between law enforcement authorities, including joint investigation teams and any other form of cross-border joint operation, the access to and exchange of information and interoperable technologies;
- Networking, mutual confidence, understanding and learning, the identification, exchange and dissemination of know-how, experience and good practices, information sharing, shared situation awareness and foresight, contingency planning and interoperability;
- Exchange, training and education of staff and experts of relevant authorities, including language training and joint exercises or programmes.

Justice Programme

Period: 2014–2020

Budget: €472 million

Legal basis: Proposal for a Regulation of the European Parliament and of the Council establishing for the period 2014 to 2020 the Justice Programme, COM(2011) 759 final, http://ec.europa.eu/justice/newsroom/files/1_en_act_part1_v4_justice_en.pdf.

The general objective of the Programme is to contribute to the creation of a European area of justice by promoting judicial cooperation in civil and criminal matters. The programme promotes effective, comprehensive and consistent application of Union legislation in the areas of judicial cooperation in civil and criminal matters, and fosters access to justice and prevents and reduces drug demand and supply. This can be achieved by supporting training and awareness-raising, strengthening networks and facilitating transnational cooperation.

Within this framework and aiming at simplification and rationalisation, the Justice programme is the successor of three 2007–2013 programmes financed within the Fundamental Rights and Justice Framework Programme:

- Civil Justice (JCIV);
- Criminal Justice (JPEN);
- Drug Prevention and Information Programme (DPIP).

Objectives

- To promote effective, comprehensive and consistent application of Union legislation in the areas of judicial cooperation in civil and criminal matters. The indicator to measure the achievement of this objective shall be, inter alia, the number of cases of trans-border cooperation.
- To facilitate access to justice. The indicator to measure the achievement of this objective shall be, inter alia, the European perception of access to justice.
- To prevent and reduce drug demand and supply. The indicator to measure the achievement of this objective shall be, inter alia, the number of cases of trans-border cooperation.
- The Programme shall aim to promote equality between women and men and combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation in all its activities.

Supported activities

- analytical activities, such as collection of data and statistics; development of common methodologies and, where appropriate, indicators or benchmarks; studies, researches, analyses and surveys; evaluations and impact assessments;
- training activities for members of the judiciary and judicial staff;
- mutual learning, cooperation, awareness raising and dissemination activities;
- support for main actors, key European level networks, networking among specialised bodies and organisations, national, regional and local authorities at European level; funding of experts' networks; funding of European level observatories.

Progress

Period: 2014–2020

Budget: €500 million

Legal basis: Decision No. 1672/2006/EC of the European Parliament and of the Council of 24 October 2006 establishing a Community Programme for Employment and Social Solidarity – Progress, OJ 2006 L 315, <http://ec.europa.eu/social/main.jsp?catId=327&langId=en>; and

Proposal for a Regulation of the European Parliament and of the Council on a European Union Programme for Social Change and Innovation (EASI), COM(2011) 609 final, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52011PC0609:EN:NOT>.

The PROGRESS programme was implemented in order to complement the European Social Fund (ESF) and to fight poverty and unemployment, combat discrimination, promote gender equality, and integrate disabled people into society and other similar actions. In the period 2014–2020 The ‘gender equality’ and ‘non-discrimination’ sections of the Progress Programme will be incorporated into new instruments in the area of justice. However, the new Progress component of EASI may support assessment of labour market needs and social policies’ impact. PROGRESS’s ultimate objective is to help achieve the goals of the Europe 2020 Strategy. A key priority is promoting better standards of inspection, monitoring and enforcement of worker protection and equality legislation and policies by EU countries and reviewing how EU legislation has been applied.

Progress 2014–2020 Objectives:

- Develop and disseminate high-quality comparative analytical knowledge in order to ensure that Union employment and social policy and working conditions legislation are based on sound evidence and are relevant to needs, challenges and conditions in the individual Member States and the other participating countries.
- Facilitate effective and inclusive information-sharing, mutual learning and dialogue on Union employment and social policy and working conditions legislation at Union, national and international level in order to assist the Member States and the other participating countries in developing their policies and in implementing Union law.
- Provide policy-makers with financial support to test social and labour market policy reforms, build up the main actors’ capacity to design and implement

social experimentation, and make the relevant knowledge and expertise accessible.

- Provide Union and national organisations with financial support to step up their capacity to develop, promote and support the implementation of Union employment and social policy and working conditions legislation.

EIDHR – European Instrument for Promoting Democracy & Human Rights

Period: 2007–2013

Budget: €1,104 million

Legal basis: Regulation No. 1889/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide, OJ 2006 L 386,

http://ec.europa.eu/europeaid/how/finance/eidhr_en.htm.

This new instrument aims to provide support for the promotion of democracy and human rights in non-EU countries. Assistance under EIDHR complements other tools which are used to implement EU policies for democracy and human rights such as ENPI, DCI and IfS.

Objectives

- Strengthening the role of civil society in promoting human rights and democratic reform;
- Increasing respect for human rights and fundamental freedoms in countries and regions where they are most at risk;
- Enhancing the reliability of electoral processes, in particular through election observation missions and through support for local civil society organisations involved in these processes.

Supported activities

- Support for human rights defenders;
- Education in the area of human rights and democracy;
- Support for civil society organisations focusing on human rights;



- Fostering cooperation of civil society with international organisations, and supporting civil Society activities aimed at monitoring the implementation of instruments concerning human rights;
- Promoting observance of international humanitarian law.

European Union Agency for Fundamental Rights

Racism, discrimination, intolerance and extremism: learning from experiences in Greece and Hungary

2013 – 58 p. – 21 x 29.7 cm

ISBN 978-92-9239-418-9

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A great deal of information on the European Union Agency for Fundamental Rights is available on the Internet. It can be accessed through the FRA website at fra.europa.eu.

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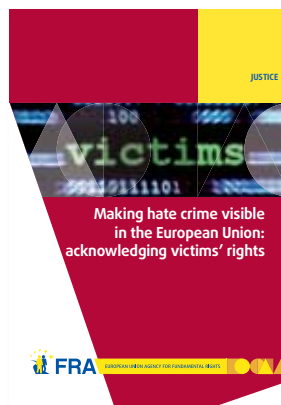
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For further FRA publications looking at the issues of racism, discrimination, intolerance and extremism, see:



HELPING TO MAKE FUNDAMENTAL RIGHTS A REALITY FOR EVERYONE IN THE EUROPEAN UNION

Crimes motivated by racism, xenophobia and related intolerances, the mainstreaming of elements of extremist ideology in political and public discourse, and ethnic discrimination all persist throughout the European Union. Growing alarm has been expressed at the national, EU and international levels with regard to manifestations of violent racism and other forms of intolerance especially in two EU Member States: Greece and Hungary. An additional important concern is the substantial parliamentary representation of parties that use paramilitary tactics or are closely associated with paramilitary groups and use extremist rhetoric to target irregular migrants in Greece, and the Roma and Jews in Hungary.

In this context, FRA took the initiative to collect data and compile the present thematic situation report. It examines the effectiveness of responses by public authorities, statutory human rights bodies and civil society organisations to racism, discrimination, intolerance and extremism in these two EU Member States.

Despite the fact that this report focuses on two countries, the identification of barriers to counter such phenomena is of relevance to the EU as a whole. The proposals contained in the report on issues such as tackling racist and related crime, increasing trust in the police and countering extremism could therefore be considered for use in all EU Member States.



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