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New Hungarian Criminal Code: A missed opportunity to do more on hate crimes

Despite the changes in the Hungarian Criminal Code, Amnesty International remains concerned over the adequacy of the protection against hate crimes.

The new Criminal Code will enter into force on 1 July 2013. It introduces changes in the provisions protecting persons from hate-motivated assaults due to their real or perceived identity. Whereas the old legislation explicitly prohibited assaults on the ground of nationality, ethnicity, race or religion; the new law extends the grounds to sexual orientation, gender identity and disability.

Amnesty International acknowledges that these changes clarify the extent of the protection from hate crimes and thus reflect the recommendations made by Non governmental organizations (NGOs), including Amnesty International, Hungarian Helsinki Committee, Hungarian Civil Liberties Union (TASZ), the Legal Defence Bureau for National and Ethnic Minorities (NEKI) and Hatter.

However, Amnesty International continues to remind the Hungarian authorities 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 specialized units and expertise on investigation of hate crimes within the Hungarian police.

The organization further expresses concerns, that Hungarian authorities did not use the opportunity of the reform to ensure that the new Criminal Code includes a general provision under which discriminatory motivation can be taken into account as part of investigation or prosecution of other crimes, including murder. Lack of such provision has been in the past criticised by international human rights monitoring bodies, including European Commission against Racism and Intolerance (ECRI).

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. In April, in its letter to the Hungarian authorities, Amnesty International referred to complaints by the Hungarian Civil Liberties Union (TASZ) to the Prosecutor in relation to cases of attempt of physical violence against Romani people in Gyöngyöspata. The TASZ alleged that in these cases the police failed to investigate in accordance with international human rights standards.

Amnesty International

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