

IMPERFECT JUSTICE

A REPORT BY THE EUROPEAN ROMA RIGHTS CENTRE



Anti-Roma Violence and Impunity

MARCH 2011

CHALLENGING DISCRIMINATION PROMOTING EQUALITY



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Cover photo: © (MTI/Sandor Ujvari) Hungarian Romani man Csaba Csorba looks at the burnt house of his son who was killed with his grandson by gunmen on the evening of 23 February 2009 in Tatárszentgyörgy, 55 km southeast of Budapest, Hungary. The perpetrators set the house on fire and shot dead the 20-year-old father and 5-year-old son when they tried to flee, and wounded two other small children

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2 Introduction

In a significant number of countries, violence against Roma remains a serious problem. Not only because it harms the Roma directly affected by the attack, but Roma as an ethnic group are impacted by the lack of effective response by State authorities. While Roma are often described as a vulnerable group in Governmental policies, little of this understanding is visible in the practice of police and other responsible State authorities in addressing anti-Roma violence.

In the Czech Republic, the European Roma Rights Centre (ERRC) registered 17 attacks against Roma and/or their property between January 2008 and December 2010.¹ These attacks left 11 people, including two minors, with injuries, two of which were life-threatening. In eight cases Molotov cocktails were used; one case involved a tear gas grenade. In one case shots were fired. In seven cases Romani property was vandalised. In three cases Roma were beaten and in one case adults attacked a minor.

In Hungary, the ERRC registered 48 attacks against Roma and/or their property between January 2008 and December 2010.² These attacks took a total of nine lives, including two minors. The attacks left dozens of people with injuries, 10 of which were life-threatening. In 12 cases Molotov cocktails were used; in two cases hand grenades. In 12 cases shots were fired and in nine cases Romani property was vandalised.

In Slovakia, the ERRC registered 10 attacks against Roma and/or their property in Slovakia between January 2008 and December 2010.³ These attacks took the lives of two Romani individuals. The attacks left eight people, including two minors, with injuries. In five cases, shots were fired. In one case an adult attacked a group of minors. In two cases, groups attacked Romani people and in one case, Romani property was vandalised.

The ERRC is actively monitoring the State response to violence against Roma in 44 of these cases. To date, investigations in only six cases have resulted in imprisonment sentences for the perpetrators. The results suggest that a climate of impunity surrounds violence against Roma, which can only serve to encourage more violence. This report examines the results of this monitoring.

The number of attacks and the State response presented in this report are not exhaustive and should be considered as illustrative. Nevertheless, the information presented herewith provides important insight into the State response to violence against Roma.

1 ERRC, *Attacks against Roma in Hungary January 2008-July 2010*, available at: <http://www.errc.org/cms/upload/file/attacks-list-in-hungary.pdf>.

2 ERRC, *Attacks against Roma in the Czech Republic January 2008-December 2010*, available at: <http://www.errc.org/cms/upload/file/attacks-list-in-czech-republic.pdf>.

3 ERRC, *Attacks against Roma in the Slovak Republic January 2008-December 2010*, available at: <http://www.errc.org/cms/upload/file/attacks-list-in-slovakia.pdf>.

3 Methodology

In the present study the ERRRC monitored the State response in 44 of the most violent anti-Roma attacks reported to police in the Czech Republic (14 cases), Hungary (22 cases) and Slovakia (8 cases). The individual cases presented in this study were defined on the basis of initial reporting on an incident by media and NGO sources. During ERRRC follow-up with police, prosecutors and courts, information indicating multiple perpetrators or in some cases even possibly multiple incidents came to light. This information is included in the description of individual case follow-up to the extent possible.

In the first phase available information about cases was collected, mostly from media and NGO partners. In the second phase, the ERRRC sent a series of requests for information to responsible police departments, prosecutors and courts. The ERRRC sought anonymised information related to the status and results of the police investigation, charges brought, sanction of perpetrators and the treatment of racial motive in the investigation and prosecution of the acts. The ERRRC attempted to update all cases as this report was being finalised but there may be recent developments not reported in some.

The information presented in this study represents the results of the investigation and prosecution of crimes against Roma: it does not aim to assess the quality of these actions as such. A number of shortcomings in the State response to violence against Roma are apparent.

4 Responsiveness of State Authorities

In the Czech Republic, Hungary and Slovakia, the ERRC contacted a number of authorities – police departments, prosecutors and courts – and monitored media to obtain updated information on the State response to the selected attacks against Roma. Overall, State authorities were responsive to ERRC requests for information. In only six of the 44 selected cases (13.6%) in the three countries did State authorities refuse to provide any information or fail to respond.

Of the 14 selected cases in the Czech Republic:

- In 10 cases authorities provided information, however, referring to various restrictions (most often the fact that the case was in progress) they often provided limited details;
- In two cases the authorities refused to provide information or did not respond;
- In two cases full information about the State response was already available from public sources so the ERRC did not submit requests for information.

Of the 22 selected cases in Hungary:

- In two cases investigated locally authorities refused to provide information;
- In 11 cases investigated locally authorities provided information;
- In nine cases investigated nationally, the National Bureau of Investigation provided information.

Of the eight selected cases in Slovakia:

- In five cases authorities provided information;
- In two cases authorities refused to provide information or did not respond at all;
- In one case the ERRC gathered information from the media.

5 Czech Republic

5.1 Summary information

In the Czech Republic the ERRC examined 14 known cases of violence against Roma. The cases involved a number of physical assaults, attempts of murder, riots against Roma, pogroms and arson attacks. The results to date of the State response to these attacks vary widely, from “perpetrator(s) not identified” to “22 years in prison.”

Czech authorities issued an important judgment in the most high profile anti-Romani attack in the Czech Republic in October 2010. The case involved an arson attack in Vítkov in which a 2-year-old girl – Natálka – sustained second and third degree burns to 80% of her body. One identified perpetrator was sentenced to 22-years imprisonment and three perpetrators were sentenced to 20-years imprisonment. The perpetrators were also ordered to pay around 680,000 EUR in damages. The case and the ruling received significant media attention nationally and internationally. A number of politicians and public figures publicly welcomed the sentence. In stark contrast to these statements of support for the ruling, the Czech President questioned whether such a sentence would prevent such events from recurring.⁴

However, the judgment in this case is far from the standard response to anti-Roma violence in the Czech Republic. In a number of other cases which received far less media attention, suspects were not identified and the racial motive of the attack was not confirmed. In other cases, attackers left the court with only suspended sentences. In one case, a well-known neo-Nazi supporter who selected and attacked Romani individuals on the street was sentenced to 400 hours of community labour, which many consider insufficient due to the severity of his crime and his affiliation with the project *White Justice*.⁵

Article 42(b) of the Czech Criminal Code establishes racial motivation as an aggravating circumstance to crimes.⁶ Article 356 of the Criminal Code makes it illegal to incite racial and ethnic hatred.

The Czech Republic is the only country of this report which provides methodological guidance to prosecutors on investigating and prosecuting extremism.⁷ This manual, published by

4 Some of the comments are summarised by the news server *Romea.cz* from 21 October 2010, available at: http://www.romea.cz/english/index.php?id=detail&detail=2007_1978.

5 “A group of neo-Nazis named White Justice were planning audacious terrorist attacks on several targets in the Czech Republic”, available at: <http://www.radio.cz/en/section/curaffrs/mf-dnes-neo-nazi-group-planned-terrorist-attacks>.

6 Article 42(b) of Act 40/2009 Coll. (Criminal Code) prohibits crimes committed on the basis of greed, revenge, of national, racial, ethnic, religious, class or other similar hate or other particularly reprehensible motives. Available at: www.mvcr.cz/soubor/sb011-09-pdf.aspx.

7 The manual (in Czech only) is available at: <http://portal.justice.cz/nsz/soubor.aspx?id=82741>.

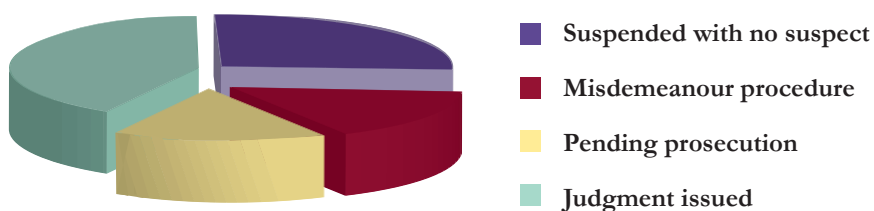
the General Prosecutor, clearly explains how State authorities should proceed. However, in only one of the 14 cases examined in this report did the prosecutor report using this guide. The absolute majority of Czech authorities which responded to ERRC requests stated that their only guidance is the Criminal Code.

5.1.1 STATE RESPONSE TO ANTI-ROMA ATTACKS IN THE CZECH REPUBLIC

Of the 14 cases under examination:

- In four cases police investigation was suspended because no suspect was identified;
- In two cases prosecution was cancelled in favour of misdemeanour procedures before municipal authorities (involving 17 perpetrators);
- In one case prosecution was pending;
- In seven cases judgments were issued:
 - five which resulted in imprisonment (all are or may be under appeal); and
 - two which resulted in suspended sentences or fines (one may be under appeal).

Graphic 1: Czech State Response to Anti-Roma Attacks

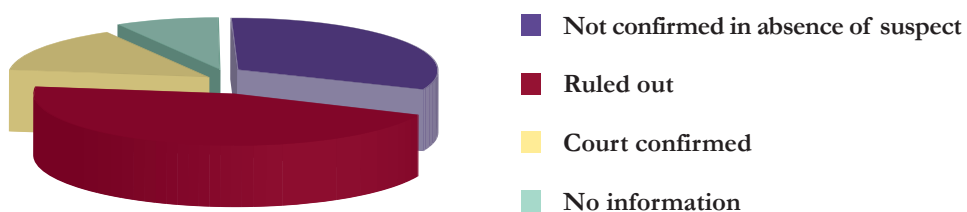


5.1.2 RACIAL MOTIVATION

As concerns the racial motivation of the 14 examined cases:

- In four cases authorities did not comment on motivation because no suspect was identified;
- In seven cases racial motivation was ruled out;
- In two cases racial motivation was confirmed by the court (one decision final and one under appeal);
- In one case no information was available.

Graphic 2: Consideration of Racial Motivation in the Czech Republic



5.2 Individual cases

1. Media reported that on 3 April 2010 unknown persons threw two Molotov cocktails into the entranceway and that another Molotov cocktail was found nearby in an abandoned apartment in a building inhabited primarily by Roma in Opava. Police were quoted in the media as having concluded that a Romani resident of the building had placed the bottles in the corridor himself, and that there was no evidence that any other person was involved. Municipal police dealt with the act of the Romani man as a misdemeanour procedure.⁸ The police refused to provide any further information to the ERRC.⁹
2. On 29 March 2010 four individuals shot an air rifle at Roma in Karviná, hitting a 9-year-old Romani girl in the thigh, her mother in the arm and their ethnic Czech neighbour in the collarbone. Police authorities informed the ERRC that the suspects identified claimed to have been aiming at trees and accidentally hit the people because they were drunk. The police stated that based on how difficult it would have been to aim at the Romani woman who was 49 metres behind the trees, and taking into consideration witness statements from people with the suspects, they had accepted their claim. The police classified the incident as disorderly conduct and did not find racial motivation.¹⁰ The district court found the perpetrators guilty of disorderly conduct and issued them a fine. The perpetrators appealed the decision.¹¹
3. Three individuals attacked Police Commissioner Lubomír Horváth and his son, both Romani men, in Sokolov on 28 March 2010. Mr Horváth's leg was fractured during the incident. Czech police refused to provide any information to the ERRC. The district prosecutor reported it had submitted an indictment against three suspects for mayhem, dangerous threats and violation of home liberty to the court: as described, the indictment did not include racial motivation.¹² The case is pending nearly one year later.
4. On the night of 14 March 2010 two individuals threw a Molotov cocktail through the bedroom window of a 14-year-old Romani girl in her home in Ostrava – Bedřiška. The girl put out the fire preventing greater damage or injury. Fourteen people were reportedly endangered in the attack. Then-Prime Minister Jan Fischer denounced the act, stating: “Unacceptable, appalling, mad. These are things that don't belong to normal society. I strongly believe the case will be properly investigated and the perpetrators will be found.”¹³ Police and prosecuting authorities did not respond to ERRC requests for information about this incident. According to media reports, on 23 April 2010 the regional police directorate took two suspects into custody. Six months after the incident, on 29 September 2010 the regional

⁸ More information available (in Czech) at: http://ostrava.idnes.cz/romove-z-opavy-si-utoky-zapalnou-lahvi-zrejme-zinscenovali-sami-ph0-/ostrava-zpravy.asp?c=A100902_1443601_ostrava-zpravy_jab.

⁹ Opava District Prosecutor letter to the ERRC: 21 September 2010.

¹⁰ Regional Police Directorate of Moravskoslezsky Region, Territorial Department of Service of Criminal Police and Investigation, letter to the ERRC: 16 August 2010.

¹¹ Karviná District Prosecutor letter to the ERRC: 18 August 2010.

¹² Sokolov District Prosecutor letter to the ERRC: 23 June 2010.

¹³ Information available (in Czech) at: http://zpravy.idnes.cz/do-domu-v-ostrove-kde-zije-osm-romu-vletela-zapalna-lahvev-pe0-/krimi.asp?c=A100315_115607_krimi_klu.

prosecutor submitted an indictment to the court against the suspects, who were still in custody (neighbours of the victims). According to the regional prosecutor the act, aiming to kill several persons, was initiated by the mother of four children and one of her sons.¹⁴ Racial motivation was ruled out. On 10 December 2010 the Ostrava Regional Court found the son guilty for throwing the Molotov cocktail into the house and the mother guilty for failing to prevent her son from doing so. They were sentenced to three-years imprisonment and 18-months imprisonment respectively, both suspended for three years. The son, 17, was ordered into protective institutional care until the age of 18. One of the 14 persons endangered by the attack, Dušan P., told the media of his dissatisfaction with the sentences because after shouting his family that “all blacks should go up in flames”, the woman was allowed to return home by the court.¹⁵ Following an appeal, on 8 March 2011 the Olomouc High Court increased the sentences. The son was sentenced to four-years imprisonment and the mother was imprisoned for 7.5 years for initiating the attack and instructing her son. At the time of finalising this report the defendants were considering an appeal.¹⁶

5. Unknown attackers threw two Molotov cocktails at the home of a five-member Romani family in Zdiby - Brnky near Prague on 24 May 2009 at 10:30 PM. Bottles containing an unknown fuel were thrown at the wall of the house, which led to the explosion of an electrical wiring unit. No injuries were reported; damage to the house and wiring unit were estimated to be about 400 EUR.¹⁷ The police and prosecutor informed the ERRC that no suspects(s) were identified and that the investigation was suspended on 21 July 2009.¹⁸
6. On 19 April 2009 four young men threw Molotov cocktails at the house of a Romani family in Vítkov. Three of nine family members suffered injuries, among them 2-year-old Natálka who suffered second- and third-degree burns to 80% of her body. The police arrested 12 people in connection with the case, four of whom were charged. In October 2010, the Regional Court of Ostrava found the four perpetrators guilty of complicity in attempted murder and property damage. Two perpetrators were sentenced to 22-years imprisonment and two to 20-years imprisonment. The perpetrators were ordered to pay compensation for damages of around 680,000 EUR: 300,000 EUR to the hospital to cover treatment costs, 380,000 EUR as compensation to Natálka and 2,880 EUR as compensation to her parents. The sentence was appealed by the perpetrators.¹⁹ On 18 March 2011 the Olomouc High Court reduced the sentence of one of the defendants from 22 to 20-years imprisonment. The other sentences were upheld.²⁰

14 Information about the chronology of the incident is available (in Czech) at: http://www.romea.cz/index.php?id=detail&detail=2007_8932.

15 Reported by *Romea.cz*, available at: http://www.romea.cz/english/index.php?detail=2007_2058&id=detail.

16 Reported by *Romea.cz*, available at: http://www.romea.cz/english/index.php?id=detail&detail=2007_2223.

17 Reported by *Romea.cz*, available at: http://www.romea.cz/index.php?id=detail&detail=2007_6226.

18 Praha-Východ District Prosecutor letter to the ERRC: 15 June 2010, Regional Police Directorate of Středočeský Region, Teritorial Department of Praha – Východ, letter to the ERRC: 21 June 2010.

19 More information available at *Romea.cz*: http://www.romea.cz/english/index.php?id=detail&detail=2007_1973 and *Blesk.cz*: <http://www.blesk.cz/clanek/zpravy-krimi/143721/kauza-vitkov-zhari-dostali-22-a-20-let-odvolali-se.html>.

20 Reported by *Romea.cz*, available at: http://www.romea.cz/english/index.php?id=detail&detail=2007_2269.

7. On 1 February 2009 in Beroun, a small group of young ethnic Czech men attacked a 30-year-old Romani man when he intervened in an apparent disagreement between the group and another young man. They chased him into the street then followed him home, grabbing a garden hoe from the Romani man's yard and hitting him on the head repeatedly.²¹ The police identified several suspects actively participating or present at the scene of the attack. Czech prosecutors informed the ERRC that the Prague Regional Court found two perpetrators guilty on 8 April 2010. The court confirmed racial motivation and sentenced the two perpetrators to four-years and one-year imprisonment, respectively; both perpetrators appealed the decision.²² On 4 November 2009, the Beroun District Court found two persons present during the attack guilty for not helping the victim, sentencing them to 18-months probation. This decision was appealed to the Prague Regional Court, which cancelled the decision: on 21 April 2010 the case was classified as a misdemeanour to be dealt with by the Municipal Office in Beroun. A protest against this decision by the district prosecutor was rejected on 29 June 2010 and the decision of 21 April 2010 became final.²³ The ERRC currently has no information on the status of the misdemeanour procedure.
8. During New Year's Eve celebrations on 1 January 2009 a man wearing a swastika on his jacket attacked a Romani man at a disco in Frýdek-Místek. A police spokesperson was quoted in the media as having stated that: "An almost two metres tall racist started to verbally insult a randomly chosen Romani young man. He started shouting at him that he hated him and that he was a black face. With his arm raised he started hailing [...] He confessed, but he does not regret. On the contrary, he is proud about his act." According to media reports of the trial, taking into consideration that the perpetrator did not have a criminal record and had just started high school again the court decided "to give him a chance." On 2 September 2009 the court found the perpetrator guilty of attempted mayhem, rioting and supporting and promoting a movement aimed at suppressing human rights and freedoms, sentencing him to three-years imprisonment suspended and five-years probation. In its decision, the court prohibited the perpetrator from entering gambling pubs, bars or discos, banned him from consuming alcohol in public for five years, and ordered him to pay the victim 2,400 CZK (approximately 100 EUR) in compensation.²⁴
9. On 17 November 2008 500 far-right extremists marched through the Romani neighbourhood in Litvínov, resulting in violent clashes between the extremists and police forces. According to media reports, 15 extremists were detained during the march.²⁵ The Most police directorate informed the ERRC that the investigation was ongoing as of January 2010: three persons had been charged with disorderly conduct and defamation of race, ethnicity and beliefs; the police had also requested the prosecution of 16 persons for attacking a public agent and disorderly conduct but the State prosecutor cancelled this prosecution.

21 More information available (in Czech) at: http://www.romea.cz/english/index.php?id=detail&detail=2007_1601.

22 No information about the appeal was available at the time this report was finalised.

23 Beroun District Prosecutor letter to the ERRC: 20 August 2010, Prague Regional Prosecutor letter to the ERRC: 13 August 2010. See also: http://www.romea.cz/english/index.php?id=detail&detail=2007_1601.

24 More information available from *Romea.cz* at: http://www.romea.cz/english/index.php?id=detail&detail=2007_1309.

25 See: <http://www.ct24.cz/domaci/36107-strety-v-litvinove-si-vyzadaly-14-zranenych-a-15-zadrzenych/>.

Following that, the cases were processed further as misdemeanour offences against public coexistence to be dealt with by the Municipality. The ERRC currently has no information on the status of the misdemeanour procedure.²⁶

10. On the night of 8 November 2008, a large group of masked and armed neo-Nazis between the ages of 17 and 25 went to a Romani neighbourhood in Havířov, attacking at least two Romani individuals and leaving one of them with life-threatening injuries. According to media reports the victim told the court that following the attack he could not stand or talk for a month; one of his arms is partially paralysed. The district prosecutor submitted indictments against eight persons for crimes against life and health to the Ostrava District Court. The regional prosecutor informed the ERRC the case was forwarded to the regional prosecutor and the regional court due to the serious nature of the case, refusing to provide further details because the case was open and because one of the perpetrators was under 18. On 24 February 2011 media reported that the Olomouc Supreme Court sentenced two of the perpetrators to four-years imprisonment for causing bodily harm and disorderly conduct; one of the perpetrators to three-years imprisonment; and three perpetrators to two-years imprisonment suspended for three years. Two other defendants were acquitted due to a lack of evidence.²⁷ At the time of finalising this report, it was not clear if the decision would be appealed.
11. At the end of June 2008 an unidentified person threw two Molotov cocktails into the entryway of a building inhabited by Roma in Opava, setting the door of a ground-floor apartment on fire.²⁸ The inhabitants managed to extinguish the fire before it caused any more damage or injuries. The prosecutor informed the ERRC that no perpetrators were identified and that the investigation was suspended.²⁹
12. At the end of June 2008, local hooligans returning from a sporting event threw a tear gas grenade into a building inhabited by Roma on Sadova Street near a sports stadium in Opava.³⁰ The prosecutor informed the ERRC that no perpetrators were identified and that the investigation was suspended.³¹
13. On the evening of 10 October 2008 in Benešov, a group of masked young men attacked at least eight random people in the street, targeting “left-wing-oriented youth and Roma;” one of the victims lost his spleen as a result of the attack.³² The police reportedly detained 12 young men between the ages of 16 and 22, charging them with disorderly conduct and violence against a group of inhabitants and individuals; five were charged with causing bodily harm. Racial motivation was not considered to be an aggravating factor. Following their trial, two of the perpetrators were sentenced to 30-months imprisonment, one was sentenced to 24-months imprisonment (for this and older attacks) and two were sentenced to one-year imprisonment, seven were given

²⁶ Most District Police Department letter to the ERRC: 6 January 2010.

²⁷ Reported by *Romea.cz* at: http://www.romea.cz/english/index.php?id=detail&detail=2007_2192.

²⁸ Reported by *Romea.cz* (in Czech) available at: http://www.romea.cz/index.php?id=detail&detail=2007_7870.

²⁹ Opava District Prosecutor letter to the ERRC: 21 September 2010.

³⁰ Reported by *Romea.cz* (in Czech) available at: http://www.romea.cz/index.php?id=detail&detail=2007_7870.

³¹ Opava District Prosecutor letter to the ERRC: 21 September 2010.

³² According to the court, as reported by *Romea.cz* (in Czech) at: http://www.romea.cz/index.php?id=detail&detail=2007_8278.

short sentences suspended for 30 months and one (who at the time of the attack was on probation for causing bodily harm with ideological motives and for promoting movements aimed at the suppression of human rights and freedoms) was sentenced to 400 hours of community service.³³

14. On 13 September 2008 in Kozolupy a caravan belonging to a Romani family was set on fire putting more than 20 lives at risk.³⁴ No one was injured and the caravan was partially damaged. The district prosecutor informed the ERRC that the police did not identify any suspects and that the case was suspended on 30 October 2008.³⁵

³³ More information available at: http://www.romea.cz/english/index.php?id=detail&detail=2007_1666. Detailed analysis of the case by *Romea.cz* (in Czech) available at: http://www.romea.cz/index.php?id=detail&detail=2007_8278.

³⁴ As reported by *Romea.cz* at: http://www.romea.cz/index.php?id=detail&detail=2007_4900.

³⁵ District Prosecutor in Beroun letter to the ERRC: 20 August 2008.

6 Hungary

6.1 Summary information

In Hungary the ERRC examined the progress in 22 known cases of violence against Roma. In these incidents 7 people died, including a 5-year old boy, and a number of individuals were seriously injured. Ten Romani homes were set on fire with various levels of destruction. Guns were involved in 10 of the examined cases and in two cases hand-grenades were used. Out of the 22 attacks, nine, resulting in six deaths, are believed by police to have been committed by the same four suspects who are currently at trial.

Police misconduct and procedural errors were documented during the investigation of one of the violent crimes against Roma, as raised by NGOs and later confirmed by the Independent Police Complaint Committee and by the Head of Police.³⁶ Misconduct by the National Security Service was also revealed.³⁷

In the majority of cases examined, information provided by State authorities was inadequate. Where information was provided, limited results of investigation and prosecution were revealed. In several cases information was not provided by the authorities citing data protection and criminal procedure laws.

The Hungarian government does not systematically monitor racist violence. Police, prosecutors and court officials are reluctant to consider racial bias motivation as an aggravating circumstance to crimes: it is not explicitly included in the Criminal Code (only “base” motivation is included).³⁸ Hate crimes are dealt with as a separate legal provision but are not linked to other crimes.³⁹

In Hungary, there is no specific protocol or guidelines developed for police and prosecutors on how to investigate and prosecute hate crimes. Nor there is systematic monitoring of racist

³⁶ NGO report on the circumstances of the double murder committed at Tatárszentgyörgy on 23 February 2009 and conduct of the acting authorities (the police, ambulance and fire services), available at: <http://errc.org/cms/upload/media/03/DA/m000003DA.pdf>; Independent Police Complaint Committee complaint: 366/2009. (XI.11.); Head of Police: 29000/9011/2009.R.P., December 2009, available at: http://www.police.hu/data/cms651181/ORFK_09011_2009_FRP_366_2009.pdf.

³⁷ As reported by *Origo.hu*: <http://www.origo.hu/itthon/20090908-nbh-roma-tamadasok-komoly-hibak-voltak-a-vizsgalat-szerint.html>.

³⁸ Base motivation is only included in relation to homicide, battery/assault, defamation, unlawful detention and insulting a subordinate. This provision would not allow for the tracking of racially-motivated crimes because other motivations may also be included.

³⁹ Section 174(b) of the Hungarian Criminal Code deals with Violence Against a Member of a Community (hate crime), saying: “(1) The person who assaults somebody else because he belongs or is believed to belong to a national, ethnic, racial or religious group or of a certain societal group, or coerces him with violence or menace into doing or not doing or into enduring something, commits a felony and shall be punishable with imprisonment up to five years.” Available in English online at: <http://legislationline.org/documents/section/criminal-codes>.

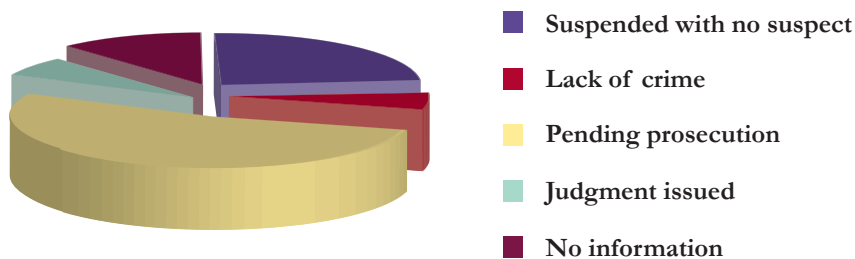
violence or the collection of data disaggregated by ethnicity about the victims of crimes.⁴⁰ There are no reliable statistics on the real number of racially-motivated crimes in Hungary: according to available statistics the number of cases investigated under the hate crime provision of Hungary's Criminal Code is extremely low.⁴¹

6.1.1 STATE RESPONSE TO ANTI-ROMA ATTACKS IN HUNGARY

Of the 22 cases under examination,

- In six cases the police investigation was suspended because no suspect was identified;
- In one case the police investigation was suspended for *lack of crime*
 - an investigation against the alleged victims for false testimony was opened;
- In 12 cases prosecution was pending;
- In one case the perpetrator was convicted, resulting in 11-years imprisonment.
- In two cases no information was available.

Graphic 3: Hungarian State Response to Anti-Roma Attacks

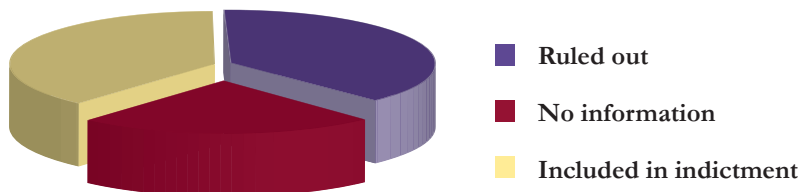


6.1.2 BASE MOTIVATION

Of the 22 cases under examination:

- In eight cases base motivation (reflecting racial motivation) was ruled out;
- In five cases no information was provided;
- In nine cases base motivation was included in the indictment (the group of nine cases investigated by the National Bureau of Investigation).

Graphic 4: Consideration of Base Motivation in Hungary



⁴⁰ ERRC correspondence with regional law enforcement authorities, e.g. Heves County Police Department letter to the ERRC: 28 April 2010; and Csongrad County Police Department letter to the ERRC: 29 March 2010.

⁴¹ The number of cases investigated under hate crime provisions: in 2004: 7; 2005: 7, 2006: 8, 2007: 9, 2008: 12. Available at: <http://crimestat.b-m.hu/KulsoLekerdezo.aspx>.

6.2 Individual cases

1. On the evening of 27 May 2009 a 46-year-old man broke into the home of a Romani family in Abádszalók and attacked the family with a razor blade. The father's neck and chest were cut and the mother's legs were cut. The family restrained the attacker who was also armed with a gun. The police were called and the attacker was arrested. Immediately after the case was reported in the media, the Minister of Justice said that there is no reason to believe that the crime was racially-motivated arguing that personal conflicts may have been behind the attack.⁴² In November 2009 the police informed the ERRC that the investigation was ongoing: a number of tools that could have been used in an attack were identified and the attacker had argued that the family had robbed him before and he had wanted to question them about this. The police reported that the attacker and the Romani family members were all heard as suspects in the case.⁴³ The first court hearing was scheduled in February 2011: the attacker was charged with attempted battery causing endangerment of life.⁴⁴
2. On 5 May 2009 unknown perpetrators fired shots at a house inhabited by a Romani family in Táska. No injuries were reported, but minor damage to the wall of the house was sustained.⁴⁵ Police refused to provide the ERRC with any information on the status of this case citing data protection laws and the law on criminal procedure.⁴⁶
3. At around 6:30 PM on 15 April 2009, an unknown perpetrator fired a shot at the home of a five-member Romani family in Old. The bullet went through the window and hit a painting. No one was home at the time.⁴⁷ Police informed the ERRC that the investigation into the crime of endangering within the sphere of occupation was closed on 15 June 2009 because no evidence confirming an intentional crime was found. The victim of the attack complained about the police procedure but the prosecutor rejected this complaint on 18 August 2009.⁴⁸ No evidence of base motivation was found.⁴⁹
4. Early in the morning of 6 March 2009 unknown persons threw a Molotov cocktail into the house of a Romani family in Bocfölde. One of the inhabitants threw the bomb out of the house before a fire started. No one was injured.⁵⁰ Police reported that the damage to the house was 25,000 HUF (approximately 92 EUR). The police investigation of

42 As reported by *Népszabadság* (in Hungarian), available at: http://www.nol.hu/mozaik/borotvaival_tamadt_egy_ferfi_egy_roma_csaladra_abadszalokon.

43 Jász-Nagykún-Szolnok Criminal Police Department letter to the ERRC: 10 November 2009.

44 ERRC telephone inquiries with the Jász-Nagykún-Szolnok County Court: 25-27 January 2011.

45 Information about the incident (in Hungarian) available at: http://nol.hu/mozaik/lottek-e_taskan_horvathek_hazara_.

46 Somogy County Police Directorate letter to the ERRC: 4 November 2009.

47 Information about the incident (in Hungarian) available at: http://nol.hu/mozaik/ralottek_egy_oldi_hazara_.

48 Siklós Police Directorate letter to the ERRC: 13 November 2009. Pécs Prosecutor letter to the ERRC: 10 November 2009. The prosecutor reported that the bullet, fired from a hunting rifle from 500 to 1600 metres away, could not be matched to the rifle firing the bullet because it was totally deformed.

49 Pécs Prosecutor letter to the ERRC: 10 November 2009.

50 Information available at: <http://www.nol.hu/lap/mo/lap-20090307-20090307-30>.

- vandalism was suspended on 6 January 2010 because no suspect had been identified.⁵¹ The prosecutor reported that the evidence did not show base motivation.⁵²
5. On 20 November 2008 unknown persons threw a Molotov cocktail into the courtyard of the house of a Romani family in Pusztadobos; no one was injured because the bottle broke on the sidewalk and left only burn marks in the garden. A paper reported to have been found outside the house said: “You are going to die.”⁵³ Police informed the ERRC that an investigation involving fire professionals, forensic professionals and analysis of witness statements found that the fire was not caused by a Molotov cocktail. The investigation was therefore closed on 3 November 2009 in the absence of a crime. Instead, the police launched an investigation against the victims for giving false testimony.⁵⁴
 6. On 18 November 2008 a hand grenade was thrown into the home of a Romani family in Pécs killing the parents. The police identified four Romani suspects and ruled out base motivation. As of February 2011, the case was pending before the County Court of Baranya: the perpetrators were charged with multiple homicides planned in advance.⁵⁵
 7. In November 2008 unidentified suspects threw a Molotov cocktail at a house belonging to a Romani family in Debrecen. No one was injured but the damage caused was estimated to be around 23,000 HUF (around 85 EUR). Police informed the ERRC that, according to fire experts, the materials used were not suitable for a Molotov cocktail and that the fire was not dangerous to the public because it did not spread. The incident was qualified as a misdemeanour offence (vandalism) and, as no suspect was found, the case was suspended on 3 August 2009.⁵⁶
 8. Unknown perpetrators threw a Molotov cocktail at the home of a Romani family in Koszarhegy on 15 October 2008. Police and prosecutors informed the ERRC that despite a reward of 1,000,000 HUF (around 3,700 EUR), they could not identify any suspects and the case was closed in February 2009. The ERRC was also informed no sign of base motivation was identified.⁵⁷
 9. At dawn on 17 September 2008 a hand grenade was thrown into the yard of a Romani house in Siófok. The house was damaged but no one was injured. Local police refused to provide information in response to ERRC requests⁵⁸ and the local prosecutor did not respond at all.
 10. On 15 June 2008 in Fenyéslitke, a 40-year-old man stabbed two Romani boys: one of them, a 14-year-old boy, died and the other one suffered injuries.⁵⁹ Police informed the ERRC that base motivation was not found in this case.⁶⁰ The perpetrator was found

51 Email response to ERRC telephone inquiries with the Zala County Police Headquarters: 8 February 2011.

52 Zala County Prosecutor letter to the ERRC: 28 October 2009.

53 Police press release available at: http://www.police.hu/friss/sza20081120_01.html. Reported also by *Index.hu* (in Hungarian), available at: <http://index.hu/bulvar/molkok1120/>. Szabolcs-Szatmar-Bereg County Police Department letter to the ERRC: 5 November 2009.

54 Szabolcs-Szatmar-Bereg County Police Department letter to the ERRC: 5 November 2009.

55 ERRC telephone inquiries with the Baranya County Court: 25-26 January 2011.

56 Hajdu-Bihar County Police Department letter to the ERRC: 5 November 2009.

57 Fejér County Criminal Police Department letter to the ERRC: 27 November 2009, Fejér County Prosecutor letter to the ERRC: 10 November 2009.

58 Somogy County Police Department letter to the ERRC: 4 November 2009.

59 Article by *Népszabadság* (in Hungarian) available at: http://www.nol.hu/belfold/romak_elleni_tamadasok_kinos_rendorsegi_eredmenytelenseg.

60 Szabolcs-Szatmar-Bereg County Police Department letter to the ERRC: 11 November 2009.

guilty of the attempted murder of more than one person, sentenced to 11-years imprisonment in a high security prison and deprived of the right to participate in public affairs for eight years. The perpetrator appealed the verdict and the appeal court upheld the judgment in October 2009, noting that the sentence delivered by first instance court was light. The 20 October 2009 judgment of the appeal court is final.⁶¹

11. Three members of the volunteer police guard threw six Molotov cocktails at the homes of three Romani families in Patka on 3 June 2008.⁶² The court informed the ERRC that three suspects were immediately taken into custody. On 26 January 2009 an indictment for attempted murder was delivered to the court, which held numerous hearings throughout 2009 and 2010.⁶³ The case has been pending before the Fejér County Court since March 2009: the latest hearing was scheduled for 31 March 2011.⁶⁴ There is no information about the consideration of base motivation in this case.
12. On 13 April 2008 Molotov cocktails were thrown at the home of a Romani family which was about to sell its house to another Romani family in Fadd. After the fire, the house was not sold and on 26 April 2008 the old house of the purchasing family was also fire-bombed. Police informed the ERRC that the investigation into vandalism and public endangerment confirmed that the fire was set intentionally but that it was closed on 1 April 2009 because no suspects were identified. A day after the 26 April 2008 firebombing the victims attacked their neighbours, suspecting that they had perpetrated the attacks. Police launched a criminal investigation against them for physical assault and an indictment was submitted to the local court in June 2009.⁶⁵ The local prosecutor did not respond to the ERRC request for information on the status of this case.⁶⁶
13. On 1 March 2008 the house of a Roma Minority Self-Government representative was set on fire in Tiszaroff. Racial epithets were painted on the walls prior to the arson attack.⁶⁷ Police informed the ERRC that an investigation was launched under the criminal provision of damaging property and causing excessive damage. However, police reported that they could not find evidence, facts or data to prove base motivation so it was ruled out. Police closed the investigation on 28 April 2009 because no suspects were identified.⁶⁸

⁶¹ Copy of the judgment delivered to the ERRC by the Debrecen High Court, letter from 16 March 2010.

⁶² Reported by *Népszabadság* at: http://www.nol.hu/belfold/romak_elleni_tamadasok_kinos_rendorsegi_eredmenytelenseg.

⁶³ Fejér County Court letter to the ERRC: 22 April 2010.

⁶⁴ Reported by *Fejér Megyei Hírlap*, article (in Hungarian) available at: http://www.fmh.hu/cim-lapon/20110331_patkai_polgarorok_pere.

⁶⁵ Tolna County Police Department letter to the ERRC: 11 November 2009.

⁶⁶ Several months after these attacks, on 21 June 2008 members of the local government, the Magyar Garda and nationalist motor bikers organised a demonstration against “Gypsy crime” in the town. See: <http://magyar-garda.hu/node/1741>.

⁶⁷ Information from *Népszabadság* (in Hungarian) at: http://www.nol.hu/belfold/romak_elleni_tamadasok_kinos_rendorsegi_eredmenytelenseg.

⁶⁸ Jász-Nagykún-Szolnok County Police Department letter to the ERRC: 4 November 2009. The prosecutor refused to provide any information to the ERRC citing the law on criminal procedure: see Jász-Nagykún-Szolnok Megyei Prosecutor letter to the ERRC: 19 December 2009.

6.2.1 SERIES OF ATTACKS ON ROMA

On 21 August 2009 the National Bureau of Investigation (NBI) arrested four suspects, detained on suspicion of involvement in a series of killings and attacks of Roma.⁶⁹ As reported by the media the prosecutor submitted the indictment proposal to the Pest County Court on 8 September 2010, accusing the suspects of aggravated forms of homicide including base motivation (reflecting racial motivation).⁷⁰ The trial began on 25 March 2011 and 34 hearings were scheduled through 13 July.⁷¹ The killings and attacks are described below.

14. On 3 August 2009 a 45-year-old Romani mother and her daughter were attacked in their home in Kisleta. The mother was shot and killed; the daughter survived with injuries.
15. On 22 April 2009 a 54-year old Romani man was fatally shot in front of his house late in the evening as he was leaving for work in Tiszalok.
16. On 23 February 2009 Molotov cocktails were thrown at the home of a Romani family in Tatárszentgyörgy and the perpetrators shot and killed two family members, a father (aged 27) and son (aged 5), as they fled the burning home. Two other children were wounded. The mother escaped without injury.
17. On 15 December 2008 in Alsózsolca a 19-year old Romani man was shot two times in his yard and sustained life-threatening injuries. His partner suffered minor injuries.
18. On 3 November 2008 two Romani persons (a man of 43 and a woman of 40) were shot dead following a firebomb attack on two houses in the village of Nagycséc. The perpetrators shot the members of one Romani family after they awoke to the sound of the firebomb and tried to escape from the house. The bomb thrown at the other Romani house did not explode.
19. Molotov cocktails were thrown and shots were fired at four Romani homes in Tarnabod on 29 September 2008. No one was injured.
20. On 5 September 2008 in Nyíradony shots were fired at a house in which Romani people were sleeping. Nobody was injured.
21. On 8 August 2008 in Piricse, Molotov cocktails were thrown at two Romani houses. One woman was shot in the leg when she stepped out of the house.
22. Shortly after midnight on 21 July 2008, 10 to 15 shots were fired at three Romani houses in Galgagyörk, a village near Budapest. No one was injured.

⁶⁹ NBI letter to the ERRC: 29 March 2010.

⁷⁰ As reported by *Index.hu*, at: http://index.hu/belfold/2010/09/08/romagyilkossagok_benyujtottak_a_vadiratot/.

⁷¹ As reported by *Hvg.hu*, at: http://hvg.hu/itthon/20110308_romagyilkossag_nagyszabasu_per.

7 Slovakia

7.1 Summary information

In Slovakia the ERRC collected information about eight cases of violence in which the victims were Romani individuals or groups. The cases involved police violence, police ill-treatment of minors, shootings, anti-Roma demonstrations and a number of physical attacks.

The findings reveal problems in the administration of justice in Slovakia. For example, the police investigation into a very high profile case of police ill-treatment of a group of Romani boys (which included anti-Romani remarks caught on video) did not find evidence of racial motivation. However, subsequently the prosecutor's office did include racial motivation in the indictment sent to court. In another case, in which a young man shouted Nazi slogans while attacking a 61-year-old Romani man, the police ruled out racial motivation stating that it was a conflict between neighbours.

According to Article 140(d) of the Slovak Criminal Code, racial motivation is an aggravating factor for all crimes contained in the Criminal Code.⁷² Article 423 the Criminal Code defines defamation of race, ethnic group and belief as a crime, and Article 424 defines incitement of racial and ethnic hatred as a crime. Article 421 and Article 422 address support to groups and movements intended to limit fundamental rights and freedoms.

In Slovakia, there is no specific protocol or guidelines developed for police and prosecutors on how to investigate and prosecute hate crimes.

7.1.1 STATE RESPONSE TO ANTI-ROMA ATTACKS IN SLOVAKIA

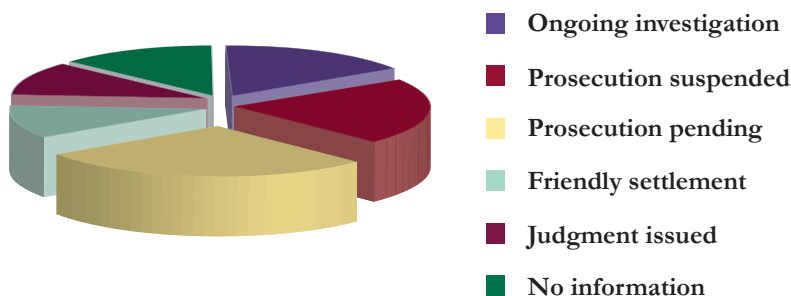
Of the eight cases under examination:

- In one case the police investigation was ongoing;
- In two cases prosecution was suspended;
 - In one case the act was re-qualified as a misdemeanour (involving at least 36 people);⁷³
 - In one case prosecution was suspended for 2 years during which the behaviour of the attacker would be monitored;
- In two cases prosecution is pending before the court;
- In one case prosecution ended in a friendly settlement;
- In one case the court issued a judgment resulting in a suspended sentence;
- In one case no information was available.

⁷² Act 300/2005 Coll. (Criminal Code), available at: <http://www.zbierka.sk/zz/predpisy/default.aspx?PredpisID=18750&FileName=05-z300&Rocnik=2005>.

⁷³ Thirty-six perpetrators were charged in this case.

Graphic 5: Slovak State Response to Anti-Roma Attacks

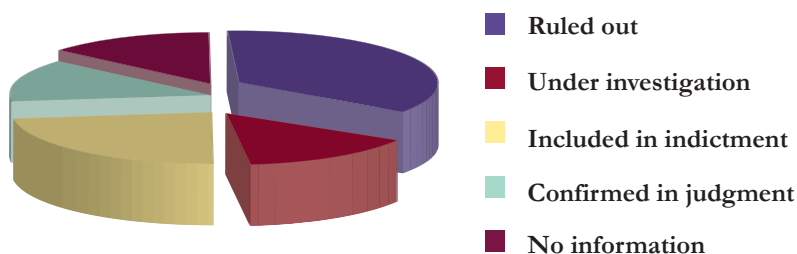


7.1.2 RACIAL MOTIVATION

As concerns racial motivation of the eight selected cases:

- In three cases racial motivation was ruled out;
- In one case racial motivation was under investigation;
- In two cases racial motivation was included in the indictment;
- In one case racial motivation was confirmed in the judgment;
- In one case no information was available.

Graphic 6: Consideration of Base Motivation in Slovakia



7.2 Individual cases

1. Following an argument on 6 June 2010 a 57-year-old man started shooting at a group of Roma who were collecting old batteries in Dubnica nad Vahom.⁷⁴ The Trenčín police department informed the ERRC that the shooter ran after the Roma concerned with his gun, first firing into an empty space and then shooting at people on the street. The attacker was arrested immediately. The prosecutor informed the ERRC that the attacker was accused of mayhem and disorderly conduct and that the indictment was under preparation: evidence of racial motivation had not been found.⁷⁵

⁷⁴ Information about the attack provided by *SME* daily (in Slovak) available at: <http://povazska.sme.sk/c/5411266/strelba-v-dubnici-pat-ludi-je-zranenych.html>.

⁷⁵ Trenčín District Prosecutor letter to the ERRC: 13 August 2010. Trenčín Regional Police Directorate letter to the ERRC: 2 September 2010.

2. On 11 December 2009 at a disco in Spišská Nová Ves two non-Romani individuals assaulted two Romani men on the street after doormen had denied a larger group of Roma the right to enter the disco due to their ethnicity. The police were called to the scene that night.⁷⁶ The police informed the ERRC that the investigation is ongoing, suspects had been identified and that racial motivation was under investigation.⁷⁷
3. On 8 August 2009 in Šarišské Michaľany the far right political party Slovenská Pospolitosť (Slovak Togetherness) organised a demonstration of around 200 people from Slovakia, the Czech Republic and Hungary against “Gypsy criminality”, which erupted into a clash between far-right supporters and the police.⁷⁸ The police informed the ERRC that eight persons were accused of attack on a state agent, five of disorderly conduct and six of inciting racial and ethnic hatred. The district prosecutor closed the actions on inciting racial and ethnic hatred and disorderly conduct and forwarded the cases to another authority to pursue misdemeanour charges. The police reported 28 other misdemeanour cases arising from the same incident to the Sabinov District Administrative Authority.⁷⁹ No further info was available at the time of finalising this report.
4. On 7 June 2009 in Zohor a 20-year old man shot a 61-year old Romani man in the head with a gas gun while verbally attacking him and shouting Nazi slogans.⁸⁰ The police informed the ERRC that because the perpetrator confessed and agreed to probation, and taking into consideration his prior conduct, the Malacky district prosecutor suspended prosecution on 22 October 2009 and placed the perpetrator on probation for two years. Police ruled out racial motivation, finding this to be a conflict between neighbours.⁸¹
5. At 6:00 AM on 26 April 2009 a 27-year-old security guard entered houses in the Moňov Potok Romani settlement near Košice, breaking windows, kicking doors, threatening to kill the residents and firing a shot from his gun.⁸² The police arrested the shooter and closed the investigation on 22 October 2009. The suspect was indicted under several provisions of the Criminal Code, including incitement to racial and ethnic hatred. During the trial before the Košice I District Court, the victims and the accused entered a friendly settlement and the criminal proceedings ended on 19 January 2010.⁸³

⁷⁶ Information provided by the victims, on file with the ERRC.

⁷⁷ Spišská Nová Ves District Police Directorate letter to the ERRC: 9 August 2010.

⁷⁸ Information about the gathering provided by *Centrum.sk* (in Slovak) available at: <http://aktualne.centrum.sk/domov/zdravie-skolstvo-spolocnost/clanek.phtml?id=1188099>.

⁷⁹ Presov District Prosecutor letter to the ERRC: 24 September 2010. Presov District Police Directorate letter to the ERRC: 11 August 2010.

⁸⁰ Slovak National Centre for Human Rights, *Report on Monitoring of media with a special focus on racism, xenophobia and antisemitism, January – June 2009*, available (in Slovak) at: http://www.diskriminacia.sk/sites/default/files/SNSLP_Monitoring_medii_1_polrok_2009_0.pdf.

⁸¹ Stupava Police Department letter to the ERRC: 9 August 2010.

⁸² Slovak National Centre for Human Rights, *Report on Monitoring of media with a special focus on racism, xenophobia and antisemitism, January – June 2009*, available (in Slovak) at: http://www.diskriminacia.sk/sites/default/files/SNSLP_Monitoring_medii_1_polrok_2009_0.pdf.

⁸³ Košice I District Prosecutor letter to the ERRC: 5 August 2010. Košice District Police Department letter to the ERRC: 10 September 2010.

6. On 5 April 2009 in Bratislava a group of skinheads attacked 10 Romani men from eastern Slovakia on public transport. Three of the victims sustained serious injuries and required hospitalisation. Four suspects between the ages of 19 and 27 years were detained.⁸⁴ The prosecutor and police refused to provide information to the ERRC because the investigation was ongoing.⁸⁵
7. On 21 March 2009 six police officers detained a group of six Romani boys aged 11 to 17 in Košice and forced them to take off their clothes, stand naked against a wall and hit and kiss each other while the officers shouted anti-Roma statements at them and sent police dogs after them. At least two of the policemen were threatening the boys with loaded guns. Some of the officers filmed the incident on their mobile phones and the video was posted on the Internet.⁸⁶ Responsible police and prosecutors did not respond to ERRC information requests. According to media reports, police investigators did not find evidence of racial motivation of this incident⁸⁷ but the prosecutor included racial motivation in the indictment. Media also reported that only one of the indicted police officers attended the first court hearing on 26 August 2010: all other officers involved reportedly deny their guilt.⁸⁸ Three of the officers were still employed by the police at that time. The court hearing planned for 16 February 2011 was postponed because none of the accused showed up. The next hearing is planned on 13 – 15 April 2011.⁸⁹
8. In September 2008 in Košice a group of young men verbally attacked a group of Roma at a bus stop and then started beating them, reportedly continuing after municipal police arrived at the scene. Following a police investigation, five persons were tried and found guilty of defamation of nation, race and beliefs linked to disorderly conduct on 21 June 2010. Sentences ranged between 6 to 22-months imprisonment, all suspended for between 20 to 40 months. The highest sentence was given to a 27-year-old man who had previously been found guilty of racially-motivated attacks.⁹⁰

⁸⁴ Slovak National Centre for Human Rights, *Report on Monitoring of media with a special focus on racism, xenophobia and antisemitism, January – June 2009*, available (in Slovak) at: http://www.diskriminacia.sk/sites/default/files/SNSLP_Monitoring_medii_1_polrok_2009_0.pdf. See also webserver of *TV Joj - udalosti.noviny.sk*: <http://udalosti.noviny.sk/z-domova/07-04-2009/styria-muzi-zautocili-v-autobuse-mhd-na-desiaticich-romov.html>.

⁸⁵ Bratislava District Prosecutor letter to the ERRC: 16 August 2010. Bratislava V District Police Department letter to the ERRC: 12 August 2010. Follow-up the phone interview with the Bratislava V District Police Department: 1 March 2011.

⁸⁶ Information (in Slovak) available at *Korzar* newspaper: <http://korzar.sme.sk/c/5769492/proces-s-policajt-mi-za-tyranie-romskych-deti-stoji.html#ixzz1E8WjW8tj>.

⁸⁷ Information (in Slovak) available at *Korzar* newspaper: <http://korzar.sme.sk/c/5347646/v-policajnomyt-rani-chlapcov-rasizmus-nenasli.html>.

⁸⁸ Information (in Slovak) available at *Korzar* newspaper: <http://korzar.sme.sk/c/5521081/tyranie-chlapcov-na-sud-prisiel-jediny-policajt.html#ixzz13jNWFqpI>.

⁸⁹ Information (in Slovak) available at *Korzar* newspaper: <http://korzar.sme.sk/c/5769492/proces-s-policajt-mi-za-tyranie-romskych-deti-stoji.html>.

⁹⁰ Information (in Slovak) available at *Korzar* newspaper: <http://korzar.sme.sk/c/5433043/bitka-extremistov-s-romami-sa-skoncila-podmienkami.html>.

8 Conclusions

In this report the European Roma Rights Centre examined the State response to 44 selected violent attacks against Roma in the Czech Republic, Hungary and Slovakia. A number of shortcomings in the State response to violence against Roma are apparent.

The results of the ERRRC's monitoring in the selected cases of violence in the Czech Republic, Hungary and Slovakia show that many Romani victims of violent crimes do not secure justice. A limited number of perpetrators of violent attacks against Roma are successfully identified, investigated and prosecuted. Even fewer are eventually imprisoned for the crimes they have committed against Roma. The results of the investigations and prosecutions to date also indicate that greater media and/or international attention in some way influence the State response to anti-Roma violence: the case of Natalka in the Czech Republic and follow-up to and progress with the group of nine attacks in Hungary are clear examples.

Of the selected cases under examination, judgments finding the perpetrators guilty have been reached in nine of the 44 selected cases: only one of those is considered final while the rest are under or may be appealed. Of those nine cases, only six have resulted in imprisonment (several under appeal) and three resulted in suspended sentences and/or fines, including persons with known affiliations to neo-Nazi groups in the Czech Republic. Police investigations were suspended with no perpetrator identified in 27% of all selected cases.

Racial motivation (or base motivation in Hungary) has only been confirmed in the judgments in 3 of the 44 selected cases of violence against Roma. In 11 other cases racial motivation is included in the indictment in pending cases, including the group of nine cases in Hungary for which the same four perpetrators are standing trial. In 50% of all selected cases, racial motivation of the crimes committed against Roma was ruled out or not confirmed in the absence of identified suspects.

The failure of law enforcement authorities to identify the perpetrators of crimes against Roma in a considerable number of investigations creates a climate of impunity and may encourage further acts of violence against Roma. The issuance by courts of only suspended prison sentences to persons found guilty of serious crimes against Roma reinforces this. Recognition of racial motivation in such a small number of cases may indicate a low level of importance placed on aggravating circumstances of the crimes committed and may fail to account for the full nature of the attacks committed against Roma.

Clear and effective guidance in addressing hate crimes is absent in the countries involved in this study. In both Slovakia and Hungary relevant authorities reported that their only guidance for addressing hate crimes is the Criminal Code provisions. In the Czech Republic the General Prosecutor's Office has distributed methodological materials on addressing

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extremism to regional prosecutors,⁹¹ however the response to ERRC inquiries indicated that many prosecuting authorities in the country do not make use of this material.

These findings combined may have a serious negative impact on the will of Romani individuals to report crimes committed against them to law enforcement authorities. Given the high occurrence of anti-Roma violence in the examined countries and other European countries, Governments must take a firm stance against such violence.

⁹¹ The material is available (in Czech only) at: <http://portal.justice.cz/nsz/soubor.aspx?id=82741>.

9 Recommendations

On the basis of the findings of this study, and in line with previous recommendations issued by the Organization for Security and Cooperation in Europe (OSCE),⁹² Amnesty International⁹³ and Human Rights First,⁹⁴ the ERRC recommends that Czech, Hungarian and Slovak Governments undertake the following:

9.1 Prevention of Anti-Roma Crimes

1. Scale up or implement programmes to increase the number of Roma employed in police forces;
2. Develop community safety and policing programmes, with close cooperation between police, Romani NGOs and Romani communities;
3. Support grassroots activities to promote cooperation between Romani NGOs and authorities to increase reporting of crimes of violence and hate crimes;
4. Respective authorities should regularly collect, publish and analyse data disaggregated by ethnicity on violence against Roma, including hate crimes, and their prosecution;
5. Ensure full assistance, protection, prosecution and compensation to the victims of violence; and
6. Senior government officials should publicly denounce every instance of anti-Roma violence and other kinds of hate crimes.

9.2 Investigation and Prosecution of Anti-Roma Crimes

1. Draft and distribute to all respective authorities clear guidance on the investigation and prosecution of violence against Roma and hate crimes, in line with guidance available from the OSCE and countries such as the United Kingdom;⁹⁵
2. Ensure that relevant authorities use available information and guidelines for investigating and prosecuting hate crimes in their response to crimes against Roma;
3. Provide systematic and ongoing training to police officers, prosecutors and judges on addressing violence against Roma and hate crimes;
4. Prosecute to the fullest extent of the law all perpetrators of violence and hate crimes against Roma.

⁹² OSCE, *Addressing Violence, Promoting Integration: Field Assessment of Violent Incidents against Roma in Hungary* (OSCE, 2009), available at: <http://www.osce.org/odihr/68545>.

⁹³ Amnesty International, *Violent attacks against Roma in Hungary: Time to investigate racial motivation* (Amnesty International, 2010), available at: <http://www.amnesty.org/en/library/asset/EUR27/001/2010/en/7ee79730-e23f-4f20-834a-deb8deb23464/eur270012010en.pdf>.

⁹⁴ Human Rights First, *Blueprint: Combating Violence Against Roma in Hungary* (Human Rights First, October 2010), available at: <http://www.humanrightsfirst.org/wp-content/uploads/pdf/HungaryBlueprint.pdf>.

⁹⁵ Detailed guidance was published by the Association of Chief Police Officers in March 2005, available at: <http://www.acpo.police.uk/asp/policies/Data/Hate%20Crime.pdf>.

The European Roma Rights Centre (ERRC) is an international public interest law organisation working to combat anti-Romani racism and human rights abuse of Roma. The approach of the ERRC involves strategic litigation, international advocacy, research and policy development and training of Romani activists. The ERRC has consultative status with the Council of Europe, as well as with the Economic and Social Council of the United Nations.

ERRC monitoring of the State response to 44 selected cases of anti-Roma violence in the Czech Republic, Hungary and Slovakia shows that many Romani victims of violent crimes do not secure justice. A limited number of perpetrators of violent attacks against Roma are successfully identified, investigated and prosecuted. Even fewer are eventually imprisoned for the crimes they have committed against Roma. The failure of law enforcement authorities to identify the perpetrators of crimes against Roma or to recognise racial motivation in a considerable number of investigations creates a climate of impunity and may encourage further acts of violence against Roma. Clear and effective guidance in addressing hate crimes is absent in the countries of this study. These findings may have a serious negative impact on the will of Romani individuals to report crimes committed against them to law enforcement authorities. Given the high occurrence of anti-Roma violence in the examined countries and other European countries, Governments must take a firm stance against such violence.

CHALLENGING DISCRIMINATION PROMOTING EQUALITY