

**Christian Åhlund,
Chair
European Commission Against Racism and Intolerance**

Cc:

**Nils Muižnieks
Commissioner for Human Rights
Council of Europe**

08 May 2014

Honourable Mr. Åhlund, Honourable Mr. Muižnieks,

The European Roma Rights Centre (ERRC), representing 29 civil society organisations in Hungary, is writing to you to express its deep concern and to call your attention to a recent court decision in Hungary which displayed the racist attitude of the presiding judge.¹

On 24 March 2014 the Regional Court of Gyula in Békés county handed down its judgment in a civil lawsuit which was launched by the prosecutor in order to dissolve the extreme right wing paramilitary group For a Better Future (*Szebb Jövőért Polgárőr Egyesület*) for its unlawful, anti-Roma activities in Gyöngyöspata in 2011, which included patrolling, harassing and intimidating the Romani population in the town.² The Court refused to dissolve the paramilitary group, and the justification of the judge reflected a clearly racist attitude.

The paramilitary group is closely linked to the previously dissolved Hungarian Guard (*Magyar Gárda*) and its predecessor the New Hungarian Guard (*Új Magyar Gárda*). *Magyar Gárda* was banned by the Hungarian Supreme Court in 2009, which decision was also deemed to be lawful by the European Court of Human Rights in 2013.

The current judgment legitimises the openly racist and anti-Roma activities and rhetoric of this extreme group and suggests that the judge agrees with its position. The judge justifies the

¹ The ERRC submits this letter on behalf of a number of human rights organisations who submitted respective letters already to Hungarian authorities.

² The ERRC together with other NGOs expressed its concern, See: Rights Groups Demand Protection for Hungarian Roma, available at: <http://www.errc.org/cikk.php?cikk=3816>

rhetoric of the group, for example providing support for the notion of “gypsy criminality” by making relations between ethnicity and criminality and stating as a fact that Roma represent a high proportion of criminals. The judgment stigmatises Roma as deviant and explains that “Being a Roma should not be primarily interpreted as a racial category, rather as a way of life led by a group of people who stand apart from the traditional values of majority society, and whose lifestyle is characterised by the avoidance of work and the disrespect of private property and the norms of living together.”

The ERRC finds it unacceptable that a member of the Hungarian judiciary acting in her official capacity expresses her racist and discriminatory views against the Roma population. While Tünde Hagyó, the head of the National Bureau of the Judiciary, stated – without giving direct reference to this case - that an independent judiciary is a basic principle of rule of law and democracy, a judgment which contains the racist opinion of the judge is unacceptable. Unfortunately to date there is no information whether any disciplinary measures or a suitability test have been launched against the judge by her employer the Regional Court of Gyula.

This judgment must be seen in context in Hungary. There are growing instances of the judiciary shielding right-wing extremists and racist groups by using criminal law provisions designed to protect minorities such as Roma, despite a Supreme Court judgment of 2011 which found that hate crime provisions cannot be applied in defence of racist groups.³

Several Hungarian NGOs and the ERRC have already demonstrated against the judgment and sent [letters of concern](#) to the judge herself, calling on her to apologise and to participate in non-discrimination training; to the Regional Court of Gyula calling on the Court to verify her suitability for being a judge (under a specific procedure in Hungarian law); to the National Bureau of the Judiciary calling on it to take all measures to ensure that such expressions of racism in a judicial opinion, contradicting the constitution and human rights norms cannot remain without consequences in Hungary; and to the Ethical Committee of Judges, calling on it to take a stand about the unethical behaviour of the judge .

We are aware that an ECRI delegation is visiting Hungary in June 2014 for its periodic review. We request your office to include this matter in your agenda, follow up with the relevant Hungarian institutions and civil society and inform us about any measures that have been taken.

We look forward to hearing from you.

Sincerely,

Robert Kushen
Chair of the Board
European Roma Rights Centre

³ See: http://romadecade.org/cms/upload/file/9270_file30_hu_updated-civil-society-monitoring-report.pdf , page 37.