

31 January 2012

To:  
Minister of Internal Affairs Sándor Pintér, Dr.  
Chief of Police, Hatala József, Dr

Dear Sirs,

The European Roma Rights Centre (ERRC)<sup>1</sup> is writing to express concern about the Instruction on Police Enforcement in Multicultural Environments, issued by the Chief of Hungarian Police on December 30.<sup>2</sup>

We welcome any intention from the police to work constructively in multicultural environments. However some aspects of the guidelines are unclear, and we are concerned this could lead to stereotyping and discrimination.

The document refers to a multicultural environment, but implicitly targets Roma, who are the largest ethnic minority group in Hungary. The ERRC is concerned that some of the language used in the instruction does not enhance cooperation between police and Romani communities, but risks deepening prejudice against Roma and feeding mistrust.

In particular, the instruction uses vague and prejudiced language which is open to a number of interpretations. For example it refers to groups having different behavioural norms and different values<sup>3</sup> and that are considered 'deviant' by the majority.<sup>4</sup>

The instruction asks the police to "pay attention" to communities from different cultural backgrounds and to "monitor the relationship between the majority and the communities with different cultural backgrounds."<sup>5</sup> The form of the 'monitoring' is not specified, and could lead to the harassment of Roma.

The ERRC is concerned that guidelines on monitoring may violate individual rights which are guaranteed under the Hungarian Constitution, including the right to the protection of private and family life, home, relations and good reputation. All the new provisions may conflict with the principal of equal treatment.<sup>6</sup>

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<sup>1</sup> 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

<sup>2</sup> Instruction No 27 of 2011 (XII.30.) on Police Enforcement in Multicultural Environments, available at: <http://www.kozlonyok.hu/kozlonyok/Kozlonyok/12/PDF/2011/63.pdf>

<sup>3</sup> Subsection a) of section 3 of the Instruction

<sup>4</sup> Section 14 of the Instruction

<sup>5</sup> Section 10 of the Instruction

<sup>6</sup> The Fundamental law of Hungary (25 April 2011) articles (1) VI and (2) XV

The Organization for Security and Co-operation in Europe (OSCE) recommends that states should “develop policies that promote awareness among law enforcement institutions regarding the situation of Roma and Sinti and that counter prejudice and negative stereotypes”.<sup>7</sup> The ERRC is concerned that the instruction does not counter prejudice, but may lead to increased negative stereotypes.

The relationship between police and Romani communities in Hungary requires extra sensitivity. The ERRC monitored more than 50 attacks against Roma and and/or their property in Hungary between January 2008 and July 2011.<sup>8</sup> In September 2011, the ERRC filed a case at the European Court of Human Rights regarding the inhumane treatment of a Romani women by police.<sup>9</sup> In this context, it is especially important that the chief of police signals an intention to work positively with Romani communities.

The ERRC makes the following recommendations:

- The Chief of Police amend the instruction to clarify references to ‘deviant’ and ‘different behavioural norms’
- The Chief of Police should clarify the meaning of ‘pay attention’ to groups, and should ensure that this does not conflict with the human rights of Romani communities
- The Minister of the Interior should monitor the implementation of the instruction to ensure that it is carried out with the full respect of human rights for all communities.

We would also like to remind you of our ongoing recommendations to assist positive relations between police and Roma:

- Scale up or implement programmes to increase the number of Roma employed in police forces;
- Develop community safety and policing programmes, with close cooperation between police, Romani NGOs and Romani communities;
- Support grassroots activities to promote cooperation between Romani NGOs and authorities to increase reporting of crimes of violence and hate crimes;
- Respective authorities should regularly collect, publish and analyse data disaggregated by ethnicity on violence against Roma, including hate crimes, and their prosecution;
- Ensure full assistance, protection, prosecution and compensation to the victims of violence;
- Senior government officials should publicly denounce every instance of anti-Roma violence and other kinds of hate crimes.
- 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;
- Ensure that relevant authorities use available information and guidelines for investigating and prosecuting hate crimes in their response to crimes against Roma;
- Provide systematic and ongoing training to police officers, prosecutors and judges on addressing violence against Roma and hate crimes;
- Prosecute to the fullest extent of the law all perpetrators of violence and hate crimes against Roma.

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<sup>7</sup> Decision No. 566 Action Plan on Improving the Situation of Roma and Sinti within the OSCE area, 2003, recommendation 26

<sup>8</sup> ERRC monitoring of attacks reported in Hungarian media, available at: [www.errc.org/cms/upload/file/attacks-list-in-hungary.pdf](http://www.errc.org/cms/upload/file/attacks-list-in-hungary.pdf)

<sup>9</sup> ERRC Seeks Justice for Romani Victims of Police Violence Before European Court, available at: [www.errc.org/cikk.php?cikk=3931](http://www.errc.org/cikk.php?cikk=3931)

Sincerely,

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