



De-radicalisation and Integration: Legal and Policy Framework in Hungary

Hungary/Country Report

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Roland Fazekas – Glasgow Caledonian
University



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Any enquiries regarding this publication should be sent to us at: Roland.Fazekas@gcu.ac.uk

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Table of Contents

Acknowledgement.....	4
List of Abbreviations.....	5
About the Project	6
Executive Summary	7
Introduction	8
I. The Socio-Economic, Political and Cultural Context	9
II. The Constitutional Organisation of the State and Constitutional Principles on De-radicalisation Field of Analysis.....	111
III. The Relevant Legislative Framework of Radicalisation	17
IV. The Relevant Policy and Institutional Framework of Radicalisation	20
V. Case Studies.....	23
Conclusion.....	28
Annexes	30
References and Sources	41

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List of Abbreviations

ECHR: European Convention on Human Rights

ECtHR: European Court of Human Rights

FIDESZ: Fiatal Demokraták Szövetsége (Alliance of Young Democrats)

LGBTQI+: lesbian-gay-bisexual-transgender-queer-intersex

MIÉP: Magyar Igazság és Élet Pártja (Hungarian Justice and Life Party)

MSZP (Hungarian Socialist Party)

NGO: Non-governmental Organisation

TASZ: Társaság a Szabadságjogokért (Hungarian Civil Liberties Union, HCLU)

TEK: Counter-Terrorism Centre (Terrorrelhárítási Központ)

UNOCT: United Nations Office of Counter-Terrorism

About the Project

D.Rad is a comparative study of radicalisation and polarisation in Europe and beyond. It aims to identify the actors, networks, and wider social contexts driving radicalisation, particularly among young people in urban and peri-urban areas. D.Rad conceptualises this through the I-GAP spectrum (injustice-grievance-alienation-polarisation) with the goal of moving towards measurable evaluations of de-radicalisation programmes. Our intention is to identify the building blocks of radicalisation, which include a sense of being victimised; a sense of being thwarted or lacking agency in established legal and political structures; and coming under the influence of “us vs them” identity formulations.

D.Rad benefits from an exceptional breadth of backgrounds. The project spans national contexts including the UK, France, Italy, Germany, Poland, Hungary, Finland, Slovenia, Bosnia, Serbia, Kosovo, Israel, Iraq, Jordan, Turkey, Georgia, Austria, and several minority nationalisms. It bridges academic disciplines ranging from political science and cultural studies to social psychology and artificial intelligence. Dissemination methods include D.Rad labs, D.Rad hubs, policy papers, academic workshops, visual outputs and digital galleries. As such, D.Rad establishes a rigorous foundation to test practical interventions geared to prevention, inclusion and de-radicalisation.

With the possibility of capturing the trajectories of seventeen nations and several minority nations, the project will provide a unique evidence base for the comparative analysis of law and policy as nation states adapt to new security challenges. The process of mapping these varieties and their link to national contexts will be crucial in uncovering strengths and weaknesses in existing interventions. Furthermore, D.Rad accounts for the problem that processes of radicalisation often occur in circumstances that escape the control and scrutiny of traditional national frameworks of justice. The participation of AI professionals in modelling, analysing and devising solutions to online radicalisation will be central to the project's aims.

Executive Summary

This report sheds light on the constitutional principles of Hungary and how the legal system deals with the advanced level of radicalisation in the country. Most importantly, it is widely discussed in the report that there is an element of politics in relation to (the lack of) national de-radicalisation projects. In order to demonstrate how the regime change played crucial role in the emergence of far-right political parties, we pick up the thread in the 1990's. While the considerably short era of capitalism since 1989 gave a chance to the society to build a democracy in which the people are no longer threatened by the political elite, this report establishes the current governing party Fidesz as a new driver of radicalisation in Hungary. As our case studies demonstrate, legislation and the media is often used to further radicalise the society, whereas the authorities lack those sets of tools that could potentially stop aggression and hatred against minority groups. Since the current legal system was re-worked around 2010 when the Fidesz party won the national elections for their second time, there is a radical conservative, often far-right influence that encompasses the Hungarian Constitution and the legislative system in general.

Introduction

Over the past decades, populist and radical actors have mobilized through electoral and protest channels, and succeeded in radicalizing 'mainstream' politics on the European continent and beyond (Gattinara, 2020). The last eleven years of the Hungarian politics created a polarised society based on a facade of core nationalist and Christian values, while targeting minorities in order to maintain their populist agenda and consolidate their voter base.

This report aims to identify the paradigm shift towards the right-wing by the governing Fidesz party and argue that the consequence of the country's illiberal turn leads to further radicalisation, while the current regime neglects de-radicalisation initiatives. With supermajority legislative powers, the Fidesz government has changed the long-lasting principles of reactionary law-making with twisted constitutional values and enacted discriminatory laws so that the Hungarian legal system meets their nationalist conservative values. This report focuses on the legal side of radicalisation and de-radicalisation in the country, while supporting the argument that the state itself is the main driver of the right-wing radicalisation. This is demonstrated through a set of case studies, court cases and legislative flaws of the past decade in order to establish that far-right extremism increased during the Fidesz-led government.

For this report, we have conducted eight interviews with stakeholders about radicalisation. Their input shaped the report and their views and experiences are incorporated into the text. We have found that most of the stakeholders such as politicians, political scientists, researchers and NGOs believe that the current situation of a radicalised society is provoked by the Fidesz government via a set of legislative measures and political narrative. The overarching quest of enemy creation fits into the populist agenda of Fidesz. By targeting minorities, ethnic groups and religions they incite hatred within the society, although, radicalisation is not visible in hate crime statistics. We conclude that the Fidesz led and 'managed' radicalisation in Hungary.

I. The Socio-Economic, Political and Cultural Context

Right-wing extremism is currently the most applicable form of radicalisation in the Hungarian context (Gyollai, 2021). Although, this report follows the political, legal and social issues of increasing radicalisation patterns in Hungary only since 2003 (the emergence of the Jobbik party), the regime change of 1989 must be mentioned in order to introduce a historical perspective of right-wing radicalism. While the end of the communist regime brought deep changes within the society, it was also a contributing factor to the emergence of right-wing extremism. The discourses of radical political parties such as MIÉP and Jobbik (Movement for a Better Hungary, Jobbik Magyarországért Mozgalom) were partly based on the grievances and injustices of the long-lasting Soviet regime, with nationalist, irredentist and anti-communist political narratives. Both MIÉP and Jobbik achieved great support¹ from voters, showing that the Hungarian political scene was longing for a change and the emergence of smaller, critically thinking parties could have been interpreted as a start of a new era.

There can be two arguments of how the regime change contributed to the current issue of polarisation and radical right-wing extremism in Hungary.² Firstly, after 1989, voters became disappointed in the first decade of the 'free' political scene of the country. During the communist era, considerable prosperity was thriving with very low rates of unemployment, after the regime change, privatisation policies of the government has failed utterly. While a small percentage of the society had the chance to make their fortune within the frames of the newly forming capitalist era, the majority were not lucky during the 'chaos' of these years. This process started to disconnect the society by using wealth and fortune as the main difference. According to one of our interviewees, the recent period (32 years) of capitalism in Hungary is one of the reasons for the current state of polarisation within the society. Also, it needs to be mentioned that during the Soviet Regime, the Roma in Hungary were an integrated

¹ The success of the Jobbik Party was quite abrupt: in 2009, they have won 3 European Parliament mandates, while in the next year, they got into the Hungarian Parliament with 16% of the votes, by which Jobbik became one of the most supported right-wing party in the EU.

² Based on the interview with János Molnár, researcher of Friedrich Ebert Stiftung

layer of the society, whereas today, Roma communities live in poverty and often are segregated.

While the today known polarisation and radicalisation in Hungary had not become part of the mainstream political scene until the 2000s,³ the ideologies and narratives of the far-right were formulated after the regime change, when MIÉP party was founded in 1993. The re-emergence of the far-right extremism in the 21th century was closely connected with the protests against the MSZP (Hungarian Socialist Party) government in September 2006. As it was discussed in the D.Rad report 3.1 on the Stakeholders of Radicalisation in Hungary (Gyollai, 2021), the leaked speech of then Prime Minister Ferenc Gyurcsány polarised the society and eventually led to protests nationwide. A new generation of right-wing extremist organizations engaged in these protests, mostly the Sixty-Four Counties Youth Movement (Hatvannégy Vármegye Ifjúsági Mozgalom – HVIM), an irredentist association founded in 2001, and also the new Movement for a Better Hungary (Jobbik Magyarországért Mozgalom), founded in 2003 took an active part (Mares, 2018). Several demonstrations in Budapest turned violent; it was mostly football hooligans and members of racist groupings that clashed with the police.

The demonstrations essentially led to the establishment of the Hungarian Guards (Magyar Gárda), a para-military group associated with the Jobbik party. The Hungarian Guards constituted the first far-right related terrorism phenomenon in Hungary in the 21th century. Despite the fact that the group avoided the use of direct physical violence, it manifested a potential threat (Mares, 2018). The Roma Killings in 2008-2009 were committed by former members of the association, who were later all imprisoned for murder, which was further aggravated by the hate crime element. The Hungarian Guards were dissolved,⁴ however, the phenomenon itself gave rise to concerns about the rates of radicalism in Hungary.

While the Fidesz (Allience of Young Democrats) government was established as a liberal, pro-democracy party, their political discourse's paradigm shifted by the year 2010, after winning the national elections. The Fidesz became a right-wing populist

³ The right-wing movement became part of the political scene in 1998, when MIEP party won 5,5% of the votes and gained parliamentary seats.

⁴ Fővárosi Bíróság (District Court of Budapest) 2008. december 16. 19.P.26.453/2007/126.

and conservative-nationalist party, thus, it took over the place of the Jobbik party, which now represents a mild right-wing opposition party. The political discourse by the Fidesz government is built on populist trends. Their narratives have already scapegoated refugees during the migration crisis, liberals, the elite, political opponents, the European Union and the LGBTQ+ community in order to gain political power and increase their influence in Hungary. The enemy-creation of the Fidesz will be discussed in the case studies of the report. Often the truth became a casualty of Fidesz's propaganda campaigns. Nativism, racism, homophobia and xenophobia are indisputably increasing in the country, which brings us to assess and evaluate how important de-radicalisation is.

II. The Constitutional Organisation of the State and Constitutional Principles on De-radicalisation

Field of Analysis

1. The Emergence of the Fundamental Law and the decline of the Rule of Law

Hungary has not been a subject of frequent constitutional amendments in a historical perspective. After the WWII, in 1949 the communist government adopted the first written Constitution which led to the creation of the Hungarian People's Republic. This document was heavily amended during the regime change, although it was not entirely rewritten; thus, Hungary became the only former Soviet Union country in Eastern Europe without a new Constitution.

With the supermajority, Hungarian Leading Party FIDESZ-KDNP, led by Prime Minister Viktor Orbán have fundamentally replaced the previous constitution (the 1949 Constitution) with the 2011 Fundamental Law of Hungary (Magyarország Alaptörvénye), and comprehensively rewrote several hundred other pieces of

legislation, including all cardinal laws⁵ (Tóka, 2014). The bulk of these changes addressed social and economic issues, but the philosophy that underlined them put a great deal of emphasis on allowing the legislative majority and the executive to make decisive choices with as little constraint as possible, leaving core constitutional principles in a vulnerable position (Tóka, 2014). During the years of the Fidesz supermajority government, it has been argued that the Fundamental Law of Hungary is changed too frequently and always in line with the Fidesz policies in order to create legitimacy.⁶ The principal effect of the changes introduced through this whirlwind of constitutional and statutory amendments was to concentrate power in the Fidesz government's hands.

Even though the Hungarian Fundamental Law creates a new, explicit principle on preserving the separation of powers (Paragraph 1) Article C)), Hungary has arguably become an authoritarian neoliberal⁷ country through a set of legislative amendments that undermined the rule of law and the democratic values of the country. Defining Constitutional courts are one of the main features of checks and balances of a state, they deal primarily with constitutional law cases and have authority to declare laws unconstitutional. In general, constitutional courts of democratic countries ensure that the constitutional order and the fundamental rights are preserved and guaranteed by the Parliament. While the Hungarian Constitutional Court shall be entirely impartial, most of the judges were elected and appointed by the majority government party; whereas candidates nominated by the opposition were quickly eliminated. This process began with the alteration of the system for nominating Constitutional Court justices, giving governing parties the exclusive power to nominate and subsequently elect justices; meaning that under Viktor Orbán's right-wing regime, constitutional checks-and-balances of the constitutional court have become non-existent (Halmai, 2018). This attack against the independence of the Constitutional Court was followed

⁵ Cardinal Laws (*sarkalatos törvények*) in Hungary are higher in hierarchy than other laws (except for the Constitution). These have higher importance and are meant to be harder to amend them (two-third of the votes from the present representatives are needed).

⁶ HCLU's Analysis of the Seventh Amendment of the Fundamental Law, Online: <https://hclu.hu/en/articles/hclus-analysis-of-the-seventh-amendment-of-the-fundamental-law>

⁷ Fabry (2018) argues that Fidesz has created a fusion between authoritarianism and neoliberalism by 'root-and-branch' transforming the Hungarian society. The author confirms that Fidesz "skillfully combines some of the central tenets of neoliberalism (maintenance of a balanced budget, introduction of a flat tax system and the pursuit of regressive social policies) with 'ethnicist-populist' measures that seek to co-opt, coerce or manufacture consensus among subaltern groups in society against alleged 'enemies' of the Hungarian nation."

by the Fourth Amendment to the new constitution in 2013, which annulled the entire case law of the Constitutional Court between the years 1990-2011.⁸ The Fourth Amendment of the Fundamental Law stirred debates even within the European Union (hereafter EU) due to the undermined rule of law in the country which posed a clear risk of breach of core values of EU. The European Parliament argued that the major changes to Hungary's legal framework have curbed the independence of the judiciary, interfered with the administration of justice, forced nearly 300 judges into early retirement, and imposed limitations on the Constitutional Court's ability to review laws and complaints.⁹ These implications have led to an infringement procedure by the European Commission, and also a European Court of Justice case,¹⁰ which declared the discrimination at the workplace on the grounds of age unlawful based on the EU rules on equal treatment in employment.¹¹

The rule of law had been undermined through several amendments over the years. It can be argued that most of the changes were reactionary and in line with Fidesz's agenda. During the refugee crisis, the Hungarian government's narrative became hostile towards migrants, therefore, the Parliament strengthened the protection of Hungarian and Christian values in the Fundamental Law.¹² The Stop-Soros¹³ bill contained provisions that criminalised illegal border crossings and drastically reduced the funding of NGOs dedicated to aid refugees. Following the Stop-Soros bill, Fidesz targeted the Central European University (CEU) by drafting a new legislation in relation to the operation of foreign universities in Hungary. As CEU was founded by George Soros, who was depicted by Fidesz media propaganda as the person who manufactured the refugee crisis in order to flood Hungary with migrants, the university had no other alternative than to move its campus entirely to Vienna, Austria. Furthermore, as part of their campaign against the LGBTQ+ community, the

⁸ "Decisions of the Constitutional Court made before the entry into force of the Fundamental Law shall be repealed. This provision shall not affect the results of those decisions." Fourth Amendment of the Fundamental Law of Hungary, 2013

⁹ See Human Rights Watch: <https://www.hrw.org/news/2013/09/18/hungary-constitutional-change-falls-short>

¹⁰ European commission v. Hungary, case C-286/12, 7 June 2012

¹¹ Directive 2000/78/EC

¹² "In Europe, there are ongoing processes that may change the traditional cultural image of the continent. There is no Europe and no Hungary without the Christian culture. Protecting the universal values of Christian culture is a priority, and that is why the state's duty to protection shall be included in the Fundamental Law."

¹³ The 'Act on the social responsibility of organisations supporting illegal migration; the Act on the immigration financing duty; and the Act on immigration restraining orders. The name of the Bill refers to George Soros, a Hungarian-American philanthropist accused by the ruling party Fidesz of "encouraging and facilitating illegal migration to Hungary".

Constitution was changed in order to include homophobic and anti-transgenderism.¹⁴ The Seventh Amendment made homelessness illegal by forbidding “habitual residence in public spaces”, which was considered a direct violation of human rights. Even though the decision No. 38/2012. (XI. 4.) AB of the Constitutional Court of Hungary was clearly of the opinion that the criminalization of homelessness violates the Fundamental Law, the amendment is still incorporated in the constitution. In the culture of the right-wing Fidesz government, constitutionalism and the rule of law has lost their values due to the frequent changes of the Fundamental Law and the heavy discriminatory measures enshrines within.

2. Constitutional principles regarding radicalisation

Neither the Hungarian Fundamental Law nor any other cardinal laws provide framework for de-radicalization or ‘disengagement’ of violent extremists or radical groups and there are no constitutional principles that aims to prevent people from being drawn to radicalisation. As there is a lack of legal framework for laws in Hungary which the *D.Rad* project could build research upon, this report takes a different turn and follows the argument of WP3.1 that the main stakeholder of radicalisation is almost entirely political and state-driven (Gyollai, 2021).

In Hungary, human rights protections, such as the European Convention on Human Rights (ECHR) and the Universal Declaration of Human Rights were originally incorporated into domestic law after the Regime Change,¹⁵ and are currently incorporated in the Fundamental Law of Hungary. The Fundamental Law provides framework for the freedom of speech; in which it stipulates that exercising freedom of speech is limited when it is aimed at violating the dignity of the Hungarian nation itself; national, ethnic or religious communities (Article IX). While conducting interviews for this report, we discovered that there is an ambiguity regarding freedom of speech and incitement to hatred. A recent court case demonstrates how the ‘legal double standard’ operates within the frameworks of freedom of speech and hate speech. According to

¹⁴ “The mother is a woman; the father is a man.” Article L of the Hungarian Fundamental Law

¹⁵ 1993. évi XXXI. Törvény, az emberi jogok és az alapvető szabadságok védelméről szóló, Rómában, 1950. november 4-én kelt Egyezmény és az ahhoz tartozó nyolc kiegészítő jegyzőkönyv kihirdetéséről

the Article IX (5) of the Fundamental Law,¹⁶ freedom of speech must not be aimed at violating the dignity of the Hungarian nation, national, ethnic, racial or religious communities. In the court case,¹⁷ the journalist was sentenced to pay damages because in his article (written in the light of the Fidesz government's anti-migrant propaganda) he used the expressions 'filthy Hungarian migrants' and 'Hungarian bandits'. The publicist referred to the historical era of the 10th century when Hungarians plundered and pillaged Western Europe and also to the fact that Hungarians might also be considered migrants in the West; putting the Fidesz's anti-migrant propaganda to another perspective. On the other hand, when Fidesz politicians or PM Viktor Orbán himself offends the Roma population or migrants,¹⁸ the police fail to investigate. This can be understood as a double standard regarding freedom of speech in Hungary: in case the government offends a minority group, it is constituted as freedom of speech; however, when opposition politicians or media use similar phrasing, they are being prosecuted for violating the dignity of a nation, as incitement to hatred or hate speech. This brings us to the possibility that the state has already ensured its legal impunity by taking over the police, the prosecutor's office, and the Constitutional Court, none of which would authorise investigations into the governing Fidesz party or its members. Authorities empowered to intervene if state facilitates such radicalising narrative rarely or never do so. Another example could be the Media Council (Médiatanács)¹⁹ which has not issued fines on Hungarian Public Broadcast Media (governed by pro-government officials) in the last ten years, whereas liberal or opposition owned media outlets face fines regularly.²⁰ Similarly, opposition political leaders receive fines during sessions in the Parliament for offending the Fidesz party members. Jobbik leader, Peter Jakab received a 9.8 million HUF fine (approximately 24,000 GBP)²¹ for calling PM Orbán and Fidesz representatives 'dandy'.²² These fines are handed out by

¹⁶ "The exercise of freedom of expression must not be aimed at violating the dignity of the Hungarian nation, national, ethnic, racial or religious communities. Persons belonging to such a community are entitled, as defined by law, to assert their claims in court against the expression of an opinion that offends the community, for violation of their human dignity."

¹⁷ Pfv. IV. 20. 199/2020/7. Kúria

¹⁸ See Viktor Orbán's speech:

https://hvg.hu/itthon/20180301_Video_Orban_nyiltan_fenyegeti_Miskolcot_es_migransozza_a_romakat on the Roma community, calling them migrants in Hungarian cities, threatening the population of a large Hungarian city with the establishments of no-go zones and ghettos.

¹⁹ Media Council monitors the lawful operation of Hungarian media service providers. Critics say its operational system gives the government de facto control over the media landscape in the country.

²⁰ See Media1: <https://media1.hu/2021/01/20/rti-hirado-mediatanacs-fovarosi-torvenyszek-birsagolas/>

²¹ See Index: <https://index.hu/belfold/2021/05/24/belfold-parlament-birsagok-jakab-peter-szel-bernadett-tordai-bence-kover-laszlo/>

²² 'ficsúr': *dandy, dandy boy, beau or fop*

current speaker of the National Assembly of Hungary, Laszlo Kover, founding member of the Fidesz party. Yet another example to show how the freedom of speech of the opposition is curtailed and that the same rules does not apply to the privileged Fidesz party members, who had not received any fines in the last years.

While the freedom of religion is protected in the Fourth Amendment of the Fundamental Law, Islamophobia and Antisemitism are apparent in Hungary. The refugee crisis had given mainstream politicians an opportunity to generate and exploit the public racist, xenophobic and ultra-nationalist urges of the sort that had previously been the exclusive preserve of the extreme right (Kalmar, 2020). The government's anti-refugee campaign was built on xenophobia and it targeted Islam by depicting it as a "violent" religion. Furthermore, the billboard campaign also targeted George Soros, a Hungarian-born American billionaire investor and philanthropist by stating that he wishes to "muslimise" Europe; some of which attacks contributed to antisemitism.²³ Targeting the EU, religions, the West, foreigners and minorities has been an overarching quest for the Fidesz in the past ten years.

Hungarian political discourse has targeted EU values such as: democracy, liberalism and open-societies. The Fidesz government enacted their most recent, controversial anti-paedophile-law based upon a similar anti-LGBTQI+ legislation from the Russian government in 2013, which will be further discussed as a case study of the report. The anti-EU, anti-gay, anti-liberal law making of the Hungarian government has further increased Euro-scepticism in the country, further radicalising the society against an "enemy."²⁴

²³ See: Al-Jazeera: <https://www.aljazeera.com/opinions/2017/8/9/when-anti-semitism-and-islamophobia-join-hands>

²⁴ See: The Conversation: <https://theconversation.com/hungarian-anti-lgbtq-law-is-a-political-tactic-for-orban-162811>

III. The Relevant Legislative Framework of Radicalisation

1. Terrorism related legislative framework

Hungary is a special case in relation to the prevention of radicalisation. In Hungarian legal context, law-making usually further polarises the nation and there is no policy or legal framework for preventing people from being drawn into radicalisation. Although, Hungary law incorporated the United Nations Office of Counter-Terrorism (UNOCT) agenda as well as the EU's 2017 Framework Directive on Combatting Terrorism, there is no or very little mention besides jihadist extremism and terrorism; tackling far-right radicalism is not an apparent agenda of the government.

There are considerably harsh laws that penalise terrorism. In 2010, the Fidesz government established the Counter-Terrorism Centre (*Terrorelhárítási Központ*, hereafter: TEK), with the aim to detect, prevent and interrupt any terrorism related activity in the country. The well-funded, well-equipped agency is led by Brigadier General János Hajdu, who had been the personal bodyguard of Viktor Orbán before he was appointed Prime Minister for the second time in 2010. At the time of the establishment of TEK it was argued that PM Orbán created his personal secret police that any authoritarian ruler would love to have (Scheppelle, 2012). Its powers have been added slowly but surely through a series of amendments to the police laws, pushed through the Parliament at times when it was passing hundreds of new laws. The promotion and protection of human rights and the rule of law in contrast with national security and the operation of TEK are not in line with each other in Hungary. There have been numerous concerns raised for possible human rights violations in relation to the operation of the agency.

The Article 6 of the Hungarian Fundamental Law recognizes the right to privacy (paragraph 1.) and the right to protection of personal data (paragraph 2.). Regarding surveillance for national security purposes, for the Counter-Terrorism Centre, there is no requirement for prior judicial authorisation. However, the Constitutional Court did not find the lack of judicial authorisation contrary to the Hungarian Constitution.²⁵ In

²⁵ Hungarian Civil Liberties Union (TASZ) The Right to Privacy in Hungary

a 2016 ECtHR case, the court held that it was a violation of Article 8 of the ECHR (private and family life) as there were insufficient legal safeguards to ensure against abuse.²⁶

The Criminal Code covers terrorism related offences which carry a minimum sentence from 10 years up to life imprisonment. According to the GDU database,²⁷ between 2008 and 2021, seven terror incidents happened in Hungary, six of them were committed by unknown perpetrator groups and only one incident involved fatal casualties. Out of the six attacks, one was committed by a Neo-nazi group and another was linked to the infamous ‘Roma Killings’ incident, which was committed by far-right ideologists. Even though the Hungarian legal system takes terrorism very seriously, both the political narrative and legal framework focuses on foreign terrorism, ignoring far-right extremism – as a potential threat to the country – entirely.

2. Hate crimes

Regarding hate crimes, the Hungarian Criminal Code follows a mixed solution. One of the rarest solutions to incorporate hate crimes to the criminal system can be found in Hungary: an act motivated by prejudice constitutes a *sui generis* fact, which aggravated circumstance is separated from criminal offense itself. The legislator builds on an existing fact (most often: theft, harassment, bodily harm, vandalism, etc.) and essentially redrafts it by inserting prejudicial motivation (Körtvélyesi, 2012). Therefore, prejudice and racist motive became an aggravating circumstance. The special part of the Hungarian Criminal Code provides for the punishment of hate crimes, such as violence against a member of a specific community, incitement against minorities, etc., under *sui generis* statutory facts. However, in the case of offences determined in addition to the *sui generis* facts, an offense for a vile reason is a circumstance which classifies the offense as more serious.²⁸ Crimes committed for a ‘vile’²⁹ reason implies

Stakeholder Report Universal Periodic Review 25th Session – Hungary

²⁶ Szabó and Vissy v. Hungary (37138/14)

²⁷ See ODIHR: <https://hatecrime.osce.org/hungary>

²⁸ Criminal Code 2012, C. These crimes: murder [Btk. Section 160 (2) (c)]; bodily harm [Btk. Section 164 (4) (a) and (6) (a)]; violation of personal freedom [Btk. Section 194 (2) (b)]; slander [Btk. Section 226 (2) (a)]; subordinate violation of [Btk. Section 449 (2) (a)].²⁸

²⁹ “aljasságból”

a heavier punishment for acts motivated by racism or other hate motives; hence, hate crime is considered as an aggravating circumstance, rather than an offence itself.

Nevertheless, the legal framework in Hungary would make it possible for the authorities to effectively tackle hate crimes, systemic failures can be detected when it comes to the implementation and application of the law in cases of hate crimes against members of vulnerable groups. The most typical systemic failures are regular under-classification of hate crimes, regular failures on the part of the police to undertake law-enforcement measures, failures of the authorities to take investigative steps. For instance, in the case of *RB v Hungary*,³⁰ the ECtHR found that Hungarian authorities failed to investigate the hate-crime element and the racist motive.

Statistics in relation to hate crimes in Hungary have a counter-intuitive nature. Statistically, hate crime rates in Hungary are incredibly low in comparison to other European countries. The fundamental problem with the system is that the classification of criminal offenses depends solely on how authorities classified them. Criminal authorities must take into account indicators of prejudice (bias) when detecting and investigating of crimes, with the aim of eliminating and responding effectively to racism, racial discrimination, xenophobia and related intolerance.³¹ The main reason why statistics do not contain hate crimes can be derived from the fact that there is no de facto 'hate crime' offence in the Hungarian Criminal Code, it is only an aggravating circumstance. In contrast, for instance, in the United Kingdom, hate crime itself constitute as an offence for which perpetrators can be prosecuted for,³² while the Hungarian legal system does not allow prosecution on the mere merit of 'only' hate crimes. The only way hate crimes can be listed in statistics in Hungary is when police officers include them to their reports. Hate crimes not being properly recognised and reported by the authorities could contribute to unreported hate crimes, leading to incorrect statistics and untraceable rates of radicalism in the country.

While the Hungarian Criminal code meets the requirements of the 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, in reality, crimes

³⁰ Application no. 64602/12

³¹ OSCE Hate Crime Report on Hungary, Online: <https://hatecrime.osce.org/hungary>

³² See: <https://www.cps.gov.uk/crime-info/hate-crime>

targeting minority groups are usually prosecuted as regular offences without the hate crime element. The assistance and support provided by the state for victims of hate crimes are also inadequate. In terms of prevention the authorities lack effective measures to map the nature and scale of the issue, including because they do not collect data on hate crimes, thereby hampering their ability to identify trends and craft relevant policy responses.³³

IV. The Relevant Policy and Institutional Framework of Radicalisation

Whereas the Equal Treatment Act 2003³⁴ states that Hungarian state and its bodies must not discriminate on the bases of gender, race, sexual orientation and nationality, discriminatory law-making has been mainstreamed during the past decade. While conducting interviews as part of this report, we identified an underlying issue regarding radicalisation drivers in Hungary. According to stakeholders, the political discourse and narrative of the Fidesz government changed radically since the refugee crisis, during which legislation became hostile against irregular migrants. Whereas the government had dismantled human rights protection by filling the leading positions of the judiciary and the executive branches, the state itself became impugnable. By holding 90 per cent of the media platforms,³⁵ the perspective of the Fidesz party is predominant in country and there are no checks and balances for their media representation since media authorities that could potentially prevent harmful content to be distributed (e.g. the Media Council) are also in the hands of the government. We establish the hate-inciting, xenophobic, Euro-sceptic and homophobic political narrative by the Fidesz party as ‘managed radicalisation’.

³³ Amnesty International, ‘Violent Attacks against the Roma in Hungary’ Online:

<https://www.amnesty.org/download/Documents/40000/eur270012010en.pdf>

³⁴ 2003. évi CXXV. Törvény az egyenlő bánásmódról és az esélyegyenlőség előmozdításáról

³⁵ See Telex: <https://telex.hu/english/2021/03/23/orbans-influence-on-the-media-is-without-rival-in-hungary>

This means that while there are very low numbers of officially documented hate crimes or acts of terrorism that could be linked to radicalisation, people are encouraged by the government's political narrative to be open about their hate against the 'others', may them be foreigners, refugees, members of the LGBTQI+ community, Roma or any other minority. The externalization of the populist 'them and us' dichotomy allowed a strategy to maintain, or even radicalize populist discourse in government position (Hegedus, 2019). The 'openness' of the society about disliking the 'others' has been evolving since 2010. As the narratives and values of the government are mostly nationalist, conservative and often far-right, people feel encouraged to express their dislike for minorities. Even though the Fidesz party does not organise anti-minority marches etc. directly, it can still be established that they are the main drivers of radicalisation and political polarization via political discourse and anti-minority law making that essentially enables people to express their dislikes for minorities. Since politically targeting minority groups are common in Hungary, part of the society is encouraged to reflect radical views in their everyday lives. Therefore, racism and discrimination became a common topic in Hungary which fuels radical views nationwide.³⁶

This state-led radicalisation primarily manifests in legislative measures. The most recent draft of the Ninth Amendment of the Fundamental Law sets core 'Christian, conservative' values to the constitution, as it determines that the 'children have right to be brought up according to their birth-gender'. This constitutes anti-transgender legislation, while transgendered people have already suffered for curtailing their rights before. Legislations targeting same-sex couples and transgenderism were drafted during the coronavirus pandemic, while the Fidesz government had emergency powers to be able to govern during the health-crisis. These powers were misused by changing the electoral laws and the Constitution twice as well. The government sets an example on how to eliminate the opposition and those who represent different set of values than the Fidesz.

³⁶ Information received during the interviews with József Kárpáti (Háttér Társaság), Attila Szabó (TASZ) and András Kováts (Menedék Egyesület)

Out of eight interviews with stakeholders of de-radicalisation in Hungary such as lawyers, NGO officials, political scientists and politicians, we concluded that the Fidesz party is the main driver of radicalisation. Through political discourse and discriminatory law-making the government targets minority groups such as the Roma, migrants or most recently, the LGBTQI+ community in order to achieve political gain and establish their nationalist, Christian facade, which is in reality an anti-democratic, far-right political agenda. 'Managed radicalisation' is a term that collectively summarises how the state – led by majority party Fidesz – incites radicalisation and polarisation in order to consolidate its voter base and gain popularity. The right-wing Fidesz propaganda currently targets the LGBTQ+ community and liberals in the media, who are being scapegoated by the government as groups of Western value-system, who aim to undermine nationalism, Christianity and Hungarian values. During the writing of this report, the Fidesz government has successfully passed a new, controversial bill³⁷ through the Parliament, claiming to install stricter action against offenders of paedophilia, which will be further discussed as a case study in order to confirm the government's status as stakeholder regarding radicalisation in the country.

Whereas Hungary is part of the EU's agenda of eliminating discrimination, hate crimes and radicalisation, there are no visible signs of government policies regarding these issues. As the WP3.1 demonstrated, de-radicalisation programmes are in the hands of civil societies and not the state itself. (Gyollai, 2021) The state-led radicalisation effectively focuses on jihadist terrorism, while promoting right-wing norms. The reason why there are no de-radicalisation laws, policies or programmes in the country is because the state itself is the main radicalisation driver in the country through hate-inciting political narrative and discriminatory law-making.

³⁷ 2021. évi LXXIX. Törvény a pedofil bűnelkövetőkkel szembeni szigorúbb fellépésről, valamint a gyermekek védelme érdekében egyes törvények módosításáról

V. Case Studies

1. Anti-LGBTQ+ law-making

Orban's populism consists of constant threat-construction and identifying new enemies is a never-ending quest for Fidesz. Although LGBTQ+ communities have long been under attack (Gyollai and Korkut 2020), the government targeted racial minorities, foreigners and the EU in their political discourse in order to consolidate their voters base. During the refugee crisis, the Fidesz government has created a hate-inciting political campaign through discriminatory law-making and heavily criminalised migration related activities. While the large influx of arriving migrants built up fear in the society (mostly due to the scaremongering campaigns by Fidesz), the government attacked the EU at the same time.

As the general election in 2022 is approaching, the government began their campaign against the opposition to strengthen their own position and to consolidate their voters base. Their most recent legislation proposal was initially created in order to pose heavier sentences on paedophile perpetrators, however, it was supplemented by the government with homophobic amendments. While they have consolidated their right-wing voters base by curtailing the rights of the members of the LGBTQ+ community, they have successfully created disruption in the opposition parties' unity by forcing the hand of the (also right-wing) Jobbik party not to refuse the bill.

The law prohibits the display and promotion of homosexuality and gender reassignment to anyone under the age of 18, and allows only registered NGOs to give lectures and information on the subject in schools – those who will definitely follow the government guidelines. The new bill also introduces a ban on media contents (movies or advertisements) that promote or depict any form of homosexuality or transgenderism. These measures are extremely discriminative and violate human rights of members of the LGBTQ+ community in Hungary. The Hatter Society called the draft amendment an attempt to seriously curb freedom of speech and children's rights and a move that "endangers mental health of LGBTQ+ youngsters and prevents

them getting access to information and affirmative support."³⁸ In 2019, the government has already curtailed their rights by banning same-sex couple's adoptions, legal gender recognition and included in the Fundamental Law that the 'father is a man and the mother is a woman'.³⁹

Victor Madrigal-Borloz, the independent expert on protection against violence and discrimination based on sexual orientation and gender identity of the UN said that "These criminalising provisions, even when they are not applied, create a context that is hostile to the existence of LGBT persons that is also conducive to blackmail and to significant violence affecting the everyday lives of these persons".⁴⁰ After the new legislation shook the country during the Pride month, incidents of hate crimes followed. Three men tried to break into an apartment in Budapest, because there was a rainbow flag displayed in the balcony. The perpetrators managed to flee the scene before the police arrived, they also left anti-LGBTQ+ stickers on the walls of the staircase. The police suggested the residents to remove the flag from the balcony.⁴¹ Furthermore, two gay men were recently attacked in rural Hungary; however, the police did not add the hate crime element to the investigation.⁴² The attack was commented by a pro-LGBTQ+ Hungarian NGO, the Hatter Society, stating that there are fears that the new law will lead to more hate crime incidents and anti-gay attacks.⁴³ The NGO has been promoting acceptance and tolerance, which now will be illegal to do in schools under the provisions of the new legislation. It is also particularly worrying that LGBTQ+ youth are almost five times as likely to have attempted suicide compared to heterosexual youth (CDC, 2016); with no support in a hostile environment, which is created by the government, the state actively neglects their well-being. The openly homophobic legislation on behalf of the Hungarian government incites hate within the society against an already marginalised group, which could potentially lead to further human rights violations, hate crimes, polarisation and radicalisation.

³⁸ See RFERL: <https://www.rferl.org/a/hungary-ban-gay-propaganda/31302483.html>

³⁹ 'Hungarian anti-LGBTQ+ law is a political tactic for Orbán', The Conversation Online: <https://theconversation.com/hungarian-anti-lgbtq-law-is-a-political-tactic-for-orban-162811>

⁴⁰ See Reuters: <https://www.reuters.com/world/europe/un-rights-expert-decries-hungarys-new-anti-lgbt-law-2021-06-25/>

⁴¹ See Telex: <https://telex.hu/belfold/2021/07/16/harman-akartak-betorni-az-ajtot-mert-szivarvanyos-zaszlot-tett-ki-a-lako-az-erkelyre>

⁴² See HVG: https://hvg.hu/itthon/20210628_Megverték_ket_meleg_orvost_Pecsen

The new 'paedophile law' was built on Russian example. The 2013 anti-gay Russian legislation contained similar provisions and banned homosexuality and any propaganda of "non-traditional sexual relations". We are able to see the aftermath of the new Hungarian legislation through the past eight years of the Russian example Orbán apparently intended to follow. Human rights watchdog reported that Russian LGBTQ+ community receives no support from the state or non-state actors, as NGOs are no longer able to work with youth. In the name of protecting conservative Russian values and Russian children, there have been vigilante violence against LMBTQ+ people in Russia.⁴⁴ The Fidesz government had stated⁴⁵ that the new bill would protect Christian values and Hungarian children – using a similar phrasing as Russia did in 2013. Both Hungary and Russia enshrine discrimination in their national law by the anti-gay measures, which further violates human rights and poses a risk of radicalisation and alienation of the society.

The new legislation is extremely polarising by nature and it divided the society. It targets sexual and gender minorities for political gain, giving rise to increased radicalisation in the country. The fact that the Fidesz government has created a law that links homosexuality with paedophilia raised grave concerns and outcry of stakeholders. In the light of human rights protection, the Fidesz government has failed to adequately take their international law obligations and common EU values⁴⁶ into account.⁴⁷ As of June 2021, 16 members of the EU stated that the values of the Fidesz government are incompatible with the laws and values of the EU. In their letter for PM Orbán, they said Hungary should stick to those values or leave the EU.⁴⁸

2. Police: the culture of discrimination?

Extreme right-wing radicalisation has been a concerning issue in Hungary since the regime change of 1989. The violent right-wing extremist scene arose at the same time

⁴⁴ Human Rights Watch, 'Russia's "Gay Propaganda" Law Imperils LGBT Youth' (2018) Online: <https://www.hrw.org/report/2018/12/11/no-support/russias-gay-propaganda-law-imperils-lgbt-youth>

⁴⁵ See HRW: <https://www.hrw.org/news/2013/06/10/russia-drop-homophobic-law>

⁴⁶ According to Article 2 of the Treaty on European Union, the EU is a political and economic union founded on a respect for fundamental rights and the rule of law.

⁴⁷ See Telex: <https://telex.hu/kulfold/2021/06/23/ursula-von-der-leyen-szegyen-melegellenes-torveny-fellepes-europai-bizottsag-unio>

⁴⁸ See Telex: <https://telex.hu/kulfold/2021/06/24/ujabb-levelben-tiltakozik-az-eu-16-tagja-a-pedofiliat-a-meleg-kozossegekkel-osszemoso-magyar-torveny-ellen>

as illiberal tendencies were strengthening in East Central European politics (Mares, 2018). Right-wing terrorism is a broad spectrum, however, far-right violence in Hungary mostly targets the Roma community. With an extremely low immigration ratio, especially from outside Europe, the Roma are practically the only visible ethno-racial minority. (Pap, 2020) The Roma community has suffered from marginalisation in Hungary for the past decades. Post-socialist transformation generated important macro-structural conditions for marginalization, while the capitalist regime in the region have turned many of the low-educated citizens vulnerable or even redundant. (Szalai and Zentai, 2014) In Hungary, the social and territorial polarisation is paramount. (Pap, 2020) The segregation of the Roma is undisputable, which can be demonstrated through a series of court cases.

The Roma population face "continued hostility" from police forces in Hungary, which includes a "failure to protect" them from attacks (MRG Jan. 2018). The Roma residents of Gyöngyöspata, a segregated village in the rural Hungary were victims of police discrimination, right-wing extremist threat and also involved in a compensation case that stirred the water in the country. In 2017, the Kuria (Supreme Court of Hungary) stated that the Hungarian Police Forces violated the right to equal treatment of the entire population of the village, by holding their weeks of practice near the settlement. The police also failed to act on several occasions, when a large group (2000 people) of far-right extremists (members of the Hungarian Guards) were threatening the Roma residents of the village. In doing so, the police's omission to act on the threat violated the human dignity of the Roma residents, contributing to the development of a hostile, humiliating and intimidating environment against them.⁴⁹ The Kuria ruled that the failure to protect the Roma from racist harassment amounted to harassment under the Equal Treatment Act ⁵⁰ (HCLU 17 Feb. 2017). Similar incidents and court cases occurred in the past five years. In a January 2017 decision, concerning two applicants, both of Roma origin, who "alleged that the [Hungarian] police had failed to protect them from racist abuse during [a] demonstration and to properly investigate the incident," the ECtHR established that the authorities conducted "limited" investigations into the incident and that "the specific context of the abuse" had not been taken into

⁴⁹ HCLU: Gyöngyöspata: Megérkezett a Kúria Ítélete, Online: <https://tasz.hu/cikkek/gyongyospata-megerkezett-a-kuria-itelete>

⁵⁰ 2003. évi CXXV. Törvény az egyenlő bánásmódról és az esélyegyenlőség előmozdításáról

account, which resulted in "shortcomings".⁵¹ In April 2016, regarding a complaint concerning the Hungarian authorities' failure to carry out an effective investigation into allegations of verbal violence directed against the applicant (Council of Europe 12 Apr. 2016, para. 40), a Roma citizen, the ECtHR established that the applicant was not provided "adequate protection" and that the criminal-law mechanisms were implemented in a "defective" manner (Council of Europe 12 Apr. 2016, para. 91) This pattern demonstrates a racist police culture.

The most recent case involving discrimination against Roma found that between 2003 and 2017, segregated education took place in the school in Gyöngyöspata, and the practice of segregated education violated the rights of Roma students, so the maintaining municipality and tank district must pay them compensation. According to the judgment, 60 young Roma from Gyöngyöspata (or their families in the case of minors) were entitled to compensation totalling HUF 99 million (ca. 100.000 EUR).⁵² During the court case, the Fidesz proganda machine started campaigning against the compensation. Viktor Orbán in his speech said: "If I lived there... I would ask how is that fair if an ethic community in my village receive a significant amount of money without any work."⁵³ During a radio interview, he added: "It would offend Hungarians sense of justice if we gave money for nothing". The Fidesz government did not acknowledge the human rights violations through discrimination and segregation; and they even blamed it on George Soros. Even though the political narrative of the Fidesz rarely targets the Roma population directly, the systemic discrimination is indisputable.

The European Roma Rights Centre (ERRC) indicates, in a submission prepared for three Hungarian cases before the ECtHR, that it "survey[ed] recent evidence that the national bodies in Hungary responsible for protecting Roma against violence suffer institutional racism, particularly institutional anti-Gypsyism" (ERRC [2015], para. 3). Members of the Roma community reported disrespectful behaviour, racist utterances and even physical violence from local policemen, as well as ethnic profiling and preferential treatment of non-Roma during official acts (Hera, 2015). The systemic discrimination of the Roma in Hungary has many effects on the whole society. If the

⁵¹ Case No. HUN106145.E, Council of Europe 17 Jan. 2017, 1

⁵² See Index:

https://index.hu/belfold/2020/05/12/gyongyospata_iskolai_szegregacio_roma_diakok_karteritesi_per_itelet_kuria/

⁵³ See 444: <https://444.hu/2020/01/09/orban-szerint-igazsagtalán-hogy-karteritest-kaptak-a-roma-gyerekek-akiket-eveken-at-elkulonitettek-az-iskolaban.>

state openly fails to protect an ethnic community and demonstrates discriminatory practices on a regular basis, hostility emerges in the nation towards the same community. In order to de-radicalise those who sympathise with nationalist, far-right ideologies, states must intervene and align their policies with those EU and international laws that offer human rights protection from discrimination. However, to our freedom of information requests, the Hungarian Police forces confirmed that there are no ongoing de-radicalisation programmes or policies for officers. We received the similar answer from the Prison Services.

In their answer to our question submitted as a form of freedom of information request, the Hungarian Police Forces added that they organise trainings about Roma culture, customs and traditions, conflict management, conflict resolution and sensitization training to officers. Emphasis is placed on conflict and prejudice-free relations between the Police and the Roma minority; building relationships, dialogues between the parties and conflict-free local communities in order to ensure coexistence. They also reminded us that their operation follows the principles set up by the Rtv. (Police Laws).⁵⁴ Articles 15 and 16, the principle of proportionality, torture, ill-treatment and coercive interrogation and the prohibition of cruel, inhuman or degrading treatment provisions in the course of police measures and procedural acts validation should also be part of the pre-service briefing of the staff.

Conclusion

State-led de-radicalisation programmes, policies and legislation should be paramount in fighting against extremism, however, the Hungarian government unfortunately focuses on state-led radicalisation and hate incitement in order to gain political profit. Following their populist agenda, Fidesz government is uniting their voters base against 'common enemies' and the 'others'. Creating enemies seems to be their overarching goal of the Fidesz. Since 2010, values such as the rule of law and democracy have

⁵⁴ 1994. évi XXXIV. Törvény a Rendőrségről

been declining due to the discriminatory law-making and neoliberal practices. This report demonstrated those core constitutional principles that shall preserve the rule of law and promote human rights, while highlighting the fact that the Fidesz government's majority of legislative powers are often used to curb those rights and freedoms. Through case studies it was emphasised that the Hungarian government follows Russia's footsteps not only in anti-LGBTQ+ law-making, which could potentially lead to an increase of hate crime incidents and further human rights violations, but in Euro-scepticism, nationalist value system and populist illiberalism. Whereas the Hungarian Fundamental Law prohibits discrimination, there is a grave concern of systemic discrimination and segregation of the Roma population in the country. The report collected the relevant legal information in the field of radicalisation and de-radicalisation, concluding that in Hungary there is a lack of de-radicalisation process conducted by the state, while the state itself is to be blamed for the high level of radicalisation in the country.

ANNEXES

ANNEX I: OVERVIEW OF THE LEGAL FRAMEWORK ON RADICALIZATION & DE-RADICALIZATION

Legislation title (original and English) and number	Date	Type of law (i.e. statute, regulation, rule, etc...)	Object/summary of legal issues related to radicalization	Link/PDF
The Fundamental Law of Hungary, Magyarország Alaptörvénye	25 April 2011	Constitution	<p>Article L of The Fundamental Law of Hungary discriminates against the LGBTQ community by stating that: "The family is hereby defined as a union "based on marriage between a man with a woman."</p> <p>Article I, 3 of The Fundamental Law of Hungary allows legislators that human rights can be restricted. to allow the effective use of another fundamental right or to protect a constitutional value, to the extent absolutely necessary, proportionate to the objective pursued and with full respect for the essential content of such fundamental right".</p> <p>The Seventh Amendment made homelessness illegal by forbidding "habitual residence in public spaces", which was considered a direct violation of human rights.</p>	https://net.jogtar.hu/jogszabaly?docid=a1100425.atv

<p>Act on stricter action against paedophile offenders and amending certain laws to protect children 2021, LXXIX</p> <p>2021. évi LXXIX. Törvény a pedofil bűnelkövetőkkel szembeni szigorúbb fellépésről, valamint a gyermekek védelme érdekében egyes törvények módosításáról</p>	23. June 2021	statute	<p>This statute amends other statute that provide protection for the children and those that are governing the criminal offence linked to paedophilia. It also introduces a ban on media contents that promote or depict any form of homosexuality or transgenderism. The law is deeply discriminative against the LGBTQ community and received international critique.</p>	<p>https://mkogy.jogtar.hu/jogszabaly?docid=A2100079.TV</p>
<p>The 'Soros Bill'</p>	2015	Legislative package	<p>The 'Act on the social responsibility of organisations supporting illegal migration; the Act on the immigration financing duty; and the Act on immigration restraining orders. The name of the Bill refers to George Soros, a Hungarian-American philanthropist accused by the ruling party Fidesz of "encouraging and facilitating illegal migration to Hungary".</p>	
<p>Act on Equal Treatment and the Promotion of Equal Opportunities 2003. CXXV.</p> <p>2003. évi CXXV. Törvény az egyenlő bánásmódról és az esélyegyenlőség előmozdításáról</p>	2003	statute	<p>One of the case studies mentions the Roma residents of Gyöngyöspata, a segregated village in the rural Hungary were victims of police discrimination, right-wing extremist threat and also involved in a compensation case that stirred the water in the country. The Supreme Court of Hungary ruled that the failure to protect the Roma from racist harassment amounted to harassment under the Act.</p>	<p>https://net.jogtar.hu/jogszabaly?docid=a0300125.tv</p>

<p>295/2010. (XII. 22.) Government Decree</p> <p>on the designation of the Counter - Terrorism Agency and the detailed rules for the performance of its tasks</p> <p>295/2010. (XII. 22.) Korm. Rendelet a terrorizmust elhárító szerv kijelöléséről és feladatai ellátásának részletes szabályairól</p>	<p>22.12. 2010</p>	<p>Government Decree</p>	<p>The Government Decree which created the Counter-Terrorism Agency (TEK) gives special authority to the agency. The fact that TEK agents do not require prior judicial warrants undermines the right to privacy protected by the ECHR and The Fundamental Law of Hungary.</p>	<p>https://net.jogtar.hu/jogszabaly?docid=a1000295.kor</p>
<p>XXXI 1993 Law promulgating the Rome Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 and the eight additional protocols</p> <p>1993. évi XXXI. Törvény, az emberi jogok és az alapvető szabadságok védelméről szóló, Rómában, 1950. november 4-én kelt Egyezmény és az ahhoz tartozó nyolc kiegészítő jegyzőkönyv kihirdetéséről</p>	<p>1993</p>			

NATIONAL CASE LAW

Case number	Date	Name of the court	Object/summary of legal issues related to radicalization	Link/PDF
19.P.26.453/2007/126.	16 December 2008	Fővárosi Bíróság (District Court of Budapest)	The dissolution of the para-military group Hungarian Guards (Magyar Gárda).	
199/2020/7.	20 April 2020	Supreme Court of Hungary (Kúria)	A defamation case involving a journalist who was sentenced to pay damages because in his article he used the expressions 'filthy Hungarian migrants' and 'Hungarian bandits'.	
European commission v. Hungary, case C-286/12	7 June 2012	European Court of Justice	Regarding the forced retirement of nearly 300 judges in Hungary, the ECJ judgment declared the actions as discrimination at the workplace on the grounds of age that is unlawful based on the EU rules on equal treatment in employment.	
Szabó and Vissy v. Hungary (37138/14)	16 January 2016	European Court of Human Rights	About the Hungarian Constitutional Court decision regarding the operation of the Counter-Terrorism Agency (TEK). The ECtHR held that there are no sufficient checks and balances regarding some of the operation of the TEK and the governing jurisdiction does not respect Article 8 of the ECHR	

RB v Hungary 64602/12	12 April 2016	European Court of Human Rights	R.B., a woman of Roma origin, filed a complaint with the European Court of Human Rights alleging that the Hungarian authorities failed to adequately investigate harassment and violence aimed at her by demonstrators during an anti-Roma rally, and thus did not meet their positive obligation to protect her private life.	
8.B.101/2010/1010	6 August 2013	Főváros Környéki Törvényszék, Capital District Court	First degree case of the Roma Killings.	
Pfv.IV.21.274/2016/4	2016	Supreme Court of Hungary (Kúria)	The judgement related to the systemic discrimination against the village of Gyöngyöspata and the first case in Hungary establishing the fact of police discrimination against the Roma population of an entire settlement.	

OTHER RELEVANT ISSUES

	Constitutional provisions	Statutory law (statutes, rules, regulations etc.)	Important case law	Comments/issues relevant to radicalization
Freedom of religion and belief	Article VII of the Fundamental Law of Hungary	Right to Freedom of Conscience and Religion, and on the Legal Status of Churches, Religious		Radicalisation issues based on religious beliefs are not common in Hungary.

		Denominations and Religious Communities (2011, as amended 2019)		
Minority rights	Article XXIX para. (1) of the Fundamental Law	Act CLXXIX of 2011 on the rights of nationalities		The government media has led campaigns which fuelled xenophobia and anti-Muslim sentiments.
Freedom of expression	Article IX of the Fundamental Law		Case of Mándli and Others v. Hungary (application no. 63164/16)	Freedom of expression and media plurality are a controversial issue in Hungary. While freedom of the press is protected by the Fundamental Law, Fidesz has undermined this guarantee by politicizing media regulations. The majority of media outlets (almost 90%) are regulated by the government, raising a serious concern over freedom of expression and media plurality.
Freedom of assembly	Article VI. of the Fundamental Law			
Freedom of association/political parties etc.	Article VIII. of the			

	Fundamental Law			
Hate crime speech/		Criminal Code of 2012	Case of Balázs v. Hungary (Application no. 15529/12)	Hate crimes are not prosecuted as an individual offence in Hungary, they serve as an aggravated circumstance. Police officers have discretion to decide whether there are any hate crime elements of an offence.
Church and state relations	Preamble of the Fundamental Law	Act CCVI of 2011 (as in force on 16 April 2019) on the right to freedom of conscience and religion and the legal status of churches, denominations and religious communities		Act CCVI of 2011 stripped hundreds of religious churches of their status as “churches” under domestic law.
Surveillance laws		Act CXXV of 1995 on the National Security Services XXXIV of 1994 on the Police (“the Police Act”)	Szabó and Vissy v Hungary (Application no.: 37138/14)	Regarding surveillance for national security purposes, for the Counter-Terrorism Centre, there is no requirement for prior judicial authorisation.

Right to privacy	Article 6 of the Fundamental Law	Act CXII of 2011		
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ANNEX II: LIST OF INSTITUTIONS DEALING WITH RADICALIZATION & COUNTER-RADICALIZATION

Authority (English and original name)	Tier of government (national, regional, local)	Type of organization	Area of competence in the field of radicalization & deradicalization	Link
Budapest Centre for Mass Atrocities Prevention	National and local	Civil organisation	Protection of human rights and the prevention of genocide and mass atrocities in any area of the world.	https://www.genocideprevention.eu/en/
Háttér Társaság	National	Civil organisation	Anti-LGBT hate crime awareness and law clinic.	https://hatter.hu
TASZ	National and regional	Civil organisation	Legal aid centre	https://tasz.hu/egyenlobator-szabad

ANNEX III: BEST PRACTICES/INTERVENTIONS/PROGRAMMES

National level

	Institution(s)	Aim	Source	Evidence of effectiveness / literature
1. 'Facing All the Facts'	CEJI, NKE	hate crime awareness / monitoring	link	link
2. 'Call It Hate: Raising Awareness of Anti-LGBT Hate Crime'	Háttér, HHC, TASZ	anti-LGBT hate crime awareness	link	link
'Mediation and Restorative Justice in Prison Settings'	Foresee	To test if restorative justice practices can help supporting victims of crime, raising responsibility-taking in offenders, supporting the prison staff and inmates in peacefully resolving their internal conflicts and reintegrating offenders into society after release.	link	link
Prevention of radicalization in the prison-system'	Foresee, Budapest Centre for the International Prevention of	Understanding of the reasons behind radicalization and to improve skills required to	link	link

	Genocide and Mass Atrocities, Menedék, NKE	recognise and prevent radicalisation through training activities also supporting and accelerating the reaction of staff.		
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ANNEX IV: POLICY RECOMMENDATIONS

De-radicalisation initiatives and programmes should be developed by the government in order to stop the growing threat of right-wing radicalisation. In order to de-radicalise the society:

- those legislations that curb the human rights of different layers of the society should be reversed (e.g. homelessness should not be deemed illegal; and homosexuality should not be dubbed as paedophilia in legislations);

- bills which restrict NGOs from receiving foreign funding should be reversed (such as the Stop-Soros bill), organisations dedicated to help different minority groups should receive funding in order to create de-radicalisation programmes nationwide;

- mass media campaigns controlled by the government that fuel polarisation within the society (e.g. containing anti-migration, anti-LGBTQI+ and anti-EU campaigns) should be stopped immediately;

- there is a serious need to develop a monitoring body which identifies radicalisation hotspots in the country;

- there is a serious need to develop a monitoring body which tracks hate crimes;

- policing guidelines and legislation should be clear on hate crimes in order to identify it as a criminal activity.

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