

SUBMISSION BY HÁTTÉR SUPPORT SOCIETY FOR LGBT PEOPLE IN HUNGARY FOR THE OSCE ODIHR ANNUAL REPORT ON HATE CRIMES 2011

March 30, 2012

The increase in the number of reports about homophobic and transphobic incidents at our counseling hotline and legal aid service continued in 2011 as well. While according to official information from the Ministry of Interior the development of a police protocol on hate crimes have been started, NGOs working in the field have not been invited to participate in the drafting process and no documents have been released to the public so far. The continued lack of guidance for police and prosecutors on how to deal with hate crimes cases leads to inefficient investigations that often disregard the hate motive.

Cases reported:

Below is a list of selected cases reported to our organization.

Case 1

Date, time and location of the incident: June 18, 2011, 15:00–16:00, Budapest, Hungary

Source of information: interview with the victim, police files

Victim(s) involved: male participants of the Pride March perceived to be gay

Type of the crime(s): physical violence

Perpetrator(s): 15-20 people, participants of the previous anti-gay demonstration

Brief description of incident with bias indicators: C.D.¹ and his friend were interested in the Pride March and went to the March carrying signs that denounced the hassle around the March. Due to security measures, they were unable to join the March and decided to leave the premises around 15:00-16:00. In a smaller street close to the event they were met and surrounded by 15-20 people who were leaving the anti-gay demonstration. They wanted to see the signs and asked C.D. and his friend if they were “faggots”. When they responded no, they were asked if they were “anti-fascists”. Since C.D. was wearing a Turkish t-shirt they also asked if he was Turkish. C.D. asked the harassers why they are doing this. This prompted physical assault: he was punched in the face, his sunglasses fell off, he was punched in the stomach and kicked several times. The attackers shouted “dirty Turkish faggot” during the assault. C.D.’s friend was pushed around, but not beaten. C.D. suffered minor injuries. The same day a video of the attack appeared on an extreme right-wing news portal (Szent Korona Rádió) with the title “Patriots beating up a faggot”. The video was most



Háttér Support Society for LGBT People in Hungary, founded in 1995, is the largest LGBT NGO in Hungary. It operates a telephone hotline, a legal aid service, an HIV/AIDS prevention program and an archive documenting the history of the LGBT movement in Hungary. Besides its core activities Háttér regularly participates in research and training projects and is actively involved in lobbying for advancing the rights of LGBT people through legal change. Háttér is founding member of the Hungarian LGBT Alliance, and active member of ILGA-Europe.

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likely prepared and submitted to the news portal by a person belonging to the group of attackers.

Status of the case: reported to the police, investigated under Article 174/B., investigation suspended – perpetrator unknown

Response of local authorities: When the victim declared that he is not gay himself, but was only perceived to be gay, the detective leading the interview said the case is not a hate crime. It was only upon the insistence of the victim with reference to the text of the law that the investigation proceeded. The investigation was suspended prematurely: the police failed to track down the person creating and uploading the video of the incident on the internet. A complaint was submitted by the victim about the inappropriate investigation.

Case 2

Date, time and location of the incident: June 18, 2011, 19:00, Budapest, Hungary

Source of information: interview with the victim, police files

Victim(s) involved: gay male participant of the Pride March

Type of the crime(s): physical violence

Perpetrator(s): two males

Brief description of incident with bias indicators: L.E. participated in the Pride March with one of his friends. Leaving the premises they were approached at the metro station by two males asking “Which side were you on?” When L.E. asked back on what they meant they said “You know what I am talking about, at the March of these aberrant faggots.” “What do you have to do with this?” responded L.E. Meanwhile the train has arrived. The attackers continued the harassment and tried to stop L.E. and his friend from getting on the train, shouting “You are faggots! You were there, weren’t you! You were protected by the faggot police!” Finally, the perpetrators got on the train, and L.E. and his friend purposefully chose a different carriage to avoid further confrontation. At the next station, the perpetrators changed carriages and continued the harassment. L.E. and his friend decided to get off at the next station. First the attackers wanted to stop them, then they let them go but spat on them and kicked L.E. in the leg. Neither victims suffered injuries.

Status of the case: reported to the police, investigated under Article 174/B., investigation suspended – perpetrator unknown

Response of local authorities: Police response appropriate.

Case 3

Date, time and location of the incident: June 18, 2011, Budapest, Hungary

Source of information: media reports

Type of the crime(s): incitement to hatred, preparation for physical assault

Perpetrator(s): extreme-right wing demonstrators

Brief description of incident with bias indicators: The Budapest Pride March took place in Budapest on June 18, 2011. Several extreme right-wing groups officially organized counter-demonstrations with several hundred participants at Oktogon, a larger square on the route of the March. Based on the experience of violent attacks in the previous years the police decided to separate the participants of the March and the counter-demonstrators. When the March was approaching, counter-demonstrators at Oktogon were fenced off and could not leave the Oktogon area, while the route of the March took a slight detour to avoid the direct contact between the two groups. It was only the result of this police intervention which prevented violent attacks on the March.

At Oktogon a group of activists affiliated with the extreme right-wing website mozgalom.org held up signs calling for the extermination of gays (the signs showed a rope, a pink triangle referring to the persecution of gays in Nazi Germany and the words: “New treatment for the gays”, see pictures below). The demonstrators were constantly shouting “Dirty faggots, dirty faggots!” A news portal interviewed a participant of the counter-demonstration who told to the camera: “We are waiting here for the gays... We will beat them up!” When the fences were lifted the counter-demonstrators rushed after the March and tried to disrupt the closing speeches at Kossuth tér. The demonstrators were constantly shouting “Dirty faggots, dirty jews!” A former leader of the extreme right-wing paramilitary group Hungarian Garda was seen to give out commands to a group of men dressed in military-style uniform. When asked by a journalist what they were doing, they responded “We will catch them”. Several participants of the Pride March leaving the premises were verbally harassed and violently attacked (see e.g. Cases 1 & 2 above).

László Toroczka, one of the organizers of the counter-demonstration, published an article a few days later on an extreme right-wing website in which he described how proud he was of the people that came to the counter-demonstration, and how the counter-demonstrators have “shown strength” and “made gypsies, Jews, niggers and police run to their houses in fear” and how they “patrolled the streets of the city” undercover later during the day.



Status of the case: reported to the police, investigation discontinued – no crime committed

Response of local authorities: The organizers of the Pride March (Rainbow Mission Foundation) in cooperation with the legal aid service of Háttér reported the incidents to the police. They also submitted a complaint to the Independent Police Complaints Board (IPCB) claiming the police failed to act when they witnessed criminal activity among the counter-demonstrators. The IPCB refused to investigate the incident arguing they have no

competency. The police started an investigation, but closed it in a few weeks time arguing that no crime has been committed. The NGOs submitted a complaint, but the Prosecutor's Office upheld the police decision. The authorities argued that the incidents did not constitute incitement to hatred (Article 269) as "holding up the signs might have incited hatred, but not active hatred" and thus the incident "does not reach the minimum level of criminal sanctioning". The authorities argued that the incidents did not amount to preparation for violence against a member of the community (Article 174/B. (3)) as telling a journalist that one is to commit a crime "is not enough to establish a direct intent to commit a crime". The authorities claimed that the incidents did not amount to violence against a member of a community (Article 174/B. (1a)) as holding up signs "that call for a certain treatment of homosexuals [*i.e. their extermination – added by Háttér*] only indirectly with drawings and symbols" does not amount to "the open, conscious and clear ignorance of the norms of social coexistence".

Impact on the victim(s) and the community: Many participants of the March expressed their anger when finding out that there were clear calls for violence and yet the police failed to act. Several LGBT people have signaled to the organizers that they are afraid to participate in the March because of the fear from counter-demonstrators.

Case 4

Date, time and location of the incident: December 2, 2011, 23:00, Budapest

Source of information: interview with the victim

Victim(s) involved: trans man

Type of the crime(s): physical violence, discrimination in access to goods and services

Perpetrator(s): male aged 35-40

Brief description of incident with bias indicators: Z.L. is a transsexual man who has officially changed his gender and is undergoing gender reassignment treatment. He has been visiting a local gym for over ten years, he started going there when he was still female. After he started his medical treatment he stopped going to the gym for a while in fear of being harassed. When he felt confident he started to frequent the gym, but only by arriving in gym-clothes and avoiding the usage of the changing room. After 1.5 years he decided to use the male changing room. On the second night another regular guest at the gym started harassing him claiming that "You have no place here, I don't want to see you here again". When Z.L. responded that he is also a man and can use all the service available, the harasser told him "I will tell you who you are, you dirty whore", and punched Z.L. in the face.

Z.L. took his bag and left the changing room. The attacker followed him and insisted on talking to the people at the reception so that they will never let Z.L. use the male changing room again. The receptionist agreed with the attacker. When Z.L. asserted his rights as a male client the attacker continued threatening him with violence if he ever saw him again. When Z.L. said he will press charges the attacker responded "I have just been released from prison and you want to report me to the police. Don't make me laugh. I will strike you dead in no time." The receptionist added that "You are lucky I work here, and cannot say whatever I want" implying that he agreed with the attacker.

The victim decided not to report the incident to the police or the Equal Treatment Authority in fear of being victimized again by the perpetrator who has a criminal record.

Status of the case: not reported to the police

Practical initiatives:

Háttér Support Society for LGBT People in Hungary launched an online discrimination and violence reporting interface. The aim of the website is to promote the reporting and documentation of incidents as well as to provide easy access to competent and free legal aid offered by the NGO. The website www.jelentsd-a-homofobiat.hu contains simple internet forms by the help of which victims or witnesses of homophobic incidents can report these incidents – either anonymously or by providing their name – and if needed can request free legal aid. Several reports on hate crime incidents have been reported through the website.

Other developments:

Follow-up 1 – See under Other developments in 2010 report

László Toroczkai (head of the Sixty-Four Counties Youth Movement) was found guilty of preparation for the violation for freedom of association and assembly on March 22, 2011 by the Central District Court of Budapest. The decision was upheld by the Metropolitan Court of Budapest on October 3, 2011. The case started upon the report of the organizers of the gay pride march (Rainbow Mission Foundation - RMF), who in September 2009 reported to the police that an article was published on one of the extreme right-wing news portals in which Toroczkai called for violently disturbing the 2009 march similarly to previous years, and described that he had started negotiations with several groups on how to disturb the march. Toroczkai was charged by the police for preparation for violence against a member of a community and preparation for the violation for freedom of association and assembly on June 25, 2010. The Prosecutor's Office dropped the hate crime charge and indicted him only for preparation for the violation of freedom of assembly. The Office refused to give reasons for dropping the hate crime charge even when specifically asked for by RMF.

Follow-up 2 – See Case 2 in 2010 report

R.C. was harassed and hit on July 4, 2010 when leaving the premise of the opening ceremony of the Budapest Pride Film and Cultural Festival. While in the beginning the police treated the incident as a regular assault, upon the complaint of Háttér they re-qualified it as hate crime and started an investigation. The police identified the two (underage) perpetrators and on November 8, 2010 closed the investigation and suggested the Prosecutor's Office to indict them for violence against a member of the community (Article 174/B). The Prosecutor's Office re-qualified the incident as rowdiness (anti-social behavior, Article 271) with significantly lower sanctions. The decision also meant the hate motivation was completely disregarded. In May 2011, the Prosecutor's Office suspended indictment for 1 year, but ordered the perpetrators to participate in social skills development training.

¹ Initials changed to protect the victims' anonymity.