

ETHNIC PROFILING BY THE POLICE IN HUNGARY

HOW IS IT MANIFESTED?

- disproportionate **ID checks**
- **petty offence procedures**: Roma get fined for bagatelle, petty offences (eg: lack of bike accessories) in small villages, while non-Roma who commit the same infringements do not

WHAT IS ITS IMPACT?

- *intimidation, stigmatization, segregation*
- *criminalisation: unpaid fines automatically turn to incarceration*
- *loss of trust in police and authorities*
- *financial damage*

IN THE EXPERIENCE OF HUNGARIAN NGOS:

- **The Roma are 3 times more likely to be ID checked than the non-Roma**, according to STEPSS research by the Hungarian Helsinki Committee (2007-2008).
- **On the spot fines are high even for absurd infringements**, such as spitting, riding a bike with only one hand, crossing the road without pedestrian crossing, jaywalking, prohibited bathing – the Roma Press Center concluded in a 2014 study on the basis of 140 petty offences as collected in 50 villages from impoverished Roma.
- **Offenders lack access to justice in petty offences proceedings**, Hungarian Civil Liberties Union and the Working Group of Petty Offences found in 2017-2018 on field experiences.

HUNGARIAN CIVIL LIBERTIES UNION

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WHO DOES IT AFFECT?

- traditionally: **the Roma** (7-8% of the entire population), **homeless people**
- lately: **migrants** (with a different skin colour from the majority)

EVIDENTIARY CHALLENGES:

- ethnic data collection is prohibited
- police deny practice, do not cooperate with NGOs
- lack of effective complaint mechanism in policing
- underreporting, lack of access to justice

LEGAL CASES:

Rimóc (Equal Treatment Authority): Local police fined mostly the Roma for the lack of bike accessories. Procedure before the Authority ended in a friendly settlement between the Nógrád County Police Chief and the HHC. The Police Chief acknowledged that *the practice may have disproportionately affected the Roma community*, but emphasized that the police had no means to control the overall practice of a certain unit, because *they were not allowed to process data of the ethnic affiliation* of the individuals fined.

Gyöngyöspata (ombudsman, domestic courts, ECHR): Local police fined solely the Roma for minor traffic offences. The HCLU initiated an *actio popularis* lawsuit based on the Equal Treatment Act. The first instance judgement found *the practice constituted harassment and direct discrimination against the Roma even if the individual measures were lawful*. The second instance court and the Supreme Court ruled that HCLU could not substantiate discrimination, misusing the special rules on burden of proof. *HCLU turned to ECHR concerning the rules on burden of proof and the right to appeal.*