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against Racism and Intolerance
ECRI
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contre le racisme et l'intolérance



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**ECRI CONCLUSIONS
ON THE IMPLEMENTATION OF THE RECOMMENDATIONS
IN RESPECT OF HUNGARY
SUBJECT TO INTERIM FOLLOW-UP**


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¹ Unless otherwise indicated, this analysis does not take into account any developments that occurred after 30 April 2024, the date on which the response of the authorities of Hungary to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received.

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FOREWORD

As part of its sixth round of monitoring work, ECRI has renewed its process of interim follow-up with respect to two specific recommendations made in each of its country reports.

In line with the Information Document on ECRI's sixth monitoring cycle brought to the attention of the Ministers' Deputies on 9 May 2018², not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim follow-up recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

² [CM/Del/Dec\(2018\)1316/4.1](#); [CM\(2018\)62-add10](#).

1. *In its report on Hungary (sixth monitoring cycle) published on 9 March 2023, ECRI recommended that the authorities commission an independent review of the legislative measures adopted during the period of “state of danger”, their impact on groups of concern to ECRI, including LGBTI persons, and their compliance with Council of Europe and other human rights standards in the fields of equality and non-discrimination.*

ECRI takes note of the information provided by the Hungarian authorities according to which the legislative measures adopted during the period of “state of danger”, as any other legal norms, could be reviewed by the Constitutional Court, in accordance with Article 24 of the Fundamental Law, including upon the initiative of the Commissioner for Fundamental Rights.

ECRI also acknowledges that the Constitutional Court has examined government decrees adopted during the period of “state of danger” on several occasions since the publication of ECRI’s report on Hungary. However, it would like to point out that none of such reviews related to legislative provisions of concern to ECRI (see in particular §§ 25-31 of the report). More generally, it regrets to note that the Hungarian government has not taken any action to commission an independent review of the legislative measures adopted during the period of “state of danger” and of their impact on groups of concern to ECRI, in particular LGBTI communities, despite the serious concerns expressed by ECRI and other Council of Europe bodies.

Therefore, ECRI reiterates its view that the series of restrictive legislative measures taken during the period of “state of danger”, as emphasised in the ECRI report, have a strong bearing on the life of LGBTI persons in Hungary and should be thoroughly reviewed by independent experts in the light of Council of Europe and other international standards in the fields of equality and non-discrimination. ECRI calls on the Hungarian authorities to commission such an independent review without further delay. In the context of such a review, the Hungarian authorities should now make the best possible use of ECRI’s General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons.³

In light of the above, ECRI concludes that its recommendation has not been implemented.

2. *In its report on Hungary (sixth monitoring cycle), ECRI recommended that the authorities enhance the capacity of law enforcement agencies in effectively identifying and addressing racist and LGBTI-phobic hate speech and hate crime by providing more targeted and practical training on the 2019 Hate Crime Protocol.*

In its report, ECRI found that Hungarian police officers and other criminal justice actors continued to experience problems in identifying and addressing hate crime and that police training on the 2019 Hate Crime Protocol had to be significantly improved for the Protocol to be part of the daily police practice.

The Hungarian authorities informed ECRI of a number of initiatives undertaken in recent years. By way of illustration, in 2022, 176 police officers participated in a one-day training course organised by the National Police Headquarters (ORFK), which was dedicated to the conduct of police activities related to hate crimes. ECRI was also informed that, in 2024, the ORFK developed training material, in particular in video format, on “the implementation of police tasks in the context of dealing with hate crime”. Such material is composed of four modules (hate crimes; indicators of prejudice; victims; law enforcement tasks). ECRI was informed that participation in the training is compulsory for police officers.

ECRI further notes that, according to data obtained by civil society actors, 88 police training sessions that touched upon the topic of hate crime were organised in 2022 and 2023. The duration of such trainings varied considerably, ranging from 20 minutes to eight hours, and reached the

³ On 14 September 2023, the Committee of Ministers of the Council of Europe, at the 1474th meeting of the Ministers’ Deputies, invited member states to make the best possible use of the recommendations contained in this new instrument drawn up by ECRI.

combined participation of more than 1200 police officers, in addition to about 800 participants that took part in a course focused on countering antisemitism.

ECRI was made aware of an ongoing initiative, in cooperation with the Deputy Commissioner for Fundamental Rights responsible for the protection of the rights of national minorities in Hungary, which would provide blended-learning training courses on hate crimes for professionals working in the criminal justice and victim support systems, within the framework of a project funded by the European Union. This training will consist of a four-hour e-learning course on theoretical knowledge as well as a four-hour face-to-face training focused on practical learning.

Interestingly, ECRI also takes note of specific training sessions organised for criminal justice actors other than police officers, in particular prosecutors and judges. By way of illustration, 108 “early career prosecutors” participated in a practice-oriented lecture of 45 minutes on hate crimes in January 2023 and, according to information shared by civil society actors, a total of 170 judges participated in online training sessions on hate crime in November 2023.

Overall, ECRI welcomes the steps taken by the Hungarian authorities so far to enhance the capacity of law enforcement officials and other criminal justice actors in dealing with hate crime cases, including hate speech of a criminal nature. However, it emerged from the information received by ECRI that police training on hate crime is not included in the annual training programmes for all counties and may vary considerably in scope and duration. ECRI is also unable to ascertain the extent to which the actual police training provided address specifically racist and LGBTI-phobic hate crime, including hate speech of a criminal nature. Similarly, ECRI cannot establish the extent to which the training provided to police officers include practical aspects of police work in order to ensure that the 2019 Hate Crime Protocol is part of the daily police practice (e.g. through surveys or impact assessments).

Therefore, ECRI considers that the Hungarian authorities should further expand and improve the provision of targeted and practical training to law enforcement officials (and other criminal justice actors) on the 2019 Hate Crime Protocol so as to enhance their capacity to effectively identify and address racist and LGBTI-phobic hate speech and hate crime. In doing so, the authorities should take due account of ECRI’s relevant general policy recommendations and may now make use of the recently adopted Committee of Ministers’ Recommendation CM/Rec(2024)4 on combating hate crime⁴.

In light of the above, ECRI concludes that its recommendation has been partially implemented.

⁴ Recommendation CM/Rec(2024)4 was adopted by the Committee of Ministers on 7 May 2024 at the 1498th meeting of the Ministers’ Deputies.