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The Romani and the Police
-
A Neuralgic Relationship in
Hungary

- Summary of Doctoral Thesis -

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1. Objective of the paper

The Romani group is the largest minority living in Hungary. When you wish to define the accurate size of the Roma population, you are faced with problems of principle and practical issues as well but it is definitely the minority with the largest number of citizens.¹ The

¹ The data of the 2011 census, which were based on self-statement, identified a Romani population of 315,583. See in detail in: 2011 census, Part 9. National minority data, Hungarian Central Statistical Office, Budapest, 2014, pp. 15, 58, 62 and 66.

http://www.ksh.hu/docs/hun/xftp/idoszaki/nepsz2011/nepsz_09_201_1.pdf

The most recent available data are provided by the publication prepared as a result of the data collection controlled by the staff of Debrecen University, partially involving external experts, extending to all the settlements of the country, implemented between 2010 and 2013. See more details in: János Péntes - Patrik Tátrai - István Zoltán Pásztor: A roma népesség területi megoszlásának változása Magyarországon az elmúlt évtizedekben [Changes in the Spatial Distribution of the Roma Population in Hungary During the Last Decades] the journal *Területi Statisztika*, year 58, issue 1, 2018, pp. 3-26. Within the frameworks of the research project, the researchers tried to give a realistic view of the size and territorial distribution of the Hungarian Romani population. Based on these data, the size of the Romani population can be estimated at 876,000. See: János Péntes - István Zoltán Pásztor: Romák Magyarországon [Romani in Hungary], the journal *A földgömb*, November 2014 issue, pp. 17-18.

As regards the critical remarks made by the UN's CERD Committee on the number of Romani in Hungary, their geographical position, as well as the lack of more recent data, see Chapter II entitled "The Social Position of the Romani in Hungary".

marginalized position of the Hungarian Roma, their vulnerable life situations, their disadvantages with regard to economic-social-financial dimensions, their discrimination in the labor market, education, housing, health care, their disadvantaged social position passed down and inherited through the generations have long been in the focus of various social science research projects.² Equal access to public assets and public services as the fundamental pillar of the democratic operation of the rule of law is the subject of such research.³ Also, the recent period has seen the emergence of a high number of research projects aimed at the assessment of the prejudiced attitudes and opinions of the group called majority, which examined the disposition of this group to discriminative behavior, furthermore, they examined the factors that may

² We may quote, among others, the works of Lídia Balogh, Anikó Bernát, Henrietta Dinók, Krisztina Ercse, István Kemény, Anna Kende, Ágnes Kende, Klára Kerezsi, Gábor Kertesi, Gábor Kézdi, Péter Krekó, János Ladányi, Péter Radó, and Iván Szelényi.

³ See for example, from the recent past, Gábor Csomor - Bori Simonovits – Renáta Németh: Hivatali diszkrimináció? Egy online terepkísérlet eredményei [Discrimination in the Office? The Findings of an Online Field Experiment], the journal Szociológiai Szemle, issue 2021/1, pp. 4-28, or the legal awareness research programs of the Equal Treatment Authority.

explain the sometimes neuralgic relationship between the non-Roma population and the Roma population.⁴ Several papers are available on the subjects of social distance, social inequalities, the background of prejudice, as well as social hatred.⁵ As compared to this, it may perhaps be surprising that the investigations did not really extend to the relationship between the police and the Roma.⁶ The situation is that the police as the safeguard of the

⁴ From the recent period, see for example, Judit Gárdos: Normativitás a szociológiában a magyarországi előítélet-kutatások példáján [Normativity in Sociology based on the Example of Prejudice Research in Hungary], the journal Szociológiai Szemle, issue 30(1), pp. 63-80; (Political Capital): Romaellenesség és antiszemitizmus Magyarországon - Projektzáró tanulmány [Anti-Romani Sentiments and Antisemitism in Hungary – Project Closing Paper]. Political Capital, ELTE-PPK (Eötvös Loránd University, Faculty of Education and Psychology), Social Development Institute, 2017; Orsolya Keresztes-Takács - Lilla Lendvai - Anna Kende: Romaellenes előítéletek Magyarországon: politikai orientációtól, nemzeti identitástól és demográfiai változóktól független nyílt elutasítás [Anti-Romani Prejudices in Hungary: Open Rejection Irrespective of Political Orientation, National Identity and Demographic Variables], the journal Magyar Pszichológiai Szemle, 2016, issue 71. 4/2, pp. 609-627.

⁵ We may quote, among others, the works of Petra Bárd, Ildikó Barna, Ferenc Hammer, Anna Kende, Ferenc Krémer, Balázs Majtényi, and Krisztián Ungváry.

⁶ In this area, we may mention the works and publications of László Christián, Géza Finszter, Gábor Héra, András Kristóf Kádár, Eszter Kirs, Ferenc Krémer, Balázs M. Tóth, András László Pap, Bori Simonovits, and István Tauber.

protection of public order, public security and crime prevention is one of the most important pillars of the institutional system of the democratic operation of the rule of law, it plays an outstanding role. Our everyday experience and academic research findings also tend to prove that the Hungarian society is prejudiced in a very manifold, deep and differentiated way, so it would be rather hard to assume that all this would leave (one of) the largest organization(s) of the country intact. While some emblematic cases, due to their high significance, as a result of heightened media attention, or due to their scandalous nature, drew attention to the unacceptable treatment of the Romani by the police, the recent period has not seen too many research efforts or papers that would have described the institutionalized racism against the Roma, the by now established discriminative solutions, in fact such that would have systematically analyzed, explored, or evaluated the situation, or such that would have formulated proposals as well.

Seeing the situation clearly would serve not only the academic interests of those committed to the topic and

would make the rights protection job easier but it would also support the interests of the police. The situation is that if there are no institutionalized discriminative practices in place against the Roma (such as ethnic profiling, or the infringement practice that fulfills discrimination), then there is nothing for them to be afraid of. If, however, as my paper is striving to prove, these harmful and undesirable behaviors constitute an integral part of everyday operations, then it should be explored as soon as possible, the underlying reasons should be found, the powers that conserve these behaviors should be detected and the steps to be taken in order to settle the situation satisfactorily as soon as possible should be defined. This is what the interests of the Roma, the police and the whole democratic community, in the broader sense of the word, require.

2. Research questions, difficulties of research methodology

Even though the past few years have not seen (could not see) the publication of any studies that would fully meet the above criteria, such that would analyze the existing situation systematically and comprehensively, we are aware of some works that describe and analyze certain elements of the current situation. There is an especially high number of reports that endeavor to describe the nature of the prejudiced convictions and institutionalized discriminative behaviors of the police with regard to the Roma, linked to a specific instance of the breach of rights or a legal case. Those who are involved in academic research, civil rights protection, the operation of the police, and more precisely, the treatment of Roma citizens by the police have primarily sought to reach general conclusions on the basis of these individual cases.

Before we try to examine these patterns, which are considered to be general, even linked to the individual cases, it is necessary to make the organization and

operation of the police the subject of an organizational sociology observation, with a view to becoming aware of the organizational features, erroneous institutionalized solutions, the features that belong to the organizational culture, which (may) generate a situation by themselves, and in their joint effect as well, in which one may talk of the neuralgic relationship between the Roma and the police. For this, it is imperative to get to know the current operation of the Hungarian police as fully and thoroughly as possible, as we have reason to assume that the roots of this very difficult relationship lie in the nature of the organization and the operation of the police.

It is exactly because of this that it is necessary for my paper to give a deeper interpretation of these relations, by not only relying on the findings of sociology, social science in the broader sense of the word and primarily legal research but also, by using the science of policing. The situation is that, by also relying on the achievements of the science of policing, it will become possible for us to examine the current situation and approach the problems in a broader theoretical framework. From a methodological

perspective, this means that we will approach the subject from the different areas of social science, first of all, from those of law, sociology and police sociology, and where it seems necessary for a deeper understanding, police science deliberations have also become part of this paper.

A similarly thorough presentation of the social situation and marginal position of the Roma, which is not devoid of hard sociodemographic data either, is trying to answer the research question *to what extent the social-economic-sociological situation of the Hungarian Romani and their disadvantages that can be measured by these are the roots or consequences of this relationship, which is not free of tensions*, with regard to the two groups concerned.

With regard to the fact that one can get closer to understanding the mutual relations between the Roma and the police primarily through examining emblematic cases, this paper is striving to give a comprehensive presentation of the findings of such academic and rights protection works as well which have provided an in-depth analysis of these cases. Through these, the author formulated two

research questions. First, *whether it is possible to draw generally valid conclusions through reviewing such emblematic cases*, which are generally true with regard to the roots and consequences of the points of tension between the Roma and the police, on the other hand, *what these specific cases that have come to the limelight tell us about the general mode of operation of the police and which characteristic feature of the organization they may be linked to*, if such a connection is detectable. This examination based on the individual cases, as well as the method requiring the drawing of more general conclusions through links to the individual organizational features were made unavoidable by several factors. Partly, there is limited availability of research data that specifically aim to illustrate the prejudiced attitudes and dispositions of the policemen on duty to discriminatory behavior, or perhaps the institutionalized and established police practices, and partly, according to the author's research assumption, which this paper wishes to prove, *the roots of the negative relationship between the Roma and the police are to be sought among the generally valid characteristic features of the police, i.e. on an institutional rather than on an*

individual level, as consequence of which they should be found on the level of the organization vested with public authority rather than on the level of the patrol acting in the individual cases.

Of course, it was an objective of my paper to explore and present, as completely and thoroughly as possible, the situation of the Romani in Hungary, the mutual relationship between the two groups, the multitude of problematic situations, their roots and consequences, and where this is possible, to formulate proposals for the future but this could only be done incompletely, in a few cases, primarily due to the limited access to the available and usable updated information and data. Nonetheless, it is the author's express intent to contribute to the satisfactory long-term settlement of the relationship between the Hungarian Roma and the police in this way, and *to call attention to the critical necessity of the latest research data*, which may act as a catalyst for future scientific work as well. In accordance with this, some of the chapters of this paper strive to explore all the relevant aspects, despite

the deficiencies of the available information with regard to size, methodology and certain aspects.

In addition to the intention to give a comprehensive view of the available relevant international but mostly Hungarian literature, academic and civil research findings, official and court decisions on the subject, as well as the experience of rights protection organizations, the author was also driven by the desire to present the general operation of the police, its staff, culture and institutionalized solutions. It came up as a research question *whether these characteristic features inherently carry the possibility of humiliating, harassing, intimidating, degrading and discriminative treatment of the minorities by the police in the areas of public security, public order and the protection of public order*. Since according to the author's *hypothesis*, such a correlation can be seen, he is trying to explore not only the roots but also, the sites of such connections. By taking the limited amount of available and usable direct sources on this subject as an objective research methodological obstacle into account, the use of (more) general research data on

the organization and operation of the police served as an important source to rely on, on the one hand, in order to obtain knowledge on the relationship between the Roma and the police even in such an indirect way, thus hoping for a more thorough understanding of the situation.

It is also a problem to be solved and a question to be answered that *if and as long as insensitivity towards the members of minority groups, brutality and excessively inconsistent police practices are virulent* – even if the recognition of this cannot be regarded as self-evident in some cases, and proving it is hindered by a high number of objective and subjective obstacles, *then how all this affects the relations between these two groups, and in a broader sense, the system of democratic institutions and the level of confidence in the operation of these institutions. The presentation of these objective and subjective obstacles* was a question definitely to be clarified, which goal one can reach most easily through the study of anomalies of legal practice related to hate crimes.

After all this, it also became a question to be clarified for the author too *how a problem-oriented policing strategy can be implemented*, which is based on high quality and new types of relationships with the local community, organizational and cultural reforms, on giving up the belief in the omnipotence of the statistical approach and on implementing all these jointly, simultaneously and in mutual interaction. The presentation and understanding of the current situation from a descriptive and critical approach are of key importance in order to be able to answer whether there is any chance for the implementation of a policing strategy that relies not on the further increase of resources but on one which focuses on their utilization in a new way, with a new approach, taking the targeted and local efforts and circumstances into account. All this will or would allow the development and long-term existence of a relationship of a new quality between the two groups that are the subject of my paper. The author endeavors to explain all the circumstances that can be quoaded against or for the implementation of this complete cultural reform, thus also answering the question that *while it is in the natural* (although not always self-evident to some people)

interests of the society as a whole to maintain a stress-free relationship between the police and the minorities, then what the real chances for the development of a police organization and mode of operation that complies with the philosophy of community policing are.

Furthermore, while it may seem that the relationship between the police and the Roma have deteriorated irreparably and with a final effect and many authors paint a pessimistic picture about this, saying that now there is no hope whatsoever for the settlement of the relationship between these two groups, and that it is now hopeless *to establish opportunities for public services that are equally accessible to all, without any kind of discrimination, and to pursue police activities that are free of prejudice and discrimination*, it emerged as a research question *too whether all this should be really treated and accepted as a fact.*

The dissertation strives to answer these research questions as comprehensively as possible, and this is what the

individual chapters and the overall structure of the dissertation are built on.

3. Theses of the paper

1. The relationship between the Hungarian police and the Romani has been neuralgic for several decades. It is a generational experience of the largest minority group in Hungary that they do not get access to the appropriate level of public services that are equally available to all, and they are not equally treated in police matters, either, in addition to a high number of other walks of life. Although the equality of citizens in the areas of public security, public order and the protection of public order, as well as the compliant rules of procedure and treatments are stipulated in numerous laws, other norms with binding force and the Constitution itself, many Roma citizens are compelled to endure humiliating, harassing, intimidating, degrading and discriminative treatment by the police. One of the reasons for this is that some members of the police also become involved in the circles of prejudice of the Hungarian society, which is prejudiced in manifold ways, based on several dimensions, although

their exemplary behavior should serve as a point of reference for the broader strata of society.

2. From their part, the police explain the roots of this neuralgic relationship with the lack of understanding of their organization, operation and activity, the lack of a realistic view of their situation, disrespectful and humiliating treatment, the lack of organizational, social, financial dignity of their work, the limited nature of interethnic relationships, and in some cases, the lack of professionalism and the confusion of roles.
3. However, this bad relationship affects society to a measurable extent. The situation is that if a person does not experience the sense that everyone is equally entitled to the same public services but they are compelled to endure inappropriate acts from the side of the authorities, or even worse, discrimination, then the alienating mechanisms are going to become even stronger, the distances between the patrols and the passengers are going to grow, the efficiency of the police is going to decrease, and trust is going to fall

under the acceptable level and is going to reach an unsatisfactory level. Public opinions may be favorably affected if the policeman appears in everyday life as the safeguard of order and security, the protector of those in emergencies rather than the owner of power, or in extreme cases, the despot. Insensitivity towards minorities, brutality and extremely inconsistent police practices undermine the opinions, prestige and the faith in professionalism of the organization, even if a large part of society does not obviously recognize this in certain cases. Nonetheless, in a broader sense, this kind of practice can undermine public confidence and the belief in the whole system of democratic institutions.

4. In addition to the prejudiced type of personality, as the case may be, it is also an important problem that the Hungarian police organization is strongly centralized, it is a military, dictatorial law enforcement organization, which is basically characterized by a masculine culture. It is a consequence of its military nature that it is essentially closed and inflexible, as a

result of which it is not capable of handling the new types of phenomena and problems. The organization, operation and culture of the police are built on a paradigm that had been exceeded decades before, according to which the responsibility of the police is to fight against crime. An unfortunate and inevitable consequence of this paradigm is alienation from the citizens, the prejudiced attitude and discriminative behavior towards minorities, the lack of confidence or the low level thereof, and due to this, as well as the reactive mode of operation, the lack of efficiency, antidemocratic and antihuman procedures.

5. In order to be able to move on from the current problems, a new community policing model should be elaborated and implemented. For the implementation of a new type of model, a problem-oriented policing strategy should be implemented, high quality and new types of relationships with the local community are needed, organizational and cultural reforms should be implemented, the belief in the omnipotence of the statistical approach should be given up, and all these

should be implemented jointly, simultaneously and in mutual interaction. In this organizational model, it is not the further increase of resources that will become necessary but their utilization of a new type, with a new approach, one that takes the targeted and local efforts and circumstances into account. Inter-institutional and inter-professional partnership agreements and collaborations, relationships built on intensively maintained trust, as well as the involvement of those concerned are also key components of the philosophy of community policing.

6. No policing model may become successful without a fully satisfactory partnership between the police and the citizens, one that is built on mutual trust. The cooperation of the patrol and the passenger, which is based on trust, their close and direct relationship, their mutual respect towards each other and understanding the situation of the other party are of fundamental importance for the police to be able to perform their tasks successfully, effectively and efficiently. It is self-evident and obvious that it is the natural interest of the

society as a whole to have a satisfactory, if not appropriate relationship between the police and the minorities, including the Romani.

7. There are several research findings, strategic lawsuits, Hungarian and international official and judicial procedures, reports written by civil society organizations and the affected parties, signals from international organizations that prove that the inappropriate treatment of the Romani is virulent in Hungarian police practices. These may be demonstrated by ethnic profiling, discriminative infringement practices, instances of encroachment by the police, police violence, failure to provide police services that would be necessary and required in a given situation, or not providing them at the appropriate standards, institutionalized anomalies of legal practice, which poison these relationships on a daily basis.
8. Although it may seem that the relationship between the police and the Hungarian Romani have deteriorated

irreparably and with a final effect, it is not acceptable to treat this as a fact! Although the ideas discussed in this paper may, as the case may be, paint a pessimistic picture, saying that now there is no hope whatsoever for the settlement of the relationship between these two groups, and that it is now hopeless to establish opportunities for public services that are equally accessible to all, without any kind of discrimination, and to pursue police activities that are free of prejudice and discrimination, this is not so. However, it is vital to explore and understand the current situation, to detect the reasons and consequences, to hear as large a part of the affected parties as possible. It is only by starting out from this basis that a cultural reform is conceivable, that a new policing model can be established, with its complex democratic and humanist philosophical approach and the elaboration of decision-making mechanisms and human resources management systems accordingly. Explaining the reality that my dissertation aimed to map and present as comprehensively as possible wished to contribute to these efforts, with its own devices.

4. The author's publications on the subject of the dissertation

1. Anomalies in the application of law related to hate crimes.

Hungarian Journal of Legal Studies, Volume 61, Issue 3, 2020, pp. 325-341.

2. Petra Bárd - Erik Uszkiewicz: Hate crimes in Hungary during the coronavirus outbreak.

JTiblog, Blogsite of the Institute for Legal Studies, 4 June 2020. Available at: <https://jog.tk.hu/en/blog/2020/06/hate-crimes-in-hungary-during-the-coronavirus-outbreak>

3. Romák a járvány idején. [The situation of Roma during the coronavirus outbreak]. *SPECTRA webpage*, 2020. Available at:

https://spectra.elte.hu/media/4a/8d/36fb6c89842602ac057e1f0b482901e5e5111ba24aea15abc570edf4e64d/Uszkiewicz%20Erik_Rom%C3%A1k%20a%20j%C3%A1rv%C3%A1ny%20idej%C3%A9n.pdf

4. Petra Bárd - Erik Uszkiewicz: A koronavírus és jogtudomány: gyűlölet-bűncselekmények a járvány idején. [Hate crimes in Hungary during the coronavirus outbreak]. *JTiblog, Blogsite of the*

Institute for Legal Studies, 10 April 2020.
Available at:
<https://jog.tk.hu/blog/2020/04/gyulolet-buncselekmenyek-a-jarvany-idejen>

5. Judit Bayer et al.: *Tyranny and Hope. Report of the Hungarian Europe Society to the Invitation of the V21 Group*. Hungarian Europe Society, Budapest, 2019. Available at:
<https://europatarsasag.hu/sites/default/files/open-space/documents/hungarian-tyrannyandhope.pdf>
6. The Hungarian Police System and its Oversight. In: C. Decker - J. Kersten (eds.): *Strengthening Democratic Processes: Police Oversight through Restorative Justice with a Special Focus on Austria, Hungary and Germany*. Verlag für Polizeiwissenschaft, 2016, pp. 51-63.
7. István Hegedűs et al.: *The Response of the Visegrad Countries to the Refugee Crisis*. Hungarian Europe Society, Budapest, 2016. Available at:
https://europatarsasag.hu/sites/default/files/open-space/documents/magyarorszagi-europa-tarsasag-therefugeecrisisandthereactionsofthevisegradcountriesfinalversiongemma_0.pdf
8. Relationship between police and Roma in Hungary. In.: A. Kozáry (ed.): *Police – Minority*

Relations: Policing – Ethnic Minorities. Restorative Justice in Police Practice. L'Harmattan Kiadó, Budapest, 2014, pp. 101-112.

9. A jogalkalmazás néhány szociológiai aspektusa. [Certain Sociological Aspects of the Application of the Law] In: Z. Fleck (ed.): *Jogszociológiai előadások. [Lectures in Legal Sociology]*. Eötvös Kiadó, Budapest, 2014, pp. 153-169.
10. Rendőri segítséggel? Hatással van-e a gyűlölet-bűncselekményekkel kapcsolatos nyomozati munkára a rendőrségi diszkrimináció? [With Police Assistance? Does Police Discrimination Affect Detective Work Concerning Hate Crimes?] In: *Fundamentum*, 2013/3, pp. 38-46.
11. Mit (nem) mutatnak a számok? [What the Numbers (Fail to) Show?]. In: *Belügyi Szemle*, 2013/12, pp. 84-91.
12. A rendőri diszkrimináció társadalmi következményei. [Social Consequences of Police Discrimination] In: M. Fazekas (ed.): *Jogi Tanulmányok [Legal Studies]* – Eötvös Loránd Tudományegyetem Állam- és Jogtudományi Kar Doktori Iskolájának III. Konferenciája [Third Conference of the PhD Programme at ELTE's Faculty of Law]. Budapest, 2012, pp. 377-387.

13. Tanuljunk toleranciát! Az antidiszkriminációs oktatás szerepe és jelentősége a magyar jogi felsőoktatásban. [Let us Learn Tolerance! The Role of Anti-Discrimination Education and its Significance in Hungarian Higher Legal Education] In: Z. Fleck – F. Krémer – Sz. Navratil – E. Uszkiewicz: *Technika vagy érték a jogállam? A jogállami értékek átadása és az előítéletek csökkentése a jogászok és rendőrtisztek képzésében [Is the Constitutional State a Technique or a Set of Values? Conveying Constitutional Values and Reducing Prejudice in the Training of Lawyers and Police Officers]*. L'Harmattan Kiadó, Budapest, 2012, pp. 124-137.