

General Comment No. 6/2020. of the Minority Ombudsman

on the measures related to damaging the Roma Holocaust Memorial in Budapest and the need for stepping up against incidents motivated by hatred

Public monuments and memorials of different nationalities are important places in our common history, as they create a connection between the majority and the minority groups of society. Their significance stems not primarily from their nature being monuments, but from the fact that they express: the nationality communities living with us are equal parts of society as a whole. Their destiny, their past, cannot be separated from our common roots. These public representations provide an opportunity for those who visit them to experience the turning points and tragedies of our common history.

A dignified remembrance of the Roma victims of the Holocaust is important not only for the members of the Roma community, but also plays an important role in learning about and processing our common history and past. The basic requirement for passing on knowledge to future generations is to convey historical facts in a credible and appropriate context, in which the analysis of the period that preceded Roma Holocaust as well as its moral, social and political consequences is essential. In reviewing these processes, the Minority Ombudsman has constantly addressed and is addressing the anomalies in society experienced in social coexistence, including hate speech, its effects and consequences, and the need to step up against it.

In 2006 one of the important steps taken to commemorate the Roma Holocaust was the inauguration of the Roma Holocaust Memorial in Budapest. Since 1994, the Roma Holocaust Remembrance Day has been held every year on 2 August on the Nehru embankment in Budapest, where the Monument is located. Unfortunately, the monument has been damaged several times since its erection: incidents of writing obscene texts, contaminating it with organic and inorganic materials, and physical damaging have all occurred in recent years. None of the perpetrators have been identified. Although the vandalism had a strong press coverage each time, and it was repeatedly suggested that it would be worthwhile to install public cameras on site as part of the prevention, this was not implemented.

An attack on a monument, work of art or institution of a minority community is always symbolic, as it seeks to offend, stigmatize or humiliate the group and its members. In addition, due to the nature of being a crime that conveys a message, it not only affects the victim and the group concerned, but it also sends a signal to the society, marking the attacked group as an enemy and suggesting its vulnerability by interfering with its integrity.

The purpose of the general comment is to outline the steps taken by the Minority Ombudsman in order to preserve the dignity of the Roma Holocaust Memorial and to draw attention to the need for strong action against hate crimes, the limitations on the freedom of expression, as well as the importance of widespread cooperation between the lawmakers and the judiciary in the course of fighting racism.

The Minority Ombudsman initiated several inquiries in connection with the serial damaging of the Roma Holocaust Memorial in Budapest. In their answers to these, the Budapest-Capital Police Headquarters, the Budapest IXth District Police Headquarters, the Budapest-Capital Municipal Policing Directorate and the Budapest-Capital Mayor's Office

informed her that as in the performance of their public duties they pay special attention to protecting the dignity of the Monument as well as to safeguard the dignity of the Roma nationality community living in Hungary, they hold it important to step up against hatred-motivated incidents.

Following the inquiries made by the Minority Ombudsman, the General Assembly of Budapest-Capital approved the proposal allowing the Budapest-Capital Municipal Policing Directorate to place a video surveillance device for the purpose of public security and crime prevention on the Nehru embankment, which is the property of the Municipality of Budapest, thus providing for the protection of the Roma Holocaust Memorial. The installation of cameras on public ground is important not only for the prevention and detection of damaging acts, but also expresses that the site in question is of paramount importance to its owners, maintainers and, ultimately, to our society as a whole.

The general comment draws attention to the fact that acts of hate and hate speech, which are commonplace, pose extraordinary threats to social peace, even if they do not reach the level of criminal offences, and that it is in our common social interest to prevent and combat them. The need to deal with acts motivated by hatred stems not only from the need to protect victims and victimized group, but also from reaffirming that human rights and the law are indeed equally applicable to every citizen. In doing so, we also ensure that democratic values are put into practice in modern societies. Consistent action against exclusion and discrimination is an essential condition for social and public peace. As it is also confirmed by the practice of the Constitutional Court: “The duty of the state to 'respect and protect' fundamental rights in relation to subjective fundamental rights does not mean that it must refrain from violating them, but also includes ensuring the conditions necessary for their enforcement.”