

Newsletter of the *European Society of Criminology*

CRIMINOLOGY IN EUROPE



Cardiff Welcomes the ESC

Hate Crime: What is Behind the Numbers? A Discussion

Rossella Selmini

FIRST PRODUCTS OF ESC ORAL HISTORY OF CRIMINOLOGY

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The European Society of Criminology is growing, and growing fast. The report by Marcelo Aebi, the Executive Secretary, at the General Assembly in Munster last September showed how much things have changed in recent years. The increases in numbers of people attending the annual conferences and becoming members are impressive. From 2004 to 2015, membership in some countries tripled; in most it doubled. Numbers in some countries shifted from low or non-existent to something much bigger.¹ Numbers from countries outside Europe (e.g., Japan, Australia and Israel) also increased significantly.

Nearly two years ago when I was a candidate for the Presidency of the ESC, I wrote that the time has come for the Society to build upon its foundations and past developments to add new projects and new services for members.

One of these projects, the Oral History of European Criminology, better known as ECOH, was briefly introduced in this Newsletter. ECOH aims to build a collective memory of European criminology by creating an archive of videotaped interviews of people who have made important contributions². As Brendan Dooley recently observed about the much older and well-established Oral History Project of the American Society of Criminology: 'As the march of science progresses it is often valuable to periodically revisit the context surrounding the birth of an intellectual movement, especially those that become formalized. The effort of preserving a collective memory helps to parry or delay the effects of lapsing into "sociological amnesia" which professions are inclined to' (Dooley, 2016, 339).

The interviews conducted in Munster have been edited and will be available on the ESC website in May. These were the first eight:

- Frieder Dünkkel, interviewed by Ineke Pruin;
- Gerben Bruinsma, interviewed by Lieven Pauwels;
- Tim Hope, interviewed by Adam Edwards;

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1 Portugal, for instance, had no members in 2004 and 52 in 2015 (that the 2015 annual conference was no doubt a factor). Norway had five members in 2004 and 29 in 2015. The pattern is similar in many countries.

2 See Selmini and Calaresu, ESC Newsletter 2016, issue n. 3.

Cover picture: www.flickr.com/photos/grahamwell/

- Michael Tonry, interviewed by Manuel Eisner;
- Paul Ponsaers, interviewed by Antoinette Verhage;
- Dario Melossi, interviewed by Maximo Sozzo;
- Joanna Shapland, interviewed by Matthew Hall;
- Krzysztof Krajewski, interviewed by Irena Rzeplinska

In deciding whom to interview, we gave priority first to founders of the ESC, former ESC presidents, and ESC award winners, and then to others who have participated actively in the Society's life and history. We will conduct more interviews in Cardiff, hoping that former presidents and founders who did not attend the Munster conference will be there. For now we are interviewing only people who attend the conferences. This leaves open the problem of how best to reach scholars whose role in Europe was and is important, but who seldom or never attend.

We tried to do two things with the first round of interviews. First, we wanted to learn about people's careers, about their research interests in the past and now, how and why they became involved in criminology, their career achievements, and their ideas about criminology in Europe and in their own countries. Second, we wanted to stimulate *conversations*, paying attention to both the person interviewed and the person interviewing. All of the interviewers had worked with the people they interviewed, sharing with them a long experience of academic cooperation, usually as a former PhD student or a close colleague. The interactions add a special quality to the tales of a single career.

The final results are fascinating and depict embryonic elements of the history of contemporary European criminology. Personal and biographical details in most cases show that the choice to become a 'criminologist' was random or resulted from a coincidence. In a continent where criminology was not—and still is not—a well-established academic field, this is not surprising.

The interdisciplinarity of European criminology emerges strongly. Criminal law and sociology are the common backgrounds. These two fields have in many cases intertwined and overlapped, confirming that criminology in Europe has become 'a social science (...) rather than an appendix to law and legal studies'³ (Karsted, 2015).

The interviews also show something else that has been described as 'truly' European about European criminology (Karsted, 2015; Tonry, 2015): the interest in human rights and, more generally, in acting as participants in a public criminology, able not only to produce policy-ori-

ented research, but to influence public debates and take critical positions on political issues.

Finally, it is fascinating to observe in these first interviews and conversations, and again distinctively European, the extent to which concepts and ideas have spread across European countries, between Europe and the US, and between Europe and other continents. Most of the criminologists interviewed have actively participated in cross-national projects; several have lived in different countries or on different continents; all have breadth and a truly comparative spirit.

The combinations of interviewers and interviewees in some cases reflect this European and international cooperation: for instance, in the cases of Dario Melossi, an Italian interviewed by the Argentinian Maximo Sozzo, and Michael Tonry, whose academic nationality is split between Europe and the US, interviewed by Manuel Eisner, a Swiss criminologist now at Cambridge.

This feature of contemporary European criminology is part of a long and historical tradition of 'cultural travels' (Melossi, Sozzo, Sparks, 2011). European criminologists seem to be interested in exploring the rest of the world now as they were from the very beginning. Cesare Lombroso and Enrico Ferri both travelled not only in Europe, but also to the US and Latin America. Lombroso engaged in a naive, but extremely interesting effort to explain differences between violent crime trends in the US and Europe (Lombroso 1897). Thorsten Sellin (1958) wrote about Ferri's travels in Europe and South America.

If we connect our history of the present with the history of the past, we can identify some truly 'European' features that begin to answer the question 'What makes European criminology European' (Gyory, 2015)?

The ECOH project will offer many new answers to this question as it develops. Moreover, this European archive, combined with the existing and still growing American one, will offer rich material for scholars interested in understanding historical, transnational, and comparative aspects of the development of criminology. The interviews will be also useful for teaching and will provide immensely valuable material for future generations. Finally, they will contribute to building the identity of European criminology.

The attendance and membership numbers mentioned above show that the ESC is well-established and growing. It is time to do new things. Other projects can be developed to enhance European criminology and foster cooperation across borders, disciplines, and generations. In the next few months I will be working on a plan for a Summer School of Criminology that will contribute to

3 Or, as a criminologist from Southern Europe, I would add not as an appendix to the psychiatric-forensic programmes in Medicine faculties.



achievement of these goals. Future ESC presidents and board members will have their own ideas.

The European Society of Criminology is getting stronger, but the world around us is not getting better. There is not much, of course, that a professional society of academics can do to counter these broader problems—persisting economic stagnation or recession, increasing conflicts and fragmentation among European countries, new borders—that raise populism and pose new dangers for democracy. We are now a stronger and open professional community in a weaker and more closed Europe.

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CARDIFF WELCOMES THE ESC

MIKE LEVI

THE ESC IN CARDIFF, 13–16 SEPTEMBER

THE 17TH ANNUAL ESC CONFERENCE TAKES PLACE IN WALES

After Munster, the ESC goes to its most Westerly European destination to date: the ancient Welsh city of Cardiff (in Welsh, it is spelled Caerdydd which is pronounced Cayerdeethe). Cardiff is one of the earliest British Universities to teach criminology at Masters level (after Cambridge and Keele), and is a member of the Russell Group of 24 leading research-intensive universities. The city is a magnet for major sporting events (e.g. the Rugby World Cup, and the Champions League soccer final this year) and iconic BBC TV programmes (e.g. Dr. Who, Sherlock, Merlin, Torchwood) and animation. It has a population of around 350,000 and a student population of 30,000. The university is centrally situated, making it easy to get around. It has more green space per person than any other British city, not only because it rains quite a lot (but not in mid-September 2017!).

We have the honour of hosting the last ESC conference in the UK before Brexit: at Cardiff University 13–16 September 2017. Its theme is *Challenging 'Crime' and 'Crime Control' in Contemporary Europe*. One can hardly think of any more appropriate label for this dramatic period for those of us both in Britain and elsewhere

in Europe (not to mention the US). The last year has been the Year of the Disruptor, when (mostly) right wing populist movements have transformed the political landscape and the climate for constructing and dealing with 'cimmigration' and other 'security problems', despite generally falling conventional crime rates. It is therefore a great time for us to get together and reflect both on our existing areas of research and theoretical expertise and on the challenges that are posed for them by these broader economic and political currents.

The theme of the conference explores four key challenges for 'crime' and 'crime control' as phenomena and criminology as a discipline:

- The rise in intolerance of longer-established but often termed 'new' crimes such as domestic and commercial violence against women and men (aspects of which are now badged as 'modern slavery').
- The changes in technologies which (alongside other influences) have impacted on the police-recorded and real rates of some more traditional crimes, requiring a shift in focus, in crime measurement and in public & private 'plural policing', as well as on personal transparency



17th Annual Conference of the ESC

EuroCrim2017

CARDIFF

13-16 September



Challenging 'Crime' and 'Crime Control' in Contemporary Europe

Program Highlights

Presidential Address—Rossella Selmini, University of Minnesota

On Comparative Criminology—Susanne Karstedt, Griffith University

Crime, Crime Control and Criminological Controversies in the UK—
Michael Levi, University of Cardiff

Challenges Facing Policing and Criminal Justice in Contemporary Europe—
Rob Wainwright, Director, Europol and Jorg Monar, Rector, College of Europe

Domestic Violence—Recent Developments in British and European Legislation and Practice—
Marianne Hester, University of Bristol and Encarna Bodelón, University of Barcelona

On the Impact of Technology on Crime, Crime Control and Security—A Panel of Key Thinkers

Key Dates

Call for abstracts opens: 17 March 2017

Deadline for abstract submission: 15 June 2017

Final decision on the acceptance of the abstracts: 8 July 2017
(earlier submissions will be reviewed and notified earlier)

End of Early Bird registration: 15 July 2017

www.eurocrim2017.com

to commerce, to other internet users, and to domestic and foreign governments.

- The simultaneous localisation and globalisation of ‘terrorist threats’, which have generated a shift in securitisation, growing monitoring/restrictions on civil liberties and a closer relationship between the police and security services in European countries and elsewhere.
- The impact of austerity and public finances on levels of crime and on how we react to crimes, including policing, criminal justice and the sanctioning of offenders as well as private-public ‘partnerships’ and the management of crime and offender risks.

The issues of change and challenge are taken up by our plenary sessions. It opens with some reflections from Suzanne Karstedt (Griffith) on the challenges of what we can learn from comparative criminology, the Presidential address by Rossella Selmini, and my commentary on crime, crime control and criminological controversies in the UK. The second plenary takes the form of a dialogue between the Director of Europol, Rob Wainwright (who is Welsh), and Dr. Jorg Monar, the Rector of the College of Europe, on the challenges facing policing and criminal justice in contemporary Europe, and a local police chief on some of the challenges of contemporary policing in an era of public service and community austerity. In the third plenary, Marianne Hester (Bristol) and Encarna Bodelón (Barcelona) engage with the subject of domestic violence, and highlight the developments in British legislation and practice, in particular the new offence of ‘coercive control’ that represents a step change in thinking about how to analyse and combat this behaviour, alongside broader European developments. The final plenary from Top Secret speakers will discuss the impact of technologies on crime, crime control and our sense of (in)security.

Many of the workstreams of the conference will of course reflect the topics selected by the presenters, and we encourage the development of these in two ways: by our pre-structured themes (with many self-organised panels, a good idea both for panellists and the audience) and by our efforts to make negotiating the complexities of the large programme easier via specially designed conference apps. Most sessions will be held in (1) the Glamorgan Building—the home of the School of Social Sciences, of which criminology is an important part—and (2) the adjoining Bute Building—home of Cardiff’s School of Journalism, Media and Cultural Studies. However, the plenary and some other sessions will be held in the nearby St. David’s Hall—Cardiff’s principal concert hall and conference venue—a superb, comfortable



auditorium in the city centre, a 10 minute walk from the other buildings. Following on the success of this initiative in Munster, the Cardiff organizers have continued with thematic discussions that follow on from the conference plenaries.

The conference program is still being developed at the moment (March 2017), but we anticipate about 800 presenters from the 24 (and rising) ESC-working groups and other criminological research units. The website is up at <https://www.eurocrim2017.com/> and useful emails are:

General Information	info@eurocrim2017.com
Abstract Submission	abstracts@eurocrim2017.com
Registration	secretariat@esc-eurocrim.org

Cardiff University has a vibrant set of researchers and thinkers about criminology, and good relationships with local and national practitioners. Criminology is housed principally within the School of Social Sciences (one of the top three social research departments in the UK) and in addition to theoretical work, it has a focus on policy-relevant research (both qualitative and quantitative) in some of the most dynamic areas of crime and crime control: alphabetically, these include cyber components of fraud, hate crimes and terrorism; domestic and sexual violence; drugs and crypto-markets; transnational crime and justice policy transfers; life-course criminology; offender reintegration/resettlement; organised crime; policing (comparative, counter-terrorist and local); technologies of crime and crime control; urban security and the night-time economy; white-collar/corporate crime; and youth justice/comparative legal cultures. International relations scholars work on subjects including border security, cybersecurity, maritime piracy and transnational organised crime.

Cardiff has a long-running interdisciplinary Centre for Crime, Law and Justice—currently directed by Stewart

Field—where social science criminologists work alongside staff from the School of Law and Politics, including international relations and the *Centre for Law and Society*. Many criminological research activities take place under the aegis of the *Crime and Security Research Institute*, a leading edge unit that is headed by Martin Innes, who developed the Universities' Police Science Institute in Social Sciences. It is co-directed by Jonathan Shepherd, who runs the Violence Research Institute, and by computer scientist Alun Preece, who works *inter alia* on sentiment analysis and intelligent systems.

Whereas our past President Frieder Dunkel stated that he started his academic carrier by teaching for one semester in Münster in 1989/90 and having about 800 students in his course of criminology, I started mine in Cardiff in 1975, as one of two staff teaching both a criminology masters course and the largest undergraduate optional course that then existed in social policy—48 students—who we then personally joined for fortnightly seminars of a maximum of four people: more personalised attention (and much longer teaching hours) than our staff now have. For Frieder, coming back to Münster was a nice trip down memory lane, but though my memory is deteriorating with old age, after 42 years (voluntarily, but with no time off for good behaviour) at Cardiff University, my car and feet can almost get to work on their own. Unlike Münster, the last war fought in Cardiff was not a religious one but one between the English invaders and the Welsh, resulting in the temporary victory of the English in 1277 and 1283, making Wales the possession of the English Crown. Fortunately these conflicts have mostly been played out subsequently on the rugby and soccer grounds, and via competition for public resources. Wales now has its own government dealing with an increasing number of devolved issues, including health though not yet criminal justice: an issue being argued over as the component parts of the formerly United Kingdom decide how to reshape themselves. For those



who thought that the era of Westphalian sovereignty had been replaced by globalisation, Brexit, Trump and some of the EU MS have demonstrated how quickly belief in the End of History turns out to be a mirage.

Cardiff is a very friendly city, combining the virtues of compactness with the cultural facilities of a capital, and, having successfully hosted the British Society of Criminology in 1993 and 2009, we are looking forward to welcoming you all here in 2017. Entertainment on offer includes the Cardiff Arms Park Male Voice Choir at the opening, and a live band/disco at the free after dinner event following the closing buffet dinner at St. David's Hall on Friday night. But there are many other leisure activities in Cardiff and a host of nearby areas of interest, from the post-industrial Welsh Valleys to the beautiful beaches of the Gower Peninsula and the Pembrokeshire coast, mountains, lakes and waterfalls of the Brecon Beacons National Park and Snowdonia a little further away. We hope that you will come and enjoy the friendly welcome and the intellectual and social stimulation on offer.

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FROM THE NEXT ISSUE

- > Michael Levi on Crime and Criminology in Britain
- > Dario Melossi on European Criminology
- > The Impact of Brexit on Policing and Criminal Justice Cooperation—Discussion



Csaba Győry

HATE CRIMES: WHAT IS BEHIND THE NUMBERS?

With this issue we are starting a new format: short reflections on contemporary issues that concern criminology and criminal justice by renowned experts on the field. The idea is to disseminate ideas, provide context and basis for further discussions in the European criminological community. Therefore, reactions are welcome, and we will be happy to print them in later issues.

The first of these discussions is about hate crime. Hate crime is a difficult subject to research, especially from a comparative perspective, given, among others, the dramatic differences in the definition and the legal interpretation of hate crime laws across Europe. Hate crime policies by law enforcement also differ: in some countries, it is a priority with dedicated police units dealing with it, in others it does not receive such a privileged attention. But, alas, these all shape the bare numbers that emerge in criminal statistics.

For the same reasons, we also do not necessarily understand the great variation in hate crime numbers. For example, according to police statistics, there was

an unprecedented spike in hate crime incidents across the UK following the Brexit vote. Xenophobic sentiments whipped up by a nasty campaign seemed to be a reasonable explanation. Others, however, questioned the accuracy of the data, which was based on the initial police classification of the crime during the investigation phase rather than a judgement by a court. Some argued that such spikes are temporary after contentious events, and will soon be back at the level where they had been before. In the meantime, in Eastern European countries like Hungary, the situation seems to be much rosier: hate crime numbers are comparatively low. But are they really, or this is just a result of law enforcement priorities which lie elsewhere? We asked two experts to find it out.

Csaba Győry is assistant professor at the Faculty of Law, ELTE University, and researcher at the Institute for Legal Studies, Hungarian Academy of Sciences, and editor of the Newsletter of the ESC.

Due to technical problems at the Hungarian Post, the last issues of 2016 arrived with a considerable delay. We apologize for the inconvenience.



DISCUSSION ON HATE CRIME

Neil Chakraborti

THE RISING TIDE OF HATE CRIME

WHAT ROLE FOR CRIMINOLOGY?

Hate crime has taken on increased political and social relevance in recent times. It has become an internationally used term which cuts across disciplines, across communities and across borders, and which is used to promote both heightened awareness and collective action amongst law-makers and enforcers, non-governmental

organisations, activists, scholars and individual citizens. It has also become an increasingly pernicious problem in many parts of the world with hate incidents rising to record levels and causing devastating emotional and physical damage to victims, their families and wider communities.

Within the UK, last June's EU referendum result was the catalyst for a surge in reports of targeted violence. More than 14,000 hate crimes were recorded by police forces in England and Wales between July and September 2016, with three-quarters of forces reporting record levels of hate crime during that period. Elsewhere, figures released by the Southern Poverty Law Centre in November reveal that close to 900 incidents of harassment and intimidation were reported in just 10 days after the US presidential election. The spike in abuse, mostly against immigrants, people of colour, women and LGBT people, came after President Trump's 18-month campaign of heated rhetoric, a promise to build a wall along the US-Mexican border and a slow disavowal of white supremacy. Similar spikes have been seen across Europe with populist political parties in countries such as France, Denmark, Germany, Hungary and the Netherlands exploiting anti-immigrant sentiment, fuelling the scapegoating of particular minority groups and feeding off widely-held anxieties and tensions.

These hate incidents are by no means a new phenomenon. My own research, and the growing body of research conducted by scholars across the world, has illustrated that hate-fuelled violence and microaggressions are 'everyday' experiences for many thousands of people every year who are targeted on the basis of their identity or perceived 'difference'. It has highlighted the ways in which targeted hostility is legitimised by the increasingly inflammatory language used within mainstream political and media discourses. Perhaps more worryingly still, it has shown that many victims continue to suffer in silence, calling into question the effectiveness of reporting systems, support structures and awareness-raising initiatives, and the continued reliance on police-recorded data as a measure of hate crime.

So within this context of rising intolerance, legitimised prejudice and spiralling levels of hate crime what is our role as criminologists? I would argue that the prevailing climate has implications for the urgency and impact of our enquiries even if our goals remain broadly similar to before. We must continue to identify ways of supporting victims and witnesses of hate crime more effectively through the criminal justice system—whether this be via improved reporting and recording structures, better prosecution processes, more regular communication with victims or wider use of restorative interventions. Improved support can also come through wider engagement with some of the more marginalised victims of hate within our communities, and criminologists must strive to connect with those lost voices who are commonly too

'easy to ignore'—and not simply 'hard to reach'—when it comes to criminological research and criminal justice policy.

A second area of focus must be to understand perpetrator motivations and the influence of far-right populist movements, mainstream political discourse and continued media demonization. These factors will shift over time and place, but their relevance to hate speech, violence and 'everyday' acts of targeted hostility should be subjected to increased scrutiny and analysis. In addition to generating and challenging explanations of hate crime perpetration, this academic knowledge can be used to shape preventative policies which are tailored to the pressure points of local areas and which inform responses to offending behaviour.

And crucially, criminologists must seek to evaluate the effectiveness of criminal justice and other interventions. Do hate crime penalties which carry enhanced sentences adequately address victims' needs for justice or the underlying prejudices that give rise to hate offences? In what contexts might alternative interventions be more appropriate? What forms of training do criminal justice practitioners receive to enable them to make sense of and enforce hate crime policy? And what range of interventions can be used to challenge so-called 'lower-level' expressions of hate before those forms of prejudice, harassment and intimidatory behaviour escalate into incidents which have even more damaging consequences?

These are just some of the ways in which academic research can be used to respond to the challenges posed by these uncertain times. We live in societies which are becoming increasingly disconnected, disillusioned and disadvantaged, and within this context the need for meaningful criminological enquiry is all the more pressing. But crucially, this work needs to be shared with policy-makers, practitioners, NGOs and other service providers who, collectively, have opportunities and responsibilities to challenge hate crime. Only by maximising the reach and accessibility of our research to those who encounter hate crime within a professional context—or indeed as victims or witnesses—can we begin to harness its power.

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Petra Bárd

WHAT IS BEHIND THE LOW NUMBER OF HATE CRIMES IN HUNGARY?

I. THE COUNTER-INTUITIVE NATURE OF HATE CRIME STATISTICS

According to statistics there are hardly any hate crime cases in Hungary. This observation should not automatically be construed as an indicator of the high level of tolerance in society. Anyone working in the justice sector will know that hate crimes do exist, irrespective of official statistics. That they appear to be almost invisible, is most likely a reflection on the incapability of the criminal justice system to tackle them.

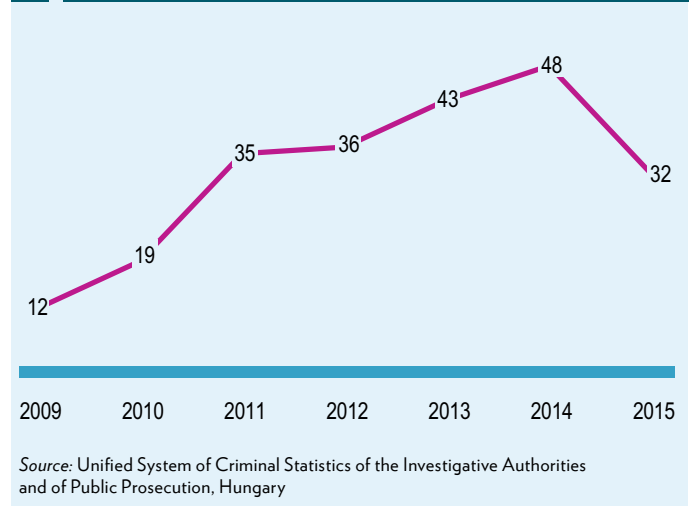
In the same vein, a rise in hate crime statistics—more often than not—shall be considered good news. In an ideal case it proves that victims were more willing to turn to the authorities; that they were less afraid of being deported; that they could overcome language barriers, etc. Rising numbers might also show progress in police trainings, authorities’ awareness of bias indicators, less institutional discrimination, or court reliance on circumstantial evidence, not just words spoken or symbols displayed exclusively at the time of perpetration. Thus the increase in hate crimes in Hungary since 2009 may be attributed to the handful of positive developments, such as police and judicial trainings, or the contribution of NGOs to the fight against bias motivated crimes.

Alternatively, on a negative note, rise in hate crime statistics may equally—at least partially—prove an increase in hate crimes, to which the ever growing populist discourse, state-mandated disadvantages against different segments of society, and the lack of investigation in bias crime cases—especially when committed by state agents—might also have contributed.

II. POISONING POLITICAL RHETHORIC AND STATE-MANDATED DISADVANTAGES

Since 2010 government support by the electorate has been enhanced through emotionalism, which has a nationalistic connotation unifying an allegedly homogenous Hungarian nation along ethnic lines,¹ and at the same time—by way of negative definition—excluding from its members ‘others’ including unpopular minorities (for example suspects, convicts, homosexuals, drug users, Roma, the poor), individuals diverging from the ‘ordinary’ (such as members of small churches or advocates of home birth), and those who formulate government

Figure 1. Hate Crimes in Hungary 2009–2015



criticism in any form (non-partisan media sources, human rights NGOs).

The refugee crisis has also been exploited by using it as a tool for gaining more political support for those in power. Early 2016 based on fear-mongering and incitement to hatred against migrants, the government initiated a referendum against allowing the EU ‘to mandate the resettlement of non-Hungarian citizens to Hungary without the approval of the National Assembly’. It conducted a massive campaign costing at least—even in the government’s own estimations—34 million EUR for the no-votes, spreading information via all possible channels. Billboards flooded the country, booklets were sent to all households, and the screening of the 2016 Olympic Games was interrupted every ten minutes or so by one-minute campaign spots suggesting that all those who seek refuge in Europe are terrorists, rapists or economic migrants.

1 Zsolt Körtvélyesi, ‘From “We the People” to “We the Nation”,’ In: Gábor Attila Tóth, *Constitution for a Disunited Nation: On Hungary’s 2011 Fundamental Law*, Budapest: CEU Press, 2012, 111–140. Most recently see the speech delivered by the Prime Minister on the necessity for ethnic homogeneity. Benjamin Novak, Orbán speaks of the necessity for ethnic homogeneity in speech to business leaders, 28 February 2017, <http://budapestbeacon.com/featured-articles/orban-speaks-necessity-ethnic-homogeneity-speech-business-leaders/44795>

Whereas the vast majority of those who did turn out to vote agreed with the government's position in its 'fight against Brussels', the referendum failed since the turnout was lower than the statutorily prescribed 50%. The only result of the referendum and the surrounding campaign was a shift in public sentiment against migrants, asylum seekers and refugees—terms deliberately confused by the government propaganda. As research data show, whereas in 2015 two-thirds of respondents expressed their tolerance and pro-migrant support, a year later the proportion decreased to one-thirds.²

III. STATE COMPLICITY IN BIAS BASED VIOLENCE

State mandated intolerance may certainly have had an impact on the rise in hate crimes, but state complicity has gone further than mere populist rhetoric. Ever since the start of the refugee crisis and the government campaign in relation to the referendum, in an apparent contrast with the previous period, numerous crime cases motivated by anti-migrant sentiments have shown up—not so much in the official statistics, but—in the media. Suffice it mention here only the infamous case of a camerawoman kicking and tripping fleeing refugees, which has

been highly covered European-wide.³ The perpetrator's conviction for disorderly conduct instead of a hate crime fits into a broader trend of judges notoriously under-qualifying bias crimes.

Excessive use of power at the borders of Hungary has been a problem since the early days of the refugee crisis.⁴ But in the spring of 2017 the problem was taken to a whole new level. Guards at the Hungarian borders became ever more brutal towards migrants. Doctors in Belgrade have recently had occasion to treat a much larger number of migrants wounded at the Hungarian borders than before.⁵

The Ministry of Interior refused the allegations of physical assault and psychological harassment as politically motivated government criticism.⁶ Turning a blind eye to human rights abuses however violates Hungary's international obligations and also risks European Court of Human Rights condemnation. The Court issued a number of judgments regarding states' obligation to conduct efficient investigation read in conjunction with the prohibition of discrimination. One can subsume from the case-law the obligation to take sufficient action against hate crimes;⁷ to show special vigilance in bias crime cases;⁸ and to unmask racist,⁹ political¹⁰ or anti-religious¹¹ motives. Disrespect of European standards from both a substantive (police and border guard brutality) and a procedural view (lack of investigation) makes perpetrators more confident in raising the level of violence and humiliation.¹²

Borrowing metaphors from the criminal law domain, the state first acted as an instigator by inciting to hatred, then became a perpetrator via its agents, and finally turned into an accomplice when denying and trivializing crimes committed against an insular minority.

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Note from the Secretariat and the Newsletter Editor

An increasing number of issues are returned to the editorial office for incomplete or not up-to-date addresses. Please make sure you provide us with a complete postal address with your membership application and update your address when you change jobs. You can do this with a short email to the Secretariat or the Newsletter Editor. Thank you.

2 <http://www.bbc.com/news/world-europe-37310819>

3 <https://www.theguardian.com/world/2016/sep/07/camerawoman-trip-refugees-hungary-charges-petra-laszlo>, <http://www.faz.net/aktuell/gesellschaft/kriminalitaet/fluechtlinge-tretende-kamerafrau-bekommt-bewaehrungsstrafe-14638691.html>

4 <https://www.hrw.org/news/2016/07/13/hungary-migrants-abused-border>, <https://www.amnesty.org/en/press-releases/2016/09/hungary-appalling-treatment-of-asylum-seekers-a-deliberate-populist-ploy/>

5 <http://www.doctorswithoutborders.org/article/hungary-widespread-violence-against-migrants-and-refugees-border>

6 http://os.mti.hu/hirek/124876/a_belugyminiszterium_kozlemenye_1_resz

7 *Dordevic v. Croatia*, 41526/10, 24 July 2012.

8 *Angelova and Iliev v. Bulgaria*, 55523/00 26 July 2007; *Stoica v. Romania*, 42722/02, 4 March 2008; *Balázs v. Hungary*, 15529/12, 20 October 2015.

9 *Nachova and Others v. Bulgaria*, Applications nos. 43577/98 and 43579/98, 6 July 2005; *R.B. v. Hungary*, 64602/12, 12 April 2016.

10 *Virabyan v. Armenia*, 40094/05, 2 October 2012.

11 *Milanović v. Serbia*, 44614/07, 14 December 2010; *Begheluri and Others v. Georgia*, 28490/02, 7 October 2014.

12 'The policemen, when they beat us, they are taking selfies with us. (...) They treat us like animals, and we are humans.' <http://www.independent.co.uk/news/world/europe/refugee-crisis-hungary-border-police-guards-fence-beating-asylum-seekers-migrants-serbia-push-back-a7610411.html>

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