Eötvös Loránd University

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Problems Relating to the Identification and Proof of Hate Crimes

The Hungarian Practice of Application of Law Concerning Violence Against a Member of a Community

DOCTORAL DISSERTATION – THESIS SUMMARY

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I. Subject Matter, Relevance, and Objectives of the Dissertation

The examination of hate crimes constitutes a particularly important area of substantive criminal law and criminology, given that these acts extend beyond the violation of individual rights and undermine the foundations of social coexistence. The distinctive characteristic of prejudice-motivated crimes is that the perpetrator selects the victim on the basis of a protected characteristic that the victim cannot change; consequently, the crime affects the victim's identity, thereby exerting an even greater psychological impact. At the same time, hate crimes communicate not only to the direct victim but also to the victim's community that they are inferior and therefore unwelcome in society. As a result, such acts are capable of disrupting social cohesion and weakening the sense of security of minority groups. Effective action against hate crimes is therefore not merely a matter of criminal law but also of broader social policy significance.[1] Proper handling of these crimes is indispensable, both in response to the heightened social danger posed by prejudice-motivated acts and in order to signal that such conduct is unacceptable in society.

The aim of the research is to draw attention to the practical challenges associated with the identification and proof of hate crimes, given that the recognition and proper legal qualification of prejudice-motivated acts are not always unambiguous in the application of law. In certain cases, this may be attributable to a lack of professional knowledge, including insufficient familiarity with specific criminal offences and the evidentiary issues associated with them. While numerous international expectations require nation-states to address these crimes effectively and appropriately, and several guidelines are available, the amount of professional literature in Hungarian legal scholarship and legal practice remains comparatively limited. The dissertation presents the results of an empirical study encompassing a period of more than a decade[2] and involving a large number of cases. To the best of my knowledge, no analysis of comparable duration and depth has previously been conducted in this field. The timeliness of the topic is further reinforced by the high latency of hate crimes, making the response of the criminal justice system to these offences particularly significant. Providing an appropriate legal response to hate crimes may not only result in more accurate statistical data but may also

[1] OSCE Office for Democratic Institutions and Human Rights (ODIHR): Hate Crime Laws: A Practical Guide, 2nd edition. Warsaw, OSCE/ODIHR, 2022, pp. 19–23. https://odihr.osce.org/odihr/523940; Accessed: 15 June 2023.

[2] Cases committed between 2009 and 2015, as well as between 2020 and 2024, in which the possible establishment of violence against a member of a community was examined.

contribute to more effective social and legal actions, while strengthening the sense of security of victims and their communities. Accordingly, the research also seeks to identify those factors arising in the application of law that may facilitate the reduction of latency. The research therefore strives to uncover problems arising from practical experience, contribute to the development of practice of the application of law, and thereby increase social awareness concerning hate crimes while enhancing the sense of security of victims.

Contrary to what its name might suggest, the term "hate crime" does not refer to a specific criminal offence but rather to a criminological concept, an umbrella term.[3] Its content and regulatory form may differ from one state to another, as international conventions and treaties merely formulate recommendations concerning protected characteristics and the categories of conduct that should be sanctioned. Nevertheless, none of these instruments provides a universally applicable definition of hate crime or prescribes a mandatory regulatory solution binding upon all states. At first glance, this might suggest that nation-states are under no obligation to take all necessary measures to ensure the detection and proper identification of hate crimes. However, based on international legal instruments and the case law of the European Court of Human Rights, I argue - and seek to demonstrate convincingly throughout the dissertation – that states do have obligations to investigate racist motives in such cases, and that failure to do so may have legal consequences.

A further objective of the dissertation is to comprehensively examine the extent to which Hungarian substantive criminal law relating to hate crimes - particularly the offence of violence against a member of a community - complies with international norms and expectations. The research therefore also seeks to determine whether the Hungarian legal framework is consistent with relevant international conventions and treaties, as well as with standards formulated in soft-law instruments. To this end, the dissertation presents the current Hungarian legal framework, including which of the internationally recommended legislative solutions is applied in relation to hate crimes, which criminal offences fall within this category, why they require special attention, and what indicators or forms of evidence may suggest prejudice-based

[3] CASE OF ANGELOVA AND ILIEV v. BULGARIA (Application no. 55523/00), 26 July 2007. https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22002-2561%22]}, Accessed: 28 October 2021.; Hate speech and hate crime in the EU and the evaluation of online content regulation approaches – STUDY Requested by the LIBE committee, European Parliament Policy Department for Citizens' Rights and Constitutional Affairs Directorate – General for Internal Policies PE655.135-July 2020. https://www.europarl.europa.eu/RegData/etudes/STUD/2020/655135/IPOL_STU(2020)655135_EN.pdf, Accessed: 3 March 2021.

motivation in particular cases. In this context, it is also demonstrated that, in light of the decisions of the Constitutional Court and the case law of both the Supreme Court and the Curia, the interpretative framework governing the offence of violence against a member of a community has essentially been established.

The research further aims to illustrate that a discrepancy may sometimes be observed between the legal framework and its actual application. One of the central objectives of the dissertation is to establish that the difficulties associated with the identification and proof of hate crimes, particularly the offence of violence against a member of a community, stem not primarily from deficiencies in the normative framework but rather from issues and problems arising during the application of law. Accordingly, the dissertation is not limited to an assessment of normative compliance but also seeks to reveal the challenges and problems associated with the practical implementation of the legal framework through an analysis of the practice of the application of law on the offence of violence against a member of a community. Of particular importance is the ability to prove the prejudice-based motivation underlying the offence so that the increased social harmfulness of the perpetrator's conduct may be reflected both in its legal qualification and in the legal consequences imposed.

Another objective of the dissertation is to examine the role and applicability of bias indicators and to identify the factors that influence the ability to prove bias motivation in cases involving the offence of violence against a member of a community, and consequently the ability to establish the existence of hate crimes. The dissertation systematises recurring problems encountered in the application of law, particularly the phenomenon of underqualification, its causes and consequences, and the issue of mixed motives. Furthermore, the dissertation seeks to provide an empirically grounded overview of the development and current state of the Hungarian practice of the application of law in this field.

II. Methodology of the Dissertation and Issues Outside the Scope of the Research

II. 1. Methodology of the Dissertation

The dissertation employs several complementary methodological approaches in order to examine as comprehensively and multidimensionally as possible the problems associated with the identification and proof of hate crimes, with particular regard to the Hungarian practice of the application of law concerning the offence of violence against a member of a community. Accordingly, normative legal analysis and empirical data processing are combined in a mutually reinforcing manner, while throughout the dissertation primary emphasis is placed on issues relevant from the perspective of substantive criminal law. This methodological diversity was necessitated by the complexity of the subject matter, the intricacy of both the domestic and international legal frameworks, and the particular characteristics of the practice of the application of law.

The research is built upon two principal pillars. As a conceptual framework for hate crimes, the dissertation adopts one of the most widely accepted definitions, namely that developed by the Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights (OSCE ODIHR; hereinafter: OSCE ODIHR). According to this definition, hate crimes consist of two elements: a predicate criminal offence and a bias motivation.[4]

The first pillar of the research consists of a comprehensive analysis of international conventions and treaties relating to hate crimes, together with relevant Hungarian and foreign scholarly literature. Particular emphasis is placed on the case law of the European Court of Human Rights (ECtHR; hereinafter: the Court) concerning hate crimes, as well as on the practical guidelines and manuals prepared for legal practitioners, especially prosecutors. This secondary-source analysis made it possible to systematize the conceptual framework of hate crimes, the various regulatory models, and issues relating to protected characteristics.

[4] OSCE Office for Democratic Institutions and Human Rights (ODIHR): Hate Crime Laws. A Practical Guide. Warsaw, OSCE/ODIHR 2009, p. 16. https://www.osce.org/odihr/36426, Accessed: 23 October 2021.

Special attention was devoted to the issue of latency (underreporting), as well as to the structural and operational characteristics of domestic data collection systems. International instruments consistently emphasize that accurate data collected according to uniform criteria are indispensable for effective action against hate crimes and, among other objectives, for reducing latency.

The international dimension of the dissertation is further strengthened through an empirical questionnaire-based study. Within this framework, a six-question survey was circulated on two occasions - in 2020 and 2025 - to the national desks of Eurojust in order to map the international regulatory environment governing hate crimes. Participation was voluntary; consequently, the responses received from 25 countries in addition to Hungary contributed to a comparative legal analysis highlighting both the common features and differences among European legal systems.

The second pillar of the dissertation focuses on the practical aspects of bias-motivated offences in Hungary, with particular emphasis on cases involving the offence of violence against a member of a community. Within this framework, the study examines the responsibilities and legal foundations of police and prosecutorial actions in combating hate crimes, evidentiary issues relating to bias motivation, and the role of bias indicators. The dissertation also addresses the characteristics of perpetrators and victims of hate crimes, victim support mechanisms, and the role played by civil society organizations, religious organizations, and the Deputy Commissioner responsible for the protection of the rights of national minorities in Hungary.

The qualitative dimension of the research is supplemented by two semi-structured expert interviews. One interview was conducted with a forensic criminal psychologist, and its purpose was to gain a deeper understanding of the psychological background of prejudice formation and the aggressive behaviour that may arise from it. The other interview was conducted with a colleague of the Háttér Society's legal program, a representative of the Working Group Against Hate Crimes. This interview aimed to explore experiences and challenges related to domestic practices of law application concerning hate crimes, difficulties encountered in providing victim assistance and professional recommendations for further improving law application practices. The two expert interviews made it possible to supplement the legal analysis in the dissertation with practical experiences in criminal psychology and civil rights advocacy.

At the centre of the research lies a comprehensive examination of the offence of violence against a member of a community, which constitutes the only *sui generis* hate-crime offence[5] in the current Hungarian Criminal Code.[6] In this context, the dissertation addresses the historical development of the statutory provision, its doctrinal analysis, issues of legal classification and differentiation, questions arising in the application of law, and the relevant decisions of the Supreme Court and the Curia.

The empirical legal analysis, based on a documentary review and case-based methodology, relied upon a database containing a total of 460 criminal cases. The sample was not random but purposive in nature, encompassing cases committed between 2009-2015 and 2020-2024 in which the possible applicability of the offence of violence against a member of a community had been examined. From a temporal perspective, the research is longitudinal, as it covers several consecutive periods and includes repeated follow-up analysis of individual cases from earlier periods.[7] This approach made it possible not only to record static conditions but also to identify developments, trends, and changes in the practice of law application over time.

A defining feature of the methodology is the application of triangulation, involving the combined analysis of multiple complementary data sources. The study drew upon official criminal statistical systems (ENyÜBS and VIR),[8] the prosecutorial case-management system, and the substantive decisions forwarded by chief prosecution offices to the Office of the Prosecutor General in connection with professional analyses and guidance concerning hate crimes. This multi-source approach made it possible to identify and partially mitigate distortions inherent in the individual databases, thereby increasing both the reliability and validity of the research findings.

The central methodological tool of the research was the comprehensive and in-depth examination of individual cases, encompassing all stages of proceedings (from the rejection of a complaint or the ordering of an investigation through to the final substantive decision). Data

[5] Curia Case Law Analysis Group (2015): Analysis of judicial practice regarding crimes violating specific fundamental rights. Curia, Budapest, pp. 3–4. https://kuria-birosag.hu/sites/default/files/joggyak/osszefoglalo_velemeny_4.pdf, Accessed: 15 June 2017.
[6] Act C of 2012 on the Criminal Code (hereinafter: Criminal Code). Section 216 of the Criminal Code: Violence against a member of a community.
[7] Years of investigation and follow-up of cases: 2014, 2016, 2018, 2023, 2025.
[8] The Unified System of Criminal Statistics of the Investigative Authorities and of Public Prosecution (ENyÜBS) and the Prosecutorial Information System (VIR).

collection was conducted through the use of a standardized and structured anonymous data sheet, ensuring consistency and comparability. The data sheet recorded relevant characteristics of each case across multiple dimensions, including, among others, trends in case numbers over time, the circumstances, location, and time of the offence, statements and conduct exhibited by offenders during the commission of the offence, demographic information relating to victims and offenders, the legal classification of the conduct, and the procedural history of the case. This method facilitated both statistical analysis and the identification of quantitative trends.

An additional important component of the methodology was the case-study approach, based on the detailed substantive examination of individual cases. The methodological framework may therefore also be understood as a legal research project combining doctrinal and empirical elements. The presentation and analysis of specific cases and the decisions of investigative authorities, prosecutors, and courts are consequently not merely descriptive in nature; rather, they aim to identify and systematize problems in the application of law and to evaluate the consistency of substantive criminal law classifications and practice of the application of law. Accordingly, the research seeks not only to uncover data but also to formulate analytical and normative conclusions. This methodological approach allows for a deeper understanding of problems of law application, particularly with regard to underqualification, mixed motivation, and the difficulties associated with recognizing and proving bias motivation. Furthermore, the analysis of final judicial decisions made it possible to examine developments in the practice of law application and the sanctions and measures imposed by the courts.

II. 2. Scope and Limitations of the Study

Given the methodological and thematic framework of the dissertation, several relevant avenues of research can be identified that are not addressed in detail. As noted above, the research specifically focuses on problems related to the identification and proof of hate crimes, with particular emphasis on issues relevant from the perspective of substantive criminal law concerning the offence of violence against a member of a community (Section 216 of Act C of 2012 on the Criminal Code; hereinafter: the Criminal Code), which is regulated in the Special Part of the Criminal Code as a hate-crime offence. For this reason, the dissertation does not extend to the examination of offences committed with a racist motive where commission from

a base motive (*aljas indok*) may be established as a qualifying circumstance.[9] Furthermore, given that they differ significantly in their nature, characteristics, and evidentiary requirements from "classic" hate crimes, the research does not address law-application issues relating to the crimes of genocide (Section 142 of the Criminal Code), crimes against humanity (Section 143 (1) of the Criminal Code) and apartheid (Section 144 of the Criminal Code).

In light of the protected fundamental right involved and the absence of a predicate offence - which places such conduct outside both the definition of hate crime adopted in the dissertation and the concept established by OSCE ODIHR documents - the dissertation likewise does not include a doctrinal analysis of other bias-motivated offences falling outside this framework, nor does it examine the practical problems arising in their application. For these reasons, offences that constitute hate speech also fall outside the scope of this study. Accordingly, the dissertation does not provide a detailed analysis of the following offences: incitement against a community (Section 332 of the Criminal Code); public denial of the crimes of national socialist or communist regimes (Section 333 of the Criminal Code); desecration of national symbols (Section 334 of the Criminal Code); and use of symbols of authoritarian regimes (Section 335 of the Criminal Code).

Moreover, the dissertation does not seek to provide a comprehensive criminological explanation of hate crimes, particularly with regard to the detailed exploration of their macro-level social causes. The research does not extend to the examination of hate-crime-related issues arising in other branches of law. Consequently, apart from the analysis of relevant decisions of the Constitutional Court and constitutional issues arising in specific cases, constitutional law and civil law questions fall outside the scope of the dissertation. Nor does the dissertation aim to provide a comprehensive evaluation of hate-crime policies or victim-protection strategies. Although psychological dimensions are addressed through an expert interview, the research does not attempt to empirically validate relevant social-psychological theories and models. Furthermore, the dissertation does not examine methods for the quantitative measurement of social attitudes and biases, nor does it undertake an assessment of the long-term psychological and social reintegration of victims or the institutional mechanisms supporting such

[9] Under current regulations, this may apply to the following criminal offences: Homicide (Section 160(2)(c) of the Criminal Code), Causing bodily harm (Section 164(4)(a) and (6)(a) of the Criminal Code), Violation of personal freedom (Section 194(2)(b) of the Criminal Code), Defamation (Section 226(2)(a) of the Criminal Code), Unlawful detention as a crime committed in the course of official duties (Section 304(2)(a) of the Criminal Code), Insulting a subordinate as a military offence (Section 449(2)(a) of the Criminal Code).

reintegration. Despite the international questionnaire-based research component, the study focuses primarily on the current Hungarian legal framework. Accordingly, the dissertation does not provide a detailed comparative analysis of the regulatory solutions adopted by different countries. Likewise, it does not contain a separate, in-depth examination of evidentiary challenges associated with hate crimes committed in the digital environment. In addition, the dissertation does not engage in a detailed theoretical examination of criminal procedure or sentencing theory beyond the analyses conducted in relation to the individual cases examined. Finally, the research does not assess the impact of internal hate-crime-related training programmes provided within law enforcement agencies.

III. Brief Summary of the Scientific Results of the Research, Recommendations, and Possibilities for the Utilization of the Results

III. 1. International Legal Obligations

One of the fundamental findings of the dissertation is that action against hate crimes is not solely a matter of a state's internal criminal policy decisions; rather, it must also be consistent with the framework of international legal and human rights obligations incumbent upon nation-states. Accordingly, the dissertation provides a detailed analysis demonstrating that, although international instruments aimed at ensuring effective action against hate crimes do not establish a uniform and binding definition of hate crime for ratifying states, they nevertheless impose certain substantive, procedural, and institutional obligations requiring states to take effective measures.[10]

Within the European human rights system, for example, the ECtHR,[11] operating under the auspices of the Council of Europe, plays a particularly significant role. In several of its judgments, the ECtHR has held that where there is a possibility that a crime was motivated by racism or other forms of prejudice, state authorities have an ex officio duty to investigate such motives.[12] States are further expected to conduct these proceedings effectively, impartially, free from prejudice, and within a reasonable time, while also recognizing that uncovering a racist motive requires particular diligence.[13]

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[10] For more details: Tóth, Zsanett (2014b): A gyűlölet-bűncselekmények megállapíthatóságával és bizonyítási nehézségeivel kapcsolatos problémák [= Problems Related to the Identification and Evidentiary Difficulties of Hate Crimes]. In: Professzorok az Európai Magyarországért Egyesület "A tudomány szolgálatában" című IX. PhD Konferencia előadásai. II. elektronikus konferenciakötet. Szerk.: Dr. Koncz István – Szova Ilona. Professzorok az Európai Magyar-országért Egyesület, Budapest, pp. 190–192. http://www.peme.hu/userfiles/A%20tudom%C3%A1ny%20szolg%C3%A1lat%C3%A1ban%20-%20II.%20k%C3%B6tet.pdf, Accessed: 29 June 2024.

[11] European Court of Human Rights (ECtHR).

[12] For example: the CASE OF NACHOVA AND OTHERS v. BULGARIA (Application no. 43577/98 and 43579/98), 6 July 2005. https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-69630%22]}; Accessed: 7 April 2014.; CASE OF ŠEČIĆ v. CROATIA (Application no. 40116/02), 31 May 2007. https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-80711%22]}, Accessed: 4 April 2016.

[13] For example: the CASE OF STOICA v. ROMANIA (Application no. 42722/02), 4 March 2008. https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-85308%22]}, Accessed: 2 April 2022.; CASE OF ANGELOVA AND ILIEV v. BULGARIA (Application no. 55523/00), 26 July 2007. https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22002-2561%22]}, Accessed: 28 October 2021. The Committee of Ministers of the Council of Europe oversees the implementation of judgments. This body monitors whether the state found in violation takes the necessary individual and general measures. For more information, see: European Court of Human Rights. The ECHR in 50 Questions. https://www.echr.coe.int/d/50questions_eng?p_l_back_url=%2Fsearch%3Fq%3DThe%2BECHR%2Bin%2B50%2BQuestions&p_l_back_url_title=Search; Accessed: 1 May 2026. Questions 28, 40, and 42.

In relation to hate crimes, it can be clearly established that states are subject not merely to an abstract obligation to comply with legal norms; rather, the implementation of these obligations is monitored through functioning international oversight and accountability mechanisms.[14] The findings of the dissertation therefore support the argument that the requirements of recognizing hate crimes, conducting effective investigations, properly classifying such offences, and imposing sanctions proportionate to the social harm caused by the conduct have become measurable aspects of states' international legal accountability. It is also evident that international organizations often promote and monitor the implementation and effective realization of these obligations through the establishment of dedicated committees and working groups, as well as through reports, country evaluations, and similar mechanisms.

III. 2. Domestic Substantive Criminal Law Regulation

Based on the comparative analysis of the international regulatory models and the doctrinal solutions adopted by individual states presented in the dissertation, it can be concluded that the Hungarian substantive criminal law framework governing hate crimes is consistent with the fundamental international requirements in this field.

In order to combat bias-motivated offences, the Hungarian legislator has primarily fulfilled these requirements through the system of specific criminal offences defined in the Special Part of the Criminal Code (Btk.),[15] as well as through the regulation of "base motives" (*aljas indok*) as a qualifying circumstance. In addition, the Hungarian practice of the application of law has established that, in cases where a base motive does not constitute a qualifying circumstance

[14] One of the most significant monitoring mechanisms is the United Nations (UN) Committee on the Elimination of Racial Discrimination (CERD), which was established in 1965. It monitors compliance with the Convention on the Elimination of All Forms of Racial Discrimination (ICERD), adopted in New York in 1965. The European Commission against Racism and Intolerance (ECRI), established by the Council of Europe, the OSCE Office for Democratic Institutions and Human Rights (OSCE ODIHR) and the European Union Agency for Fundamental Rights (FRA) also play a key role in the anti-racism monitoring mechanism in Europe.

[15] Violence against a member of a community (Section 216 of the Criminal Code), Genocide (Section 142 of the Criminal Code), Apartheid (Section 144 of the Criminal Code), Incitement against a community (Section 332 of the Criminal Code), Public denial of the crimes of national socialist or communist regimes (Section 333 of the Criminal Code), Desecration of national symbols (Section 334 of the Criminal Code), Use of symbols of authoritarian regimes (Section 335 of the Criminal Code).

under the relevant offence, the racist motivation behind the commission of the crime must nevertheless be taken into account as an aggravating factor during sentencing.[16]

According to the OSCE ODIHR definition adopted as authoritative in the dissertation, a hate crime is a sui generis offence consisting of a predicate offence combined with a bias motive.[17] Within Hungarian criminal law, this definition is most closely reflected in the offence of violence against a member of a community (Section 216 of the Criminal Code). Through this legislative solution, Hungary complies with international expectations requiring that violent acts committed with a bias motive be reflected in a clearly identifiable criminal law provision.[18] Consistent with international recommendations, the offence of violence against a member of a community may be established not only where the victim actually belongs to a protected group, but also where the offender merely perceives or assumes that the victim belongs to such a group.[19] Hungarian law also defines protected characteristics in a manner that substantially covers the principal protected categories recognized in international human rights instruments.

In light of the above, it can be concluded that the Hungarian regulatory framework - particularly when compared with the regulatory structures of the European countries that responded to the previously referenced Eurojust questionnaire - employs a particularly detailed and comprehensive approach to addressing bias-motivated offences. Accordingly, it can be concluded that even though it would be appropriate to make certain minor clarifications of the statutory definition of violence against a member of a community - as discussed later in the dissertation - no significant legislative deficiency can be identified within this framework which would render the Hungarian substantive criminal law system inherently incapable of providing an effective response to hate crimes. On the contrary, the normative structure of Hungarian legislation is capable of providing a solid substantive criminal law foundation for combating hate crimes.

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[16] Based on Point III.2 of Opinion No. 56/2007 of the Criminal College of the Curia (see in Hungarian: 56/2007. BK vélemény III.2. pontja).

[17] OSCE Office for Democratic Institutions and Human Rights (ODIHR): Hate Crime Laws. A Practical Guide. Warsaw, OSCE/ODIHR 2009, p. 16. https://www.osce.org/odihr/36426, Accessed: 23 October 2021.

[18] For example: OSCE Office for Democratic Institutions and Human Rights (ODIHR): Hate Crime Laws: A Practical Guide, 2nd edition. Warsaw, OSCE/ODIHR, 2022, pp. 39–40. https://odihr.osce.org/odihr/523940; Accessed: 15 June 2023.

[19] For example: OSCE Office for Democratic Institutions and Human Rights (ODIHR): Hate Crime Laws: A Practical Guide, 2nd edition. Warsaw, OSCE/ODIHR, 2022, p. 63. https://odihr.osce.org/odihr/523940; Accessed: 15 June 2023.

The historical development of the statutory definition of violence against a member of a community further demonstrates that the legislator has responded to social developments and has gradually brought the regulation in line with international standards. Moreover, the interpretative guidance provided through the decisions of the Constitutional Court, the Supreme Court, and subsequently the Curia,[20] has further strengthened both the interpretation and uniformity of the practice of application of law concerning this offence.

On this basis, the dissertation's assertion can be regarded as substantiated: namely, that the Hungarian substantive criminal law framework governing hate crimes, and in particular the statutory definition of violence against a member of a community, fundamentally complies with international standards, human rights requirements, and recommended regulatory models, while the necessary case-law guidance for ensuring the uniform application of law is already available.

At the same time, it can be observed that, with regard to the offence of violence against a member of a community (Section 216 of the Criminal Code), the law prescribes the same range of penalties for the qualified forms of both the less serious offence set out in subsection (1) and the more serious offence set out in subsection (2), without differentiating between them. Furthermore, as noted by Zsolt Szomora in his commentary,[21] certain qualifying circumstances, such as substantial harm to interests or the victim's torment, are difficult to interpret in relation to the hooligan-type (garázda) basic offence formulated in subsection (1). For these reasons, should the offence be subject to future recodification, it would be advisable to reconsider both the qualifying circumstances applicable to the various basic forms of the offence and the corresponding penalty ranges. Until such reform occurs, sentencing practice should seek to distinguish between the qualified forms of the two basic offences,[22] including, where

[20] For example: Decision EBD.2015.B.3. the Supreme Court of the Republic of Hungary, Final decision No. Bfv. III.87/2011/5, dated 3 May 2011; BH.2023. 178.

[21] Szomora, Zsolt (2022): Az emberi méltóság és egyes alapvető jogok elleni bűncselekmények [= Crimes against human dignity and certain fundamental rights]. XXI. fejezet. In: Nagykommentár a Büntető Törvénykönyvhöz: Nagykommentár a Büntető Törvénykönyvről szóló 2012. évi C. törvényhez. Szerk.: Karsai Krisztina. Wolters Kluwer Hungary Kft., Budapest, 517.

[22] Szomora, Zsolt (2022): Az emberi méltóság és egyes alapvető jogok elleni bűncselekmények [= Crimes against human dignity and certain fundamental rights]. XXI. fejezet. In: Nagykommentár a Büntető Törvénykönyvhöz: Nagykommentár a Büntető Törvénykönyvről szóló 2012. évi C. törvényhez. Szerk.: Karsai Krisztina. Wolters Kluwer Hungary Kft., Budapest, 517.

appropriate in relation to the offence defined in subsection (1), the application of the mitigation provision contained in Section 82 of the Criminal Code.[23]

The research also demonstrated that the practice of the application of law has become consistent – particularly since the Curia's decision in the case that became known as the "Tavaszmező Street case"[24] – in recognizing that the offence of violence against a member of a community may also be committed against members of the majority society, including persons belonging to the Hungarian nation. However, unlike in the case of the offence of incitement against a community (Section 332 of the Criminal Code), the statutory text does not expressly list the Hungarian nation among the protected groups. In light of this, and in order to better satisfy the requirement of a clear and unambiguous statutory provision, it may be advisable to consider supplementing and clarifying the list of protected groups within the statutory definition by expressly including the Hungarian nation.[25]

The practice of the application of law has also become well established with regard to offences for which a base motive (*aljas indok*) is not regulated as a qualifying circumstance. In such cases, where the offence has been committed with a racist motive, courts, on the basis of Opinion No. 56 of the Criminal College of the Curia (BK Opinion No. 56), take this motivation into account as an aggravating circumstance during sentencing. At the same time, emphasizing the importance of legal certainty and the principle that criminal law provisions must be clear and foreseeable, the European Commission against Racism and Intolerance (ECRI), in its sixth-cycle country monitoring report, reiterated its recommendation that the Criminal Code should

[23] Reduction of Punishment, Section 82 of the Criminal Code "(1) A punishment more lenient than the penalty range may be applied if, taking the principles of sentencing into account, even its lowest level would be excessive. (2) According to paragraph (1), if the minimum of the penalty range is a) ten years of imprisonment, imprisonment for at least five years, b) five years of imprisonment, imprisonment for at least two years, c) two years of imprisonment, imprisonment for at least one year, d) one year of imprisonment, imprisonment for a shorter period may be imposed instead. 3) In the case specified in paragraph (2) d), imprisonment may be replaced by confinement, community service or financial penalty, or any combination of these penalties may be imposed. 4) In the case of an attempt or abetting, if even the punishment applicable under paragraph (2) would be excessive, punishment may be imposed by applying the subsequent point of paragraph (2). 5) If a reduction without limitation is permitted by this Act, the lowest level of any type of penalty may be imposed as well."

[24] Curia, Decision No. Bfv.II.590/2012/18, 7 February 2013 (see in Hungarian: Kúria, Bfv.II.590/2012/18. szám, 2013. február 7.)

[25] For further details on this issue, see: A nemzetiségi biztoshelyettes 4/2025. számú elvi állásfoglalása a gyűlölet-bűncselekmények és a gyűlöletbeszéd elleni fellépés lehetőségeiről [= Principled Statement No. 4/2025 of the Deputy Commissioner for National Minorities on the possibilities for combating hate crimes and hate speech], pp. 92–95, p. 121. https://www.amnesty.hu/a-torolt-ombudsmanhelyettesi-allasfoglalasok/, Accessed: 2 February 2026.

expressly contain a general provision stating that racist motivation constitutes an aggravating circumstance in respect of all criminal offences.[26]

It is undeniable that the aforementioned BK Opinion does not provide specific guidance concerning offences committed out of base motives or bias motivation, nor can it be regarded as equivalent to a written statutory criminal law provision, as required by the principle of *nullum crimen, nulla poena sine lege scripta*. Moreover, in the practice of law application there are circumstances in which it would be justified to take such motivation into account in relation to certain property offences.[27] The dissertation therefore highlights that consideration should be given to introducing, within the General Part of the Criminal Code and in the context of sentencing, a general aggravating circumstance providing that where the legislator has not separately taken racist motivation into account - either as an element of the basic offence or as a qualifying circumstance - the court should be required to consider such motivation as an aggravating factor. Such an amendment would also carry a significant symbolic value. On the one hand, it would send a clear message to both victims and perpetrators; on the other hand, by enabling an explicit reference to a specific statutory provision, the presence of racist motivation would be expressly reflected in judicial decisions.

III. 3. Difficulties in Establishing and Proving the Offence of Violence Against a Member of a Community

III. 3. 1. Problems Arising in the Practice of Law Application

The examination of cases involving the offence of violence against a member of a community confirmed that recurring difficulties concerning the identification and proof of hate crimes stem primarily not from deficiencies in the normative legal framework, but rather from problems arising in the practice of the application of law. Based on the analysis of 460 cases involving the offence of violence against a member of a community over a twelve-year period, it can be

[26] ECRI Report on Hungary (Sixth Monitoring Cycle) Adopted: 6 December 2022; published: 9 March 2023, Paragraph 65. https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/hungary; Accessed: 11 December 2025.

[27] For further details on this issue, see: A nemzetiségi biztoshelyettes 4/2025. számú elvi állásfoglalása a gyűlölet-bűncselekmények és a gyűlöletbeszéd elleni fellépés lehetőségeiről [= Principled Statement No. 4/2025 of the Deputy Commissioner for National Minorities on the possibilities for combating hate crimes and hate speech], pp. 97–98, p. 121. https://www.amnesty.hu/a-torolt-ombudsmanhelyettesi-allasfoglalasok/, Accessed: 2 February 2026.

concluded that the statutory definition of this offence - despite certain minor aspects requiring legislative clarification - is fundamentally suitable for ensuring an effective response to bias-motivated crimes. However, the consistent and uniform application of the statutory provision is not achieved in all cases. The conclusions of the dissertation are supported both by illustrative case examples and by findings drawn from the complete body of cases examined. These findings were incorporated into the dissertation in a tabular form, broken down by year and supported by statistical data.

Based on the data from the 460 analyzed cases, it can be established[28] that the overwhelming majority of cases originated during the earlier period under examination. The years between 2009 and 2015 account for approximately 80% of all cases (368 cases), whereas the period between 2020 and 2024 accounts for only 20% (92 cases). On a yearly basis, the highest number of cases occurred in 2012, with 75 cases, representing approximately 16% of the total caseload.

From a geographical perspective, the capital city is overwhelmingly dominant. Approximately 218 cases, representing nearly 47% of all cases, were connected to Budapest. The dissertation therefore concludes that nearly every second case was adjudicated in the capital. Among the counties, Borsod-Abaúj-Zemplén, Pest, and Heves stand out with relatively higher numbers of cases. The breakdown by settlement type also reveals a strong urbanization effect, with the capital city and county seats together accounting for the majority of cases, while villages represent a substantially smaller proportion.

III. 3. 1. 1. The Issue of Underqualification (Misclassification)

The research identified the delayed recognition of bias motivation, the failure to identify and consider bias indicators, and the inadequate documentation of such indicators as recurring problems of the application of law. These deficiencies typically arise during the early stages of criminal proceedings, particularly in connection with initial police actions at the scene, the assessment of criminal complaints, and the conduct of the first investigative measures. As a consequence of underqualification, cases were frequently classified as other criminal offences. In extreme cases, this could even result in the dismissal of a complaint due to the absence of a

[28] 31 cases from 2009, 38 from 2010, 42 from 2011, 75 from 2012, 58 from 2013, 61 from 2014, 63 from 2015, 14 from 2020, 23 from 2021, 21 from 2022, 22 from 2023, and 12 from 2024 were included in the examination.

required private motion for prosecution where the offence had been incorrectly classified under a legal provision requiring such a motion.

III. 3. 1. 2. The Proving of Bias Motivation and Bias Indicators

With regard to the evidentiary challenges associated with proving bias motivation, the dissertation examined, within the analyzed cases, the various bias indicators[29] that may serve as evidence of such motivation.

Bias indicators play a crucial role in establishing bias motivation. These may include the language used by the offender, gestures, symbols, as well as the group-based differences between the victim and the offender. Based on the cases examined, the most common indicator was the language and expressions used during the commission of the offence. Accordingly, it is of particular importance that the observations of victims and witnesses be recorded accurately and as comprehensively as possible - where appropriate, verbatim - in the initial police report prepared at the scene. Failure to properly document such observations may directly contribute to the misclassification of the offence or, in the worst-case scenario, may result in the perpetrator escaping legal consequences altogether. It should be noted, however, that racist statements alone do not necessarily establish that a hate crime has occurred.

The location and time of the offence may also serve as bias indicators. The research concluded that offences involving violence against a member of a community are only rarely committed at locations associated with the targeted minority group or with a hate group, or at times connected to events of particular significance to those groups. The most common locations for the commission of such offences are public streets, public transport stops and their immediate surroundings, public transportation vehicles, shops, entertainment venues, catering establishments, and online platforms. A similar observation applies to the time of offences: in most cases, incidents occurred on ordinary weekdays without any particular antecedent event.

[29] ORFK Instruction No. 30/2019 (VII. 18.) of the National Police Headquarters on the performance of police tasks related to the handling of hate crimes. “Section 2 a) Bias indicators: facts or objective circumstances from which it can be inferred that a crime was committed, in whole or in part, out of prejudice; b) List of bias indicators: assists with the identification and prosecution of hate crimes committed with a bias motive; the presence of any single element does not in itself prove a bias motive, but the detection of even one bias indicator justifies expanding the investigation to examine a bias motive.”

Among locations and occasions associated with protected groups, several cases involved synagogues, neighborhoods predominantly inhabited by Roma communities, accommodation facilities and travel routes associated with third-country nationals, and, most frequently, the location, surrounding area, and time of the Budapest Pride event. Other examples included complaints filed in connection with the period preceding the EuroGames event, or incidents associated with Jewish religious holidays, festivals, world congresses, or photographic exhibitions. As for occasions associated with hate groups, examples included the Day of Remembrance of the Treaty of Trianon, the "Day of the Breakout" (*Kitörés Napja*), and the Day of Comradeship (*Bajtársiasság Napja*).

It should be emphasized that bias indicators do not, in themselves, prove that a hate crime has occurred. However, whenever such a circumstance arises, investigative authorities are obliged to examine the possibility that the offence may have been bias-motivated. Conversely, the fact that none of the indicators listed above can be established does not mean that the commission of a bias-motivated crime can be ruled out entirely.[30] In certain cases, it is precisely the absence of any alternative motive that may indicate the existence of a hate crime.

III. 3. 1. 3. Victims, Offenders, and Methods of Commission

III. 3. 1. 3. 1. Victims of Hate Crimes

A defining characteristic of hate crimes is that the offender selects the victim because of the victim's perceived or actual protected characteristic. As a result, victims are interchangeable and replaceable from the offender's perspective. Consequently, the impact of such crimes may be even more severe, as victims generally do not anticipate becoming targets of criminal conduct. Furthermore, because the offence attacks a fundamental aspect of the victim's identity - one that the victim cannot change - the psychological impact of hate crimes on victims is often particularly profound.[31] Based on the cases examined between 2020 and 2024, the overwhelming majority of victims did not know the offender prior to the incident. This finding

[30] OSCE Office for Democratic Institutions and Human Rights (ODIHR): Hate Crime Laws: A Practical Guide, 2nd edition. Warsaw, OSCE/ODIHR, 2022, p. 16. https://odihr.osce.org/odihr/523940; Accessed: 15 June 2023.
[31] OSCE Office for Democratic Institutions and Human Rights (ODIHR): Hate Crime Laws: A Practical Guide, 2nd edition. Warsaw, OSCE/ODIHR, 2022, pp. 20–21. https://odihr.osce.org/odihr/523940; Accessed: 15 June 2023.

reinforces the typically opportunistic nature of such offences and the absence of any prior personal relationship between the parties.

The dissertation also examined the issue of victims' membership in protected groups in cases that concluded with a suspension of proceedings, deferred prosecution/conditional prosecutorial suspension, or indictment. The results indicate that the most frequent victims were members of the Roma ethnic community. The period between 2009 and 2015 differs from later years in that, during this earlier period, members of the Hungarian nation were the second most frequent victims of violence against a member of a community. By contrast, this was no longer characteristic of the period between 2020 and 2024. Overall, the second most common basis for victimization was gender identity or sexual orientation, followed by - considered collectively - skin colour and membership in the Jewish religious community.

A victim's actual or perceived membership in a particular group may serve as an indicator of bias motivation. The findings of the dissertation demonstrate that victims of violence against a member of a community include, among others, persons assaulted because of their nationality, sexual orientation, or ethnic background, as well as supporters of political parties in connection with election campaigns, migrants, homeless persons, and individuals belonging to groups protesting against the restructuring of a higher education institution. One case involved a victim who was attacked because he or she was employed by a particular retail chain toward which the offender harboured prejudicial attitudes. Only in 2022 was an investigation initiated in a case involving an offence committed against a person with a disability. However, due to the offender's lack of criminal capacity, the proceeding was terminated on the basis of a ground excluding criminal liability, and the case was ultimately closed for lack of a criminal offence.

The research findings also confirmed that civil society organizations play a particularly important role in providing legal assistance to victims during criminal proceedings. The study established that, when measured against the annual number of cases, approximately one-quarter to one-third of hate crime cases each year involved some form of representation or assistance provided to the person filing the complaint or to the victim of the offence.

III. 3. 1. 3. 2. Perpetrators of Hate Crimes

The research confirmed that perpetrators are typically ordinary individuals, with no evidence emerging during investigations of any affiliation with organized hate groups. Only in a limited number of cases did connections appear to groups such as skinhead organizations, the disbanded Hungarian Guard (*Magyar Gárda*), or the New Hungarian Guard Movement (*Új Magyar Gárda Mozgalom*).

Based on the data from the period examined, the perpetrators in cases involving violence against a member of a community were overwhelmingly male.[32] The number of female offenders remained low throughout the period under review; consequently, the offender profile is characterized by a clear predominance of male perpetrators. From a criminological perspective, this finding is also significant, as it suggests a notable gender concentration in the commission of this type of violent offence.

The age-related data indicate that male perpetrators are typically young adults, with their average age generally falling within their twenties and thirties. By contrast, the average age of female offenders shows considerable fluctuation and, in several instances, reaches higher rates. This suggests that, among female offenders, individual life circumstances rather than age-related characteristics play a more significant role in the offending behaviour. Accordingly, the data reveal a discernible age-related "risk zone" among male perpetrators. However, given the limited number of female offenders, broader conclusions regarding age-related patterns among women should be drawn with caution.[33]

An examination of the educational attainment of male offenders demonstrates that low educational attainment is predominant within this group, particularly among those who have completed no more than eight years of primary education. Although vocational qualifications are relatively common, the number of offenders with secondary and especially higher education qualifications is comparatively low. A similar pattern can be observed among female offenders; however, given their limited numbers, broader generalizations must be made with caution.

[32] Of the 460 cases committed and investigated between 2009 and 2015, as well as between 2020 and 2024, 372 male and 31 female perpetrators were prosecuted in the cases that resulted in indictments.
[33] For further details: Kó, József (2025): Életkor és bűnözés [= Crime and age]. *Kriminológiai Tanulmányok 62.*, 65–90. DOI: 10.58655/KT.62.2025-4. https://okri.hu/images/stories/KT/KT62_2025/004_Ko.pdf, Accessed: 19 April 2026.

Nevertheless, individuals with low educational attainment are likewise overrepresented among female offenders. Overall, the data suggest a correlation between lower levels of education and the likelihood of becoming an offender.[34]

The dissertation also examines the proportion of male and female offenders with prior criminal records in cases that resulted in indictment. Among male offenders, 124 individuals had previous convictions, representing 33.33% of the total, meaning that approximately every third male offender had a criminal record. Among female offenders, 6 out of 31 individuals had prior convictions, corresponding to 19.3%. These figures demonstrate that prior criminal records are more common among male offenders than among female offenders. At the same time, because of the relatively small number of female offenders, annual proportions in their case are less stable, making aggregate data a more reliable basis for drawing conclusions. Overall, it can therefore be concluded that, in cases resulting in indictment, men not only appear more frequently as offenders, but also have a higher incidence of prior criminal records.

In examining the psychological background of prejudice formation and the mechanisms through which prejudice may give rise to aggressive behaviour, the findings of the expert interview[35] conducted as part of the research highlighted that prejudice and the aggression arising from it are not isolated phenomena but rather the result of complex and closely interconnected processes. Their development begins at the level of perception and is closely intertwined with emotional functioning, socialization, and group dynamics. Understanding and addressing these phenomena is possible only through coordinated action on multiple levels, in which individual responsibility is complemented by the crucial roles of family, education, and society as a whole. Aggression is not a spontaneous phenomenon but rather a gradually developing process, the understanding of which is essential from the perspective of prevention. The key to prevention lies in early socialization, the development of emotional intelligence, and the strengthening of social cohesion.

[34] For further reading on this topic: Hegedűs, Judit – Fekete, Márta (2014): Korai iskolaelhagyás és a kriminalitás kapcsolata, kezelésének lehetőségei. A tanulmány a QALL – *Végzettséget mindenkinek!* című projekt keretén belül készült. 2014. január, Budapest [= The relationship between early school leaving and criminality, and possible solutions. This study was prepared as part of the QALL – A Degree for Everyone! project. January 2014, Budapest]. https://real.mtak.hu/16285/1/Projektek-2013-QALL-a_korai_iskolaelhagys_s_a_kriminalits_kapcsolata.pdf, Accessed: 19 April 2026.

[35] Interview with Colonel (Ret.) József Végh, forensic criminal psychologist, on 27 January 2026, at the International Training Centre in Budapest's 12th District.

III. 3. 1. 3. 3. Hate Crimes by Type of Offender and Method of Commission

The findings of the research indicate that, when categorized according to offender profiles and methods of commission, hate crime cases generally fall into two distinct groups.

The first typical category consists of cases involving a single offender or a small number of offenders acting against a victim. Within this group, a distinction can be drawn between cases in which the offender and the victim were previously acquainted and those in which they first came into contact during the commission of the offence itself. In the latter category, the primary evidentiary challenge is the identification of the offender. Consequently, particular importance must be attached to locating witnesses and obtaining surveillance footage from the scene without delay.

These cases frequently raise the issue of mixed motivation, meaning that the offender may have been motivated not only by the victim's actual or perceived membership in a protected group but also by other circumstances. In such situations, the existence of a bias motive is typically supported by statements made by the offender. The principal challenge for legal practitioners is to determine whether such statements merely reflect anger expressed in the heat of a conflict, constitute little more than insults or abusive language, or instead reveal genuine hostility toward the victim on account of the victim's actual or perceived group membership. The dissertation demonstrates that the resolution of this question requires a comprehensive assessment of all the circumstances of the case and must be made on an individual basis in each proceeding.

The second typical category consists of cases in which several offenders sharing similar views act against one or more victims. In these cases, the primary evidentiary difficulties relate to identifying the perpetrators and establishing the precise role and conduct of each participant. Accordingly, the prompt recording of victim and witness statements, the early identification of bias indicators, and the expedited collection of surveillance footage from the scene are of particular importance.

The findings of the research confirm that, in order to establish and prove the bias motivation underlying a criminal offence, it is essential that members of the investigating authorities are

familiar with the bias indicators discussed above, are capable of recognizing them, and accurately document them from the very beginning of the proceedings.

III. 3. 1. 4. Cases Examined by Method of Their Closing

The dissertation also presents a detailed annual breakdown of the cases included in the study according to their method of closing. Based on this analysis, it concludes that, when examined individually, the largest proportion of cases are closed with indictment.[36] Where proceedings were terminated, the most common grounds for termination were the absence of a criminal offence or insufficient evidence. The cases examined also included instances in which the offence had not been committed by the suspect, as well as cases where at least one of the perpetrators was a minor. In such cases, proceedings were terminated on grounds related to the offender's age, while in other cases termination resulted from the offender's lack of criminal responsibility due to a pathological mental condition. Proceedings were also terminated following the successful completion of mediation procedures, the expiration of a period of deferred prosecution, or the expiry of a conditional prosecutorial suspension.

III. 3. 1. 5. Cases Concluded with Indictment

The findings demonstrate that there were several cases in which the prosecution brought charges against the defendant(s) for the offence of violence against a member of a community, but the court ultimately concluded in its final judgment that the elements of a hate crime had not been established.

The research examined, on a year-by-year basis and for each individual defendant, the penalties imposed and measures applied by the courts in their final decisions. The findings indicate that, in most cases, defendants received no more than a suspended term of imprisonment. The imposition of an effective custodial sentence[37] generally occurred only where the court found

[36] Of the 460 cases covered by the investigation, committed between 2009 and 2015, as well as between 2020 and 2024, criminal complaints were dismissed in 56 cases, proceedings were terminated in 107 cases – in some cases accompanied by a reprimand – investigations were suspended in 95 cases, and indictments were filed in 201 cases. In one case, the perpetrator is still subject to a conditional prosecutorial suspension.

[37] For further details on the enforcement of imprisonment, see: Lajtár, István (2025): A szabadságvesztés végrehajtásának céljai és elvei. A szabadságvesztés végrehajtásának rendje. Az elítéltek reintegrációja és az egyéniesített fogvatartási programterv [= The objectives and principles of the enforcement of imprisonment. The procedure for the enforcement of imprisonment. The reintegration of convicts and the individualized incarceration

that one of the qualifying circumstances of the felony offence of violence against a member of a community was present, the offender had a prior criminal record, and the court imposed an aggregate sentence, in some instances following the joinder of multiple criminal cases.
In 2023 and 2024, even a short-term detention (*elzárás*) was imposed[38] on one offender in each respective year.

The study also separately examined cases involving juvenile offenders[39] in which indictments were filed, prosecution was deferred, conditional prosecutorial suspension was applied, or, in certain cases, proceedings were terminated with a formal reprimand. Following an analysis of the legal consequences imposed, it may be concluded that courts most frequently sentence juvenile offenders to suspended imprisonment or place them on probation. During the probationary period associated with either sanction, juvenile offenders are invariably subject to probation supervision.[40]

III. 3. 1. 6. Additional Findings

By comparing the decisions of investigative authorities and the substantive judicial decisions issued in cases committed between 2009 and 2015 and those committed between 2020 and 2024, the research findings demonstrate that, during the latter period, both the legal classification of the offence and the assessment of the existence or absence of bias motivation are generally supported by more detailed legal reasoning. In the decisions of investigative authorities, a positive development can also be observed: unlike in earlier years, decisions now typically include the statements made during the commission of the offence, as well as an indication of the protected characteristic on account of which the victim suffered harm. In some cases, however, such details remain absent. Similarly, indictments and judicial findings of fact

program plan]. In: Büntetés-végrehajtási jog. Szerk.: Hegedűs Búcsú. 5., átdolgozott kiadás. Patrocinium Kft., Budapest, 142–151.

[38] For more on short-term detention, see: Gellér, Balázs – Ambrus, István – Vaskuti, András (2019): A Magyar Büntetőjog Általános Tana II. Büntetéstan. A büntetőjogi jogkövetkezmények tana [= General Theory of Hungarian Criminal Law II. Theory of Punishment. The Theory of Criminal Law Consequences]. ELTE Eötvös Kiadó – Eötvös Loránd Tudományegyetem, Budapest, pp. 159–160.

[39] Section 105 of the Criminal Code: "(1) Those who have attained the age of twelve years but have not attained the age of eighteen years when committing the criminal offence shall qualify as juveniles. (2) The provisions of this Act shall apply to juveniles with the derogations specified in this Chapter."

[40] For more on probation supervision of juveniles, see: Dávid, Lilla (2011): A fiatalkorúak pártfogó felügyelete és az Emmaüs szervezetek [= Probation supervision of juveniles and the Emmaüs organizations]. In: Tanulmányok Tóth Mihály professzor 60. születésnapja tiszteletére. Szerk.: Gál István László. Kódex Nyomda Kft, Pécs, 145–154.

do not always specify the protected group to which the victim belonged or the particular prejudice that motivated the offender's statements.

The practice of application of law has also become firmly established in recognizing that an offender does not generally need to harbor prejudicial feelings toward an entire community; it is sufficient that such prejudice is manifested during the commission of the offence.[41] With only occasional exceptions, the authorities correctly conclude that where the assault variant of violence against a member of a community has been committed (Section 216 (2) of the Criminal Code) and the offender's conduct also causes bodily injury, a genuine material concurrence of offences may be established.[42] The practice of application of law is likewise correct in holding that, where bodily injury has occurred, the qualifying circumstance of acting from a base motive (*aljas indok*) cannot additionally be established on account of the bias motive, as this would violate the prohibition against double evaluation of the same circumstance.[43]

The research findings further confirm that the authorities correctly classify cases in which the offender's openly anti-community behaviour, capable of causing fear among members of a protected group, is accompanied by assault or coercion. In such cases, only the basic form of violence against a member of a community committed through assault or coercion under Section 216 (2) of the Criminal Code is established.

According to the findings of the research, two legal application problems continue to arise most frequently. The first concerns the determination of the number of offences (*rendbeliség*) in relation to the hooligan-type basic form of violence against a member of a community under Section 216 (1) of the Criminal Code. This form of the offence has no individual victim in the strict legal sense; therefore, the number of offences should be determined according to the number of acts committed rather than the number of victims involved.[44] Nevertheless, the study

[41] EBD.2015.01.B.3.
[42] Pallagi, Anikó (2015): Az emberi méltóság és egyes alapvető jogok elleni bűncselekmények. XXI. fejezet [= Crimes against human dignity and certain fundamental rights: Chapter XXI.]. In: Büntetőjog Különös Rész I. Szerk.: Blaskó Béla. Rejtjel Kiadó, Budapest – Debrecen, p. 225.
[43] For further discussion of the prohibition against double evaluation of the same circumstance, see: Gellér, Balázs József (2011): Gondolatok a kettős értékelés tilalmáról a látszólagos alaki halmazat feloldására szolgáló elvekről [= Reflections on the prohibition against double evaluation of the same circumstance and the principles serving to resolve apparent notional concurrence.]. In: Tanulmányok Tóth Mihály professzor 60. születésnapja tiszteletére. Szerk.: Gál István László. Kódex Nyomda Kft., Pécs, pp. 219–242.
[44] Békés, Ádám (2016): Az emberi méltóság és egyes alapvető jogok elleni bűncselekmények. Közösség tagja elleni erőszak. XXI. fejezet. [= Crimes against human dignity and certain fundamental rights, Violence against a

still identified decisions in which, incorrectly, the number of offences was determined on the basis of the number of victims.

A further challenge in the practice of application of law remains the determination of which acts are capable of causing fear. It should be emphasized that, unlike the offence of hooliganism (*garázdaság*) under Section 339 of the Criminal Code, the offence of violence against a member of a community does not require that the conduct - although capable of disturbing public peace - be perceptible to third parties. In cases of violence against a member of a community under Section 216 (1), the openly anti-community conduct must be capable of causing fear among members of the targeted community. Consequently, the offence may be established even where the conduct is perceptible only to the member of the protected group and not to third parties. However, where the conduct is not perceptible even to the victim, the offence cannot be established, as conduct that cannot be perceived is incapable of generating fear. It should also be emphasized that the assessment of whether a conduct is objectively capable of causing fear is an objective criterion, to be determined according to society's overall value judgment. Accordingly, the unfounded fears or particular sensitivities of individual members of the community are not decisive in this assessment.[45]

The dissertation also identified, as an occasional problem in the practice of the application of law, uncertainties when distinguishing between the offences of incitement against a community and the violence against a member of a community.

The study further concludes that the sentencing practice in relation to violence against a member of a community is generally lenient, and that penalties imposed at first instance are often reduced even further by appellate and, where applicable, by third-instance courts. This creates the risk that it is precisely the legislative objective underlying the creation of a separate *sui generis* offence carrying a more severe penalty – namely, to reflect the heightened gravity of bias-motivated conduct – that may not be fully realized. Through the creation of this distinct offence, the legislator sought both to express society's strong condemnation of the offender's

member of the community. Chapter XXI.]. In: A Büntető Törvénykönyvről szól 2012. évi C. Törvény Nagykommentárja. Szerk.: Polt Péter. OPTEN Informatikai Kft., Budapest, p. 677.

[45] Békés, Ádám (2016): Az emberi méltóság és egyes alapvető jogok elleni bűncselekmények. Közösség tagja elleni erőszak. XXI. fejezet. [= Crimes against human dignity and certain fundamental rights, Violence against a member of the community. Chapter XXI.]. In: A Büntető Törvénykönyvről szól 2012. évi C. Törvény Nagykommentárja. Szerk.: Polt Péter. OPTEN Informatikai Kft., Budapest, pp. 675–677.

conduct and to demonstrate solidarity with victims. Where penalties fail to reflect the seriousness of the offence, the confidence of victims and their communities in the justice system may be undermined, thereby contributing to increased underreporting and latency of hate crimes.

In light of these findings, the dissertation emphasizes that throughout the entirety of criminal proceedings it is of paramount importance for the competent authorities to take all necessary measures to uncover any bias motivation, to classify offences correctly in accordance with the evidence, and to ensure that the measures applied or penalties imposed adequately reflect both the offender's culpability and the social harm caused by the offence.

It can be concluded that, during the period examined between 2020 and 2024, the practice of the application of law became more balanced and mature compared to the earlier period. The competent authorities generally demonstrate familiarity with the guidelines, policy measures, and professional recommendations issued in the field of hate crimes, as well as with the relevant case law of the Supreme Court and the Curia.

The findings of the dissertation confirmed that the failure to identify and consider bias indicators may directly contribute to the underqualification or misclassification of offences and, in extreme cases, may even result in offenders avoiding legal consequences altogether. This suggests that the further development of the practice of the application of law relating to hate crimes, together with the enhancement of professional knowledge and awareness in this field, remains both justified and necessary.

Since hate crimes infringe fundamental rights, the role of the prosecution service in this area is of particular importance, alongside that of the courts and the police, whose responsibilities in this field are also discussed in the dissertation.[46] According to the findings of the study, prosecutorial responsibilities include monitoring the decisions of investigative authorities, prosecutors, and courts; providing professional training; participating in international cooperation, for example through designated contact points;[47] developing professional

[46] OSCE Office for Democratic Institutions and Human Rights (ODIHR): Hate Crime Laws. A Practical Guide. Warsaw, OSCE/ODIHR 2014, pp. 15–17, 75–85. https://www.osce.org/files/f/documents/0/0/124532.pdf; Accessed: 24 October 2021.

[47] Contact points in the Human Rights and Fundamental Freedoms Sub-Working Group (HFR SWG) of the European Judicial Training Network (EJTN), in the Council of Europe's Human Rights Education for Legal

guidelines; encouraging the identification of racist motives; and advocating for appropriate sanctions. The analysis demonstrates that, within the framework established by law, the prosecution service plays a substantive role in the investigation and prosecution of hate crimes. Nevertheless, the continuous maintenance of professional expertise and the ongoing development of methodological approaches remain necessary.

Accordingly, combating hate crimes constitutes a priority area not only for the police but also for the prosecution service. The experiences derived from the cases examined indicate that continuous training, the maintenance of professional knowledge, and the regular updating of expertise remain indispensable. To support these objectives, it would be advisable to issue a publicly available professional guideline or protocol that consolidates and summarizes the existing guidance relating to the handling of hate crimes. It would likewise be beneficial to establish a specialized prosecutorial network similar to the existing police specialist network, with designated professional contact persons in each county and centralized professional coordination. Such a structure could promote greater consistency in legal practice, facilitate the sharing of experience, and enable rapid professional consultation. Furthermore, consideration should be given to adapting the hate crime training programme developed by the OSCE ODIHR specifically for prosecutors,[48] as this could further strengthen professional capacity and expertise in this field.

III. 3. 2. The Issue of Latency (Underreporting)

One of the factors contributing to the high level of latency (underreporting) in hate crimes is that victims - who are often members of marginalized groups - frequently lack trust in the authorities and fear secondary victimization. Research indicates that reducing latency depends primarily on simplifying reporting procedures, adopting a victim-centred approach by authorities, and strengthening public confidence in law enforcement through the conduct of

Professionals (HELP) program, and in the European Network for investigation and prosecution of genocide, crimes against humanity and war crimes (Genocide Network). The topics covered by the aforementioned working groups and networks are related to hate crimes; thus, training programs on this subject are also available through the first two. In 2025, the European Commission (DG Justice) established a dedicated EU network of prosecutors focused on hate speech and hate crime. Its inaugural meeting took place on 2–3 December 2025, in Brussels, and the Prosecution Service of Hungary has joined this network.

[48] ODIHR Program "Tackling Hate Crime Through Effective Prosecution" https://hatecrime.osce.org/odihr-tools/training-prosecutors; Accessed: 12 December 2025.

appropriate and effective proceedings.[49] In this context, the dissertation identified the following examples of good practice. As highlighted in its country monitoring report, the European Commission against Racism and Intolerance (ECRI) noted that the National Police Headquarters had expressed its support for the UNI-FORM reporting platform coordinated by the Háttér Society.[50] This platform would have enabled victims of hate crimes, as well as other individuals, to submit reports directly to the police.[51] However, the initiative was ultimately never implemented in practice.[52]

In addition, the effective implementation of the above objectives is closely linked to Instruction No. 30/2019 (VII.18.) of the National Police Headquarters on the performance of police tasks related to the handling of hate crimes. One of the key elements of this instruction concerns the treatment of victims. To further support its effective implementation, the practical handbook[53] issued by the Working Group Against Hate Crimes (GYEM)[54] devotes a separate chapter to this issue. The handbook addresses supportive communication with victims and provides guidance on preventing secondary victimization. It also contains a guide approved by the National Authority for Data Protection and Freedom of Information, including model interview protocols for witnesses and victims of hate crimes, as well as a plain-language information

[49] Wong, Kevin – Christmann, Kris (2008): The role of decision making in reporting hate crimes. *Community Safety Journal*. Volume 7, Issue 2, pp. 19–35. https://www.emerald.com/sc/article-abstract/7/2/19/347549/The-role-of-victim-decisionmaking-in-reporting-of?redirectedFrom=fulltext, Accessed: 13 November 2025.; Háttér Társaság – UNI-FORM (2017): Online felület és okostelefonos alkalmazás a homófób és transzfób gyűlölet-bűncselekmények bejelentésére [= Online platform and smartphone app for reporting homophobic and transphobic hate crimes]. 2017 november, pp. 3–4. https://hatter.hu/kiadvanyaink/uniform, Accessed: 8 March 2026.; The research and awareness-raising project titled "UNI-FORM: Cooperation between civil society organizations and law enforcement agencies against hate crimes and online hate speech targeting LGBTQI people" was carried out by the Háttér Society in collaboration with ILGA Portugal and eight European LGBTQI organizations (Cavaria, Estonian Human Rights Center, FELGTB, Galop, GLEN, LGL, MGRM, and MOZAIKA). The project ran from November 2015 to November 2017. https://hatter.hu/tevekenysegunk/jogsegelyszolgalat/uni-form-egyuttmukodes-rendvedelmi-szervekkel, Accessed: 18 March 2026.

[50] Háttér Társaság – UNI-FORM (2017): Online felület és okostelefonos alkalmazás a homófób és transzfób gyűlölet-bűncselekmények bejelentésére [= Online platform and smartphone app for reporting homophobic and transphobic hate crimes]. 2017 november. https://hatter.hu/kiadvanyaink/uniform, Accessed: 8 March 2026.

[51] ECRI Report on Hungary (Sixth Monitoring Cycle) Adopted: 6 December 2022; published: 9 March 2023, Paragraph 69. https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/hungary; Accessed: 11 December 2025.

[52] Based on information provided by a representative of Háttér Society.

[53] A gyűlölet-bűncselekmények gyakorlati kezelése – Gyakorlati Kézikönyv [= The Practical Handling of Hate Crimes – A Practical Handbook] (2025). Szerk.: Pap András László. Társadalomtudományi Kutatóközpont – L'Harmattan Kiadó, Budapest.; Chronowski Nóra: Elmélet és gyakorlat találkozása a gyűlölet-bűncselekmények kezelésében. Szakmai kézikönyv rendőröknek és jogászoknak [= The Intersection of Theory and Practice in Handling Hate Crimes: A Professional Handbook for Police Officers and Lawyers]. ELTE TK Jogtudományi Kutatóintézet, 2025. december 30. https://jog.tk.elte.hu/blog/2025/12/elmelet-gyakorlat-gybcs-szakmai-kezikonyv; Accessed: 4 April 2026.

[54] Working Group Against Hate Crimes (GYEM), https://www.gyuloletellen.hu.

template concerning victim support services.[55] These measures are particularly important because, beyond ensuring the proper handling of an individual case, they strengthen the victim's confidence in the justice system and, through the victim, enhance trust within the broader community to which the victim belongs. This trust is influenced not only by how authorities manage the case itself but also by the manner in which victims are treated throughout the proceedings and by whether they receive appropriate information regarding their rights and the services available to them.

The dissertation also identified additional domestic examples of good practice, including an informational leaflet prepared for victims of hate crimes[56] through the joint project and cooperation of the police, the Victim Support Centres, the Deputy Commissioner for the Rights of National Minorities, and the Working Group Against Hate Crimes.[57]

III. 3. 3. Detailed and Accurate Data Collection

In connection with the issue of latency (underreporting), the dissertation also addresses the question of data collection. The research demonstrates that, in order to ensure an effective response to hate crimes and the adoption of appropriate measures, it is essential that accurate and detailed data be available throughout the entire course of proceedings - from the initial stage of the investigation through to its conclusion, including data relating to judicial proceedings - while fully complying with the applicable rules governing data collection. This expectation is consistent with the recommendations addressed to participating States in OSCE

[55] A gyűlölet-bűncselekmények gyakorlati kezelése – Gyakorlati Kézikönyv [= The Practical Handling of Hate Crimes – A Practical Handbook] (2025). Szerk.: Pap András László. Társadalomtudományi Kutatóközpont – L'Harmattan Kiadó, Budapest, pp. 36–42, 49–62, 109–124, 129–132.

[56] Háttér Társaság: Counter-Hate – A gyűlölet ellen: Segítség a gyűlölet-bűncselekmények áldozatainak áldozatközpontú és a többszörös diszkriminációt is vizsgáló megközelítés mellett című kutatási, képzési és tudatosságnövelési projekt. Projekt időszaka: 2022 májusa és 2024 áprilisa között [= Counter-Hate – Against Hatred: A research, training, and awareness-raising project titled "Support for victims of hate crimes using a victim-centred approach that also addresses multiple forms of discrimination." As part of this project, the leaflet titled "We Say No to Hate! – Useful information and advice for victims of hate crimes"]. https://hatter.hu/jogsegely/projektek/counter-hate-a-gyulolet-ellen-aldozatkozpontusag-es-interszekcionalitas, Accessed: 2026. március 18.

[57] Háttér Társaság: Counter-Hate (szórólap) – A gyűlölet ellen: Segítség a gyűlölet-bűncselekmények áldozatainak áldozatközpontú és a többszörös diszkriminációt is vizsgáló megközelítés mellett című kutatási, képzési és tudatosságnövelési projekt. keretében a „Nemet mondunk a gyűlöletre! – Hasznos információk és tanácsok gyűlölet-bűncselekmények áldozatainak" című szórólap [Counter-Hate – Against Hatred: A research, training, and awareness-raising project titled "Support for victims of hate crimes using a victim-centred approach that also addresses multiple forms of discrimination." Project period: May 2022 through April 2024. – Flyer]. https://hatter.hu/kiadvanyaink/nemet-mondunk-a-gyuloletre-hasznos-informaciok-es-tanacsok-gyulolet-buncselekmenyek; https://hatter.hu/sites/default/files/dokumentum/kiadvany/counterhate-szorolap.pdf, Accessed: 18 March 2026.

Decision No. 9/09,[58] as well as with the recommendations[59] formulated by the OSCE ODIHR and the European Commission against Racism and Intolerance (ECRI),[60] among others. The dissertation emphasizes that the development of domestic data collection systems is not merely a technical issue, but rather a prerequisite for reducing latency and ensuring policy planning.

The domestic data collection systems are described in detail in the dissertation.[61] With regard to the collection of data on hate crimes and, specifically, the offence of violence against a member of a community, it should be highlighted that, as of 1 July 2018, the Unified System of Criminal Statistics of the Investigative Authorities and of Public Prosecution (ENyÜBS) was supplemented by two new interrelated data fields. Where the offender is known and the offence is identified as hate-motivated, the field concerning the nature of the bias motivation may be completed in accordance with the categories specified in the offence of violence against a member of a community. The dissertation concludes that it would be both justified and necessary to examine and facilitate future modifications to the data collection system that would allow for a more detailed breakdown of data through the explicit identification of certain priority subcategories (for example, identifying Roma as a separate ethnic category).

At present, the complete integration of the two statistical systems and the case management system is not feasible. Consequently, comprehensive data reporting covering the entirety of criminal proceedings - from the initiation of a case through the final judicial decision and even beyond to the execution of the sentence - is currently not possible. One of the reasons for this limitation is that the systems do not contain a unique identifier (ID) capable of tracking a case

[58] Decision No. 9/09 on combating hate crimes**,** OSCE Ministerial Council, Organization for Security and Co-operation in Europe, 2 December 2009, Point 1. https://www.osce.org/cio/40695, Accessed: 28 October 2021.
[59] As early as 2010, the OSCE ODIHR issued a recommendation to member states to "consider introducing a recording system that distinguishes between different hate motivations and/or victim groups." For more details, see: Utasi, Judit (2011): A gyűlölet-bűncselekményekről [= On hate crimes]. *Ügyészek lapja*, 2011/5., p. 137.; ECRI Report on Hungary (Sixth Monitoring Cycle) Adopted: 6 December 2022; published: 9 March 2023, Paragraph 58. https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/hungary; Accessed: 11 December 2025. Recommendation of the Committee of Ministers to Member States on Combating Hate Crime (CM/Rec(2024)4), 7 May 2024, Paragraphs 35, 39, and 52–54; https://search.coe.int/cm#{%22CoEIdentifier%22:[%220900001680af9736%22],%22sort%22:[%22CoEValidationDate%20Descending%22]}; Accessed: 3 July 2025.; ECRI Report on Hungary (Sixth Monitoring Cycle) Adopted: 6 December 2022; published: 9 March 2023. https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/hungary; Accessed: 11 December 2025.
[60] The European Commission against Racism and Intolerance (ECRI), established by the Council of Europe.
[61] With regard to criminal cases, there are currently two independent official databases in Hungary: the Unified System of Criminal Statistics of the Investigative Authorities and of Public Prosecution (ENyÜBS) and the Prosecutorial Information System (VIR). The National Office for the Judiciary (hereinafter: OBH) is the custodian of data related to final court decisions. The data from the OBH's statistical surveys (taking into account methodological differences and variations in observation units) may, in some cases, differ significantly from VIR data.

throughout the entire process (a Global_ID). The dissertation identifies two possible directions for future development. One option would be for the prosecution service to establish its own dedicated data collection system; however, this approach would be more difficult to implement for a variety of reasons. The alternative would be the creation of a unified, modular justice information system operating under central coordination. The advantage of the latter solution is that, through the use of a Global_ID, it would enable the linking of the entire procedural lifecycle of individual cases and facilitate the combined analysis of data generated by different institutions throughout the process.

Overall, the findings of the research - which were also supported by the results of an interview with a colleague of the Háttér Society's legal program, a representative of the Working Group Against Hate Crimes - demonstrate that the key to an effective response to hate crimes lies not solely in the existence of an appropriate legal framework, but also in its consistent, professional, and victim-centred application. The proper handling of these offences extends beyond the individual case, as it directly influences the confidence of the victim's wider community in the justice system. Ultimately, the manner in which a state responds to hate crimes serves as an indicator of the extent to which a rule-of-law-based democracy is capable of genuinely ensuring the human dignity and equal protection of all its citizens.

III. 4. Practical Implications and Potential Applications of the Research Findings

The scientific contribution of the dissertation lies not only in its systematic analysis of the international and domestic normative frameworks governing hate crimes, but also in its identification of recurring problems arising in the practice of the application of law. The novelty of the research stems in particular from the examination of a twelve-year period encompassing the analysis of a total of 460 criminal cases, a study of this scope that, as far as I know, has not previously been undertaken in Hungarian legal scholarship. The findings of the dissertation made it possible to identify recurring patterns such as underqualification (misclassification), the failure to identify and consider bias indicators, and the difficulties associated with the legal assessment of mixed motives. These findings extend beyond the analysis of individual cases and provide a basis for drawing broader conclusions regarding the functioning of Hungarian practice regarding the application of law in the field of hate crimes.

Accordingly, the practical utility of the dissertation may be particularly significant in the context of police and prosecutorial training, as the problems identified by the research can be directly incorporated into future professional training materials and methodological programmes. The findings may also provide a foundation for the further development of internal institutional protocols and uniform professional guidelines. In addition, the research may contribute to the improvement of official data collection systems, thereby helping to reduce the latency (underreporting) of hate crimes and to enhance their statistical visibility. The results may serve as a valuable professional point of reference for legal practitioners, legislators, researchers, and institutions involved in supporting victims of hate crimes. Ultimately, the rigorous academic examination of this field may contribute to the further development of the practice of the application of law, the enhancement of public awareness, and the strengthening of victims' sense of security. Moreover, the proper criminal-law response to hate crimes serves not only a repressive function but also an important preventive one.

IV. List of Publications Related to the Topic of the Dissertation

Tóth, Zsanett (2014a): Közösség tagja elleni erőszak – szabályozástörténeti fejlődés és jogalkalmazási problémák [= Violence Against a Member of a Community – Historical Development of the Regulation and Problems of Legal Practice]. *Themis*, Az ELTE Állam- és Jogtudományi Doktori Iskola elektronikus folyóirata. Szerk.: Fazekas Marianna. Budapest, 349–366. http://www.ajk.elte.hu/file/THEMIS_2014_dec.pdf, Accessed: 3 September 2019.

Tóth, Zsanett (2014b): A gyűlölet-bűncselekmények megállapíthatóságával és bizonyítási nehézségeivel kapcsolatos problémák [= Problems Related to the Identification and Evidentiary Difficulties of Hate Crimes.]. In: Professzorok az Európai Magyarországért Egyesület "A tudomány szolgálatában" című IX. PhD Konferencia előadásai. II. elektronikus konferenciakötet. Szerk.: Dr. Koncz István – Szova Ilona. Professzorok az Európai Magyarországért Egyesület, Budapest, 177–195. http://www.peme.hu/userfiles/A%20tudom%C3%A1ny%20szolg%C3%A1lat%C3%A1ban%20-%20II.%20k%C3%B6tet.pdf, Accessed: 29 June 2024.

Tóth, Zsanett (2016): Internet and Responsibility – A prosecutorial point of view from Hungary. *Internet and responsibility – The legal means of eradicanting hate speech online* 6 June 2016, Budapest – Measures and Limitations Panel #2, editor: Márton Sulyok. responsible publisher: Magyar Közlöny Lap- és Könyvkiadó Kft., 81–88.

Bárd, Petra – Tóth, Zsanett (2016a): Gyűlölet-bűncselekmények Magyarországon I [= Hate Crimes in Hungary I – Hate Crimes]. *Ügyészségi Szemle*, 2016/2., 30–45. http://ugyeszsegiszemle.hu/hu/201602/ujsag#30, Accessed: 27 January 2018.

Bárd, Petra – Tóth, Zsanett (2016b): Gyűlölet-bűncselekmények Magyarországon II. – A csoport elleni gyűlölet által motivált erőszakos magatartások elleni fellépés [= Hate Crimes in Hungary II – Action Against Violent Conduct Motivated by Group-Based Hatred]. *Ügyészségi Szemle*, 2016/3., 40–67. http://ugyeszsegiszemle.hu/hu/201603/ujsag#40, Accessed: 27 January 2018.

Bárd, Petra – Tóth, Zsanett (2016c): Gyűlölet-bűncselekmények Magyarországon III. – A csoport elleni gyűlölet által motivált nem erőszakos magatartások elleni fellépés [= Hate Crimes in Hungary III – Action Against Non-Violent Conduct Motivated by Group-Based Hatred]. *Ügyészségi Szemle*, 2016/4., 62–64. http://ugyeszsegiszemle.hu/hu/201604/ujsag#52, Accessed: 27 January 2018.

Tóth, Zsanett (2024): Az önkényuralmi jelkép használata bűncselekmény jogalkalmazási kérdései [= Legal Practice Issues Relating to the Criminal Offence of Using Symbols of Totalitarian Regimes]. *Themis*, Az ELTE Állam- és Jogtudományi Doktori Iskola elektronikus folyóirata. Szerk.: Fazekas Marianna. Budapest, DOI: https://doi.org/10.56966/2024.12.Toth, 154–166. https://www.ajk.elte.hu/Idoszaki_kiadvanyok/jogi?m=94, Accessed: 29 January 2026.

Tóth, Zsanett (2025): A közösség elleni uszítás tényállásának 2016. évi módosítása, és annak hatása a jogalkalmazói gyakorlatra [= The 2016 Amendment of the Offence of Incitement Against a Community and Its Impact on Judicial Practice]. In: *Ünnepi kötet Vaskuti András 70. születésnapja alkalmából.* Szerk.: Gellér Balázs – Ambrus István. Eötvös Loránd Tudományegyetem, Állam- és Jogtudományi Kar, Büntetőjogi Tanszék, Budapest, DOI: 10.21862/9789634898184-19.; 250–260.