

Violent attacks against Roma by right-wing radical groups in Hungary and Ukraine

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Introduction

Right-wing ideology is a movement based on the belief in the superiority of some individuals and groups as well as the inferiority of others. The ideology promotes supremacism as an inherent objective reality.¹ Right-wing radicals support the principle of segregation: dividing people into national, religious and other groups, while considering some of “higher” and “lower” status. Besides supremacism, the typical feature of right-wing movement is the cult of a strong state. The main task of the modern movements is to incite hatred against minorities to achieve power.

This ideology caused a number of violent attacks against Roma in Hungary in 2008-2009 and in Ukraine in 2018. Members of right-wing movements attacked Roma settlements, destroying houses, injuring and killing people.

The two main focuses of the paper are: to discuss the social and political pre-conditions and the general societal environments in which the attacks were committed, and to outline the main human rights violations committed by the states while responding (or not responding) to the attacks.

The paper consists of three chapters and subchapters and a practical component in the Annex containing five interviews with members of Roma community in Ukraine. The first chapter describes the attacks that took place in Ukraine in 2018 and in Hungary in 2008-2009. First it focuses on the particular five cases that were committed consecutively in a short period of time in Ukraine, on the related investigations and police reactions, as well as the role local authorities played. It depicts the ostentatiousness approach of radicals and the confidence in their act by publicly announcing the attacks that ended with one killed person and many injured. Then, the chapter describes the attacks by right-radicals in Hungary in 2008-2009 with particular focus on nine cases committed by the same group of persons who were later prosecuted and sentenced. The chapter also outlines responses of the police and other state structures to the attacks. The third subchapter compares the character of attacks, the ideology of attackers and the attitude of the police in the two countries.

The second chapter analyzes the human rights obligations of the states under the European Convention on Human Rights. Both countries have ratified the Convention and therefore undertook obligations to protect human rights of all citizens of the country within their

¹ European international tolerance centre, European centre for democracy development “Современные ультраправые. Правый радикализм в Европе: идеология, социальная база, перспективы” [Modern ultra-right radicalism in Europe: ideology, social basis, perspectives], (2018) p 3-8.

jurisdiction. This chapter argues that Hungary violated Article 2 in conjunction with Article 14 of the ECHR, while Ukraine violated Articles 2 and 3 in conjunction with Article 14.

The third chapter emphasizes the importance of the common Socialist past of Hungary and Ukraine and its impact on stereotyping of Roma, which led to social and economic challenges. It discusses the pre-conditions for the attacks and discusses the financial links between the radical groups and Ukrainians authorities.

1. Attacks against Roma by right-wing groups

1.1 Ukraine

In 2018, a row of severe attacks against the Roma community took place in Ukraine. The community suffered numerous times from violence and frequently fell victim to attacks from ultra-nationalist groups. For years, during summers, Roma have been living in tarpaulin camps in the outskirts of cities, looking for part-time jobs. They managed to find a common understanding with local population and lived peacefully together.

The NGO “Monitoring group for national minorities” reported about more than 30 incidents during the whole year based on national hatred towards the community.² The capstone focuses on five attacks committed by radical groups against the community in the period of April 2018 – June 2018.

1.1.1 Description of cases

Tensions over Roma settlements started in early 2018, when the leader of the radical group S14, posted on Facebook that S14 in cooperation with Holosiivka district administration guards³ demanded Roma to leave their camp. The next day, the same man posted pictures of the destroyed camp confirming that they had broken up the camp in Holosiivka since Roma did not follow their previous demand.⁴ Attackers threw stones at them, used pepper sprays, cut their tents with knives and shot at them and in the air.⁵

In all S14’s messages they stated about their cooperation with local authorities. Volunteers that communicated with the Roma who suffered the attacks, reported that the Roma had called the police during the attack.⁶ However, the patrol police officers that arrived at the scene suggested Roma to leave since their camp burnt down.

² Marharyta Bondar and Viacheslav Lihachov, ‘Інформаційно-Аналітична Доповідь За Результатами Моніторингу Ксенофобія в Україні 2018 [Analytical Report Based on Monitoring Xenophobia in Ukraine 2018]’ (Group for national minorities rights monitoring 2019) p 25-40.

³ Municipal guards are guards hired by city and district administrations to maintain public order without policing mandate. According to “Zaborona” (fn 4), many members of Holosiivka municipal guards are also members of the radical group S14.

⁴ Serhii Surepin “Ультраправі розігнали ромів у Києві. Детально” [Ultraright broke up Roma camp in Kyiv, Details] (Zaborona, 23.04.2018) <<https://zaborona.com/romani-people-in-ukraine/>>

⁵ Video “Погром ромського табору на Лисой горі” [Pogrom of Roma camp at Lysa Hora] <<https://www.youtube.com/watch?v=IxjRkeJvdpk&feature=youtu.be>>.

⁶ Bondar (fn 2) p 29.

Regardless the fact that previously police had denied the incident, police opened the case under the Section 296 of the Criminal Code of Ukraine criminalizing “Hooliganism”, Section 161 “Incitement to ethnic hatred”.⁷ One person was charged under the Section on “Hooliganism” and spent two months in home arrest.⁸ Later, the court cancelled the charges due to procedural violations in the indictment phase.

In May 2018, around 30 men in masks attacked a Roma settlement near Lviv.⁹ As a result of the reported violent attack, several residents of the camp were beaten up and the whole camp was set on fire. No one was punished.

Later in May, another attack occurred in the suburbs of Ternopil.¹⁰ The attackers were shooting traumatic gun and burnt the camp. Police arrested 12 persons, five of them were minors¹¹ and opened a criminal proceeding for “Hooliganism”. Ternopil police investigated the case and sent a proposal for indictment to the prosecution service in August 2018.¹² Further details of the case are unknown.¹³ So far no one got punished.

In June, in Kyiv, the right radical party “National Corps” together with the paramilitary formation “National militia”¹⁴ destroyed another Roma camp.¹⁵ The organization posted on Facebook that they had warned Roma and gave them 24 hours to leave the place, otherwise they would start “cleaning”¹⁶. Later they posted a video where masked men with hammers and axes were destroying temporary houses, shouting offensive statement about the Roma and demanding them to leave. The police reported that they received a call from the Roma

⁷ Bondar (fn 2) p 30.

⁸ Press-service of the National Police in Kyiv region “Одному з учасників хуліганських дій на Лисій горі повідомлено про підозру” [One of the participants of hooliganism at Lysa Hora was pressed charged] (10 July 2018) <<https://kyiv.npu.gov.ua/news/novini/odnomu-z-uchasnikiv-xuliganskix-dij-na-lisij-gori-povidomleno-pro-pidozru/>>.

⁹ Bondar (fn 2) p 32.

¹⁰ Bondar (fn 2) p 33.

¹¹ Halyna Tereshchuk “Роми переховуються після спалення їхнього табору неподалік Тернополя” [Roma are hiding after arson of their camp near Ternopil] (Radio Svoboda, May 2018).

¹² Information provided by Ternopil police in the reply to public information request.

¹³ There is no any information about the case on the court’s website. The representatives of the “Group of national minorities rights monitoring” state that this case as all other similar cases are “lost” in courts or not investigated.

¹⁴ Національна Дружина.

¹⁵ Bondar (fn 2) p 33.

¹⁶ Video “Національні дружини розгромили табір ромів а Голосіївському парку” [National militia pogromed Roma camp in Holosiivskyi park] (7 June 2018) <<https://www.youtube.com/watch?v=X73xIGsQLvw>>

informing they were in danger and requesting protection, therefore, police provided for the public order and peace while the Roma were packing.¹⁷

In June 2018, a group of armed masked men severely attacked a Roma camp near Lviv at night.¹⁸ Attackers stabbed five people, as a result, one man was killed. Four others were taken to hospitals with stab wounds, including a 10-year-old boy. Police immediately detained eight suspects, the majority of them were minors. All of the attackers were members of the organization “Sober and angry youth”.¹⁹

The organizer was indicted for “Premeditated intentional murder committed in a group” as well as for “Hooliganism” and “Involvement of minors in crime”. Seven others were indicted for hooliganism.²⁰

According to the “Group of national minorities rights monitoring” as of March 2020 the trial on alleged murder is still ongoing, two persons got two years of suspended sentence. The prosecutor’s office did not even try to press charges based on incitement to national hatred.

1.2 Hungary

In the period from January 2008 to August 2009, Roma community suffered from a series of attacks by right radical groups. The European Roma Rights Center reported about 40 cases during this period, involving various perpetrators and different means of violence.²¹ Out of them, 22 cases were cases of violence committed against the Roma community by right-wing radical formations.²² According to the report of the European Roma Right Center, as a result of these attacks, seven people were killed, including a 4-year-old boy and a number of people were seriously injured. The attacks caused damages of ten Roma houses since they were set on fire. Arms were used in ten cases. Out of 22 cases, nine were committed by the same group of four perpetrators. During their attacks six people were killed. The capstone focuses on these

¹⁷ Press-service of the National Police in Kyiv region “Поліцейські Києва забезпечили порядок під час виселення представників тимчасового поселення” [Kyiv police provided public order during eviction of temporary settlement residents] (7 June 2018).

¹⁸ Bondar (fn 2) p 36.

¹⁹ Ibid. Original statement of police was deleted.

²⁰ Anna Denysenko “Убивство рома у Львові: відбулось перше судове засідання у справі-расові мотиви не долучатимуть” [Murder of Roma in Lviv: first hearing- racial motives is not included] (Hromadske 14 March 2019)<[²¹ European Roma Rights Center “Attacks against Roma in Hungary: January 2008-September 2012” p 13-27.](https://zmina.info/news/sud_ne_rozgliadaje_rasizm_jiak_prichinu_minulorichnogo_vbivstva_roma_u_lvovi_/>.”</p>
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²² European Roma Rights Center “Imperfect Justice: Anti-Roma Violence and Impunity” (2011) p 19.

nine offences committed against the Roma community by the same group of right-wing radicals.

1.2.1 Description of cases

These nine attacks took place between 21 July 2008 and 3 August 2009.

On 21 July 2008, in a village near Budapest, perpetrators shot 15 times at three Roma houses, no one was injured. Few weeks before the attack, there was a conflict between “Magyar Nemzeti Gárda” (a right-wing paramilitary group) and the Roma living in the village. During the investigation police considered racial motivation.²³ Very similar incident happened on 5 September in Nyíradony where attackers were shooting at night and no one was injured.

On 8 August 2008, in Piricse one woman was shot in her leg and Molotov cocktails were thrown into two houses where Roma families lived. Molotov cocktails were also used on 29 September 2008 in Tarnabod. In this case, no one was injured. At the same time, on 23 February 2009, in Tatárszentgyörgy, attackers threw Molotov cocktails and shot dead a man with his 4-year-old son when they were leaving the burning house. The other children of the family were injured while the mother managed to escape.

On 15 December 2008, in Alsózsolca, a man was shot in his yard while his partner got injured. Similar cases occurred on 22 April 2009 and 3 August 2009 in Tiszaölök and Kisléta respectively. In first case, a Roma man was shot dead at night on his way to work. In the second case, a mother with her daughter were attacked at their home. The mother was killed while the daughter suffered injuries.

The ninth case connected to this group took place on 3 November 2008, when a Roma man and a woman were killed in Nagycséc. The shooting and murder followed after a bomb attack to the house where the family lived. The attackers shot the two family members when they woke up and tried to leave the house after they heard that a firebomb had exploded.²⁴

²³ Amnesty International “Violent attacks against Roma in Hungary, Time to investigate racial motivation” (2010) p 12.

²⁴ European Roma Rights Center (fn 22) p 24.

Police grouped these nine cases and investigated them as and organized crime against Roma.²⁵ They were all convicted and imprisoned. Three persons received live sentences and one person received 13 years of imprisonment.²⁶

According to the fourth accused, the three other persons were organizing, planning the attacks as well as inciting him to act. Usually, two persons were attacking the houses and one person was a driver. The court decided that in his case pleading guilty and cooperation with the investigation was a mitigating circumstance. Thus, the fourth accused got 13 years for acting as accomplice. Other three were charged for organized murder. Racism or hate crime was mentioned only as an aggravating factor, without being announced in the court's decision.²⁷

In the cases named above, police and representatives of authorities were heavily criticized for violating the procedural and professional rules of investigations. For example, the incident in Tatárszentgyörgy took place early in the morning on 23 February. Police, forensic experts and paramedic did not identify the gunshots as a reason of death immediately after their arrival at the scene. Instead, they stated that the reason of death was blaze at the house resulting from an illegal connection to power grid. Therefore, the crime scene was not considered as such till late afternoon of the same day.²⁸ Additionally, the ambulance that arrived consisted only from one paramedic who did not have the needed equipment, even though the Roma informed them in advance that there was a need of fully equipped ambulance car.²⁹ Later, the father of the killed man found empty cartridges and footprints near the scene. When police again arrived, they accused the family of putting it there. Police started to take the case more seriously once the Viktória Mohácsi, a Member of the European Parliament arrived and requested National Investigation Bureau to deal with the case.

²⁵ Amnesty International (fn 23) p 9-13.

²⁶ Eszter Hajdú "Judgement in Hungary" (Miradouro Media, Perfect Shot Films 2016) <<http://www.judgmentinhungary.com/>>.

²⁷ Ibid.

²⁸ OSCE, Office for Democratic Institutions and Human Rights "Addressing violence, promoting integration. Field assessment of violent incident against Roma in Hungary: Key developments, findings and recommendations. June-July 2009" (Warsaw, 15 June 2010) p 12.

²⁹ Hungarian Civil Liberty Union "Report on the circumstances of the double murder committed at Tatárszentgyörgy on 23 February 2009 and conduct of the acting authorities (the police, ambulance and fire services)" (7 May 2009) 4-6.

1.3 Comparative remarks

1.3.1 Character of attacks

In Hungary as well as in Ukraine, a row of attacks took place within relatively short period of time. In Ukraine, it was around half year, while in Hungary it was a year and a half. All the attacks have more or less the same characteristics and can be traced back to the same group of people or same ideology behind.

In Hungary, the attackers targeted one or two houses where Roma lived. It could be in Roma villages or streets, however, always a single house or two. Since in Ukraine many Roma live in trampling camps, attackers attempted to destroy the whole settlements. They set on fire tents and destroyed them with various tools. In the Ukrainian cases the primary aim was to eliminate entire Roma settlements, while this motivation is not substantiated in the Hungarian context.

In both cases, the attackers targeted the Roma community and their property directly. They shot, injured and killed adults and children as well as set on fire houses and tents. In Hungary, attackers threw Molotov cocktails at the houses and shot the Roma in all nine cases. In Ukraine, perpetrators attacked with stones, hammers, axes, knives and traumatic guns. However, in both cases the results were the same. In particular, they injured and killed people as well as damaged or completely destroyed houses and settlements of members of the Roma community.

Perpetrators in Hungary did not openly attack the Roma community. They did not post it on internet, neither spread it around. They targeted the Roma without making it public. In Ukraine, attackers were boasting with their actions. They warned Roma before the attacks, invited people to join and streamed their acts.³⁰ Additionally, after attacks, the organizations were reporting to public about their “cleanings”.³¹

1.3.2 Ideology of attackers

The attacks in both countries were committed by armed right-wing radical groups. In both cases it is difficult to decisively identify affiliation of the attackers³². However, it is obvious that the ideology is substantially similar for all of them: they are right-wing radical, often paramilitary groups sympathizing with the neo-Nazi ideology.

³⁰ Anna Denysenko (fn 20).

³¹ Video “Національні дружини розгромили табір ромів а Голосіївському парку” [National militia pogromed Roma camp in Holosiivskyi park] (7 June 2018) <<https://www.youtube.com/watch?v=X73xIGsQLvw>>

³² In Ukraine “National Corps”, “National Militia”, “Sober and angry youth” official took responsibility for attacks. However, such organizations as “Karpatska Sich”, “Sokil”, “Right Sector” appeared with anti-Roma statements too.

In both countries, the narratives of the attackers were very similar. In one of the interviews, the Hungarian perpetrators stated that they were “vanguards of a movement which was aiming at finding a “solution for the gypsy problem”.³³ In Ukraine, all the attackers claimed that they are cleaning Ukraine since the official authorities were not able to deal with the problem.

1.3.3 Reaction of state authorities

In Hungary, out of 22 cases committed by allegedly right-wing groups, nine cases were investigated, and four persons were prosecuted. Of course, it does not mean that the state completely fulfilled obligation to protect and ensure its citizens’ rights. At the same time, Ukraine completely fails to foster the rule of law. Out of a several dozens of attackers, only two received suspended sentences for being members of a group murder. The trial on a suspected murderer is still ongoing. Volunteers working with Roma suspect the trial is deliberately being put off.³⁴

In Hungary the trial, even it was long, was public and people were able to track what was going on.³⁵ It was a very loud case. In Ukraine, even though in the beginning there was quite a high interest from the media and the public to the issue, but somehow it all decreased.³⁶ Eventually, no one heard about the cases and it all went to non-following at all.

As it will be discussed in Chapter 2, in both countries adequate investigation was lacking. In both countries state authorities did not really classify the attacks as racism or did not connect them to racial hatred. While in Hungary, the racist motivation was considered as an aggravation condition, in Ukraine the cases were mostly qualified as hooliganism and exceptionally as organized murder without racial hatred.³⁷

³³ Keno Verseck “Life sentences for Hungarian Roma killers” (DW, 7 August 2013) <<https://p.dw.com/p/19L7o>>.

³⁴ Opinions received in private talks with three non-Roma volunteers who provide legal assistance to the community. One person was particularly dealing with Ternopil case pushing police to investigate the case and not to close it at the initial stage due to lack of victims statements and prejudice towards Roma. The other person is a legal advisor from Zakarpattia, where the biggest number of Roma are living. He was one of those communicating with victims who ran away after attacks all over Ukraine back home to the region. And the third person is a member of above-mentioned monitoring group for national minorities. All three agreed that police did not investigate the cases properly, prosecutor’s office did not have any interest to proceed or get involved and that the only case in the court is attempted to be closed or unfairly resolved.

³⁵ Eszter Hajdú “Judgement in Hungary” (Miradouro Media, Perfect Shot Films 2016) <<http://www.judgmentinhungary.com/>>.

³⁶ Interviewee 5 interviewed in May 2020. He stated that public activists were pushing investigations of cases.

³⁷ Interviewee 5 interviewed in May 2020. Even though in the beginning the murder case in Lviv was qualified as “Hate Crime”, later it was re-qualified to “Hooliganism”

2 Compliance with the European Convention on Human Rights

Both Ukraine and Hungary ratified European Convention on Human Rights (ECHR), main aim of which is to defend and promote human rights and freedoms.³⁸ The states undertook obligations to secure human rights and freedoms of persons within their jurisdiction. By ratifying the ECHR, the states agreed on the establishment of a supervisory mechanism that oversees compliance with the obligations in the face of European Court of Human Rights (ECtHR, the Court) and the Committee of Ministers that supervises the execution of the ECtHR's judgments.

Article 2 is considered to be a fundamental right of a democratic society.³⁹ It is interpreted in a way to ensure that safeguards enshrined in it are 'practical and effective'⁴⁰. Article 2 of the ECHR protects right to life and it says that "Everyone's right to life shall be protected by law. No one shall be deprived of life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law". Basically, it prescribes two main substantial obligations: state agents shall not deprive anyone of live intentionally, and the state has to put a legislative framework in place that protects life. In particular, to protect right to life by law and prohibit intentional murder. The ECtHR – through interpretation – extended the scope of state obligations under Article 2 to include a procedural obligation that contains effective investigation of the alleged violation of the substantive obligations:

The obligation to protect the right to life under this provision (art. 2), read in conjunction with the State's general duty under Article 1 (art. 2+1) of the Convention to "secure to everyone within their jurisdiction the rights and freedoms defined in [the] Convention", requires by implication that there should be some form of effective official investigation when individuals have been killed as a result of the use of force by, inter alios, agents of the State.⁴¹

The Court set standards for an effective investigation: it has to be independent, adequate and prompt as well as it should include reasonable expedition.⁴² An investigation should be such in case the murder was committed either by a state actor or by a non-state actor.⁴³

³⁸ Council of Europe "European Convention for the Protection of Human Rights and Fundamental Freedoms" as amended by Protocols Nos. 11 and 14, 4 November 1950.

³⁹ *Nachova and Others v Bulgaria* App no 43579/98 (ECHR, 6 July 2005) §93.

⁴⁰ *McCann and Others v the United Kingdom* App no 18984/91 (ECHR, 27 September 1995) §146.

⁴¹ *McCann and Others* §161.

⁴² European Court on Human Rights "Guide on Article 2 of the European Convention on Human Rights. Right to life" (Updated on 31 December 2019) p 30-34.

⁴³ *Fedorchenko v Ukraine* App no. 387/03 (ECHR, 29 September 2012) §41.

2.1 Adequacy of investigation

In order an investigation to be effective as it is provided by ECtHR in the interpretation of the Article 2, the investigation has to be adequate.⁴⁴ State actors have to take all necessary measures to obtain and secure all possible evidence related to the incident.⁴⁵

Hungarian police failed to conduct adequate investigations. In Tatárszentgyörgy, the police officers that arrived at the scene did not examine it properly. They did not secure the area the whole day, did not find such obvious evidence such as empty cartridges, cigarette buds and broken bottles from Molotov cocktails. To the contrary, they destroyed some pieces of evidence such as footprints, did not examine the car prints next to the house and did not interview witnesses.⁴⁶ Police did not carry out measures that would have clarified important details of the case and therefore did not conduct an adequate investigation.⁴⁷ The Court reiterated that the conclusions of investigators have to be built on comprehensive, unprejudiced and unbiased examination of all relevant components: “(f)ailing to follow an obvious line of inquiry undermines to a decisive extent the investigation’s ability to establish the circumstances of the case and the identity of those responsible”.⁴⁸ By destroying evidence and confirming an obviously wrong cause of death, the investigation in Tatárszentgyörgy can be considered as inadequate.

In Ukraine, the investigation cannot be considered adequate either, since in the majority of cases, investigations were closed before any substantial conclusions could have been reached. As a result of the inactivity of law-enforcement bodies and the lack of effective investigations of previous incidents, the attacks reached their peak with the killing of a person and stabbing five others in Lviv in June 2018. There is not much information on the investigation itself. However, from the available materials it is clear that law-enforcement bodies failed to adequately assess the crime and identify it as hate crime.⁴⁹ This part will be elaborated on further in this chapter. Additionally, the ECtHR confirmed repeatedly that the procedural limb of the Article 2 goes beyond the investigation part and also covers the trial, and the process as a whole must guarantee protection of life through the law,⁵⁰ since the lack of proper

⁴⁴*Ramsahai and Others v the Netherlands* App no 52391/99 (ECHR, 15 May 2007) §324.

⁴⁵*Armani v United Kingdom* App no 5878/08 (ECHR, 30 March 2016) §232.

⁴⁶*Hungarian Civil Liberty Union* (fn 29) p 4-6.

⁴⁷*Sergey Shevchenko v Ukraine* App no 32478/02 (ECtHR, 4 April 2006) §72-73.

⁴⁸*Mustafa Tunç and Fecire Tunç v. Turkey* App no. 24014/05 (ECHR, 14 April 2005) §175.

⁴⁹*Bondar* (fn 2) p 36.

⁵⁰*Öneryıldız v. Turkey* App no. 48939/99 (ECHR, 30 November 2004) §95.

investigation may further negatively influence the outcome of the trial.⁵¹ Taking in account, that only two people received two years of suspended sentences and one person is still under trial for intentional murder, it can be assumed that one of the reasons why the court delivered such lenient decisions is that the inadequate investigation resulted in insufficient evidence against the accused.

2.2 Prevention of crime

In its turn, Ukraine did not only fail to adequately investigate violent cases that ended with murder but also failed to prevent them. The Court reiterated that “the first sentence of Article 2 § 1 enjoins the State not only to refrain from the intentional and unlawful taking of life, but also to take appropriate steps to safeguard the lives of those within its jurisdiction”.⁵² Therefore, there are situations when preventive measures by state actors are necessary under Article 2 in order to protect a life of a person from a criminal act or another person. The duty to protect is neatly summarized by the Court in the *Osman v. the United Kingdom* case. According to the test “where there is an allegation that the authorities have violated their positive obligation to protect the right to life in the context of their (...) duty to prevent and suppress offences against the person it must be established (...) that the authorities knew or ought to have known at the time of the existence of a real and immediate risk to the life of an identified individual or individuals from the criminal acts of a third party and that they failed to take measures within the scope of their powers which, judged reasonably, might have been expected to avoid that risk.”⁵³ Thus, in order to assess Ukraine’s compliance with its positive obligations under the Article 2, the following elements should be examined: the existence of an imminent danger posed by a third party; identified individual(s) who fell victim(s); the availability of preventive measures within the power of the state; their capability to prevent the crime; and awareness of the state about the imminent danger to life.

As mentioned above, Ukrainian authorities were aware of the row of attacks. Police were present during the violent pogrom of the Roma camp in Holosiivskyi park and made official statement that they had managed to provide for the public order.⁵⁴ However, threats to Roma, hate speech, destruction of their dwellings are difficult to be called “public order”. On the other occasion, police suggested Roma to voluntarily leave the camp since they were aware of the

⁵¹ Ibid.

⁵² *Osman v the United Kingdom* ECHR 101 § 115.

⁵³ *Osman* §116.

⁵⁴ Bondar (fn 2) p 34.

upcoming attacks.⁵⁵ It is worth mentioning that during the first attacks, right-wing radicals were emphasizing their affiliation to state authorities in this “cleaning”. Moreover, attackers posted on Facebook warnings and threats to Roma as well as published so-called reports of the conducted pogroms. People who were threatening Roma had identified themselves and in the majority of cases they were affiliated to different right-wing radical organizations that took responsibility for the attacks. Police also detained several persons but later they were released without any further punishment.

Therefore, there is enough ground to assume that law-enforcement officers were aware of the dangers and threats which the community faced as well as of the persons and organizations that posed such threats. However, they did not do anything reasonably expected to prevent further violence against the community. Thus, considering direct and public nature of threats as well as the actual attacks against the Roma community by identified organizations and persons after such threats had been made, law-enforcement bodies were reasonably expected to be aware of the imminent danger and should have undertaken preventive measures to avoid further deterioration and protect the lives of the targeted Roma. Consequently, on the basis of the *Osman* test, Ukraine has failed to fulfill its positive obligations to protect identifiable individuals against foreseeable violent attacks and thus violated Article 2 of the ECHR.

2.3 Characterization as Hate Crime

The Court emphasized the importance of prompt, adequate and unbiased investigation of racial motivated violence. “Racial violence is a particular affront to human dignity and, in view of its perilous consequences, requires from the authority’s special vigilance and a vigorous reaction. It is for this reason that the authorities must use all available means to combat racism and racist violence, thereby reinforcing democracy’s vision of a society in which diversity is not perceived as a threat but as a source of enrichment.”⁵⁶ The Court has reiterated that the state has to protect national minorities and ensure reassert condemnation of racism.⁵⁷

Treating racially motivated crimes the same way as crimes without racial motives is downplaying the peculiarities of the crime that undermines fundamental rights and contradicts Article 14 in conjunction with Article 2.⁵⁸

⁵⁵ Bondar (fn 2) p 29.

⁵⁶ *Nachova* §145.

⁵⁷ *Menson and Others v. UK*, No. 47916/99, decision as to the admissibility, 6 May 2003, p. 13-14.

⁵⁸ *Nachova* §160.

Hungarian police officers did not only fail to identify the incidents as hate crime but were convinced of the opposite, they argued that the Roma set up the scene and put empty cartridges there themselves.⁵⁹

The same applies to Ukrainian police and prosecutor's office that investigated and dealt with the case. The indictment did not include hate crime and as a result none of the accused is charged with it. The whole Ukrainian system failed to recognize the hatred grounds of the crime. It is important that by neglecting and failing to properly investigate the murder case, the Ukrainian authorities closed their eyes for the row of previous violent racial attacks against Roma community.⁶⁰

In this connection, the ECtHR emphasized that “(t)he authorities must do what is reasonable in the circumstances to collect and secure the evidence, explore all practical means of discovering the truth and deliver fully reasoned, impartial and objective decisions, without omitting suspicious facts that may be indicative of a racially induced violence.”⁶¹

In both states, the failure to distinguish hate crimes from non-racially motivated crimes and to treat them accordingly may raise serious concerns whether Article 14 of the Convention in conjunction with the Article 2 was complied with.

2.4 Prohibition of degrading treatment

The Court established that – by reading Article 3 together with Article 1 – states are supposed to secure from torture or inhumane or degrading treatment everyone within their jurisdiction, including cases committed by private individuals.⁶²

The Court defines degrading treatment as “treatment [that] humiliates or debases an individual, showing a lack of respect for, or diminishing, his or her human dignity, or arouses feelings of fear, anguish or inferiority capable of breaking an individual's moral and physical resistance, it

⁵⁹ Hungarian Civil Liberty Union (fn 29) p 5.

⁶⁰ Besides the attacks in 2018, Ukraine has other similar cases with lack of proper investigation in death based on racial discrimination. For example. *Fedorchenko and Lozenko v Ukraine* (Application no. 387/03) 20 December 2012. In this case, the house of Roma family was set on fire resulting in death of five persons. During years of investigation no one was found guilty. The ECtHR decided on violation of Article 2 in conjunction with Article 14 for failure to investigate death and establish racial motives. The Court stated “Given the widespread discrimination and violence against Roma in Ukraine as noted, in particular, by the report of the ECRI, it cannot be excluded that the decision to burn the houses had been additionally nourished by ethnic hatred and thus it necessitated verification...The Court, however, notes that there is no evidence that the authorities have conducted any investigation into the possible racist motives of this crime...The Court considers it unacceptable that in such circumstances an investigation, lasting over eleven years, did not give rise to any serious action with a view to identifying or prosecuting the perpetrators.”

⁶¹ *Nachova*, § 160.

⁶² *Mahmut Kaya v Turkey* App no 22535/93 (ECHR, 28 March 2000) §115.

may be characterized as degrading and also fall within the prohibition of Article 3”.⁶³ Overall, the Roma community in Ukraine has been aware of the incidents.⁶⁴ Even those, who did not feel victims directly, have known about it and suffered from it. In particular, in three camps in Zakarpattia region, the communities organized 24/7 camp patrolling.⁶⁵ They were afraid of attacks repetition. They did not feel safe even being in their permanent homes. Additionally, they do not trust the police.⁶⁶ Roma tend to believe that the police will rather harm than help them. The interviewees were not surprised that no one is punished so far. They stated they would not expect much more from police. This all confirms that generally the community feels inferior and insecure.⁶⁷

In case of Ukraine, the state has also failed to fulfill its obligations under the Article 3. In particular, the cases from 2018 are very similar to the case *Burlya v Ukraine*.⁶⁸ In *Burlya* co-villagers attacked the Roma community and destroyed their houses. Some of the Roma were at home during this attack. The majority of them left since previously they had been informed by police officers about the upcoming pogrom. The very same happened in 2018 when police officers either warned Roma to leave their places of residence before the pogroms or were even present at the scene “providing public order”. The ECtHR found that such behavior of law-enforcement bodies supported the expel of “socially dangerous individuals” and appeared as an official endorsement of such violent behavior by the attackers.⁶⁹

The Court further argued that it is important to point out that police decided to inform Roma about the attacks rather than protect them.⁷⁰ This led the community to feel that they cannot rely on the protection by law based on their ethnicity. Therefore, the decision of those who managed to leave before the attacks was not their own will, it was the decision based on the need to protect themselves, in particular their physical integrity. Being conscious about the upcoming attacks and being not able to do anything only has strengthened their feeling of helplessness. On top of it, it is difficult to imagine the level of inferiority feeling of those Roma who were present while their temporary homes in camps were destroyed by attackers in the

⁶³ *Pretty v The United Kingdom* App no 2346/02 (ECHR, 29 April 2002) §52.

⁶⁴ Interviewees 1-5 interviewed in March and May 2020. The interviews are attached in the annexes. Obviously, substantial conclusions cannot be made based on several interviews. At the same time, the interviewees referred not only to their own experience but rather to the experience of the community they live in, namely their camps in Mukachevo, Uzhhorod, Holmok and Kremenchuk.

⁶⁵ Two of these camps are the biggest in the region.

⁶⁶ Interviewees 3-5 interviewed in March and May 2020.

⁶⁷ Interviewee 2 interviewed in March 2020.

⁶⁸ *Burlya v Ukraine* App no 3289/10 (ECHR, 6 November 2018).

⁶⁹ *Burlya* §132.

⁷⁰ *Burlya* §134.

presence by police officers. It all has severely faded their dignity. “Their feelings of fear, anguish, helplessness and inferiority were further exacerbated by understanding that their homes would likely be plundered, but that they were unable to protect them without putting their lives at risk”.⁷¹

Similarly, to the *Burlya* case, in attacks of 2018, it can be concluded that first of all those attacks were committed based on racial hatred. Secondly, the police did not do anything to protect the community and there were no objective reasons to explain why they would not have done it. Thus, with such behavior the police encouraged those attacks that later led to the murder. Overall, those attacks constituted degrading treatment, especially from the side of authorities. Therefore, Ukraine has violated its obligation under Article 3.

⁷¹ *Burlya* §134.

3 Preconditions of attacks

3.1 Support of Ukrainian authorities of the right-wing organizations

In Ukraine, nationalistic groups felt support from the state. Many of them were financed by local and central level authorities. For example, in June 2018, the Ministry of Youth and Sports of Ukraine allocated 440 000 UAH (\pm 1 500 EUR) to the right-wing group S14 to conduct nationalistic and patriotic trainings for youth.⁷² Let us recall that this organization – among other their “activities” – attacked Roma and called people to join. Such behavior of the state contradicts its statements. On the one hand, the state condemns the organization in general and attacks in particular, while on the other hand, it is financing activities of S14 and other right-wing radical movements.⁷³

In some regions right groups are conducting patrols together with police or with municipal guards. At the same time, many of municipal guards or police officers are members of right-wing formations. For example, the leader of the mentioned organization S14 was a member of “Municipal Guards” in Holosiiv district.⁷⁴ They were patrolling the area together based on an officially signed cooperation agreement with the district authorities.

3.2 Discriminatory treatment of Roma by police

In both countries, police treatment of Roma had been discriminatory prior to the incidents. According to the Hungarian Helsinki Committee report, in 2007-2008, police tended to stop Roma for ID check three times more often than non-Roma citizens.⁷⁵ The report elaborates that police perceived Roma as potential criminals just based on their ethnicity. Police were reluctant to confirm racial motivation behind the crimes and preferred to consider cases as common offence rather than hate crime.⁷⁶ ECRI confirmed that even in the most obvious offences with

⁷² Ministry of Youth and Sports “Рішення конкурсної комісії з визначення проектів національно-патріотичного виховання, розроблених інститутами громадянського суспільства, для реалізації яких надається фінансова підтримка у 2018.” [Decision of the projects competition board on finance allocation on nationalistic and patriotic education developed by civil society] (8 June 2018).

⁷³ Interviewee 5 interviewed in May 2020.

⁷⁴ Myhailo Hlyhoskyi “Лідер С14 Євген Карась: якщо в Києві будемо ми, «тітушки» просто боятимуться висунути ніс” [Leader of S14 Ievhen karas: if we are in Kyiv «titushky» will not dare to show up] (29 December 2019) <<https://glavcom.ua/interviews/lider-s14-jevgen-karas-yakshcho-u-kijevi-budemo-mi-titushki-prosto-boyatimutsya-visunuti-nis-462549.html>>.

⁷⁵ Kádár, A, Körner, J, Moldova, Z, Tóth Final Report on the Strategies for Effective Police Stop and Search Project” (Hungarian Helsinki Committee, Budapest 2008) p. 35-36.

⁷⁶ Amnesty International (fn 23) p 22-24.

strong evidence of racial motivation, the offence would be treated as solely a conflict between two parties.⁷⁷

In the cases *Balázs v Hungary*, *R.B. v Hungary* and *M.F. v Hungary*, the ECtHR reiterated the standards of effective investigations and emphasized the importance of correctly identifying hate crimes.⁷⁸ The Court also recognized the failure to properly investigate and characterize the crime against Roma by a private person as hate crimes. In this regard, as a third-party intervention, European Roma Rights Center called such attitude of Hungarian authorities “institutional racism” and referred to it as anti-Gypsyism.⁷⁹

The same situation was and is still ongoing in Ukraine. Police officers continue to practice “racial profiling” and arbitrary arrest and put Roma in detention as well as take fingerprints and mistreat them based on ethnicity.⁸⁰ In discussed cases, in particular in Ternopil, the police were filming Roma victims and making humiliating comments about their appearance.⁸¹ Police were reluctant to open and investigate case at all. It proves one more time that discriminatory treatment of Ukrainian police has not changed since the ECtHR decisions such as *Burlya* and *Fedorchenko* discussed above in Chapter 2. Such treatment by law-enforcement bodies negatively influences cooperation between Roma and the police and leads to the fact that Roma do not trust the police and prefer not to contact them at all.⁸²

3.3 Steaming of intolerance against Roma

Different scholars argue that the collapse of the Socialist regime in Hungary and Ukraine negatively influenced situation regarding Roma treatment. Maria Subert contends that one of the reasons of radicalization and intolerance towards Roma in Hungary was the fall of socialism. After the collapse of Socialism in Hungary and shift to free market, Hungarian authorities stopped controlling the labor market and did not take responsibility for the welfare of citizens. The economic gap between poor and rich hasty and considerably increased. And obviously Roma have become the “the poorest of the poor”.⁸³ ODIHR reported that according

⁷⁷ European Commission against Racism and Intolerance, Report on Hungary, the fourth monitoring cycle p. 13-15.

⁷⁸ *Balázs v Hungary* App no 15529/12 (ECHR, 20 October 2015); *R.B. v Hungary* App no 64602/12 (ECHR, 12 April 2016); *M.F. v Hungary* App no 45855/12 (ECHR, 31 October 2017).

⁷⁹ Written Comments of the ERRC submitted pursuant to Article 36 § 2 of the Convention (*Balázs v Hungary*, *R.B. v Hungary*, *M.F. v Hungary*).

⁸⁰ European Commission against Racism and Intolerance, Report on Ukraine, the fourth cycle p. 39-41.

⁸¹ Interviewee 5 interviewed in May 2020.

⁸² Interviewee 3 and 4. Interviewed in March 2020.

⁸³ Maria Subert “Motives and legacies behind 2008-2009 Hungarian Roma murders and apologies” (Contemporary Justice Review 22:1, 2019), 3-22.

to various field interviews and researches conducted in Hungary in 1971, 85% of Roma men and 20% of Roma women were regularly employed.⁸⁴ While in 2003, only 28% of Roma men and 15% of Roma women were regularly employed. Since Roma are less employed, their income is significantly lower and below the national average wage.⁸⁵

The same situation can be observed in Ukraine. Maria Konstantinova argues that during Soviet times, society needed common labor personnel, thus, Roma always could find jobs for themselves.⁸⁶ After collapse of Soviet Union, during the establishment of the new economic system and closing down factories and collective farms, demand for unskilled workers has decreased. It led to the unemployment of Roma and transformed them into one of the most disadvantaged categories on the labor market.

It is worth mentioning that in Hungary economically disadvantaged Roma tend to live in separate villages and streets, being completely separated from others.⁸⁷ In Ukraine, the situation is similar. The Roma who fell victims of attacks are from Zakarpattia and are known for their nomadic lifestyle even among Roma from the other regions.⁸⁸ They are not only separated from the mainstream Ukrainian society, Roma from other regions, those who consider themselves integrated and socialized, are not only avoiding them but also condemn their lifestyle. Such separation does not promote integration in society, to the contrary, it fosters distancing.

During these uncertain times of economic insecurity Hungarians started to support “a far-right ideology - a conservative political view with revisionist ideas and strong tone of white privilege.”⁸⁹ This ideology declares that Roma do not belong in Hungarian society. Aladár Horváth contends that since then till 2009 social problems converted to be ethicized: “Poverty, deviance, and criminality received “a Gypsy face,” and as a result the far-right had an easy time of it.”⁹⁰

At the same time, after Ukraine became independent, it had to reconstruct its national identity after the years of being part of the Soviet Union, where Ukrainian language as well as culture

⁸⁴ OSCE ODIHR (fn 28) p 45.

⁸⁵ Ibid.

⁸⁶ Maria Konstantinova “Overlooked Citizens. Roma (Gypsy) Minorities Living in post-Socialist Ukraine” (University of Victoria, 2012) p 2-6.

⁸⁷ OSCE ODIHR (fn 28) p 45.

⁸⁸ Interviewee 5 interviewed in May 2020.

⁸⁹ Ibid.

⁹⁰ Aladár Horváth “From Bad to Worse/ End of the republic, Rise of Barbarism” (Hungarian Spectrum 4 July 2011) < <https://hungarianspectrum.org/2011/07/04/aladar-horvath-in-washington/>>

was perceived as second-class.⁹¹ Having faced such challenges, Roma questions has not been priority. However, such accumulated focus exclusively on restoring its own culture and traditions has boosted white ideology and ideas of “clean nation”.

Another reason that is typical for Hungary in 2009 and modern Ukraine is lack of proper data on the number of Roma. In Ukraine, the last census was conducted in 2001. According to it, there are 47.917 Roma in Ukraine.⁹² At the same time, as of 2017, ECRI reports about 100.000-400.000 Roma in the country.⁹³ The discrepancy is due to the fact that many Roma still do not have IDs or passports and thus are not registered. Or they are not willing to disclose their national identity because of fear of discrimination. As a result in some regions of Ukraine authorities refuse to adopt regional plans on the implementation of “The strategy on protection and integration of Roma national minority in Ukrainian society.”⁹⁴ It should not be a surprise that one of such regions is Ternopil, where police were humiliating Roma instead of properly investigating the attacks.

In Hungary, ODIHR reported about data-protection law that prohibited collection of ethnic segregated data.⁹⁵ In order to identify ethnicity, the Central Statistical Office considered Roma to be those who affiliated themselves with one of the four questions asked during the census.⁹⁶ Among questions about affiliation, there were questions about culture, tradition and language.

On top of the abovementioned, Ukrainian society got more radical and started to support right-wing movements after the Revolution of Dignity in 2014, being in war with Russia and fighting for Ukrainian identity more than ever. It is not rare that persons fighting in the east of the country, veterans of the war join right-radical groups or join the war already being affiliated with the right-wing ideology.⁹⁷ After coming back from the war, many are considered to be heroes. On the other hand, former Ukrainian authorities during 2014-2019 followed right-wing radical policies.⁹⁸ For example, in April 2015, they adopted a law “On legal status and

⁹¹ Maria Konstantinova (fn 86) p 4-6.

⁹² State Statistic Committee “Всеукраїнський перепис населення 2001. General Results of the Census-National Composition of Population.” < <http://2001.ukrcensus.gov.ua/eng/results/general/nationality/>>.

⁹³ European Commission against Racism and Intolerance, Report on Ukraine, the fifth cycle p 2.

⁹⁴ Interviewee 5 interviewed in May 2020.

⁹⁵ OSCE ODIHR (fn 28) p 47.

⁹⁶ Central bureau of statistics “Magyarországi népszámlálás 2011-ben” [Population census 2011 in Hungary] <<http://www.ksh.hu/nepszamlalas/>>.

⁹⁷ Right Sector, Karpatska Sich, S14 etc.

⁹⁸ European international tolerance centre (fn 1) p 14.

commemoration of fighters for Ukrainian independence in XX century”.⁹⁹ Among others, this law heroized participants in right-wing and right-wing militaristic organizations that collaborated collectively or individually with the Nazi regime and fought against the countries of the anti-Hitler coalition. The public denial of the fact that “the legitimacy of the struggle for the independence of Ukraine in the twentieth century” is recognized as an abuse of the memory of fighters for the independence of Ukraine in the twentieth century, the humiliation of the dignity of the Ukrainian people and it is illegal. Thus, the heroization of Nazi collaborators, which is a manifestation of indirect xenophobia since April 2015, thanks to the efforts of the ruling parties, has become part of the state ideology of Ukraine. By doing so, Ukrainian authorities unspokenly endorsed veterans to predicate radical-right wing ideology in case they want to be perceived as national heroes.

In Ukraine, the situation is intense, and a lot of thing are still ahead to be improved. While in Hungary the incidents occurred ten years ago, discrimination of Roma still echoes today. Tensions along racial lines have re-surfaced recently in the government’s objection to the payment of compensation to plaintiffs who had been educated in segregated schools.¹⁰⁰

⁹⁹ Law of Ukraine 314-VIII “Про правовий статус та вшанування пам’яті борців за незалежність України у XX столітті ” [On legal status and commemoration of fighters for Ukrainian independence in XX century] (09 April 2015).

¹⁰⁰ Krisztina Than “Hungarians march to protest PM Orban’s anti-Roma campaign” (Reuters, 23 February 2020) <<https://www.reuters.com/article/us-hungary-roma/hungarians-march-to-protest-pm-orbans-anti-roma-campaign-idUSKCN20H0GB>>

Conclusions

Stereotypes and prejudice about Roma that existed in Ukraine under the USSR and in Hungary during the Socialist era can still be traced until today. Lack of proper integration programs and social support led the countries to strengthening a perception of Roma as economically and socially disadvantaged category of society, which in its turn fosters negative attitude towards the community. Lack of proper data on the number of Roma leads to the fact that integration process faces obstacles and as a result it leads to further discriminatory treatment by state authorities. Racial profiling by law-enforcement officers is still a common practice in both countries. All this together with a strong emphasis on national identity excluding the Roma and related ideas of a pure nation ignited the visible development of right-radical movements that assumed their role to “clean” both countries from Roma.

By not investigating properly the cases Hungary violated the Article 2 in conjunction with Article 14 of the ECHR. The state failed to conduct an adequate investigation by losing pieces of evidence and failing to characterize the offences as hate crime, which is extremely important in combating and preventing further discrimination and national hatred. In its turn, Ukraine has failed not only to conduct an adequate investigation and classify it as a hate crime, it failed to prevent other crimes, which eventually led to murder.

It can be concluded that the inaction of authorities to eliminate right-radical movements has a negative impact on human rights. Ukraine is in its transformative stage from closed society to open democratic society. The above stated facts, however, confirm racial intolerance on all levels.

Violent attacks as well as all hate crime provide new challenges for both Ukraine and Hungary to develop effective mechanisms and responses to various racial incidents. In particular, to improve legislation to comply with international standards, and improve national policies on elimination of racism and xenophobia. In this process, cooperation between state authorities and civil society as well as the media is crucial in order to change the mindset of the population. At the same time, it is essentially important to punish those who commit hate crimes.

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Annex

Five interviews with members of Roma community in Ukraine were conducted in March and May 2020.

Four interviewees are Roma from Zakarpattia. Their age varies from 32 y.o. to 72 y.o. One of the interviewees is a woman, three are men. Zakarpattia is a western part of Ukraine where a vast part of Roma population is Hungarian speaking. All of the interviewees could speak Ukrainian, however, with difficulties. The fourth interview was conducted in Hungarian and later translated to English. These interviews were conducted in person. One of the local NGOs supporting Roma with humanitarian aid facilitated the possibility to conduct the interviews. The NGO invited Roma, who they keep regular contact with. Thus, it can be concluded that all four interviewees are from low-income families. The first interviewee is a housewife, her husband makes a living with collecting scrub metals. The second interviewee is a pastor in his community. The third interviewee together with his brother has a construction brigade and they do repairs in flats travelling to other regions. He pointed out that it is not rare that their employers would not pay the agreed sum or not pay at all. The fourth interviewee said he is helping in the religious community where he belongs to.

In Zakarpattia, Roma live in segregated villages, streets or camps and typically travel to other regions or countries to work. The Roma who fell victims of attacks by right-wing groups were from Zakarpattia. Therefore, it was decided to conduct interviews with people from the same communities. The aim of the interviews was to hear the voices of the Roma community from inside and see if there were any changes in life of Roma and how the attacks reflected on their lives.

The fifth interview was conducted online with a man living now in Kyiv. He is from the central part of Ukraine. His community has different lifestyle and mindset. Additionally, he is a person who is working on the development of Roma integration programs, an active public activist and stands openly for Roma rights. His perspective was important to be included since it is completely different view from the previous four and it shows an additional viewpoint.

Interviewee no. 1.

Female, 47 y.o., Domboky, Zakarpattia region, interviewed in March 2020.

Questions	Answers
How did you learn about the attacks?	Everyone in the community knew. Such news spread very fast.
What do you know about the attacks?	They went to work at the dump field. There is no job for us here. Young people attacked them and set on fire all their belongings and tents made of clothes. They also murdered a young boy.
What do you think were the reasons of those attacks?	I believe they did not manage to agree upon anything. There must have been a reason.
How has the life of your community changed after the attacks?	We were all very scared. After the attacks, for almost two months, men from our camp had been patrolling the camp. We were all gathering outside at nights. We were very scared and waiting that we would be attacked too. We were told that it was the mafia. Thank God everything was peaceful in our camp.
What is your opinion about police actions?	Police action? I don't know how they responded.

Interviewee no. 2.

Male, 72 y.o., Domboky, Zakarpattia region, interviewed in March 2020.

Questions	Answers
How did you learn about the attacks?	It was all around. I don't remember who told me.
What do you know about the attacks?	Gypsies ¹⁰¹ were attacked. Those who went to work to other regions.
What do you think were the reasons of those attacks?	I do not believe that people can attack you just because you are resting in your bed at home. They must have done something. I am 64 years old and I have never had any similar incidents before. I simply do not cause any problems to people. I do not know for sure the reasons of attacks. I have heard rumors that it was the mafia. However, I am not sure about it.
How has the life of your community changed after the attacks?	Generally, nothing has changed. People do not like our nation. Only God loves us. It was bad before the attacks and is equally bad now. We were obviously very scared. They were threatening to arson all gypsy camps. Even on TV! Of course, we were worried and scared. There is no way not to be worried in such circumstances.
What is your opinion about police actions?	Police were patrolling with us all nights. They did what they could.

¹⁰¹ The word "gypsy" was used by the interviewee when referring to his nationality.

Interviewee 3.

Male, 32 y.o., Uzhhorod, Zakarpattia region, interviewed in March 2020.

Questions	Answers
How did you learn about the attacks?	My friend told me.
What do you know about the attacks?	Those people travel to other regions to work. They are having their campsites in the outskirts of cities usually. Several of such campsites were attacked. I do not know who attacked them. They were beaten up and robbed. Panic was spread all over.
What do you think were the reasons of those attacks?	Conflict between them.
How has the life of your community changed after the attacks?	We organized overnight patrols. All camps did. We did not know what to expect. We assumed that they would attack us as well, even in our homes. It was very scary. Now everything is calm. There are conflicts here and there, but nothing as serious as those cases.
What is your opinion about police actions?	Sometimes police joined our patrols with their cars outside our camp. I do not know what they did to investigate the attacks or if anyone was punished. We are not expecting any support and do not wait for any support from the police. We do not trust them. If they do not harm us, it is already good.

Interviewee no. 4.

Male, 44 y.o., Mukachevo, Zakarpattia region, interviewed in March 2020.

Questions	Answers
How did you learn about the attacks?	We saw the news on TV about the attacks, namely the one in Lviv.
What do you know about the attacks?	Allegedly, people who hate us, attacked Roma. I do not remember which camp they were from. I think from Berehove district.
What do you think were the reasons of those attacks?	I assume racial hatred.
How has the life of your community changed after the attacks?	We were afraid of similar thing to happen to us in Mukachevo. We were hoping to get some support from our representatives in city councils, from Uzhhorod and Mukachevo. However, they did nothing since no money was involved and it was not in their interest. We were all scared. No one supported us. It does not matter who they are, Ukrainians or Hungarians, ¹⁰² they all hate us just because we are Roma.
What is your opinion about police actions?	Police did not deal with it. The system is corrupt. They would not do anything even if we asked them. Usually they try to cover up everything as they have done in Lviv. No patrols were organized in Mukachevo. Cops do not visit the camp and do not care what is going on inside of it. Anyone can enter the camp with a sword in the

¹⁰² The interviewee is a Hungarian speaking Roma. By saying “Hungarians”, he refers to the Hungarian national minority living in the area he is from, namely Zakarpattia.

	middle of the day and no one would stop him. No one cares about us.
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Interviewee no. 5.

Male, 31 y.o., Kremenchuk, Poltava region, interviewed in May 2020.

Questions	Answers
How did you learn about the attacks?	<p>I learned about some attacks from the media. In particular, about the first attacks at Lysa Hora.¹⁰³ I learned about others already while working in the Ministry of Culture as a coordinator of the interdepartmental task force on implementation of strategy on protection and integration of Roma national minority in the Ukrainian society.</p> <p>We learnt about attacks committed by municipal guards at Lysa Gora from social media. They had warned about “cleaning the park” beforehand. They named a real pogrom as “cleaning”. We tracked hate speech in their social media post.</p> <p>We reacted immediately and wrote a letter signed by the department of religion and national minorities and sent it to the national police. But we learnt that the attack took place earlier than it was announced. A month later, we received a written reply from the police saying that they had visited the site two weeks after our statement, and they had also checked the park and did not find anything there. They were supposed to do it immediately after receiving our letter, obviously they visited the site significantly later after the attacks had happened.</p>

¹⁰³ Also referred to as “Holosiivskyi Park”.

<p>What do you know about the attacks?</p>	<p>I know a lot about the attacks since we communicated directly with law-enforcement officers and Roma NGOs about these attacks. Unfortunately, the majority of all criminal cases were closed. The only case where the trial is still ongoing is in Lviv case, where one person was killed. If I am not mistaken, they are not qualifying the case under the article 161 “Hate Crime”. They attempt to deal with it as “Hooliganism”.</p> <p>I met several times one of the leaders of S14. I suggested to exchange contacts in order to peacefully resolve the issue. I believed that together with local authorities, we, Roma activists can find common grounds with S14 activists. However, they refused to provide their contacts. They said they would find me on Facebook in case if needed. They have never done it so far.</p>
<p>What do you think were the reasons of those attacks?</p>	<p>I think that these were consistent events to undermine the situation in the country. Maybe you have heard about previous explosion of Polish consulate in Kharkiv and in Kyiv. Polish government and community expressed their condemnation and attacks stopped. Later, Hungarian cultural center and other building owned by the minority in Zakarpattia were set on fire. Again, Hungarian authorities reacted. After it, attacks stopped.</p> <p>And now the Roma minority was in the scope. No one is lobbying for Roma. In the majority of cases, there is no particular country that would</p>

	<p>stand for Roma, only in very general terms. I believe that some external forces organized these attacks. It is difficult to answer who are those forces. According to security services, it is Russia attempting to destabilize the situation.</p> <p>However, according to another opinion, municipal guard and S14 received financial support from the state for the development of the organizations. On the one hand, the state condemns them and on the other hand finances them, although being aware of their activities.</p> <p>Moreover, according to the unofficial data, a municipal guard is subordinated to the Ministry of Interior and directly to Avakov.¹⁰⁴ Again, I have the impression that they create such situation on purpose attempting to show that law-enforcement bodies work properly and do not allow destabilization of the situation in the country.</p>
How has the life of your community changed after the attacks?	<p>The attacks were committed against Roma from Zakarpattia. Their lifestyle differs from the lifestyle of my community and communities in central and eastern Ukraine. We have different dialects, language, culture, traditions and religion.</p> <p>Of course, our community was alarmed. I had clear associations with 1936-1940s and Germany when very similar events took place. It was very stressful.</p>

¹⁰⁴ The Minister of Interior.

	<p>We were especially worried that majority of society would support the radicals. They did not understand that these were attacks against people, destruction of property, harming health. Many were openly supporting attackers. You can especially see lots of hate speech in the comments under their videos and posts in social media. Extremely scary comments.</p> <p>Therefore, of course, all communities felt the impact in the central and eastern Ukraine as well. Everyone was very cautious.</p> <p>I know for example that in Zakarpattia, especially after the case of stabbing to death a Roma woman¹⁰⁵, they organized night patrolling. They were not scared during the day since there were always people on the streets. People were scared that at night someone will set on fire their houses.</p> <p>Roma in central and eastern Ukraine were worried and scared of the consequences too. They were afraid of provocations in other regions as well. However, many paid attention to the lifestyle of Zakarpattian Roma that are very obvious. We know that Roma who are begging, collecting scrap metal, separate trash on dump fields, steal etc. are from Zakarpattia. Thus, many thought that by behaving this way and not keeping our traditions, they are provoking people. As a result, the population is mad at each Roma, generally, at the Roma community as a</p>
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¹⁰⁵ This incident is not described in the paper. It happened in July 2018 near one of the biggest Roma camps in Zakarpattia, namely in Berehovo. The Roma woman was stabbed death by unknown. Later police investigated the case as domestic violence.

	<p>whole. That's why Roma were scared everywhere in the country. In case of mass attacks, people will not check where are you from, whether you are socialized differently and if you are integrated. They were scared that everyone may become victim just because you are Roma.</p>
<p>What is your opinion about police actions?</p>	<p>I was outraged by police actions in Ternopil region. First of all, in accordance with the strategy on the protection and integration of the Roma national minority in Ukrainian society, all regions were supposed to develop regional plans to implement this strategy. Four regions, including Ternopil where one attack occurred, refused to do so referring to 2001 census. According to that a very small number of Roma live in the region. Again, police merely responded to this attack. When they arrived to the scene, they collected evidence, cartridges. However, they could not contact the Roma living there. Once Roma activists managed to contact and invite victims to the police station, several police officers were making videos with humiliating comments about the outfit of Roma and their smell etc.</p> <p>Later, public activists gathered money and helped them to move home to Zakarpattia. The police did not want to start the case since there was no statement taken from the victims, even though according to the law, in armed attacks there is no need of victim statement. The criminal case can be opened based on the fact of the crime.</p>

	<p>The case was opened only thanks to public activists' pressure. However, it did not last long since the victims were living in Zakarpattia and could not come for interviews all the time. They withdrew their statement. The police were supporting to vanish the reports.</p>
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