



GYŰLÖLET-BŰNCSELEKMÉNYEK
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Working Group Against Hate Crimes

The Hate Crimes committed due to COVID-19

During the COVID-19 pandemic, the rules regulating our everyday life and our customs are changing almost every day. Nowadays it became normal that people are wearing masks outside their homes, whereas in the middle of March this was still new in downtown Pécs.

A Chinese student learning at the arts faculty of the University in Pécs was walking casually in the city. She was wearing a mask due to the pandemic, but others started pushing her and shouting at her. The rector of the University of Pécs addressed an open letter to the citizens of Pécs, drawing attention to the fact that "during the emergency, acts committed against foreigners studying in the city are becoming more and more frequent. This is especially true of East Asian students, despite the fact that they have been living in Western European countries since many years".

At the end of March, locals of Szekszárd wanted to beat a man who tested positive for COVID-19, and whose flat had a red sign, signalling that he was staying in official quarantine. The police needed to step in and protect him from the attackers.

The pandemic causes anxiety in all of us. However fear should not lead to violence. Individuals are neither responsible for the pandemic, nor for getting infected. Usually they are also not responsible if we get infected.

If you are attacked due to your COVID-19 infection, or due to a bias based on an assumption that you are infected, you are a victim of a hate crime.

What is a hate crime?

All those attacks are hate crimes which are motivated by a bias against a particular group of society which is consisting of members sharing an unchangeable characteristic of their personality. Hate crimes are also committed against members of groups which share a characteristic that they cannot change themselves, and which characteristic makes the group a vulnerable one. Such a characteristic can be their religion, their colour of skin, their sexual and emotional orientation, disability or a disease. The criminal laws sanction hate crimes even more strictly than usual crimes due to the fact that hate crimes are not only affecting those actually attacked, but can raise fears in other members of the same group. Furthermore, hate crimes can also raise tensions in the whole society.

Why is it a hate crime if you are attacked due to your COVID-19 infection, or due to the assumption that you are infected? Why is it a hate crime if the offender thinks you contributed to the spreading and worsening of the pandemic?

Article 216 of the Penal Code regulates hate crimes, or as it is officially called: violence against a member of a community. Even people infected with COVID-19 can become victims of hate crimes as

their health status is an essential characteristic which they possess regardless of their will. Based on the wording of the Penal Code, people infected with COVID-19 therefore count as members a distinct social group, and hence can be victims of hate crimes.

Victims do not need to actually possess a characteristic based on which they were attacked: it is enough to establish that a hate crime was committed if the offender assumes that the victim possessed the characteristic. Therefore, victims do not need to be infected or spread the virus, it is enough if the offender assumes they are infected with the virus or spread it.

The offender commits a hate crime if she/he attacks a foreigner, thinking that the foreigner is spreading the virus. The offender also commits a hate crime if she/he attacks a Hungarian citizen who seems to be sick, or who is coughing on the street.

What are the signs that the offender is biased against the victim?

The following factors can signal that the motivation of the offender was hateful and biased:

- the offender's verbal or written expressions (e.g. the offender says that the victim is an infectious virus, or if the offender writes hateful signs on the wall of the victim, or publishes such hateful comments in social media);
- the victim is wearing a mask, or coughs, sneezes, or any visible sign that she/he is a foreigner;
- the lack of any other motive for the attack.

Did you become a victim of a hate crime? Did you witness a hate crime?

- Request legal help from the Hungarian Helsinki Committee (helsinki@helsinki.hu) or from the Hungarian Civil Liberties Union (jogsegely@tasz.hu)!
- Report the crime to the police!