

## **The European Court of Human Rights sends a strong message in protection of the Roma communities**

On 17 January 2017, the Strasbourg Court condemned Hungary for breach of its obligations under Article 8 of the European Convention of Human Rights (right to respect one's private and family life), due to its failure to adopt a comprehensive law-enforcement approach to anti-Roma demonstrations. The case originated in 2012, when an anti-Roma demonstration was held in the town of Devecser, Hungary. Speeches were made following which demonstrators marched between houses inhabited by the Roma, threatening the inhabitants and engaging in acts of violence. The applicants, two Hungarian of Roma origin, complained that the authorities had failed in their obligations to protect them from racist threats during the demonstration and to conduct an effective investigation into the incident in breach of Article 8.

The Court declared the application to be admissible; even though the threats had not materialized they had been directed against the inhabitants on account of their belonging to an ethnic minority, and had thus necessarily affected the feelings of self-worth and self-confidence of its members, including the applicants.

The Court found that the cumulative effect of shortcomings in the investigations, especially the lack of a comprehensive law enforcement approach into the events, was that an openly racist demonstration, with sporadic acts of violence remained virtually without legal consequences and the applicants were not provided with the required protection of their right to psychological integrity (for more information see: <http://www.errc.org/blog/far-right-violence-against-roma-in-hungary-victory-in-strasbourg-for-the-helsinki-committee/152>).

The Court found that the cumulative effect of the shortcomings in the investigations, especially the lack of a comprehensive law-enforcement approach into the events, was that an openly racist demonstration with sporadic acts of violence had remained virtually without legal consequences and the applicants had not been provided with the required protection of their right to psychological integrity. Finally, the Court concluded that the State failure to comply with its positive obligations under Article 8 of the Convention amounted to a violation of Article 8, and awarded non-pecuniary and pecuniary damages to both applicants. In that sense the Strasbourg Court sent a clear message to national governments across Europe, that inactiveness toward violent and racist incidents will not be tolerated.

The full judgment can be found here:

[http://hudoc.echr.coe.int/eng#{"appno":\["10851/13"\],"itemid":\["001-170391"\]}](http://hudoc.echr.coe.int/eng#{)

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