

Common Features of Hate Speech in Hungary and in Japan

Eszter Kiss

MA student at Eötvös Loránd University, Hungary

Abstract

In this study first I will demonstrate how difficult it is to enact a regulation considering the tension between the right of free speech and the right to human dignity and what the arguments are for a milder and for a stricter regulation. Secondly I will highlight a new challenge, the regulation of online hate speech. Following that I will introduce the Hungarian legislation system, which regulates hate speech on several stages, in different branches of law. These laws have different culpability conditions, but also include controversial elements. At the last section I will analyse the appearance of hate speech, similarities and differences in Hungary and Japan. As a conclusion I could suggest that despite all differences the manifestation hatred and stereotypes against discriminated groups are universal.

Keywords: hate speech; human rights; right of free speech; right to human dignity; legal regulation; discrimination; stereotypes; extremist groups

Introduction

Discrimination and hate speech¹ present perennial challenges for modern democratic societies; Hungary is no exception. In recent years hateful utterances are being directed with increasing frequency especially against Roma people. Japan too struggles with a similar problem at present; the increasing manifestation of hatred against ethnic minorities has come to the attention of the United Nations. The Japanese government has been encouraged to enact legislation against hate speech as part of preparations for the 2020 Olympic Games.

In this study I will introduce legal and moral arguments for and against the regulation of hate speech, including online hate speech, a new challenge for law-makers. Following that I will introduce the Hungarian legislation system concerning hate

¹ However there is no universal definition of hate speech I use it as a term “covering all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin” (CECM Recommendation 1997 p. 107.)

speech. Finally I will analyse the appearance of hate speech in Hungary and by that I would display some common features of hate speech in Hungary and in Japan.

Polemics around regulation of hate speech

Regulation of hate speech is one of the most controversial jurisprudential questions. Not only in those states where the government intends to enact official regulation, but also in countries with long-time established hate speech laws – such as Germany, the United States or Hungary – debates about modifying or tightening regulation arise from time to time, especially after particular racist incidents. The basis of these discourses are not that hate speech should be regulated or not, but *how* to do this and what price can be acceptable for regulation in a democratic society. This is because when introducing legislation to curb hate speech we are forced to choose between two basic human rights: the right of free speech and the right to human dignity. In this section I will review the different arguments concerning this complex issue.

The first approach prefers a milder regulation in order to protect the right of free speech from any abuse. They propose to follow the '*clear and present danger*' principle, first articulated by Oliver Wendell Holmes in 1919 in the United States.² According to this principle an utterance cannot be banned on the basis of its content, its vulgarity or because it is insulting, offensive or scandalous etc.; it can be restricted only on the basis of its direct effect on listeners who as a result of the utterance are incited to engage in illegal behaviour. It is not required that these illegal actions should be carried out; in 1969 Supreme Court Justice Brennan articulated that it is enough that an utterance is 'directed to inciting or producing imminent lawless action and is likely to incite or produce such action.' (Brandenburg v. Ohio 1969)³ In this manner not a particular or a particular kind of utterance is restricted but the act of spreading hate and instigating other people. This is a principle followed by most countries' regulation, including Hungary.

² Supreme Court Justice Oliver Wendell Holmes's decision was a landmark in the history of regulating hate speech. He articulated first that the right of free speech can be limited, but prohibition of any statement is allowed to use only 'in such circumstances as to create a clear and present danger' and maintained that 'the character of every act depends upon the circumstances in which it is done.' Schenck v. United States (1919)

³ The process when a court has to decide whether a statement includes imminent lawless action(s) or not often called after this case as 'Brandenburg-test.'

The arguments behind the “clear and present danger” principle are based on the right of free speech. The UN’s Universal Declaration of Human Rights declares, ‘everyone has the right to freedom of opinion and expression,’ (Article 19) and interpretations of this section assert that this indicates the right to participate in public discourses and to express his/her opinion even if it is insulting, offensive, incorrect, untrue, stereotypical or immoral. (Halmai & Tóth, 2008, pp. 431432))

Protecting the right of free speech is a main interest of every democracy, because a democratic society could get strengthened and remain strong through open democratic discourses. Discussing alternative opinions contributes to solve problems; the different views should confront and battle on the *free marketplace of ideas*. So in a democracy unpleasant and extreme opinions should also appear in order to either get cleared through open debates or get rejected. The individuals should be able to discuss such views that are inconsistent with democracy, that do not share the idea of equal human dignity, because a democratic, plural society is characterized by critics that should be tolerated and managed. That is why many experts hold that hate speech is a necessary evil in a democracy, either we want to have the right of free speech with its every consequence or we have to completely reject it. (Molnár, 2003)

Content-neutrality is also important because there are no objective measurements of dangerous, extreme or offensive content. On the one hand every statement, even the most innocent ones could be construed as insulting depending on the sensitivity of a listener therefore individuals’ own sensibility should not be seen as grounds for restricting free speech. (Koltay, 2010) Such an interpretation of free speech serves to guarantee the neutrality of the state; if a state or a government starts decide which statements are acceptable and which are out of bounds it could easily get on the ‘slippery slope’ and label any other content undesirable. (Sajó, 2005, p. 38) Moreover, content-based regulation of free speech is open to abuse; after all the state is not competent to make choices or to take sides in ideological disputes. Furthermore there is a paradox in connection with content-based regulation: it is more likely to abuse regulation when the problem of hate speech seems to be really dangerous in a country and this danger urges to regulate it in a content-based way. Because if the major part of a society does not condemn spreading hate, then it is quite possible that the arbitrary use of restriction will also remain unopposed. (Molnár, 2008, p. 40) Besides it is also for content-neutrality that hate speech often appears encoded.

What concerns the implements of controlling hate speech, representatives of this approach highlight that criminal law is considered as '*ultima ratio*,' it should not be used if it can be avoided. They prefer to employ other branches of law (e.g. media law) or implements beyond the law system, such as education or an official standing out for minorities and against hate speech. They argue that unreasonable restriction could easily become contra-productive (Baker, 2008, pp. 19-20): prosecutions could help the haters to become famous or a martyrs; forcing the extremist groups into illegality tends to radicalize them and last but not least restriction only covers the actual problem and does not support to stop the hatred behind hate speech.

On the other hand there are more and more people who think that tightening the regulation up would be an appropriate answer to the increasing hatred against minorities. According to this approach a strict, probably even content-based regulation should be enacted in order to protect the right of human dignity. They assert that a state should never let that anybody would offend or even question the citizens' equal human dignity and the right of free speech does not cover such utterances that are considered to be hate speech. They argue that hate speech is not simply insulting or offensive but it strengthens prejudices and consolidates the defencelessness of minorities (Sajó, 2005, p. 168), therefore accepting it as an opinion protected by the right of free speech increases its toleration by the society which provides a ground for violence and exclusion towards minorities. (M. Tóth & Tordai, 2013b) In addition the unconcealed aim of hate speech is to intimidate minorities and by that reduce them to silence and prevent the equal access to the right of free speech. (Barát, 2008, pp. 107-108)

Those who support this view do not believe that an extensive restriction would endanger the open, democratic discourse. According to them hate speech is not worthy of protection (by the right of free speech) because it does not belong to the reasonable social debates; it is not conducive to democratic discourse; moreover, it seeks to circumvent democratic 'rules' (Baker, 2008, p. 6). They assert that basic values of democracy (including equal human dignity which is offended by hate speech) are such issues that should not be argued at all; besides there are representatives of this approach who even consider hate speech as 'an empty, solely affective, emotion-based utterance that does not contain any opinion.' (Tilk, 2005, p. 14)

Moral commitment against hate speech in forms of laws would also be widely supported in this view, because such a symbolic gesture given by the state would mark out the boundaries of social norms and show that the democracy is able to defend itself. (M. Tóth & Tordai, 2013a) It is often emphasized that the aim of restriction is definitely not to make the society 'better' or more tolerant; the law is not an adequate implement for this; but it could influence conventions, yield moral compensation for the aggrieved party and it would be dissuasive such as any other legal sanctions.

Finally historical responsibility is also a common argument for strict regulation. Several minorities were exposed significant persecution throughout history and after all it is no wonder that they become more sensitive towards any manifestation of hatred; that is why we the majority should take any insults against them more seriously. Particular utterances, even ones that seem innocent out of context, could be much more humiliating for a persecuted minority, because hate speech, even without explicit appeal for violence, could be the basis of genocides not so long ago. (Kirs, 2013)

New challenge: regulation of online hate speech

If this problem would not be complex enough, regulation of online hate speech definitely poses even greater challenges.

The Internet provides yields a perfect vehicle for radical groups. Under the protection of anonymity people tend to become aggressive and find it easy to degrade somebody or some group, humiliating them or questioning their human dignity. It is easy, cheap and fast to reach an audience, which could be much greater than in real life and could become international at any time. Even in case of obvious violation of law the perpetrators can easily evade prosecution: it is extremely difficult to define and prove who or what is the source of a particular insulting utterance, not to mention the issue of jurisdiction: who is responsible for particular content, the uploader or the web hosting service? It often occurs that the source of an utterance and the insulted party are divided in space and/or time, they could live in a separated culture, country or even continent. Which country is or should be authorized to start a prosecution: the country where the content was uploaded or the country where the insult took its effect? Radical groups love to make use of this legal shortcoming; they rent servers and buy domains not in their target- or homeland but somewhere else where the authorities cannot reach them.

These characteristics would call for a strict regulation concerning online hate speech; however there are also good reasons why we should abstain from strict restrictions. The Internet is considered the most democratic medium, the absolute ideal of *'the free marketplace of ideas,'* where arguments and counter-arguments are equally available and accessible, where anybody can equally practice the right of free speech regardless of social, economical status. For the very reason of anonymity it is not so easy to reduce somebody into silence by intimidation like in real life. The Internet makes it possible and encourages marginal groups to organize themselves and give utterance to their interests. Furthermore the Internet is a so-called *'pull-type medium,'* which means that the user has to take active steps to reach the information, contrary to the television's or public speech's passive recipient; therefore *'captured audience'* does not exist in the online world. (Bayer, 2003) We also have to take the contra-productivity into consideration: restriction of anything in the online world leads to immediate mystification, banning a website just makes it more popular.

One possible solution: hate speech regulation in Hungary

The Hungarian legislation system regulates hate speech on several stages. First of all The Fundamental Law of Hungary (the current constitution) guarantees the basic human right to human dignity and to the freedom of speech (Article II. and IX.) in accordance with the Universal Declaration of Human Rights. Decisions of the Constitutional Court of Hungary are also an important source of law in connection with human rights. Here I have to note that in 2013 the Hungarian Parliament overruled all of the former decisions published by the Constitutional Court but despite of this questionable move declarations have a great effect on interpretation and application of laws and the Constitutional Court's decisions are widely considered as valid.

The Constitutional Court's decisions about hate speech proclaim that *'announcing rancorous content is allowed (due to the right of free speech) but instigating, inciting people is prohibited'* (CC 1992) adhering in essence to the *clear and present danger* rule. These documents also maintain that *'the right of free speech refers to every statement regardless of its way, style, moral or social value and in most of the cases of its truth value, too.'* (CC 1994)

On that account incitement is prohibited by criminal law:

'Any person who before the public at large incites hatred against:

a) the Hungarian nation;

b) any national, ethnic, racial or religious group; or

c) certain societal groups, in particular on the grounds of disability, gender identity or sexual orientation; is guilty of a felony punishable by imprisonment not exceeding three years.' (Criminal Code Section 332.)

In this section a) is a quite questionable point because regulation of hate speech is designed to protect minorities, not the majority of a society. However criminal prosecutions because of incitements are very rare in Hungary and in the last 25 years only in two cases were found somebody guilty⁴; instead of that it is quite usual that the suspects (who often become also violent) are charged with public nuisance, which is much easier to prove on courts. Furthermore this regulation is coupled with a content-based restriction about a special case of hate speech, the open denial of Nazi or Communist crimes:

'Any person who denies before the public at large the crime of genocide and other crimes committed against humanity by Nazi and Communist regimes, or expresses any doubt or implies that it is insignificant, or attempts to justify them is guilty of felony punishable by imprisonment not exceeding three years.' (Criminal Code Section 333)

The first ruling on the basis of this section was handed down in January 2015; an article was banned from the most famous Hungarian radical website named *kuruc.info* (Index 2015). As I mentioned before content-based regulation is controversial on its own, so it is not surprising that this decision was also questioned, even one of the most significant human rights organisations (*TASZ*) has offered legal advice and defence for the website despite its obviously anti-Semitic and racist content. (*TASZ* 2015)

Hate speech is also regulated in the media law:

'(1) The media content may not incite hatred against any nation, community, national, ethnic, linguistic or other minority or any majority as well as any church or religious group.

(2) The media content may not exclude any nation, community, national, ethnic, linguistic and other minority or any majority as well as any church or religious group.' (Press Law Article 17)

This parallel regulation is necessary; first of all because the media law mentions exclusion besides incitement, which is a milder condition; therefore it can happen that a particular utterance would be protected by the right of free speech, but could not be mediated due to the media's significant opinion-shaping ability. This also manifests in practice; a way more proceedings start and finish with judgements (mostly with penal-

⁴ The first was Albert Szabó in 1998 (BH1998. 521.) and the other one was Tamás Polgár in 2013 (TASZ 2013)

ty) in this field than in the branch of criminal law. Secondly, in case of violation of the media law not the courts but the Media Authority is authorized to start a proceeding; and not the individual who personally said the hateful statement would be penalized but the responsible editor of the media content in question. At third – as I mentioned it before – criminal law is an *ultima ratio*-implement, it should be avoided to use if there are other possible options.

Last year a third legal option was enacted in the branch of civil law:

'(5) Any member of a community shall be entitled to enforce his personality rights in the event of any false and malicious statement made in public at large for being part of the Hungarian nation or of a national, ethnic, racial or religious group, which is recognized as an essential part of his personality, manifested in a conduct constituting a serious violation in an attempt to damage that community's reputation, by bringing action within a thirty-day preclusive period. All members of the community shall be entitled to invoke all sanctions for violations of personality rights, with the exception of laying claim to the financial advantage achieved.' (Civil Code Section 2:54)

This is a highly controversial provision; it was widely opposed by experts to enact it (Gárdos-Orosz & Pap, 2014) partly because of the questionable option that a member of a group would start a civil proceeding in the name of a whole offended group; but mostly because of the obvious rupture with the *clear and present danger* rule; this paragraph seems to be based on the sensitivity of individuals.

Appearance of hate speech

Knowing these detailed legal options and that Hungary has a 25-year history of regulation of discriminatory utterances it is quite unexpected that nowadays hate speech is a common phenomenon, which is becoming more and more mainstream and obviously more dangerous. In this section I would like to take a look at the similar elements of hate speech in Hungary and Japan. For a better understanding first I will shortly delineate the situation of the main targets of hate speech in Hungary and in Japan: the Roma, the Jewish and the Korean minority, after that I will highlight some of the common features of hate speech in the two countries.

Hungary's population is 10 million, from that 11,000 people considered themselves as a person of Jewish religion in 2011 (Census 2011), but approximately 100,000 people have stronger or weaker connections to the Jewish community through ancestry. (Sebök, 2013) Usually the target of hateful utterances is even wider: everybody who has or assumed to have Jewish origins. According to the Anti-Defamation League's recent study 41% of the Hungarian adult population proved to be anti-Semitic. (ADL Glob-

all100) More than half of the Hungarian society shares the historical stereotypes like Jews are immoral, unloyal to their host country and want to control the world by their enormous financial power. Discrimination towards them usually does not manifest in practice but more often in statements that propose exclusion and moderating the ‘Jewish power.’

Roma people have been living in Hungary for hundreds of years and they are the largest ethnic minority. It is difficult to estimate the exact number of this population; many people hide his/her identity because of the fear of discrimination, official reports talk about 250,000-300,000 people (Census 2011) depending on which aspect(s) of identity (e.g.: mother tongue, language used in everyday life, cultural connections) is/are asked about, but according to sociological surveys even more than 500,000 Roma people live in Hungary. (Kemény, Janky, & Lengyel, 2004, pp.14-15.) Despite the existence of several dialects of Roma language it is rarely used, the mother tongue of most of the Roma people is Hungarian. The Roma culture and traditions are poorly known by the society. A great part of the Roma people live in poor living conditions, in highly deprived areas and the unemployment rate is extremely high among them. Because of the poor conditions and constant stigmatization only a few Roma people could get into the higher education and only very few of them could get a job with high social prestige. (Policy Solutions, 2012) Discrimination towards Roma people is highly extensive; it manifests in the field of education, employment, renting issues, the practice of police and authorities (racial profiling), as well as in the everyday life. According to a representative survey (Monori & Kozma, 2010) more than 80% of the Hungarian society have prejudices and share stereotypes in connection with Roma people.

In Japan the main target of hatred are ethnic Koreans (*Zainichi Koreans*). Japan’s population is 127 million and approximately 500,000 Korean permanent residents live in the country (Statistics Japan, 2013), but the whole Korean population in Japan could be 1 million including those who have Japanese nationality. (LAZAK, 2014, p. 4.) Zainichi Koreans face discrimination in their everyday life, for example we can find ‘*Japanese Only*’ signs in shops, at football games or in real estate advertisements, (IMADR, 2014a, p. 12.) but they also experience systematic official exclusion, for example from the National Pension Scheme. (LAZAK, 2014, pp. 8-13.)

These stereotypes, which are connected to Roma people, show a great correspondence with the Japanese stereotypes connected to the Korean minority. The ‘gipsies’ (‘gipsy’ is a fairly degrading name for Roma people) are associated with squalor, un-

employment and criminality, they are said to be lazy who are living from social benefits. They are regarded as some parasitical immigrant group, which fundamentally differs from the host society, threats it sometimes even physically and steals their goods literally as well as theoretically by abusing the welfare system and not working or paying taxes.

We can also find parallel traits in emerging extremist groups. The Hungarian far-right, anti-Semitic and racist group, *Magyar Gárda / Hungarian Guard*⁵ (which is strongly connected to the far-right political party, *Jobbik*) get strengthened at the same time when the Japanese *Citizens (Zaitokukai)* become a significant movement around 2007. Both groups used the Internet and the social media, including blogs as a crucial implement to reach their target group.

For a further analysis of similarities it is handfull to use the UN CERD's indicator list (UN Decision 2005), which is originally served to reveal crucial components of massive racial discrimination, because the existence of these factors known to be important components of situations leading to conflict and even genocide; but now it can help us show similarities in manifestation of discrimination.

⁵ For further reading about the Hungarian Guard and about its hereditary, the New Hungarian Guard I can recommend the Athena Institute's description. (Athena Institute 2014)

Indicators	Hungary	Japan (UN Report 2014)
1. Lack of a legislative framework and institutions to prevent racial discrimination and provide recourse to victims of discrimination.		X
2. Systematic official denial of the existence of particular distinct groups.		X
3. The systematic exclusion - in law or in fact - of groups from positions of power, employment in State institutions and key professions such as teaching, the judiciary and the police.	X	X
4. Compulsory identification against the will of members of particular groups, including the use of identity cards indicating ethnicity.	X	X
5. Grossly biased versions of historical events in school textbooks and other educational materials as well as celebration of historical events that exacerbate tensions between groups and peoples.		X
6. Policies of forced removal of children belonging to ethnic minorities with the purpose of complete assimilation.		
7. Policies of segregation, direct and indirect, for example separate schools and housing areas.	X	
8. Systematic and widespread use and acceptance of speech or propaganda promoting hatred and/or inciting violence against minority groups, particularly in the media.	X	X
9. Grave statements by political leaders/prominent people that express support for affirmation of superiority of a race or an ethnic group, dehumanize and demonize minorities, or condone or justify violence against a minority.	X	X
10. Violence or severe restrictions targeting minority groups perceived to have traditionally maintained a prominent position, for example as business elites or in political life and State institutions.		
11. Serious patterns of individual attacks on members of minorities by private citizens, which appear to be principally motivated by the victims' membership of that group.	X	X
12. Development and organization of militia groups and/or extreme political groups based on a racist platform.	X	X
13. Significant flows of refugees and internally displaced persons, especially when those concerned belong to specific ethnic or religious groups.		
14. Significant disparities in socio-economic indicators evidencing a pattern of serious racial discrimination	X	X
15. Policies aimed at the prevention of delivery of essential services or assistance, including obstruction of aid delivery or access to food, water, sanitation or essential medical supplies in certain regions or targeting specific groups.		

We could see that Hungary has a very detailed legislative framework, which lacks in Japan (*Indicator 1*). According to these indicators there are two other signs that do not appear in Hungary, but lead to problems in Japan. The Korean minority in Japan is almost invisible, many of the residents use Japanese names to avoid discrimination and the situation of the Japanese Koreans is hardly taught in education (*Indicator 2*). (UN Report 2014. p. 17.) This phenomenon is strongly connected to the biased parts of history teaching (*Indicator 5*), all historical textbooks are screened by the state (UN Report 2014. p. 18.) and governmental attempts have taken place to suppress statements in Japanese history textbooks regarding to the ‘comfort women,’ who were suffered from sexual exploitation during World War II in Japan. (Johnston, 2015)

Patterns of segregated education often appear in Hungary (Kertesi & Kézdi, 2009), sometimes coupled with segregation of whole villages or segregated areas, ‘ghettos’ of a settlement (*Indicator 7*). (Kopasz, 2004; Kertesi & Kézdi 2014).

From the similarities of the two countries I have already mentioned poverty and pauperization of the Roma people (*Indicator 14*), their exclusion from key professions (*Indicator 3*) as a result of poverty and discrimination. (Policy Solutions, 2012) The situation of the Japanese Koreans is not better, many of them experience exclusion from particular employment opportunities, especially those, who do not have Japanese nationality, for example they are not eligible to become national public servants or they can only teach in secondary positions (*Indicator 3*). (UN Report 2014 p. 18.) Furthermore according to the Japanese national census of 2010, the unemployment rate is higher among them than in the whole society (*Indicator 14*). (cited by UN Report 2014 p. 20.) The development of the militaristic Magyar Gárda and the Japanese Zaitokukai has also been mentioned before (*Indicator 12*). Identification somebody as a ‘gipsy’ who has a darker skin colour or a ‘gipsy name’ is an everyday practice and often the basis of discrimination, while in Japan anybody could easily be identified as an ‘alien’ by not having Japanese name (*Indicator 4*).

In Japan we can find popular printed newspapers where hate speech flourishes and also a large number of discriminatory comments posted to websites that are supposed to have Korean contributors. (IMADR, 2014a, pp. 10-11.) The social acceptance of hate speech in Hungary is remarkably high; the second popular party is the radical party Jobbik, there are a bunch of extremist news sites and the mainstream media also often use such framing and editing techniques that consolidate stereotypes (*Indicator 8*). (Bernáth & Messing, 2012) This acceptance is partly based on that the mainstream

politics is not better anymore; mainstream politicians allude Roma people as parasite, criminal groups, the absolutely non-acceptable, stereotypical term of ‘gipsy-criminality’ could take a root in everyday politics and nobody gets surprised when time to time a governmental party politician proposes segregated education for Roma children or defends those schools where segregated education was established (*Indicator 9*). (Index, 2013) Public officials in Japan do not abstain either from discriminatory utterances, there are several examples of relativizing the suffering of ‘comfort women.’ (IMADR, 2014b pp. 11-13.)

Finally, in Hungary an extremely shocking hate crime was also committed (*Indicator 11*): in series of attacks in 2008-2009 radicals, who are strongly connected to the Magyar Gárda, murdered six Roma people, including a 5-year old child.⁶ In Japan we could mention a less serious case when in 2009 Japanese people, including members of the movement Zaitokukai, attacked a Korean primary school and shouted inflammatory statements. A few weeks later Zaitokukai members and other people also carried out a demonstration around the school. The school has filed a complaint and four perpetrators were arrested and prosecuted, but it is more important that it is the very first judgment by Japanese court in which an act of hate speech was recognized as racial discrimination. (IMADR, 2014a, pp. 7-8.)

Conclusion

It is needless to say that further research would be expedient for a more proper understanding of the background and motivations of these cases and to deepen the comparative analysis between the two countries. But as a conclusion of this analysis and as a potential starting point of further studies I would suggest that in spite of all differences such as the legislative environment, the socio-cultural milieu and the target of hatred; the manifestation of this hatred and the stereotypes against the discriminated groups are universal. This assumption seems more convincing if I consider that a former study of mine on this topic concluded that the stereotypes mentioned above are very similar that are applied to the immigrant groups in Norwegian society.

⁶ In this case in 2013 the court on the first instance sentenced three of the defendants for life imprisonment and the fourth defendant for a 13-year long prison, but they all have appealed. The judgement is not available until it becomes legally binding, and the trial on the second instance starts only in April 2015.

I also think that regulation of hate speech is an extraordinary complex issue; but Hungary's example could show that it is not enough to enact appropriate laws to control hate speech, it is at least as important to make these rules observed and also to recognize and to deal with the source of the problem: take action against stereotypes.

Biography

Eszter Kiss started her MA programme on Communication and Media Studies in 2014 at Eötvös Loránd University, Hungary. She did her BA studies on the same department and graduated in June 2014. On the basis of her minor studies –Norwegian language and culture, – she wrote her thesis on hate speech in Hungary and Norway; about similarities and differences in legislation and practice of the courts and she also compared a Hungarian far-right blogger with a Norwegian anti-Islamist blogger. From October 2012 to April 2013 she spent her internship at the Orgio.hu, which is one of the most popular Hungarian news sites. At present she is an intern at Cink.hu, the Hungarian department of Gawker Media. Her recent research field is immigration, the media representation of the immigrants and refugees arriving to Hungary and its influence to the attitude of the host society.

Bibliography

- Baker, C. E. (2008). *University of Pennsylvania Law School - Faculty Scholarships*. In Hate Speech: http://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1197&context=faculty_scholarship (2015.03.15.)
- Barát, E. (2008). A gyűlöletbeszéd logikája. *Századvég*, 13 (48), pp. 105-114.
- Bayer, J. (2003). *Javaslat a gyűlöletbeszéd kezelésére*. In Jogi Fórum : http://http://www.jogiforum.hu/files/mediajog/bayer_judit-internetes_gyuloletbeszed%5Bjogi_forum%5D.pdf/btk03osz/Bayer.pdf (2015.03.15.)
- Bernáth, G., & Messing, V. (2012). *Szélre tolvá*. In Médiakutató: http://www.mediakutato.hu/cikk/2012_01_tavasz/05_roma_mediakep (2015.03.18.)
- Gárdos-Orosz, F., & Pap, A. L. (2014). Gondolatok a gyűlöletbeszéd polgári jogi szabályozásának jogi és jogpolitikai környezetéről. *Állam- és Jogtudomány*, 55 (2), 3-26.
- Halmi, G., & Tóth, G. A. (2008). *Emberi jogok*. Budapest: Osiris.
- Index. (2013). *Balog a szeretetteli szegregációban bízik*. In Index: http://index.hu/belfold/2013/04/26/balog_a_szeretetteli_szegregacioban_bizik/ (2015.03.18.)
- Index (2015): Itt van az első cikk, amit Magyarországon betiltottak in http://index.hu/belfold/2015/01/14/itt_van_az_elso_cikk_amit_magyarorszagon_betiltottak/ (2015.03.15.)

- Johnston, E. (2015). *U.S. historians slam Abe effort to change textbook dealing with 'comfort women'*. In The Japan Times:
<http://www.japantimes.co.jp/news/2015/02/09/national/u-s-historians-slam-abe-effort-to-change-textbook-dealing-with-comfort-women/#.VQcWNWZDY4> (2015.03.18.)
- Kemény, I., Janky, B., & Lengyel, G. (2004). *A magyarországi cigányság 1971 - 2003*. Budapest: Gondolat.
- Kertesi, G., & Kézdi, G. (2009). *Általános iskolai szegregáció Magyarországon az ezredforduló után*. Budapest: Magyar Tudományos Akadémia.
- Kertesi, G., & Kézdi, G. (2014). *Iskolai szegregáció, szabad iskolaválasztás és helyi oktatáspolitikai 100 magyar városban*. Budapest: Magyar Tudományos Akadémia.
- Kirs, E. (2013). *Olaj, cseppenként*. In Magyar Narancs:
<http://magyarnarancs.hu/publicisztika/olaj-cseppenkent-86615> (2015.03.15.)
- Koltay, A. (2010). *Élet és Irodalom*. In A gyűlöletbeszéd korlátozhatósága:
http://www.es.hu/koltay_andras;a_gyuloletbeszed_korlatozhatosaga;2010-03-25.html
 (2015.03.15.)
- Kopasz, M. (2004). *Lakóhelyi szegregáció és társadalmi feszültségek a magyarországi településeken*. In T. Kolosi, I. G. Tóth, & G. Vukovich, *Társadalmi riport 2004* (pp. 414-424). Budapest: TÁRKI.
- Lawyers Association of Zainichi Koreans (LAZAK). (2014). *Discrimination Against Koreans in Japan: Japan's Violation of the International Convention on the Elimination of All Forms of Racial Discrimination*. in United Nations Human Rights:
http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/JPN/INT_CERD_NGO_JPN_17768_E.pdf (2015.03.18.)
- Molnár, P. (2003). *Egy vita azonosítása*. In *Élet és Irodalom*:
http://www.es.hu/molnar_peter;egy_vita_azonositasa;2003-11-10.html (2015.03.15.)
- Molnár, P. (2008). *A gyűlöletbeszéd büntethetősége*. *Fundamentum*, 12 (2), pp. 39-41.
- Monori, Á., & Kozma, K. (2010). *A Mónika-show és a Joshi Bharat című műsorok romaképe 2009-ben*. In *Médiakutató*:
http://www.mediakutato.hu/cikk/2010_02_nyar/02_monika_joshi_bharat_roma
 (2015.03.15.)
- M. Tóth, B., & Tordai, C. (2013a). *A gyűlöletkeltő szólásról*. In Magyar Narancs:
<http://magyarnarancs.hu/publicisztika/a-gyuloletkelto-szolasrol-85824> (2015.03.15.)
- M. Tóth, B., & Tordai, C. (2013b). *Magyar Narancs*. In *Miért kell a sorompó?*:
<http://magyarnarancs.hu/publicisztika/m-toth-balazs-tordai-csaba-a-gyuloletbeszed-vita-tanulsagairol-86998> (2015.03.15.)
- Policy Solutions. (2012). *A romák helyzete Magyarországon*. In Policy Solutions:
<http://www.policysolutions.hu/userfiles/elemzesek/A%20rom%C3%A1k%20helyzete%20Magyarorsz%C3%A1gon.pdf> (2015.03.18.)
- Sajó, A. (2005). *A szólásszabadság kézikönyve*. Budapest: KJK-Kerszöv.
- Sebők, L. (2013). *A magyarországi zsidók a számok tükrében*. In Rubicon Online:
http://www.rubicon.hu/magyar/oldalak/a_magyarorszagi_zsidok_a_szamok_tukreben/
 (2015.03.15.)

TASZ (2013): Az uszítást jogerősen megállapította, a büntetést viszont jelentősen enyhítette a bíróság in <http://tasz.hu/szolasszabadsag/az-uszitasi-jogerosen-megallapította-buntetést-viszont-jelentosen-enyhítette-birosag> (2015.03.15.)

TASZ (2015): Jogsegélyt ajánl a kuruc.infonak a TASZ in <http://tasz.hu/szolasszabadsag/jogsegelyt-ajanl-kurucinfonak-tasz> (2015.03.15.)

Tilk, P. (2005). A kifejezési szabadság és a gyűlöletbeszéd néhány alkotmányjogi vonatkozása. *Acta Humana*, 16 (1), pp. 5-32.

International Documents

Council of Europe Committee of Ministers (1997): Recommendation No. R. (97) 20 of the Committee of Ministers to Member States on 'Hate Speech' in http://www.coe.int/t/dghl/standardsetting/hrpolicy/other_committees/dh-lgbt_docs/CM_Rec%2897%2920_en.pdf (2015.03.15.) (CECM Recommendation 1997)

ERD Net Report on Hate Speech in Japan (UN Report 2014) – report by UN CERD 2014 in http://imadr.org/wordpress/wp-content/uploads/2014/07/CERD_85th-session_Japan_ERD-Net-report-2-Hate-Speech.pdf (2015.03.15.)

The International Movement Against All Forms of Discrimination and Racism (IMADR). (2014a). *NGO Report on The Issue of Hate Speech in relation to the Issue No. 10 of the List of Issues adopted by the Human Rights Committee (CCPR/C/JPN/Q/6)*. In The International Movement Against All Forms of Discrimination and Racism: http://imadr.org/wordpress/wp-content/uploads/2014/07/Hate-Speech-in-Japan_ERD-NET_Human-Rights-Committe_111th-session.pdf (2015.03.18.)

The International Movement Against All Forms of Discrimination and Racism (IMADR). (2014b). *Racial Discrimination in Japan (ERD Net submission, CERD 85th session, 2014)*. In The International Movement Against All Forms of Discrimination and Racism: <http://imadr.org/materials/minorities-in-japan-erd-net-submission-cerd-85th-session-2014/> (2015.03.18.)

UN CERD Decision (UN Decision 2005) on Follow-up to the Declaration on the Prevention of Genocide: Indicators of Patterns of Systematic and Massive Racial Discrimination 2005 in http://www.ohchr.org/Documents/Press/indicators_for_genocide.pdf (2015.03.15.)

The Universal Declaration of Human Rights

Hungarian sources of law

The Fundamental Law of Hungary (25 April 2011)

30/1992. (V. 26) Declaration of the Constitutional Court (CC 1992)

36/1994 (VI. 24) Declaration of the Constitutional Court (CC 1994)

Act C. of 2012 on the Criminal Code

Act V. of 2013 on the Civil Code

Act CIV. of 2010 on the Freedom of the Press and the Fundamental Rules of Media Content (Press Law)

BH1998. 521. (Hungarian Court decision)

Decisions of the Supreme Court of the USA

Schenck v. United States 249 U.S. 47 (1919) in
<https://supreme.justia.com/cases/federal/us/249/47/case.html> (2015.03.15.)

Brandenburg v. Ohio 395 U.S. 444 (1969) in
<https://supreme.justia.com/cases/federal/us/395/444/case.html> (2015.03.15.)

Statistics and databases

ADL Global100 – survey by Anti-Defamation League (<http://global100.adl.org/>) (2015.03.15.)

Athena Institute (2014): Hungarian National Guard in
<http://athenainstitute.eu/en/map/olvas/41> (2015.03.15.)

Population Census, 2011 (<http://www.ksh.hu/nepszamlalas/?lang=en>) (2015.03.15.)

Statistics Japan - Statistics Bureau of Ministry of International Affairs and Communications. (2013). *Foreign National Residents by Nationality*. In Statistics Japan: www.stat.go.jp/data/nenkan/zuhyou/y0214000.xls (2015.03.18)