



## European network of legal experts in gender equality and non-discrimination

### NEWS REPORT

<b>Country:</b>	Hungary
<b>Title:</b>	Mayor found to have committed harassment when calling on local residents not to sell real estates to Roma people
<b>Date:</b>	10 January 2017
<b>Expert:</b>	Kádár, András
<b><u>Context</u></b>	
<b>Issue at stake:</b>	Whether a mayor's open letter to local residents to refrain from selling their real estates to non-local Roma people, amounts to harassment under the relevant Hungarian legislation
<b>Ground of discrimination:</b>	Race/ethnic origin
<b>Source:</b>	National equality body (Decision EBH/549/2016 of the Equal Treatment Authority, delivered on 8 November 2016)
<b>Field:</b>	Housing
<b>Applicable law:</b>	Articles 7 and 10 of Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities (ETA)

### Content

**Case development:** In July 2015, the mayor of Mezőkeresztes (North-East Hungary) published in the municipal council's newspaper an open letter (titled "Let us stop the decrease of real estate prices") to the town's residents, in which he encouraged the residents to sell their real estates to companies or private persons with regular income, who are capable of accumulating savings or start viable enterprises. The mayor also asked the resident to "if they can [...] refrain from selling their real estates to Roma people coming from other settlements". The open letter was also published on the council's website. The Hungarian Civil Liberties Union launched an *actio popularis* proceeding before the Equal Treatment Authority, claiming that the mayor had committed harassment based on ethnicity. The mayor failed to make a statement in the proceeding.

**Decision of the Authority:** In its decision of 8 November 2016, the Authority concluded the following: it can be established beyond any doubt that in the open letter addressed to the public, the mayor suggested that Roma people moving in from other settlements cannot be private persons with regular income, nor can they be capable of accumulating savings or start viable enterprises, and if they buy the real estate with an instalment-plan, they are unlikely to fully pay the price and the owner must be prepared to enter into long legal disputes with them. The Authority is of the view that it violates in itself the dignity of Roma people if the mayor calls on the population to refrain from selling their real estates to them. Examined in its context, the Mezőkeresztes mayor's open letter is undoubtedly capable of creating a hostile, humiliating or offensive environment vis a vis the Roma people, so the mayor committed harassment. The Authority obliged the mayor to remove the open letter from the municipal council's website. It also ordered that its decision be published (besides the Authority's own website) in the next issue of the

council's newspaper and on the municipal council's website (for 30 days). Finally, the Authority imposed a fine of HUF 100,000 (EUR 320) on the mayor.

**Key points of analysis:** Based on previous case law, the main issue is whether – if the mayor requests the judicial review of the decision – the Hungarian courts will find the ETA applicable in the case, since the victims of the violation are not actual residents of the town, but prospective ones, and so far it has been the interpretation that mayors' actions only fall under the ETA's scope if they are committed in relation to local residents, or other persons with regard to whom a mayor has functions/tasks/obligations set out in the law.

**Internet link source:** <http://www.egyenlobanasmod.hu/article/view/ebh-549-2016> and [http://index.hu/belfold/2016/11/16/nem\\_akart\\_cigany\\_lakokat\\_a\\_polgarmester\\_birsagot\\_kapott/#](http://index.hu/belfold/2016/11/16/nem_akart_cigany_lakokat_a_polgarmester_birsagot_kapott/#).