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FLASH REPORT

Country:	Hungary
Title:	Second instance court decision on the harassing practices of the Municipality of Miskolc
Date:	19 July 2019
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Update of flash report:	Hungary - First instance court decision on the harassing practices of the Municipality of Miskolc (PDF 127 kB) (2019)
Context	
Issue at stake:	Whether harassing municipal practices targeting the Roma population amount to a violation of the Roma victims' human dignity
Grounds of discrimination:	Racial or ethnic origin
Field of application:	Housing, Other field
Source:	National court decision, Debrecen Court of Appeal, 9 May 2019
Applicable law:	Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities, Act IV of 1959 on the Civil Code

Content

Case development:¹ Miskolc, the third largest city in Hungary, has been openly hostile towards its Roma inhabitants for years. Discriminative measures have been carried out and the municipality's communication was hostile and stigmatizing. Municipal authorities (public health, child protection, social administration authorities, etc.) have been carrying out recurring and concentrated inspections in the segregated, mainly Roma neighbourhoods. Furthermore, the municipal council has taken numerous measures to drive out indigent (mainly Roma) families from the city, including an amendment of its housing decree (found unlawful by Hungary's supreme court, the Curia) and a practice of systematically terminating the social housing tenancies of persons living in a highly segregated, low comfort part of the town, called the "Numbered Streets" without taking any measures to provide the tenants with alternative housing and thus exposing them to the threat of homelessness.

After these antecedents, the Hungarian Civil Liberties Union and the Legal Defence Bureau for National and Ethnic Minorities (NEKI) submitted an *actio popularis* civil law claim to the Miskolc Regional Court. In its decision of 12 December 2018, the Miskolc Regional Court concluded that through the raids held in the Roma neighbourhoods, the elimination of social housing without providing adequate guarantees against homelessness and the manner in which the municipality communicated the issue to the public, the Municipality of Miskolc and the Miskolc Municipal Law Enforcement Body had violated the human dignity

¹ The case description relies on the summary prepared by the Hungarian Civil Liberties Union: <https://hclu.hu/en/articles/hungarian-courts-protect-the-rights-of-roma-in-the-largest-anti-discrimination-lawsuit>.

and the right to non-discrimination of the Roma of Miskolc, as these practices and this form of public communication amounted to harassment based on ethnicity. The court obliged the respondents to publish an apology on the municipal website, and through the Hungarian news agency, and also obliged the respondents to pay a so-called public interest fine of HUF 10 million (ca. EUR 31 000) to be spent on integrative housing measures in the city. The municipality submitted an appeal against the decision and the mayor declared publicly that he had no intention of changing his policies.

Decision of the court: The Debrecen Court of Appeal fully upheld the judgment in its second instance decision of 9 May 2019. The Court confirmed that the development of a humiliating and intimidating environment for the population of the segregated areas was not only an unintended side-effect, but actually the intended impact of the concentrated inspections. The Court emphasised that the obligation to respect the laws is especially important in the case of public authorities vested with the task of enforcing them. The violations committed by some individuals belonging to the group concerned by the inspections do not authorise public authorities to break the laws themselves, and such violations especially do not authorise public authorities to treat and stigmatise the whole community as a group conducting a criminal way of life and unable to integrate into mainstream society. The Court also stressed that the municipality was responsible for direct discrimination and harassment, and therefore, the public interest fine of HUF 10 million was not excessive.

Key points of analysis: The decision is important for – at least – two reasons. First, it sends an important symbolic message that municipalities bear responsibility for how they treat the marginalised, vulnerable minorities subject to social bias living in their territory. Second, the specific prescription of how the public interest fine shall be used for integrative housing measures fits into a series of decisions that indicate a move of the Hungarian jurisprudence from general obligations to end discriminative practices to more specific decisions on how respondents found to have committed discrimination are required to fulfil this obligation.

Internet link source: <https://tasz.hu/a/files/img-520123850-0001.pdf>.