

NEWS REPORT

Date: 21 December 2009
Expert: Kádár, András
Title: Equal Treatment Authority establishes harassment in ex officio proceeding against local mayor using hate speech
Country: Hungary

Context

Issue at stake: The application of harassment provisions for the sanctioning of hate speech by public figures.

Ground of discrimination: race/ethnic origin

Source: national equality body

Field: other

Legislative provisions: Articles 10 and 16 of Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities

Content

Case: At the local council meeting of Edelény (North-East Hungary), the town's mayor, Oszkár Molnár made the following statement: "in the neighbouring settlements, in settlements with a Gypsy majority, for instance in Lak, for instance in Szendrőlád, pregnant women take medication so that they would give birth to demented children so that they would be entitled to increased family allowance. Women during their pregnancy – I looked into this and it is true – keep hitting their bellies with rubber hammers so that they would give birth to disabled children." The statement was widely covered by the national media. On 8 September the Equal Treatment Authority (Hungary's national equality body) launched an ex officio proceeding against the mayor. The Authority heard as witness the President of the Edelény Roma Minority Self-Government who submitted to the Authority a petition signed by 83 Roma women protesting against the mayor's statement. The Vice-president of the Szendrőlád Roma Minority Self-Government was also heard. He submitted a joint complaint signed by 359 Roma women from Lak and Szendrőlád.

The mayor attempted to defend his statement through a number of arguments, some of which were in contradiction with each other. He claimed that a) his words had been misinterpreted and he had not intended to claim that such practices were characteristic of Roma women only; b) he had already apologised to the towns he had named in the statement; c) he knew about actual cases when pregnant women had done what he had described (but he refused to identify these actual cases); d) it is described in medical literature that Roma people often conduct a way of life

(drink, smoke and take drugs) that is dangerous to the health of the foetus, therefore, he had made his statement in order to protect the equal opportunities of the babies to be born. These explanations were not accepted by the Authority

Decision of the Authority: In its decision no. 1475/2009, the Equal Treatment Authority established that the mayor's statement (that became known to the wider public as well) was potentially capable of creating a hostile, degrading, humiliating and offensive environment for pregnant Roma women living in the two identified towns and their neighbourhood, and to exert a negative impact on the identity, personality and futures lives of these women, by contributing to their bad reputation and increasing the prejudices they face.

Thus, the Authority established that the mayor's statement accounted for harassment under Article 10 of the Equal Treatment Act. The Authority sanctioned the statement by ordering that its decision shall be made public for 90 days. The mayor filed for a judicial review against the decision. The review is still pending.

Internet link source and additional information :

<http://www.egyenlobanasmod.hu/zanza/1475-2009.pdf>