



NEWS REPORT

Update of flash report nr:	369-HU-13-HU
Date:	10 August 2010
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Title:	Court approves Equal Treatment Authority decision establishing harassment in ex officio proceeding against local mayor using hate speech
Country:	Hungary
Context	
Issue at stake:	Court stance on the application of harassment provisions for the sanctioning of hate speech by public figures.
Ground of discrimination:	Race/ethnic origin
Source:	National court decision (Metropolitan Court - no: 8.K.34.427/2009/3)
Field:	All
Legislative provisions:	Articles 4, 10, 14 and 15 of Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities (ETA)

Content

Case/law/political development: Oszkár Molnár, the mayor of Edelény (North-East Hungary) filed a request to courts for a judicial review against the Equal Treatment Authority's decision establishing that by making degrading remarks about Roma women at the local council's meeting, he committed harassment. In his petition the mayor claimed that a) he does not fall under the personal scope of the ETA, as he made his statements as a member of the local council and not as mayor; b) he did not expressly name the Roma minority in his statement; and c) it was not him who made the statements public (another member of the council published the audio recording of the meeting on the internet).

Decision of the Court: In its decision of 22 March 2010 (no: 8.K.34.427/2009/3), the Metropolitan Court rejected the mayor's claim. The Court stated that Oszkár Molnár's capacities as member of the local council and mayor cannot be artificially separated: he made the statements in an official context and therefore falls under the scope of the ETA. Furthermore, the court held that from the context in which the statements were made, it was clear that the mayor targeted his statements against the Roma community. Finally, the court expressed the view that since the meeting of the local council was public, the fact that the statements were made available to the wider public by someone else, does not exempt the mayor from the responsibility for the harassing effect his statements had on the Roma community of the neighbouring settlements.