

NEWS REPORT

Update of flash report nr:	472-HU-19-HU_ETA_decision_on_hate_speech_by_mayor_Kiskunlachaza
Date:	21 December 2010
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Title:	Court quashes decision of Equal Treatment Authority condemning mayor for hate speech
Country:	Hungary
Context	
Issue at stake:	Whether a mayor making a speech at a local demonstration acts in his/her official capacity and may therefore be drawn under the scope of the Equal Treatment Act
Ground of discrimination:	Race/ethnic origin
Source:	National court decision (Decision no. 8.K.31.232/2010/3. of the Metropolitan Court)
Field:	Other
Legislative provisions:	Article 4 of Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities

Content

Case: In 2009, the mayor of Kiskunlacháza made statements in relation to the murder of a young girl (for which a non-Roma person was later found guilty) implying that the murder had been committed by Roma people. The statements were made at a local demonstration and also in a local newspaper. In January 2010, the Equal Treatment Authority established that by doing so, the mayor had committed harassment, since in an already tense ethnic situation his statements were able to create fear on behalf of the Roma inhabitants and contribute to an environment that is hostile to them. The mayor requested the decision's judicial review.

Decision of the Court: In its decision delivered in October 2010 (but communicated in writing only in November), the Metropolitan Court established that a mayor may only be drawn under the scope of the Equal Treatment Act (ETA) if he/she acts in his/her official capacity. In the Court's



view a mayor who speaks at a demonstration or writes an article does not perform his/her official duties as set by the law, and therefore may not be called to account under the ETA's Article prohibiting harassment even if he uses the title of his/her office (the said article was signed by the mayor in a way that also showed his title), since Article 4 of the ETA extends the scope to mayors (as organs of the local council) only in relation to their official duties. On this basis, the Court quashed the Authority's decision and obliged the Authority to restart the proceeding and deliver a new decision. The Authority submitted a request for the court decision's review by the Supreme Court. The case is pending before the Supreme Court.