

Poverty, discrimination and intersectionality

Cases investigated by the
Equal Treatment Authority
Hungary

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**The Equal Treatment Act entered into force in
January 2004**

(Act CXXV of 2003)

Since then one of the 20 discrimination grounds is

FINANCIAL STATUS

(Article 8, point: q)



Definition of FINANCIAL STATUS

(not in the law)

- ❖ complainants mainly refer to **POVERTY** when they mention this ground
- ❖ only a few cases were investigated since the establishment of the ETA

INTERSECTIONALITY

(not a legal terminology, not in the law)

- ❖ it is a sociological theory describing multiple threats of discrimination
- ❖ when an individual's identities overlap with a number of protected grounds

(such as race, gender, national origin, social origin, financial status and other characteristic)



Case I.

Case II.

SUBJECT OF THE PETITION

- ❖ the complained municipality's practice concerning evictions from a segregated slum of the city had threatened circa 900 residents

- ❖ harassment in the segregated area of the municipality caused by the municipality's members

PETITIONER

- ❖ Legal Defence Bureau for National Minorities
- ❖ as actio popularis

- ❖ Hungarian Civil Liberties Union

(see Article 18 paragraph 3 of the Equal Treatment Act)

(in both cases the violation /the direct threat of the violation of the principle of equal treatment was based on characteristics that were essential features of the individual and the infringement affected a larger group of persons that can not be determined accurately)



DEFENDANT

❖ local municipality

❖ local municipality

PROTECTED GROUNDS

❖ financial status

❖ financial status

❖ Roma origin

❖ Roma origin

❖ social origin

❖ social origin

(see Equal Treatment Act Article 8. paragraphs: q, e, p)



FIELDS OF DISCRIMINATION

❖ housing

❖ actions and defaults of local municipalities

TYPE OF DISCRIMINATION

❖ indirect discrimination

❖ harassment

APPLIED RULES

❖ Equal Treatment Act (*Act CXXV of 2003*)

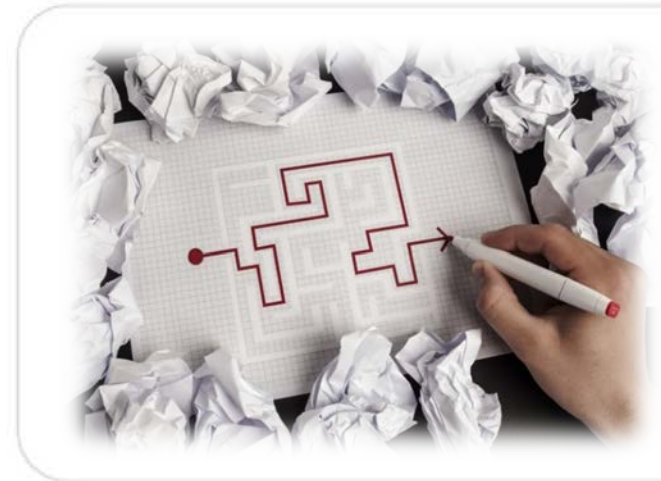
❖ Act on local municipalities of Hungary (*Act CLXXXI X of 2011*)



EVIDENTIARY PROCEDURE INVESTIGATING THE CASES

- ❖ hearing
(witnesses, defendant, petitioner)
- ❖ collecting documents, data, contracts
- ❖ studying municipal decrees on housing practice
(what were the conditions of access to housing in the territory of the local municipality)

- ❖ hearings
- ❖ site visits and hearing witnesses on the spot
(protected witnesses)
- ❖ youtube videos about vexatious actions of the municipality



APPLIED SANCTIONS

- ❖ order to cease the infringing conduct
(*develop an action plan*)
 - ❖ order the publication of the decision on the Authority's website and on the website of the municipality for 90 days
 - ❖ fine
(*500.000 HUF, approx. 1600 EUR*)
- ❖ order to desist from future conduct contravening the principle of equal treatment
 - ❖ order the publication of the decision on the Authority's website for 30 days
 - ❖ fine
(*300.000 HUF, approx. 1000 EUR*)



COURT DECISION IN THE CASES

The municipalities appealed the decisions in the Administrative Court, but the judicial forum rejected their actions and upheld both of the decisions of the Authority.

In Case II, the municipality has turned to the Supreme Court before of which the case is still pending.



Thank you for your attention!

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