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Experiences from Hungary

I. Introduction

Hungarian rules against discrimination:

- Constitution (Art.70/§),
- Civil Code (Art.75-85.),
- Labour Code (Art.5., 142.),
- Act CXXV of 2003 on Equal Treatment and the Promotion of the Equality of Opportunities.

II.

- Act CXXV of 2003 on Equal Treatment and Promotion of Equal Opportunities ('the Act') as amended by Act LXXXIII of 2005 and Act CIV of 2006 which entered into force on 27 January 2004 makes discrimination unlawful on 19 enumerated grounds as well as on the grounds of any other status, attribute or characteristic.
- The Equal Treatment Authority (the 'Authority') was established by the Act and is governed by government decree No 362/2004 on the Equal Treatment Authority and the Detailed Rules of its Procedure (the 'Decree'). It commenced its work on February 1st, 2005.

Courts

- The Supreme Court
- Regional courts of appeal
- County Courts (19) + The Metropolitan Court
- Local Courts (111+6)
- Labour Courts (19+1)

STATISTICAL DATA

- Population of Hungary: about 10.000.000
- Number of roma minority: about 250.000
- Number of cases before the Metropolitan Court:
2005: 16
- 2006: 32
- 2007: 21
- 2008: 35
- Total: 104
- Number of cases before the Labour Court in Budapest:
- 2005: 4
- 2006: 6
- 2007: 8
- 2008: 10
- Total: 28
- Cases brought to the Hungarian Equal Treatment Authority:
- 2005: 491
- 2006: 592
- 2007: 756

III. Cases before the Hungarian Courts

- The client was a man who complained that on the day before a holiday (religious, national or professional) about 12 times a year the female employees of his employer are allowed to leave at 12 o'clock while the men have to work to the end of the working hours.
- Labour Court condemns company for refusal to employ Roma security guard
- Disco-case
- Two Roma women-case

IV. Hungarian preliminary ruling before EC: C-328/2004

- A Hungarian court has asked the ECJ whether the Racial Equality Directive allows people to express their political convictions through a symbol. The specific subject-matter was whether the Directive precludes a national provision, such as Article 269/B of the Hungarian Criminal Code, which imposes sanctions on the use, in public, of the symbol of the five-pointed red star symbol in question in the main proceedings. The ECJ held that the Hungarian provisions were outside the scope of Community law and that consequently it did not have jurisdiction to answer the questions referred. (*Case C-328 Vajnai Attila, Order of 6 October 2005*).

V. Conclusion

The increase of the numbers of the cases shows that the rules against discrimination are more widely known in Hungary, for year to year.