



OSCE/ODIHR Contact Point for Roma and Sinti Issues

The Housing Rights of Roma in Miskolc, Hungary

**Report on the ODIHR Field Assessment Visit to Hungary,
29 June – 1 July 2015**

Warsaw, Poland
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ACRONYMS AND ABBREVIATIONS

CPRSI	OSCE/ODIHR Contact Point for Roma and Sinti Issues
EBH	Egyenlő Bánásmód Hatóság (Equal Treatment Authority)
ECRI	European Commission against Racism and Intolerance
ERRC	European Roma Rights Centre
EU	European Union
Fidesz	Fidesz – Magyar Polgári Szövetség (Fidesz – Hungarian Civic Alliance)
Jobbik	Jobbik Magyarországért Mozgalom (Movement for a Better Hungary)
NGO	Non-governmental organization
NEKI	Nemzeti és Etnikai Kisebbségi Jogvédő Iroda (Legal Defence Bureau for National and Ethnic Minorities)
ODIHR	OSCE Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Co-operation in Europe
TASZ	Társaság a Szabadságjogokért (Hungarian Civil Liberties Union)

SUMMARY

On 29 June – 1 July 2015, the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Co-operation in Europe (OSCE) conducted a field assessment visit to Hungary, following reports about the actions taken by the local government of the north-eastern Hungarian city of Miskolc, with regards to the changes of local legislation relating to social housing, and ensuing evictions of Roma tenants of the social housing in the Numbered Streets (*Számozott utcák*) area of the city. This visit also served as follow-up to the previous 2009 visit to Hungary, focusing on violent incidents against Roma. The ODIHR delegation, led by Michael Georg Link, ODIHR Director, visited Budapest and Miskolc, and met with national and local authorities, national human rights institutions, civil society and Roma community representatives.

Miskolc is a city in north-eastern Hungary and the administrative centre of the Borsod-Abaúj-Zemplén County. Roma are the most numerous national minority in the county. Once a highly industrialized city, Miskolc is now marked by poverty and unemployment, especially among the local Roma population, who live mainly in thirteen demographically concentrated areas on the outskirts of Miskolc, including the Numbered Streets neighbourhood.

In the course of 2014, ODIHR received reports about allegations of discrimination in the provision of the right to adequate housing for Roma residents of the city of Miskolc. Initially, on 8 May 2014, the Municipal Council of Miskolc voted for the amendment of the Decree on Social Housing, introducing measures intended to end “derelict settlements” and envisaging the demolition of low-comfort social housing neighbourhoods in Miskolc, focusing primarily on the Numbered Streets. The local government offered compensation amounting to two million Hungarian forints (approximately 6,700 EUR) to tenants willing to terminate their fixed-term rental contract for low-comfort social housing, yet several controversial conditions for compensation were set: tenants who terminate the contract and receive compensation must use the compensation to purchase property, the purchased property must be located strictly outside the territory of the city of Miskolc, and it could not be sold or mortgaged for at least five years. Human rights groups claimed that the amended decree was discriminatory, and that it sought to drive Roma residents outside the city limits, since most residents of low-comfort social housing are impoverished Roma.

As of the summer of 2014, according to non-governmental sources, the local government issued eviction orders to numerous families in the Numbered Streets, and used several methods to essentially end contracts with (predominantly) Roma tenants of social housing, followed by the demolition of housing. In the same period, a number of control activities were carried out jointly in segregated neighbourhoods of Miskolc where Roma represent the majority of population. These joint official control activities were conducted by the groups of 10–15 officials, primarily the Miskolc Local Government Law Enforcement Section, accompanied by the representatives of other institutions, including social services and public utility providers. Reportedly, in the course of the control activities, the groups would inspect entire apartments and in some cases issue fines, in a manner described as “harassing and fear-inducing” by the Commissioner for Human Rights.

On the other hand, the decree amendment also prompted a number of municipalities in the vicinity of Miskolc to introduce their own new regulations, aiming to prevent the possible movement of Roma from Miskolc to their territories. As many as nine municipalities close to Miskolc introduced decrees specifying that persons from other municipalities wishing to buy

property in their municipalities would not be able to access social assistance, social housing or public employment. In October 2015, in a judgment relating to one of the nearby municipalities, the Supreme Court decided that local governments are not entitled to either put pressure on certain groups to leave the municipality, or put obstacles in the place of those who would like to settle in a municipality.

Various other Hungarian authorities also brought formal decisions with regards to the situation in Miskolc. Firstly, on 28 April 2015, the Supreme Court of Hungary struck down the Miskolc municipal decree on amendments to social housing regulations, as discriminatory on the grounds of financial situation and other characteristics of the tenants affected by the amendment. Shortly afterwards, on 5 June 2015, the Commissioner for Fundamental Rights of Hungary released their report on the housing situation in Miskolc. The Commissioner's report considered the provision requiring the tenants to move out of Miskolc as unacceptable from the point of view of equal treatment; it requested the neighbouring municipalities to repeal the exclusionist local decrees, and also offered a number of comprehensive recommendations relating to the housing situation in Miskolc. The municipality of Miskolc was also asked to immediately stop the joint control activities targeting segregated impoverished areas, inhabited mainly by Roma.

On 15 July 2015, the Equal Treatment Authority of Hungary presented its decision on the allegations of housing discrimination of Roma by the Miskolc authorities, arguing that, even after the expiry of contracts, local authorities still have social responsibility towards the tenants. The decision obliged the municipality to create an action plan on providing adequate housing to those tenants who have already been rendered homeless or affected, an action plan for the housing of tenants from the Numbered Streets, and called on Miskolc to stop the discriminatory practice until the action plans would be prepared. The Equal Treatment Authority concluded that the municipality discriminated the residents of the Numbered Streets on the grounds of their Roma origin, financial situation and social status. After the Miskolc authorities had requested a legal review of this decision, the Metropolitan Administration and Labour Court upheld the previous decision of the Equal Treatment Authority, on 25 January 2016.

Still, in spite of these decisions, the local authorities continued issuing eviction notices, and evictions were reportedly carried out even in late November 2015. By that point, the population of the Numbered Streets settlement had significantly decreased, with estimates that up to 400 persons, from the original 900, had left, and a number of houses have been demolished by the local authorities. Many residents reportedly left on their own, because of the fear of forced evictions, and often resettling in another segregated and predominantly Roma area of the city, Lyukóbanya, described by activists as Hungary's biggest and most rapidly growing segregated Roma settlement.

ODIHR is gravely concerned about the allegations of discrimination in the provision of adequate housing for Roma residents of Miskolc, in the context of the amended decree on social housing and its application, the joint control activities conducted in predominantly Roma settlements with social housing, and the overall effects it has on the community. Whereas Hungary promoted Roma inclusion in the European Union, and adopted a number of relevant policy documents, this is contradicted by negative trends at local level, especially in area of housing.

Furthermore, there is a notable lack of engagement by the local authorities with local Roma communities affected by the policy and practice changes. Both local and national authorities should encourage and ensure the full participation of and dialogue with the local Roma community, including the development of local strategic framework.

Lastly, ODIHR welcomes the recent judgments of the Hungarian Supreme Court, the report of the Commissioner for Fundamental Rights, and the decision of the Equal Treatment Authority on the unlawful measures undertaken by the local council regarding the housing provided to Roma residents of Miskolc, and urges for their full and immediate implementation.

RECOMMENDATIONS

In light of the findings of this report, ODIHR respectfully puts forward the following recommendations.

To the Municipal Council of Miskolc:

- Stop evictions of (predominantly Roma) tenants from social housing in the Numbered Streets neighbourhood;
- Address and fully implement the relevant decisions of the Commissioner for Fundamental Rights and the Equal Treatment Authority;
- End co-ordinated control visits by municipal authorities and the police, as suggested by the report of the Commissioner for Fundamental Rights;
- Address the issues of segregated settlements, especially Lyukóháza, and promote adequate, sustainable, non-discriminatory solutions in doing so;
- Implement the Municipal Council's own local Equal Opportunities Program 2013–2018;
- Review and revise the Integrated Settlement Development Strategy;
- Ensure that local policy and practice is in line with the EU Framework for National Roma Integration Strategies, as well as the national Social Inclusion Strategy;
- Ensure that housing policies are developed in close consultation with and participation of the affected community;
- Ensure that housing policies and relocation plans do not lead to further segregation of affected people/communities;
- Refrain from anti-Roma rhetoric and hate speech.

To the Government of Hungary:

- In the provision of social housing, adhere to OSCE commitments prohibiting discrimination on the basis of race or ethnicity, as well as international human rights standards on the right to adequate housing;
- Implement the recommendations of the Commissioner for Fundamental Rights that are addressed to the Ministry of Human Capacities;
- Urge local authorities of Miskolc to apply the measures set forth by the Commissioner for Fundamental Rights and the Equal Treatment Authority, and support them in the process;
- Monitor the developments regarding the housing rights of Roma in Miskolc, especially the Numbered Streets area;
- Reconsider plans for the football stadium development in Miskolc, and amend them in a way that would respect the human rights of tenants of the Numbered Streets neighbourhood, and fully take into account their considerations;
- Keep up the efforts towards desegregation in housing, especially since an integrated housing approach would have multiple benefits, such as supporting desegregation in education;
- Make the key strategic documents relating to Roma inclusion available in English, in order to enable region-wide analysis, exchange and learning;
- Engage with local Roma, including representative bodies, for finding durable housing / relocation solutions.

1. INTRODUCTION

The OSCE/ODIHR Contact Point for Roma and Sinti Issues (CPRSI) is tasked with assisting participating States to effectively implement OSCE commitments pertaining to Roma and Sinti by sharing its expertise, providing assistance, raising awareness and assessing the progress in improving the situation of Roma and Sinti throughout the OSCE region.¹

Among other activities, the Contact Point conducts field assessment visits in response to human rights challenges facing Roma and Sinti throughout the OSCE region, as well as reviews and assesses progress in implementing OSCE commitments regarding Roma and Sinti through its monitoring reports. Specifically, it is tasked by the 2003 OSCE Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area to “assume a proactive role in analysing measures undertaken by participating States, as well as in particular situations and incidents relating to Roma and Sinti people. Towards this end the Contact Point for Roma and Sinti (CPRSI) will establish and develop direct contacts with participating States and will offer advice and opinions to them”.² Although field visits are triggered by incidents in particular participating States, the topics are strategically chosen to address similar developments that have occurred across the OSCE region.

OSCE’s mandate also includes the area of housing rights of Roma and Sinti. Concretely, Chapter III of the 2003 OSCE Action Plan on Roma and Sinti addresses combating racism and discrimination and calls on the participating States to “implement effective anti-discrimination legislation to combat racial and ethnic discrimination in all fields, including, inter alia, access to housing, citizenship and residence, education, employment, health and social services.”³

At the same time, Chapter IV of the Action Plan addresses, among other issues, the housing and living conditions of Roma and Sinti, and calls on the participating States to “involve Roma and Sinti people in the design of housing policies, as well as in the construction, rehabilitation and/or maintenance of public housing projects meant to benefit them” and “ensure that housing projects do not foster ethnic and/or racial segregation.”⁴

On 29 June – 1 July 2015, ODIHR conducted a field assessment visit to Hungary. The visit was triggered by reports about the actions taken by the local government of the north-eastern Hungarian city of Miskolc, with regards to the changes of local legislation relating to social housing, and ensuing evictions of (predominantly Roma) tenants of social housing in the Numbered Streets area of the city. Following the related communication between ODIHR and the Hungarian authorities, Károly Czibere, Minister of State, extended an invitation to ODIHR to visit Miskolc.⁵ This visit also served as follow-up to the previous 2009 OSCE/ODIHR visit to Hungary, focusing on violent incidents against Roma in Hungary.⁶

¹ For more information on Roma and Sinti issues within the work of ODIHR, see: <<http://www.osce.org/odihhr/102598>>.

² OSCE Ministerial Council, Decision No. 3/03, “Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area”, Maastricht, 1-2 December 2003, Article 129, <<http://www.osce.org/odihhr/17554>>.

³ *Ibid.*

⁴ *Ibid.*

⁵ ODIHR letter to Ambassador Miklós Boros, Head of the Permanent Mission of Hungary to the OSCE (22 July 2014); letter to ODIHR from Károly Czibere, Minister of State (17 September 2014); ODIHR letter to Ambassador Gergely Pröhle, Deputy State Secretary for International and EU Affairs (12 November 2014); letter to ODIHR from Ambassador Pröhle (19 December 2014); ODIHR letters to Zoltán Balog, Minister of

The primary objective of ODIHR's 2015 field assessment visit was to assess the human rights situation and housing rights of Roma in Miskolc, Hungary, focusing on the right to adequate housing, in particular regarding the compliance of measures undertaken by the city of Miskolc with national and international standards. In addition, the visit served to prove an update on hate crimes against Roma in Hungary⁷ and social inclusion policies targeting Roma.⁸ An update on recent developments relating to hate crimes and anti-Roma incidents can be found in Annex 1 of this report.

The ODIHR delegation, led by Michael Georg Link, ODIHR Director, visited Budapest and Miskolc, and met with national and local authorities, national human rights institutions, civil society and Roma community representatives.⁹ They also visited the Numbered Streets area of Miskolc and spoke with its Roma inhabitants. The delegation is grateful to all its interlocutors for their kind co-operation in the course of the field assessment visit and appreciates the Hungarian government's assistance in facilitating the preparations.

This report is based primarily on the delegation's findings during the field assessment visit, supplemented by ODIHR's research undertaken before and after the visit. The information which the Government of Hungary provided to ODIHR with regards to the situation of Roma in Miskolc, in the course of its related formal correspondence with ODIHR, is available in Annex III to this report.¹⁰

Human Capacities (1 April 2015 and 9 December 2015); and letter to ODIHR from Zoltan Balog (28 January 2016).

⁶ "Addressing Violence, Promoting Integration. Field Assessment of Violent Incidents against Roma in Hungary: Key Developments, Findings and Recommendations, June-July 2009", OSCE Office for Democratic Institutions and Human Rights, 15 June 2010, <<http://www.osce.org/odihr/68545?download=true>>.

⁷ Particular attention was paid to the implementation of recommendations 1, 2, 6c, 6e, 7, 8, and 9 from the 2010 ODIHR report (ODIHR, *op. cit.*, note 6, pp. 49-52). For an overview of recent developments relating to hate crimes and anti-Roma marches in Hungary, see Annex I to this report.

⁸ Particular attention was paid to the implementation of recommendations 14 and 15 from the 2010 ODIHR report (ODIHR, *op. cit.*, note 6, p. 53).

⁹ The list of delegation members and its collocutors is available in the Annex II of this report.

¹⁰ *Op. cit.*, note 5.

2. FINDINGS OF THE FIELD ASSESSMENT VISIT

2.1. Background information

Roma are the most numerous ethnic minority in Hungary. Officially, 315,583 persons declared themselves Roma in the 2011 national census,¹¹ yet, according to civil society, the actual number of Roma in Hungary is higher, at approximately 750,000, and amounting to 7.49 per cent of the country's entire population.¹² The economic and social situation of Roma, however, largely differs from the non-Roma. With a 95 per cent literacy rate among Roma in a state where, otherwise, literacy is virtually universal, Roma also lag behind the majority population in terms of formal education levels, with just 20 per cent of adult Roma men and 12 per cent of Roma women completing upper secondary education.¹³ Similar gaps are evident also in the area of employment, where the employment rates of Roma reach only 13 per cent in the case of women and 34 per cent for men. Roma are also a frequent object of hate crime, which was particularly pronounced in the course of 2008 and 2009, when extremists killed a number of Roma individuals, prompting an ODIHR field assessment visit to the country.¹⁴

In the course of Hungary's participation in the former international initiative the Decade for Roma Inclusion 2005–2015, Hungary developed a range of policy documents for Roma integration. In this context, Hungary adopted the Decade of Roma Inclusion Strategic Plan (2007), including the tasks relating to housing and – as its main target – the reduction of segregation in villages and regions.¹⁵ The strategic plan was also supplemented by the specific two-year plan for 2008 and 2009.¹⁶

Its role became particularly pronounced in the year 2011, when Hungary held the Presidency of European Union (EU), and was a vocal actor for the adoption of the EU Framework for National Roma Integration Strategies. In the same year, Hungary adopted its National Social Inclusion Strategy: Extreme Poverty, Child Poverty and Roma.¹⁷ The strategy was envisaged to cover the period 2011–2020, and it was revised in 2014.¹⁸ According to ODIHR

¹¹ "Local Engagement for Roma Inclusion (LERI) Project. Community Summary Mátraverebély, Hungary", European Union Agency for Fundamental Rights, <http://fra.europa.eu/sites/default/files/fra_uploads/leri_community_summary_-_matraverbely_-_hungary_-_en.pdf>.

¹² "10 Facts about Hungarian Roma", European Roma Rights Centre, 20 October 2015, <<http://www.errc.org/article/10-facts-about-hungarian-roma/4426>>.

¹³ United Nations Development Programme (UNDP), World Bank (WB) and European Commission (EC) Regional Roma Survey 2011, <<http://www.eurasia.undp.org/content/rbec/en/home/ourwork/sustainable-development/development-planning-and-inclusive-sustainable-growth/roma-in-central-and-southeast-europe/roma-data.html>>.

¹⁴ ODIHR, *op. cit.*, note 6. For an overview of recent developments relating to hate crimes and anti-Roma marches in Hungary, see Annex I to this report.

¹⁵ Resolution 68/2007 (VI.28.), "Decade of Roma Inclusion Strategic Plan", Parliament of Hungary, 2007, <http://www.romadecade.org/cms/upload/file/9296_file17_hungarian-nap_en.pdf>.

¹⁶ Decision No. 1105/2007. (XII.27.) Korm., "Government Action Plan for 2008–2009 related to the Decade of the Roma Inclusion Program Strategic Plan", Government of Hungary, 2007, <http://www.romadecade.org/cms/upload/file/9296_file19_hungarian-action-plan-2008-2009-en.pdf>.

¹⁷ "National Social Inclusion Strategy: Extreme Poverty, Child Poverty and Roma", Ministry of Public Administration and Justice and State Secretariat for Social Inclusion, December 2011, <http://ec.europa.eu/justice/discrimination/files/roma_hungary_strategy_en.pdf>.

¹⁸ "Magyar Nemzeti Társadalmi Felzárkózási Stratégia II., Tartósan rászoruló – szegény családban élő gyermekek – romák (2011-2020)", Ministry of Human Capacities and State Secretary for Social Affairs and

interlocutors in Hungary, there was no prior consultation with civil society on the revision process.¹⁹ The strategy was praised for its comprehensive situation analysis, yet also criticized for its reported lack of indicators, and lack of clarity in plans for anti-discrimination and anti-segregation measures. The most critical aspect, however, was perceived to be the lack of political will to implement the measures, especially on the local level.

The revised strategy was complemented by the new Action Plan in September 2015.²⁰ At the time of the ODIHR visit in June–July 2015, the then draft Action Plan had not been made publicly available, and the civil society whom ODIHR met could not provide comments on the draft, but according to later correspondence, the plan reportedly included two targeted measures addressing segregated Roma settlements, suggesting the initiation of complex programmes supporting infrastructure and housing, without reflection on the criticism of existing such complex programmes in Hungary. It was also noted that the Action Plan contained no provisions with regards to anti-discrimination in any of the thematic fields covered.²¹

At the same time, the majority of civil society actors that ODIHR met considered the housing situation of Roma in Hungary as one of the community's utmost human rights concerns. Many Roma in Hungary live in substandard housing conditions. According to a 2011 survey by the United Nations Development Programme, thirty per cent of Roma households living in predominantly Roma settlements in Hungary do not have access to an improved water source or sanitation, 35 per cent live in ruined houses or slums, and five per cent do not have access to electricity.²² Sixteen per cent of such households live in housing they do not own, 9 per cent live in housing owned by municipalities, and as much as a third of all surveyed Roma were worried about possible evictions.²³ As many as 1600 slums have been registered in Hungary, according to the Commissioner for Fundamental Rights.²⁴

With regards to recent Roma-related policy developments in the field of housing, in March 2015 the Ministry of Human Capacities presented the draft “Public policy strategy on the management of slum-like settlements” for the period 2014–2020,²⁵ however this strategy has not been adopted at the time the ODIHR field visit took place. Additionally, parliamentary representatives of the party Movement for a Better Hungary (*Jobbik Magyarországért Mozgalom – Jobbik*) had strongly criticized the draft strategy, claiming that some of its

Inclusion, September 2014, <http://ec.europa.eu/justice/discrimination/files/roma_hungary_strategy2_hu.pdf>.

On the internet, the text of the new strategy appears to be available only in Hungarian.

¹⁹ Information provided to the ODIHR delegation by civil society activists, Budapest, 29 June 2015.

²⁰ Decision No. 1672/2015. (IX. 22.) Korm., “A Magyar nemzeti társadalmi felzárkózási stratégia II. végrehajtásának a 2015-2017. évekre szóló kormányzati intézkedési tervéről”, Government of Hungary, 2015, <http://romagov.kormany.hu/download/c/20/21000/MNTFS%20int%C3%A9zke%C3%A9si%20terv%202015_2017.pdf>. On the internet, the text of the Action Plan appears to be available only in Hungarian.

²¹ ODIHR email correspondence with the European Roma Rights Centre, 10 December 2015.

²² Tatjana Peric, “The Housing Situation of Roma Communities: Regional Roma Survey 2011”, United Nations Development Programme, 2012, <<http://www.eurasia.undp.org/content/dam/rbec/docs/The-housing-situation-of-Roma-communities.pdf>>.

²³ Peric, *op. cit.*, note 22.

²⁴ Information provided to the ODIHR delegation by the Office of the Commissioner for Fundamental Rights, Budapest, 29 June 2015.

²⁵ “A telepszerű lakhatás kezelését megalapozó szakpolitikai stratégia”, Ministry of Human Capacities and State Secretary for Social Affairs and Inclusion, March 2015, <<http://www.kormany.hu/download/3/a6/40000/Lakhat-Strat.pdf>>.

measures are provocative, and challenging the usefulness of any steps taken in this direction.²⁶

In their reporting on progress made in the field of housing for Roma, within the context of the Decade of Roma Inclusion, Hungarian authorities have also emphasized their social urban regeneration calls, and their comprehensive settlement program (SRP 5.3.6).²⁷ However, Hungarian civil society monitoring the implementation of the Decade emphasized that no substantial measures had been taken in the field of social housing, that there were development they considered negative regarding housing segregation and equal opportunity measures, that housing-related measures were financed from EU funds only, and that national funds were not used to increase housing security.²⁸

Generally, when it comes to social housing policies in Hungary, the local civil society actors warn of the lack of available, primarily cheap, rental possibilities, and that a significant part of public and private housing available for this purpose is either vacant or in a degraded condition.²⁹ Additionally, though a considerable share of the state budget is allocated for housing, the subsidies in question do not primarily target the poor, and instead focus on the middle class and homeowners.³⁰

Lastly, it is important to note that Hungary is party to a number of international human rights treaties relating to the right to adequate housing, as well as combatting discrimination and racism. The International Covenant on Economic, Social and Cultural Rights guarantees the right to an adequate standard of living, including adequate housing,³¹ and the International Convention on the Elimination of All Forms of Racial Discrimination prohibits racial discrimination in the enjoyment of the right to housing.³² The European Convention on Human Rights bans discrimination on grounds of race,³³ as well as guarantees respect the right to unhindered home and family life without interference by public authorities (such as forced evictions).³⁴ Finally, though housing rights are not explicitly within the competence of the European Union, of which Hungary is a member state, the Charter of Fundamental Rights of the European Union notes respect for the right to housing assistance,³⁵ in addition to

²⁶ “Hegedűs Lorántné: Provokáció a lakhatás támogatása”, *Magyar Nemzet Online*, 20 March 2015, <<http://mno.hu/belfold/hegedus-lorantne-provokacio-a-lakhatas-tamogatasa-1278135>>.

²⁷ “Decade of Roma Inclusion Progress Report 2014 - Hungary”, Decade of Roma Inclusion Secretariat Foundation, 2015, pp. 22-23, <http://www.romadecade.org/cms/upload/file/9811_file8_hu-2014.pdf>.

²⁸ “Updated Civil Society Monitoring Report on the Implementation of the National Roma Integration Strategy and Decade Action Plan in 2012 and 2013 in Hungary”, Decade of Roma Inclusion Secretariat Foundation, 2013, pp. 29-32, <http://www.romadecade.org/cms/upload/file/9270_file30_hu_updated-civil-society-monitoring-report.pdf>.

²⁹ “Annual Report on Housing Poverty: Hungary 2014”, Habitat for Humanity Hungary, 2015, pp. 7-10, <http://www.habitat.hu/files/housing_report_hu2014_web_en.pdf>.

³⁰ *Ibid.*

³¹ UN General Assembly, International Covenant on Economic, Social and Cultural Rights, 16 December 1966, Article 11, <<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>>. Hungary ratified the Covenant in 1974.

³² UN General Assembly, International Convention on the Elimination of All Forms of Racial Discrimination, 21 December 1965, Article 5(e)(iii), <<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>>. Hungary ratified the Convention in 1967.

³³ Council of Europe, European Convention on Human Rights, 4 November 1950, Article 14, <https://ec.europa.eu/digital-single-market/sites/digital-agenda/files/Convention_ENG.pdf>. Hungary ratified the Convention in 1992.

³⁴ European Convention on Human Rights, *op. cit.*, note 33, Article 8.

³⁵ European Union, Charter of Fundamental Rights of the European Union, 26 October 2012, Article 34(3), <http://www.europarl.europa.eu/charter/pdf/text_en.pdf>.

general non-discrimination provisions of the Charter.³⁶ International treaties to which Hungary is state party “become part of the Hungarian legal system by publication in the form of legislation.”³⁷

2.2. The housing situation of Roma in Miskolc

Miskolc is a city in north-eastern Hungary and the administrative centre of the Borsod-Abaúj-Zemplén County. Roma are the most numerous national minority in the county, with 58,246 persons declaring themselves Roma in the 2011 population census, compared to the overall county population of 686,266.³⁸ In the city of Miskolc, with the population of 167,754, according to the same source, 5,441 people self-declared as Roma. Unofficially, however, it is estimated that some 25,000 Roma live in Miskolc.³⁹ Once a highly industrialized city, Miskolc is now marked by poverty and unemployment, especially among the local Roma population, who live mainly in thirteen demographically concentrated areas on the outskirts of Miskolc. These include the Numbered Streets (*Számozott utcák*) neighbourhood. Since 2010, the town’s council is led by Fidesz – Hungarian Civic Alliance (*Magyar Polgári Szövetség*), the political party which is also governing the country nationally. In the 2014 elections, however, Fidesz was faced with a serious threat from the nationalist Movement for a Better Hungary (*Jobbik Magyarországért Mozgalom – Jobbik*); Fidesz nevertheless still won the election, yet with a narrow margin.⁴⁰ In parallel with the National Roma Self-government (*Országos Roma Önkormányzat*) on the level of the country, Miskolc also has its own local Roma Minority Self-government, operating on the level of municipality (*Miskolc Megyei Jogú Város Roma Nemzetiségi Önkormányzata*).

With regards to recent local housing policy, two strategies of the city are relevant to this case:⁴¹ firstly, its Integrated Town Development Strategy 2008–2013, followed by the Integrated Settlement Development Strategy in September 2014. The former included a plan for desegregation, which included the elimination of segregated areas, including the Numbered Streets, yet at the same time the strategy envisaged mobilisation plans for the residents of targeted areas (with placements for the resettled tenants), resettlement in a manner that would prevent the formation of new segregated settlements, as well as secured funds for the implementation of these activities.⁴² The 2014 strategy, however, does not

³⁶ For a full review of EU law on these matters, see: <http://ec.europa.eu/justice/fundamental-rights/law/index_en.htm>.

³⁷ “Written Comments by the ERRC Concerning Hungary for Consideration of the European Commission on the Transposition and Application of the Race Directive and on the Legal Issues Relevant to Roma Integration”, European Roma Rights Centre, 2013, <<http://www.errc.org/cms/upload/file/hungary-red-written-comments-5-april-2013.pdf>>.

³⁸ “Hungary Population Census 2011”, Hungarian Central Statistical Office, <http://www.ksh.hu/nepszamlalas/tables_regional_05>.

³⁹ Cristina Bangau, “Displacing the Roma in Miskolc: between the rhetoric of slum eradication and the ethnicization of poverty”, Romedia Foundation, 1 October 2014, <<https://romediafoundation.wordpress.com/2014/10/01/displacing-the-roma-in-miskolc-between-the-rhetoric-of-slum-eradication-and-the-ethnicization-of-poverty/>>.

⁴⁰ James Traub, “Shuttered Factories and Rants against the Roma”, *Foreign Policy*, 29 October 2015, <<http://foreignpolicy.com/2015/10/29/shuttered-factories-and-rants-against-the-roma-miskolc-viktor-orban-hungary/>>.

⁴¹ According to ODIHR’s interlocutors in Hungary, there is a long history of segregation, and desegregation efforts and policy, in Miskolc, yet such an analysis would fall beyond the scope of this paper.

⁴² “Equal Treatment Authority condemns the town of Miskolc for failure to adequately plan and prepare the winding up of segregated Roma neighbourhoods”, European Network of Legal Experts in Gender Equality and Non-discrimination, 25 August 2015,

present any concrete steps in the process of desegregation. With regards to the Numbered Streets, the 2014 strategy envisages the elimination of the area, “due to the real estate development connected to the stadium”⁴³, i.e. to make space needed for the renovation of the nearby Diósgyőri VTK football stadium. These developments are additionally taking place in the gradually worsening context of social housing provision, since social housing declined from 90 per cent in 2008 to only 15 per cent of apartments rented by the municipality.⁴⁴ According to the Commissioner for Fundamental Rights, the same negative trend for the availability of social housing is present country-wide; at the same time, rising unemployment and other social phenomena caused an increase in the demand for social housing.

As is mandatory for all Hungarian local governments, Miskolc also has a local Equal Opportunities Programme for the period 2013–2018, where Roma are identified as a group that is predominant in poor neighbourhoods of the city, and where, as of 2014, various services should have been provided for them.⁴⁵

The ODIHR delegation heard concerns from numerous interlocutors that there was a pattern of anti-Roma measures by the local government in Miskolc, even prior to the 2014 amendment of the local decree, and that public figures in the city frequently made anti-Roma statements. For instance, it was reported that in February 2013 Ákos Kriza, the Mayor of Miskolc, stated that he wanted to clear the city from “anti-social, deviant Roma” who had allegedly illegally benefited from the Nest Programme (*Fészekrakó program*) for housing benefits, and from those living in social housing and owing rent and utility charges. His words marked the beginning of a series of evictions, and in the course of that month fifty flats were evacuated, out of a total of 273 flats in the relevant category.⁴⁶ Earlier on, in 2009, the former police chief of the city spoke about “Gypsy crime”, which – some non-governmental organizations (NGOs) believed – may have paved the way to the later discriminatory change in local legislation.⁴⁷ Interlocutors of the ODIHR delegation also reported on a local daily, apparently affiliated with the authorities, writing frequently on “Gypsy criminality” and thus influencing public opinion against Roma. Roma activists stressed the securitization of the paradigm in Miskolc, where segregated areas, populated mainly by Roma, are portrayed as “hotbeds of criminality”, and eradicating them is presented as a “crime prevention measure”.

<http://www.equalitylaw.eu/index.php?option=com_edocman&task=document.viewdoc&id=2924&Itemid=295>.

⁴³ *Ibid.*

⁴⁴ “Ombudsman’s report on housing discrimination in Miskolc and neighbouring towns”, European Network of Legal Experts in Gender Equality and Non-discrimination, 5 June 2015,

<http://www.equalitylaw.eu/index.php?option=com_edocman&task=document.viewdoc&id=2893&Itemid=295>.

⁴⁵ “Helyi Esélyegyenlőségi Program 2013-2018”, Miskolc Megyei Jogú Város, Miskolc, <http://www.miskolc.hu/sites/default/files/dokumentumok/csatolmányok/hep_miskolc.pdf>.

⁴⁶ “Memorandum on the lawfulness under European and international law of amendment to Miskolc social housing law”, European Roma Rights Centre, 25 June 2014, <<http://www.errc.org/cms/upload/file/memorandum-miskolc-hungary-25-june-2014.pdf>>. The *Fészekrakó program* is a housing scheme in Hungary where families with children could apply for governmental grants for building or purchasing homes.

⁴⁷ “Hungarian City Set to ‘Expel’ Its Roma”, European Roma Rights Centre, 25 June 2014, <<http://www.errc.org/article/hungarian-city-set-to-expel-its-roma/4293>>.

2.3. Local policy changes leading to evictions

In the course of 2014, ODIHR received reports about allegations of discrimination in the provision of the right to adequate housing for Roma residents of the city of Miskolc. Initially, on 8 May 2014, the Municipal Council of Miskolc, the city's local government, voted for the amendment of the Decree No. 25/2006. (VII.12.) on social housing.⁴⁸ The decree introduced measures intended to end “derelict settlements”, envisaging the demolition of low-comfort social housing neighbourhoods in Miskolc, focusing primarily on the Numbered Streets.

At that point, the Numbered Streets area was home to around 900 persons, possibly over 200 families according to interlocutors, living in low-comfort social housing flats in one- or two-storey buildings that are over a hundred years old. Various officials from the city council referred to the area as a “ghetto”.⁴⁹ The press also reported that some representatives of authorities referred to “drug users and dealers” in the area,⁵⁰ and some 35,000 persons signed a petition to eradicate “slums”,⁵¹ allegedly initiated by the Jobbik far-right political party. The ODIHR delegation, however, visited the settlement, and would consider such a negative description of the Numbered Streets area as inaccurate.

According to the amended decree, the local government offered compensation amounting to two million Hungarian forints (approximately 6,700 EUR) to tenants willing to terminate their rental contract for low-comfort social housing, yet several controversial conditions for compensation were set: tenants who terminate the contract and receive compensation must use the compensation to purchase property, the purchased property must be located strictly outside the territory of the city of Miskolc, and it could not be sold or mortgaged for at least five years.

Human rights groups claimed that the amended decree on social housing was discriminatory, and that it sought to drive Roma residents outside the city limits.⁵² Namely, according to media sources and NGOs monitoring the case, most residents of low-comfort social housing are impoverished Roma.⁵³ At the same time, no such restrictions applied to tenants of so-called full-comfort social housing, of better quality, which are mostly non-Roma,⁵⁴ who had the possibility to be relocated within Miskolc.⁵⁵ By moving outside the city, tenants would also no longer be eligible for social assistance in Miskolc, since they would be obliged to change the address and then seek assistance from the municipality where they would reside next,⁵⁶ without any guarantees of eventually accessing it. Additionally, the compensation amount offered would only be sufficient for purchasing real estate in disadvantaged areas.⁵⁷

⁴⁸ The text of the decree in Hungarian is available at: <<http://todo.miskolc.hu/hcr/6phdoc/3330.pdf>>.

⁴⁹ “Újabb nyomortelepen indult el a bontás”, *Minap*, Miskolc, 16 September 2014, <<http://minap.hu/cikkek/ujabb-nyomortelepen-indult-el-bontas>>.

⁵⁰ Bangau, *op. cit.*, note 39.

⁵¹ “Controversies over the Roma of Miskolc and around the Roma holocaust”, BudaPost website, 11 August 2014, <<http://www.budapest.eu/2014/08/controversies-over-the-roma-in-miskolc-and-around-the-roma-holocaust>>.

⁵² European Roma Rights Centre, *op. cit.*, note 47; and “Diszkriminatív a miskolci lakásrendelet módosítása”, TASZ, 26 June 2014, <<http://tasz.hu/romaprogram/diszkriminativ-miskolci-lakasrendelet-modositasa>>.

⁵³ “Megszavazták a gettórendeletet”, *Népszabadság*, 8 May 2014, <<http://nol.hu/belfold/megszavaztak-a-gettorendeletet-1460837>>.

⁵⁴ European Roma Rights Centre, *op. cit.*, note 47.

⁵⁵ “Hungary – Municipality adopts discriminatory legislation to prevent Roma from moving into town”, European Equality Law Network, 29 September 2014, <<http://www.equalitylaw.eu/country/hungary>>.

⁵⁶ *Ibid.*

⁵⁷ European Roma Rights Centre, *op. cit.*, note 46.

At the same time, the adoption of the decree meant that tenants of low-comfort social housing could no longer stay in the areas where they lived, since the buildings in those areas were slated for demolition by the decree. On the other hand, the decree amendment also prompted a number of municipalities in the vicinity of Miskolc (Abaújszántó, Hagony, Monok, Rudabánya, Sátoraljaújhely, Sajókaza, Szerencs, Taktaharkány and Vilyvitány) to introduce their own new regulations, aiming to prevent the possible movement of Roma from Miskolc to their territories, which will be further elaborated later in this report (see section 2.5).⁵⁸

It was also noted that the local authorities did not consult the local Roma community, or offer alternative housing themselves.⁵⁹ Only two families were reported as being given alternative social housing in Miskolc, moving to the Avas⁶⁰ settlement;⁶¹ according to ODIHR's interlocutors in Hungary, the alternative housing provided was of lower level than the housing the tenants initially had.⁶² Additionally, one of the greatest risks from the evictions was perceived to be the revoking of address cards, which would in return disable access to health care, social assistance, education, and even make possible that children would be removed from families and taken into state care.⁶³ Another housing tender that was, in the meanwhile, opened by the municipality had very strict conditions, which made the housing unavailable for the majority of people affected.⁶⁴ The conditions set required considerable resources that the disadvantaged Roma families using social housing could not provide or afford, such as higher rents, covering the costs of the renovation of premises, certifying the rental agreement by public notary at the expense of the tenants, etc.⁶⁵ It should also be noted that Roma women are particularly vulnerable during and after evictions, and are often not informed about their housing rights and opportunities to apply for other types of social housing, due to social exclusion, lack of formal education, and intersectional discrimination they experience as both women and Roma.⁶⁶

The critics of the policy change included the non-governmental organization Hungarian Civil Liberties Union (*Társaság a Szabadságjogokért – TASZ*), who filed a formal complaint with the office of the Commissioner for Fundamental Rights on 16 June 2014.⁶⁷ In reaction to the decree amendment, the Roma community of Miskolc organized demonstrations against the local government decree calling it a “deportation order”,⁶⁸ followed by another protest by the

⁵⁸ For more information on the measures taken by neighbouring municipalities and the response of judicial and human rights institutions, see the chapters “Chain reaction among municipalities neighbouring Miskolc”, and “Reactions of Hungarian authorities” of this report.

⁵⁹ Bangau, *op. cit.*, note 39.

⁶⁰ Avas is an urban neighbourhood of Miskolc, built during Communist times in order to provide housing for thousands of new factory workers. It is inhabited by Roma and non-Roma, including a number of poor Roma families, and both its reputation and living conditions have reportedly deteriorated in the past decade, partly due to the implementation of the Nest Programme on the estate. For more information, see: “March by far right raises concerns for Hungary’s Roma”, BBC website, 18 October 2012, <<http://www.bbc.com/news/world-europe-19992263>>.

⁶¹ “Vagyonokért bérelnek fakunyhókat a számozott utcai szegények”, *Abcug* website, 14 December 2015, <<http://abcug.hu/vagyonokert-berelnek-fakunyhokat-a-szamoszott-utcai-szegenyek/>>.

⁶² Information provided to the ODIHR delegation by civil society activists, Budapest, 29 June 2015.

⁶³ Bangau, *op. cit.*, note 39.

⁶⁴ “Miskolc Roma opt for Canada”, Budapest Sentinel website, 14 May 2015, <<http://budapestsentinel.com/articles/miskolc-roma-opt-for-canada/>>.

⁶⁵ ODIHR email correspondence with the European Roma Rights Centre, 17 December 2015.

⁶⁶ Tatjana Peric, “Women’s Land and Housing Right in Eastern Europe and Central Asia”, 2011, unpublished paper prepared at the request of the United Nations Special Rapporteur on the Right to Adequate Housing.

⁶⁷ Available at: <<http://tasz.hu/files/tasz/imce/ombuds-miskolc-lakasrendelet-kieg.pdf>>.

⁶⁸ “Deportálásuk ellen tüntetnek miskolci romák”, *Népszabadság*, 6 May 2014, <<http://nol.hu/belfold/deportalasuk-ellen-tuntetnek-miskolci-romak-1466291>>.

local Roma community on 25 June 2014,⁶⁹ and a petition to annul the decree, signed by 1,800 persons and delivered to Mayor Kriza.⁷⁰ Additionally, the European Roma Rights Centre (ERRC) submitted a legal analysis⁷¹ of the situation to the European Commission in June 2014, claiming that the local government decree runs contrary to the Race Equality Directive of the European Union (EU), and urging the European Commission to take action against Hungary.⁷²

The case attracted further international attention when, in July 2014, Amnesty International also called the Mayor of Miskolc to stop the evictions of families targeted by the measures.⁷³ In its letter, Amnesty International “expressed concern that in the absence of legal and procedural safeguards as required under international human rights law and standards, the planned eviction in the ‘Numbered Streets’ neighbourhood could result in a forced eviction which is a human rights violation”, also noting the lack of consultations with the affected families and the failure to “explore feasible alternatives to evictions, a key safeguard against forced evictions”.⁷⁴

In the same month, the Legal Defence Bureau for National and Ethnic Minorities (*Nemzeti és Etnikai Kisebbségi Jogvédő Iroda – NEKI*) filed a complaint against the Municipal Council of Miskolc with the Equal Treatment Authority (*Egyenlő Bánásmód Hatóság – EBH*), a national institution entrusted with “investigating the complaints filed for the violation of the principle of equal treatment and enforcing that principle”, and proceeding in the cases where they establish discrimination, on the basis of the Act on Equal Treatment.⁷⁵ NEKI alleged that the municipality ended the contracts⁷⁶ by using any opportunity to replace indeterminate with fixed term tenancies, by not extending expired tenancies, and by ending tenancies related to unpaid rental and utility fees (including the cases when tenants were able to pay the outstanding fees).⁷⁷ At the same time, the municipality did not timely inform the tenants, did not consult the tenants in any way, did not prepare any assessment of the new situation’s impact, and did not provide any accommodation to tenants whose contracts expired.⁷⁸

Major Hungarian media outlets⁷⁹ also reported in early August 2014 on the evictions of Roma families living in low-comfort social housing neighbourhoods of Miskolc. Tenants of the first two evacuated houses reportedly included “a disabled woman and a family with small children”;⁸⁰ according to other news sources, the eviction took place without prior notice to the tenants. Another evicted person, a mother of an eight-month old infant, claimed that her family was evicted despite having paid all the bills relating to the tenancy.⁸¹ It was also

⁶⁹ European Roma Rights Centre, *op. cit.*, note 47.

⁷⁰ “500 protest plan to bulldoze Roma housing estate in Miskolc”, Budapest Beacon website, 26 June 2014, <<http://budapestbeacon.com/public-policy/500-protest-plan-bulldoze-roma-housing-estate-miskolc/9259>>.

⁷¹ European Roma Rights Centre, *op. cit.*, note 46.

⁷² *Ibid.*

⁷³ “Hungary: Mayor of Miskolc must halt evictions of Roma”, Amnesty International, 15 July 2014, <<https://www.amnesty.org/en/documents/eur27/003/2014/en/>>.

⁷⁴ *Ibid.*

⁷⁵ “Important information on the procedure of the Equal Treatment Authority”, Equal Treatment Authority, <<http://www.egyenlobanasmod.hu/article/view/the-authority>>.

⁷⁶ According to Roma activists in Miskolc, these actions were not limited to the area of Numbered Streets only, and affected the other segregated city areas as well.

⁷⁷ European Network of Legal Experts in Gender Equality and Non-discrimination, *op. cit.*, note 42.

⁷⁸ *Ibid.*

⁷⁹ Sources: *Népszava*, Index.hu, HVG, and TV2.

⁸⁰ “Miskolci kilakoltatás”, *Népszava*, 6 August 2014, <<http://nepszava.hu/cikk/1029482-miskolci-kilakoltatas>>.

⁸¹ Information with similar content was published by TV2 on 29 July 2014 and Index.hu on 5 August 2014.

reported that persons who actually received eviction notices were given simple notifications on the termination of contracts, without details or explanations.⁸²

The evictions triggered a protest by Roma in front of the Miskolc city hall in August 2014.⁸³ Additionally, TASZ sent a letter to the Government Office of the county on 12 September 2014, urging them to also consider the legality of measures taken by the Miskolc local council.⁸⁴ At that time, the Miskolc authorities also adopted their new Integrated Settlement Development Strategy, mentioned earlier in section 2.2, which formalizes the plan for the demolition of the Numbered Streets.

The Mayor of Miskolc also made statements that made it clear that it was the local Roma population that was the target of the evictions. On 21 August 2014, Mayor Kriza said in a press interview that, “[by] the end of August it is expected that the undereducated and – let us not be afraid to say it – Roma families settled by the Socialists will have moved out from 105–110 flats. 60–70 flats remain to be populated, but since they can see the strictness of the authorities, it is likely that the moving out will be accelerated. [...] We are monitoring their movements; they cannot stay on the territory of the city without a legitimate residence title.”⁸⁵

In an attempt to establish some dialogue, the Ministry of Interior convened a meeting in Miskolc in August 2014, gathering representatives of the State Secretary for Local Self-governments, State Secretary for Social Affairs, the Mayor of Miskolc, the local Roma Self-government and the Hungarian Charity Service of the Order of Malta (*Magyar Máltai Szeretetszolgálat*).⁸⁶ Unfortunately, the meeting yielded only the agreement that the charity will serve as the main interlocutor between the Miskolc authorities and the Roma Self-governments, which was interpreted by NGOs as possible indication that “the local government of Miskolc does not intend to have any direct contact with the local Roma”.⁸⁷ The activists that the ODIHR delegation met were also disappointed by the lack of involvement from the National Roma Self-government in the Miskolc situation.⁸⁸

The local elections in Hungary, held on 12 October 2014, caused additional tensions, since the Fidesz-led local council in Miskolc faced its most serious rival in the local representatives of Jobbik, who publicly stated that they would withdraw any support for evicted Roma, demolish the houses in question, and even impose the costs of the demolition on the local Roma.⁸⁹ Some press sources also drew attention to the lack of reaction to evictions by opposition party representatives (Hungarian Socialist Party – *Magyar Szocialista Párt*, and

⁸² Bangau, *op. cit.*, note 39.

⁸³ “Miskolc Roma protest against eviction”, Politics.hu website, 7 August 2014, <<http://www.politics.hu/20140807/miskolc-roma-protest-against- eviction/>>.

⁸⁴ Available at: <http://m.cdn.blog.hu/at/ataszjelenti/file/S%C3%BAjhely_rendelet-megt%C3%A1m-BAZKorm%C3%A1nyhivatala.pdf>.

⁸⁵ Original statement: “Miskolcon folytatódik a nyomortelepek teljes felszámolása”, *Magyar Hírlap*, 21 August 2014, <http://magyarhirlap.hu/cikk/3086/Miskolcon_folytatodik_a_nyomortelepek_teljes_felszamolasa>. Translation into English: European Equality Law Network, *op. cit.*, note 55.

⁸⁶ The Hungarian Charity Service of the Order of Malta has been active in Hungary for over twenty years, and has traditionally been active in Miskolc in the Avas settlement, with more recent activities in the Numbered Streets area.

⁸⁷ ODIHR email correspondence with the European Roma Rights Centre, 17 December 2015.

⁸⁸ Information provided to the ODIHR delegation by civil society activists, Budapest, 29 June 2015.

⁸⁹ “Roma ‘slums’ face demolition in Orban’s Hungary”, AFP, 10 October 2014, <<http://news.yahoo.com/roma-slums-face-demolition-orbans-hungary-194902463.html>>.

the Democratic Coalition – *Demokratikus Koalíció*) in Miskolc.⁹⁰ A number of interlocutors of the ODIHR delegation highlighted the anti-Roma political context of the local situation, where political parties appeared to be competing on who would introduce tougher measures against local Roma.

2.4. Control activities against tenants of social housing in Miskolc⁹¹

Even before the social housing decree has changed, a number of control activities were carried out jointly in segregated neighbourhoods of Miskolc where Roma represent the majority of population, by the Miskolc Local Government Police and other local authorities and bodies, on the basis of various local decrees.⁹² Consequently, non-governmental organizations TASZ and NEKI filed a complaint with the Commissioner for Fundamental Rights in March 2014, with regards to these control activities. In terms of locality, the control activities focused on the Avas housing estate of Miskolc, which is a settlement occupied by a number of Roma users of the Nest Programme.⁹³ Other areas of Miskolc, predominantly occupied by non-Roma, or non-Roma occupied parts of Avas, were not targeted by such actions.⁹⁴

These “raid-like joint official control activities”, in the wording of the Commissioner for Fundamental Rights,⁹⁵ were conducted by the groups of 10–15 officials, primarily the Miskolc Local Government Law Enforcement Section accompanied by the representatives of other institutions, including social services and public utility providers. Reportedly, in the course of the control activities, the groups would inspect entire apartments. The alleged aim of the control activities was to determine whether various rules were being respected, relating to e.g. rubbish collection, address registration, rules relating to keeping animals, etc., including issues on which law enforcement had no mandate. During the visit, the ODIHR delegation heard that, in some cases, the control teams even checked on the cleanliness of tenant’s fridges. The control activities also addressed sanitation, utilities, social administration and child services, and were carried out in a manner described as “harassing and fear-inducing”.⁹⁶ Furthermore, in some cases fines were issued in the course of control activities, and the frequency of control activities, as well as the humiliating manner in which they were experienced by many Roma, amounted to both inhuman and degrading treatment

⁹⁰ “Humánus kilakoltatást! Megnyugtató deportálást!”, *HVG*, 7 August 2014,

<http://hvg.hu/velemeney.nyuzsog/2014080_humanus_kilakoltatast_megnyugtato_deporta>.

⁹¹ According to interlocutors of the ODIHR delegation, such joint control activities were not limited to Miskolc alone, and were reported in some other locations in Hungary as well.

⁹² “Report of the Commissioner for Fundamental Rights and the Deputy Commissioner responsible for the protection of the rights of national minorities concerning official control activities and measures related to housing in Miskolc”, Commissioner for Fundamental Rights, 5 June 2015, <<https://www.ajbh.hu/en/web/ajbh-en/-/report-of-the-commissioner-for-fundamental-rights-and-the-deputy-commissioner-responsible-for-the-protection-of-the-rights-of-nationalities-concerning>>.

⁹³ European Roma Rights Centre, *op. cit.*, note 46.

⁹⁴ European Roma Rights Centre, *op. cit.*, note 47.

⁹⁵ Commissioner for Fundamental Rights, *op. cit.*, note 92.

⁹⁶ “Comprehensive investigation: joint official control practices coordinated by the Miskolc Local Government Police; the local government housing decree; other measures of the Miskolc Local Self-government regarding housing conditions; and decree modifications by municipalities surrounding Miskolc”, Commissioner for Fundamental Rights, 5 June 2015, <<https://www.ajbh.hu/documents/14315/2395545/miskolc-summary.pdf/08f89468-852e-4e7f-aab9-a057bfbfe29b>>.

and a violation of the right to private and family life, in the opinion of TASZ and NEKI, which submitted a complaint with the Commissioner's office on the issue on 4 March 2014.⁹⁷

2.5. Chain reaction among the municipalities neighbouring Miskolc

The actions of the Miskolc Municipal Council soon caused a negative spillover effect also on the neighbouring municipalities. As many as nine municipalities close to Miskolc (Abaújszántó, Hagony, Monok, Rudabánya, Sátoraljaújhely, Sajókaza, Szerencs, Taktaharkány and Vilyvitány) introduced decrees specifying that persons from other municipalities wishing to buy property in their municipalities would not be able to access social assistance, social housing or public employment there.⁹⁸ After an initial warning from the Government Office of the Borsod-Abaúj-Zemplén County, five of these municipalities withdrew the problematic decrees, yet three of them did not: Sátoraljaújhely, Szerencs, and Taktaharkány.⁹⁹

For instance, the Municipal Council of Sátoraljaújhely adopted on 10 July 2014 the Decree 11/2014 (VII. 10) on Local Measures Related to Financial Allowances Provided by Other Municipal Councils with the Aim of Supporting Moving Out, which refers to the compensation offered by the Miskolc authorities to those tenants agreeing to move out of Miskolc. According to the new decree, those persons who purchase real estate in the municipality of Sátoraljaújhely with the support of any other municipality could not access any kind of aid or social assistance from Sátoraljaújhely, could not rent or purchase any housing owned by the Sátoraljaújhely municipality, and would not be given any preferences when it comes to public employment.¹⁰⁰

Prior to the adoption of the decree, at a meeting of the Municipal Council of Sátoraljaújhely held on 10 July 2014, the municipal notary, whose responsibilities include ensuring that council decrees are harmonised with other legal norms applicable in Hungary, raised concerns that creating such distinction between the residents of Sátoraljaújhely would be unfounded. The legal aspects were, however, dismissed, and the council chose to rather focus on what they termed "social and sociological aspects". Moreover, experts noted that "the Mayor emphasised that the legal procedure as a result of which the decree may have to be withdrawn, can be protracted for three to five years, and by that time, the problem might lose its relevance."¹⁰¹

In a similar vein, the Municipal Council of Ózd adopted the Municipal Decree 8/2015 on 7 May 2015, on the rental of municipality-owned housing and other real estate.¹⁰² According to

⁹⁷ The full text of the submission is available in Hungarian at: <<http://tasz.hu/files/tasz/imce/ombudsmani-beadvany-miskolci-razziak.pdf>>.

⁹⁸ European Network of Legal Experts in Gender Equality and Non-discrimination, *op. cit.*, note 44.

⁹⁹ *Ibid.* One more municipal decree was still under review at the time.

¹⁰⁰ European Equality Law Network, *op. cit.*, note 55. The original text of the decree was initially available on the website of the Municipal Council of Sátoraljaújhely, at: <http://www.satorialjaujhely.hu/varos2/files/rendeletek/_pdf/82_mas_onkormanyzat_atal_elkoltozes_penzbeli_terites_helyi_intezkedeseirol.pdf>, yet it was later removed from the website.

¹⁰¹ European Equality Law Network, *op. cit.*, note 55. The official minutes of the meeting, in Hungarian, including the discussion on the legality of the proposed decree are still available on the website of the Municipal Council of Sátoraljaújhely, at: <http://www.satorialjaujhely.hu/varos2/files/letoltesek/onkormanyzat/jegyzokonyvek/2014/testuleti_jkv_20140710_nyilt.pdf>.

¹⁰² The original text of the decree in Hungarian is available at: <http://www.ozd.hu/content/cont_4d7752e1c7b088.85910224/lakasrendelet_2015_05_07_egys_szerk.pdf>.

the statement of the Mayor of Ózd, given at the relevant council session, the aim of the decree was to create stricter conditions for the access to social housing, rent payment and the usage of housing.¹⁰³ Concerns expressed by the local Roma Self-government representatives that they have not been consulted on the draft, despite the fact that most social housing tenants are Roma, were dismissed by the Mayor with a claim that the issue did not relate to ethnicity.

The decree was soon followed by a complaint, filed by NEKI to the Government Office of the Borsod-Abaúj-Zemplén County, on 21 May 2015. NEKI alerted the Government Office, whose mandate is monitoring the legality of decrees adopted by municipalities, to several provisions of the decree which NEKI considered discriminatory. In particular, NEKI emphasized that persons whose tenancy was immediately terminated, mostly due to non-payment of rent, were no longer eligible for social housing, which would be detrimental to the most vulnerable tenants. Further, the new decree would also indirectly render large families, where Roma are predominant, ineligible for social housing, since it increased the space mandatory per person in social housing units. Persons who damaged social housing units would also no longer be able to apply for social housing, yet NEKI warned that constitutionally this would need to apply only to persons found guilty under a final and binding court decision. Finally, NEKI also raised concerns that, whereas a municipal agency is responsible for the management of social housing, the Mayor and members of the Municipal Council also had rights to appoint tenants, which could lead to arbitrary allocation of housing.¹⁰⁴

2.6. Reactions of Hungarian authorities

By October 2014, a dozen houses were reported to be demolished by the city in the Numbered Streets area of Miskolc, and an unspecified number of residents of the Numbered Streets had already left the neighbourhood.¹⁰⁵ Still, the year 2015 was marked by a number of formal decisions of various Hungarian authorities with regards to multiple aspects of the situation in Miskolc. Firstly, on 28 April 2015, the Kúria – Supreme Court of Hungary – struck down the Miskolc municipal decree on amendments to social housing regulations, as discriminatory on the grounds of financial situation and other characteristics.¹⁰⁶ The motion with the Supreme Court was filed by the Government Office of the Borsod-Abaúj-Zemplén County, who had previously requested the municipality to amend the decree, which the municipality had not done.¹⁰⁷ In its decision, the Supreme Court stated that the tenants of low-comfort housing were disadvantaged in comparison with the tenants of full-comfort housing, and that the Miskolc Municipal Council did not provide grounds for this differentiation. Also, the Supreme Court pointed that the decision of tenants to leave Miskolc would not be entirely voluntary, considering the circumstances under which the process took place. Experts, nevertheless, also pointed out that the Supreme Court did not deal with the racial aspect of the case, though the majority of the tenants are Roma, yet dealt with it from the angle of social and financial status, which are protected grounds from the Equal

¹⁰³ “Hungary – Government Office examines potentially discriminative municipal decree in Ózd”, European Equality Law Network, 13 August 2015, <<http://www.equalitylaw.eu/country/hungary>>.

¹⁰⁴ *Ibid.*

¹⁰⁵ AFP, *op. cit.*, note 89.

¹⁰⁶ The decision is available in Hungarian at:

<<http://magyarkozlony.hu/dokumentumok/62a153856fe4d348a532ffbf51ac3ea8e4a6330/megtekintes>>.

¹⁰⁷ “Curia quashes local council’s discriminative decree on housing”, European Network of Legal Experts in Gender Equality and Non-discrimination”, 28 May 2015, <<http://www.equalitylaw.eu/component/edocman/?task=document.viewdoc&id=2762&Itemid=>>>.

Treatment Act.¹⁰⁸ According to ODIHR interlocutors during the field assessment visit, there was only one case where the decree was actually enacted, however the symbolic importance of the message the amended decree sent to local Roma was immense.¹⁰⁹

Shortly afterwards, on 5 June 2015, the Commissioner for Fundamental Rights of Hungary released their report on the housing situation in Miskolc. The Commissioner's office is competent to receive complaints against public authorities and other entities providing public services, and conduct ex-officio investigations into the "situation of a non-determinable group of people or the implementation of a particular fundamental right."¹¹⁰ The Commissioner issues recommendations, in cases that rights are infringed, to the relevant authorities or its supervising institutions, where the latter are requested to inform the Commissioner on the measures taken. The Commissioner's office also includes a Deputy Commissioner responsible for the rights of national minorities.

The Commissioner's report considered the provision requiring the tenants to move out of Miskolc as "unacceptable from the point of view of equal treatment."¹¹¹ The report also raised the fact that the relevant decision of the Supreme Court, described above, has annulled the provision in question. The Commissioner also offered a number of comprehensive recommendations relating to the housing situation in Miskolc: warning about the unsustainability of segregated housing, it called for establishing communication between relevant institutions, as well as professional assistance and targeted subsidies to the city from the state, and active assistance from civil society. The report also called for phasing out segregated areas, programmes to prevent their reappearance, and the development of an action plan for the housing of families rendered homeless. The Minister of Human Capacities was asked to investigate the situation of segregated areas of Miskolc, and to co-operate with the local government of Miskolc and civil society in developing a comprehensive action plan on the matter.¹¹² The report also invited the Minister of Human Capacities to "consider the modification of relevant acts, and to initiate measures which guarantee that appropriate human resources are available to conduct activities related to the protection of children and young persons."¹¹³

The Commissioner's report also condemned the actions of neighbouring municipalities as "exclusionist in content and [violating] national law".¹¹⁴ Consequently, the municipalities of Sátoraljaújhely and Szerencs were explicitly requested to immediately repeal the local decrees in question.¹¹⁵

With regards to the control activities, the Commissioner's investigation established that these actions were often conducted repeatedly, often massive, and organized without explicit legal authorization. Representatives of various Miskolc authorities conducted them "jointly, simultaneously, at a previously determined date and time, following a pre-determined route", organized by the adviser on public order of the local government of Miskolc.¹¹⁶ The manner

¹⁰⁸ *Ibid.*

¹⁰⁹ Information provided to the ODIHR delegation by civil society activists, Budapest, 29 June 2015.

¹¹⁰ "Submission by the Commissioner for Fundamental Rights of Hungary", Commissioner for Fundamental Rights, 12 June 2015, <http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/29/NI/1>.

¹¹¹ Commissioner for Fundamental Rights, *op. cit.*, note 92.

¹¹² *Ibid.*

¹¹³ Commissioner for Fundamental Rights, *op. cit.*, note 96.

¹¹⁴ Commissioner for Fundamental Rights, *op. cit.*, note 92.

¹¹⁵ Commissioner for Fundamental Rights, *op. cit.*, note 96.

¹¹⁶ *Ibid.*

in which the control activities were conducted impeded the right to fair procedures and the right to legal remedy of persons affected, restricting their right to privacy, and the right of informed self-determination of the individuals concerned.¹¹⁷ The Commissioner's report confirmed that 90 per cent of the joint control activities in Miskolc targeted segregated impoverished areas, inhabited mainly by Roma, thus infringing on the requirement of equal treatment. The municipality was asked for an immediate stop to these activities and to repeal the local decrees with rules on community living; moreover, the Commissioner urged that, "Such controls must further be avoided as regards all Hungarian municipalities."¹¹⁸

Formally, the authorities had 60 days to reply to the Commissioner's report. At the time of ODIHR's meeting with the Commissioner's office, in June 2015, there was no formal communication from the Municipal Council of Miskolc to the Commissioner, except for media reporting that Mayor Kriza stated that evictions would continue nevertheless. ODIHR sources also shared that, only a day after the Commissioner's report was publicized, control activities and house demolitions again took place in Miskolc. According to the information available to ODIHR, the Miskolc authorities did not meet the 1 August 2015 deadline for action set by the Commissioner, and no actions have been taken in the period since either.

At this stage, intergovernmental bodies drew attention to the Miskolc housing issues as well. The European Commission against Racism and Intolerance (ECRI) expressed concern about information on attempts to "force Roma out of social housing in order to sell apartments or land at profit. ECRI is also concerned about the planned evictions of hundreds of Roma families in the 'Numbered Streets' neighbourhood of Miskolc, allegedly to make way for a sports stadium, without provision for alternative accommodation", in its report on Hungary, adopted on 9 June 2015.¹¹⁹ In addition, ECRI warned that the municipal decree compensating low-comfort housing tenants for vacating the accommodation could represent "indirect discrimination" against Roma, because the vast majority of low comfort housing is rented by Roma.¹²⁰ Furthermore, a week later, the Justice Commissioner of the European Union (EU), Věra Jourová, stated that the Miskolc council's moves with respect to the housing of Roma contravened both the EU's Roma Integration Framework Strategy and Hungary's own social inclusion strategy.¹²¹ The Justice Commissioner made the statement in response to a question submitted by Péter Niedermüller, Member of European Parliament from the Democratic Coalition, in March 2015.

Shortly afterwards, on 14 July 2015, the Government Office of the Borsod-Abaúj-Zemplén County reportedly requested the Ózd municipality to withdraw five provisions of the decree and amend one. According to the media, the Mayor of Ózd did not publicly clarify what the municipality would do about the request. Experts noted that the Ózd case is yet another example of "municipal decrees attempting to push Roma out of towns through restricting access to social housing," and that, in the case of non-compliance with the request of the Government Office, the case would end up before the Supreme Court.¹²²

¹¹⁷ *Ibid.*

¹¹⁸ Commissioner for Fundamental Rights, *op. cit.*, note 92.

¹¹⁹ Report on Hungary (fifth monitoring cycle) adopted on 19 March 2015, published on 9 June 2015, European Commission against Racism and Intolerance, Strasbourg, para. 91 and para. 92, p. 27, <<https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Hungary/HUN-CbC-V-2015-19-ENG.pdf#page=1&zoom=auto,-82,843>>.

¹²⁰ *Ibid.*

¹²¹ "Brussels critical of Miskolc council's evictions of Roma residents", Hungary Matters website, 16 June 2015, <<http://www.politics.hu/20150616/brussels-critical-of-miskolc-councils-evictions-of-roma-residents/>>.

¹²² European Equality Law Network, *op. cit.*, note 103.

On 15 July 2015, the Equal Treatment Authority (EBH) presented its decision on the abovementioned complaint filed by NEKI, alleging housing discrimination of Roma by the Miskolc authorities. In the court proceedings, the city authorities argued that they had to eliminate the Numbered Streets settlement in order to implement the Government Decree 1895/2013 (XII.4.) on the Measures Related to the Reconstruction of the Diósgyőri Stadium, but also due to alleged undignified living conditions in the settlement, which posed a health risk to its inhabitants.¹²³ The city also claimed not to have any responsibility towards the tenants after the end of tenancy contracts, and that the tenants could not have been discriminated because their treatment was only due to the location of their tenancy. Furthermore, the authorities also considered that the various steps accompanying desegregation, set forth by the 2008–2013 Integrated Town Development Strategy, could no longer be relevant, since the adoption of the 2014 Integrated Settlement Development Strategy.

In its decision, the EBH argued that, even after the expiry of contracts, the local authorities still have social responsibility towards the tenants. The EBH also considered the Integrated Town Development Strategy applicable, since it was in force at the time the municipal decree was amended, and that the authorities did not take any of the steps requested by the strategy, qualifying this omission as indirect discrimination. The reconstruction of the stadium, in the eyes of the EBH, did not reasonably justify exposing tenants of the Numbered Streets to homelessness. The decision obliged the municipality to create an action plan on providing adequate housing to those tenants who have already been rendered homeless or affected (with the deadline of 30 September 2015), an action plan for the housing of tenants from the Numbered Streets (with the deadline of 31 December 2015), and called on Miskolc to stop the discriminatory practice until the action plans would be prepared. The EBH concluded that the municipality discriminated the residents of the Numbered Streets on the grounds of their Roma origin, financial situation and social status, by the means of subjecting them to the threat of homelessness or having to move to other, equally segregated areas. A fine of 500,000 HUF (approximately 1,670 EUR) was also imposed.¹²⁴

The issue of discriminatory provisions by the municipalities neighbouring Miskolc was then reviewed by the Supreme Court. In October 2015, the Supreme Court decided that local governments are not entitled to either put pressure on certain groups to leave the municipality, or put obstacles in the place of those who would like to settle in a municipality. According to the court, it is illegitimate and discriminatory for the municipalities to remove social benefits from a group.¹²⁵

In the meanwhile, the Miskolc authorities requested a legal review of the decision of the Equal Treatment Authority. The first hearing was scheduled for November 2015, however the municipality submitted to the court an 85-page supplement just five days before the scheduled court session, causing a further postponement.¹²⁶ Although the Metropolitan Administration and Labour Court had ruled that the legal review does not suspend the implementation of the EBH decision, the local government had not taken any steps towards

¹²³ European Network of Legal Experts in Gender Equality and Non-discrimination, *op. cit.*, note 42.

¹²⁴ *Ibid.*

¹²⁵ “Justice Prevails over Discrimination by Hungarian Municipalities”, TASZ, Budapest, 3 November 2015, <<http://hclu.hu/romaprogram/justice-prevails-over-discrimination-hungarian-municipalities>>.

¹²⁶ “Nem született bírósági döntés a számozott utcák ügyében”, NEKI, 2 November 2015, <<http://dev.neki.hu/nem-szuletett-birosagi-dontes-a-szamoszott-utcak-ugyeben>>.

the creation of the action plans. On the contrary, Mayor Kriza was quoted to have said that the municipality would continue with the practice of evictions.¹²⁷ Furthermore, NGOs have also alleged that the Mayor and other city officials publicly misinterpreted the court decision, thus influencing the public opinion.¹²⁸ At the same time, the Mayor of Miskolc announced the continuation of control activities by local authorities, despite the request to the contrary by the Commissioner for Fundamental Rights.¹²⁹

Finally, on 25 January 2016, the Metropolitan Administration and Labour Court rejected the application of the Miskolc authorities for a legal review, upholding the previous EBH decision.¹³⁰ Still, some tenants received eviction notices even after the decision of the EBH had been made public,¹³¹ and evictions were reportedly carried out even in late November 2015.¹³² By that point, the population of the Numbered Streets settlement had significantly decreased, with estimates that up to 400 persons, from the original 900, had left, and a number of houses have been demolished.¹³³ Many residents reportedly left on their own, because of the fear of forced evictions, and often resettling in another segregated and predominantly Roma area of the city, Lyukóháza. Alarming, NGOs described Lyukóháza as “already Hungary’s biggest and most rapidly growing segregated Roma settlement”, where tenants of the Numbered Streets mainly moved to small weekend houses and shacks in remote parts of the area.¹³⁴ The ODIHR delegation has visited Lyukóháza, and agrees with the given description. Also, some tenants are reported to having moved in with relatives, mainly in other segregated Miskolc neighbourhoods, typically in substandard and overcrowded conditions. As emphasized by the Commissioner’s office, there is also the question whether the persons that moved to other areas would be able to obtain address cards (*lakcímkártya*), which is a prerogative for accessing education and healthcare, and would particularly affect families with children of school age. According to Roma activists from Miskolc, around 400 Roma families could have left Miskolc by June 2015, and there is no clear information on their whereabouts.

In the course of ODIHR meetings in Miskolc, the issue of education also surfaced. Roma mothers interviewed by ODIHR testified of the pressure that eviction threats pose on families with children, particularly if their education is interrupted, and they have to move and change schools.¹³⁵ Furthermore, according to local activists, Roma children are mainly assigned to so-called “class B”, the classes with a simplified curriculum and lower quality education.¹³⁶ Additionally, according to ODIHR sources, there are at least four primary schools in Miskolc where Roma children are a majority, and where the students receive education of lower quality. The number of Roma high schools students is very low, and only a few Roma attend university in the city.¹³⁷

¹²⁷ *Ibid.*

¹²⁸ *Ibid.*

¹²⁹ “Hearing on fighting racial discrimination in housing: Forced evictions against Roma”, NEKI, 14 October 2015.

¹³⁰ “Miskolci számozott utcák – már minden létező fórumon elmarasztalták a magyar hatóságok Miskolc Önkormányzatát”, NEKI, 25 January 2016, <<http://dev.neki.hu/miskolci-szamoszott-utcak-mar-minden-letezo-forumon-elmarasztaltak-a-magyar-hatosagok-miskolc-onkormanyzatat/>>.

¹³¹ NEKI, *op. cit.*, note 129.

¹³² ODIHR email correspondence with the European Roma Rights Centre, 17 December 2015.

¹³³ NEKI, *op. cit.*, note 126.

¹³⁴ ODIHR email correspondence with the European Roma Rights Centre, 17 December 2015.

¹³⁵ Information provided to the ODIHR delegation by residents of Numbered Streets, Miskolc, 30 June 2015.

¹³⁶ Information provided to the ODIHR delegation by civil society activists, Miskolc, 30 June 2015.

¹³⁷ *Ibid.*

Evictions and control activities in settlements with predominantly Roma population have also triggered a new wave of migrations of Roma from Miskolc. Previously, in 2010, several thousand of Roma from Miskolc had fled to Canada, but were returned as rejected asylum seekers in 2012, when Mayor Kriza was quoted as stating that “Miskolc will not receive Canada’s refugees”.¹³⁸ During the visit, the ODIHR delegation also heard complains that, upon return to Hungary, returnee children faced difficulties with the formal recognition of their Canadian education. The cancellation of social housing and evictions in 2014 have further contributed to the numbers of Roma from Miskolc intending to flee, and ODIHR delegation’s interlocutors shared information of at least 70–80 Roma families that left Miskolc to Canada, in the previous twelve months, as of June 2015. Similarly, in May 2015, representatives of the Roma Self-government in Miskolc were quoted in the press saying that some 120-130 Roma from Miskolc informed them in the previous month or two about the intention to leave, or asked for their assistance in the process.¹³⁹

At the time of completion of this report, the actions of the authorities of Miskolc have been condemned by the Commissioner for Fundamental Rights, the Equal Treatment Authority, and the Supreme Court. As of 1 December 2015, the winter moratorium on eviction was introduced, lasting until 15 March 2016.¹⁴⁰ It remains to be seen what the next steps of the Miskolc authorities will be, if any – many of the civil activists that ODIHR met feared that no action would be taken, due to the support of non-Roma population for anti-Roma measures. This is especially worrisome in the light of the information local authorities provided to the Commissioner for Human Rights in response to the latter’s recommendations from May 2015, where the Miskolc Mayor’s office expressed the intent to continue with control activities and claimed that only law can request the development of action plans, whereas both the Miskolc Local Government Police and the Minister in charge of the Prime Minister’s Office considered that the police acted “in line with relevant provisions.”¹⁴¹ The Commissioner had not accepted these responses, and was waiting for the second round of revised authorities’ responses at the time this report was completed.

¹³⁸ Budapest Beacon website, *op. cit.*, note 70.

¹³⁹ Budapest Sentinel website, *op. cit.*, note 64.

¹⁴⁰ ODIHR email correspondence with NEKI, 20 December 2015.

¹⁴¹ “Follow-up on the report of the Commissioner for Fundamental Rights of Hungary and his Deputy on the joint official control activities coordinated by the Miskolc Local Government Police, the local government housing decree, other measures of the Miskolc Local Government regarding housing conditions and the decree modifications by municipalities surrounding Miskolc (No. AJB-1474/2014)”, Commissioner for Fundamental Rights, date unspecified (received from the Commissioner’s office on 5 February 2016).

3. CONCLUSIONS

The OSCE commitments on Roma and Sinti issues, as outlined in the 2003 OSCE Action Plan on Roma and Sinti, include “implementing effective anti-discrimination legislation to combat racial and ethnic discrimination in all fields”, including housing. The Action Plan also calls on the participating States to “involve Roma and Sinti people in the design of housing policies” and “ensure that housing projects do not foster ethnic and/or racial segregation.”¹⁴² Authorities of OSCE participating States must adhere to OSCE commitments prohibiting discrimination, in addition to international human rights standards on the right to adequate housing.

ODIHR is gravely concerned about the allegations of discrimination in the provision of adequate housing for Roma residents of Miskolc, in the context of the amended decree on social housing and its application, the joint control activities conducted in predominantly Roma settlements with social housing, and the effects it has on the community. ODIHR is also concerned how the discriminatory and exclusive measures by local authorities in the area of housing had set a negative example for other areas of the country, and welcome the relevant Supreme Court decision. These are dangerous developments, since they set precedents for potential future actions targeting impoverished Roma, and creating a negative environment for Roma communities. This is also happening in a political context marked by anti-Roma rhetoric surrounding the discourse about the eviction of Roma from the Numbered Streets. ODIHR also notes that the impact on the community goes well beyond housing, and includes risks in accessing address cards, the ability of children and youth to continue education, access to health services, etc. Furthermore, there is a notable lack of engagement by the local authorities with local Roma communities deeply affected by the changes taking place. Both local and national authorities should encourage and ensure the full participation of and dialogue with the local Roma community, including the development of local strategic framework.

There is a significant responsibility and role of local Hungarian authorities in formulating and implementing non-discriminatory policies in the area of social housing. Greater efforts are needed to promote sustainable and non-discriminatory housing solutions for Roma communities in Hungary. The relevant Hungarian strategic framework, both the adoption of the EU Framework for National Roma Integration Strategies, as well as the national Social Inclusion Strategy, should be fortified and applied in practice, and should also be implemented on the local level. This is particularly important in the light of divergent developments on international and national, compared to local level; whereas Hungary promoted Roma inclusion in the European Union, and adopted a number of relevant policy documents, this is contradicted by negative trends at local level, especially in area of housing.

Importantly, the recent concerns of the European Commission against Racism and Intolerance about the evictions of Roma social housing residents in Miskolc and lack of provision of alternative accommodation should be taken into account, as well as the fact that the EU’s Justice Commissioner also found that the measures by Miskolc authorities are not compatible with the EU’s Roma-related strategic framework, or Hungary’s own strategy for social inclusion.

¹⁴² OSCE Ministerial Council, *op. cit.*, note 2.

Furthermore, ODIHR welcomes the recent judgments of the Hungarian Supreme Court, the report of the Commissioner for Fundamental Rights, and the decision of the Equal Treatment Authority on the unlawful measures undertaken by the local council regarding the housing provided to Roma residents of Miskolc, and urges for their full and immediate implementation. It appears, however, from the local responses to these decisions and verdicts, that the local authorities are less responsive than the national authorities, yet the authorities on the national level have limited tools to ensure that international human rights commitments are upheld.

ANNEXES

Annex I: Overview of recent developments relating to hate crime and anti-Roma incidents

In June and July 2009, ODIHR visited Hungary following a series of violent attacks against Roma in Hungary, including the murders of six people. The aim of the field visit was to assess the human rights situation of Roma and the underlying context in which racist violence and hate crimes occurred. A report of the field visit, “Addressing Violence, Promoting Integration – Field Assessment of Violent Incidents against Roma in Hungary: Key Developments, Findings and Recommendations”, was published in 2010.¹⁴³

One of the objectives of ODIHR’s 2015 field assessment visit to Hungary included providing an update on the situation regarding violent attacks, destruction of houses and other property, campaigns intended to intimidate Roma communities and hate speech, reported in the 2010 ODIHR report. Particular attention was paid to the implementation of recommendations 1, 2, 6c, 6e, 7, 8, and 9 from the report. The following sections offer a brief overview of main recent developments relating to hate crime and anti-Roma incidents in Hungary since 2009.

Serial murders of Roma in 2009

Four right-wing extremists were arrested in 2009 in relation to the violent attacks and six murders of Roma, which took place in 2008 and 2009.¹⁴⁴ After years of legal developments at various levels of court, in January 2016, the Kúria – the Supreme Court of Hungary – finally passed the sentence confirming life imprisonment to three perpetrators.¹⁴⁵ Unfortunately, in the text of the judgment, the Kúria does not emphasize the racial motivation of the perpetrators, which had been the case with a lower-instance court, where a judge stated that this was a “showcase to demonstrate that racist murders would incur the toughest penalties”.¹⁴⁶ The fourth accomplice, who served as a driver to the murderers, had been sentenced to thirteen years of imprisonment in 2015.

Gyöngyöspata

In spring 2011, extreme right-wing paramilitary organizations, including the then For a Better Future Civil Guard, gathered in the Gyöngyöspata settlement in north-eastern Hungary, and intimidated the local Roma population for seven weeks.¹⁴⁷ During this period, the local Roma people were too afraid to leave their homes, and children were afraid of going to school, while the paramilitary troops continuously insulted and harassed the village Roma.¹⁴⁸ Although the police force was present in the village in large numbers, they did not intervene

¹⁴³ ODIHR, *op. cit.*, note 6.

¹⁴⁴ For information on the murders, see the relevant 2010 ODIHR report (ODIHR, *op. cit.*, note 6.).

¹⁴⁵ “A Kúria pontot tett az egész országot felkavaró ügyre”, Kúria, 13 January 2016, available in Hungarian at: <<http://www.lb.hu/hu/sajto/kuria-pontot-tett-az-egesz-oroszagot-felkavaro-ugyre>>.

¹⁴⁶ “Hungary top court jails serial killers of Roma for life”, Reuters, 12 January 2016, <<http://www.reuters.com/article/us-hungary-roma-killings-sentence-idUSKCN0UQ1YZ20160112>>.

¹⁴⁷ “For a Better Future Hungarian Self-Defence”, Athena Institute, 2014, <<http://athenainstitute.eu/en/map/olvas/58>>.

¹⁴⁸ “A rendőrség szerint nem gyűlölet-bűncselekmény”, TASZ, 1 June 2011, <<http://tasz.hu/romaprogram/rendorseg-szerint-nem-gyulolet-buncselekmeny>>.

in the actions committed by paramilitary organizations, despite indications of serious crimes (such as violence against and harassment of local Roma) taking place in these weeks.¹⁴⁹

At the same time that paramilitary organizations patrolled Roma neighbourhoods, the police started to severely fine Roma individuals for petty minor crimes (e.g. lack of bicycle rings or lamps). Moreover, even after extreme groups left Gyöngyöspata and a new mayor from Jobbik was elected, the police continued the practice of fining local Roma.¹⁵⁰ This practice by the police was condemned by the then Parliamentary Commissioner for National and Ethnic Minority Rights in his report on Gyöngyöspata. The Commissioner also criticized the segregative, anti-Roma regulatory practices of the local government.¹⁵¹ After the failure of judicial remedy in Hungary for the Roma victims of threats and harassment in Gyöngyöspata, Non-governmental organizations brought a lawsuit against Hungary, with regards to the 2011 Gyöngyöspata events, at the European Court of Human Rights in October 2012.¹⁵² In its judgment, released on 12 April 2016, the Court decided that Hungarian authorities failed to adequately investigate threats and insults made during anti-Roma marches in Gyöngyöspata, and thus violated Article 8 (right to respect for private and family life) of the European Convention on Human Rights.¹⁵³

Devecser

In August 2012, the far-right party Jobbik and several vigilante groups held an anti-Roma march in the village of Devecser. Around a thousand persons participated in the march, shouting death threats, and throwing objects at houses they thought belonged to Roma.¹⁵⁴ According to human rights activists, not only was there danger of violence, but actual acts of violence against Roma also took place. Nevertheless, no participants of the march had their identity checked by the police, nor were any of them detained. In the opinion of the police, the speeches of the marchers “did not include any irrational, vehement, instinctive, hostile and harmful statements. The speeches may partly be offensive towards Roma, which is morally condemnable, but not punishable.”¹⁵⁵

Cegléd

In a similar case in Cegléd, central Hungary, an organized group of individuals from Jobbik and the paramilitary organization New Hungarian Guard (*Új Magyar Gárda*) gathered in the

¹⁴⁹ “Civil szervezetek levele a Belügyminiszterhez a gyöngyöspatai helyzet kapcsán”, TASZ, 12 March 2012, <<http://tasz.hu/romaprogram/civil-szervezetek-levele-belugyminiszterhez-gyongyospatai-helyzet-kapcsan>>.

¹⁵⁰ “TASZ kontra Heves Megyei Rendőr-főkapitányság: per a gyöngyöspatai romák diszkriminációja miatt”, TASZ, 10 June 2013, <<http://tasz.hu/romaprogram/tasz-kontra-heves-megyei-rendor-fokapitanysag-gyongyospatai-romak-diszkriminacioja-miatt>>.

¹⁵¹ “A nemzeti és etnikai kisebbségi jogok országgyűlési biztosának utóvizsgálati jelentése a közfoglalkoztatásról, a szabálysértési hatóságok eljárási gyakorlatáról és az oktatás helyzetéről Gyöngyöspatán”, Parliamentary Commissioner for National and Ethnic Minority Rights, December 2011, <<http://www.kisebbségiombudsman.hu/data/files/223419918.pdf>>.

¹⁵² “Az Európai Emberi Jogi Egyezmény 34. Cikke, valamint a Bíróság Szabályzatának 45. és 47.§-a alapján előterjesztett kérelem”, TASZ, 1 October 2012, <http://tasz.hu/files/tasz/imce/b.r._kontra_magyarorszag_ejeb_kerelem_anonim.pdf>.

¹⁵³ European Court of Human Rights, “Case of R.B. v. Hungary: Judgment”, Strasbourg, 12 April 2016, <<http://hudoc.echr.coe.int/eng?i=001-161983#%7B%22itemid%22:%5B%22001-161983%22%7D%7D>>.

¹⁵⁴ “Anti-racism and Restriction of Speech”, Dalma Dojcsák and Máté Dániel Szabó, date unspecified, <http://romologiafolyoirat.pte.hu/?page_id=925&lang=en>.

¹⁵⁵ *Ibid.*

town on 18 August 2012, after an alleged conflict between the Guard members and local Roma.¹⁵⁶ The houses of local Roma were cordoned off by 70-80 police officers. Several days afterwards, on 21 August 2012, the two groups organized a demonstration against “Gypsy crime” in the town. The police did not consider the incidents taking place on 18 August 2012 as hate crimes, nor did a subsequent inquiry on the national level call for investigation into more serious crimes. According to the official police statement, “the law enforcement at Cegléd had acted lawfully, decisively, and in a professional manner, and managed to prevent rights violations”, however Amnesty International Hungary, the Hatter Support Society for LGBT People, the Hungarian Civil Liberties Union, Hungarian Helsinki Committee, and the Legal Defence Bureau for National and Ethnic Minorities all publicly disagreed with the given police assessment.¹⁵⁷

Konyár

On 5 September 2013, a bus with football fans, on their way to a match in Bucharest, stopped in front of the school in Konyár, a village in eastern Hungary, attended mainly by Roma children. Around twenty apparently intoxicated football fans yelled obscenities and threatened to enter the school, while some of them also urinated on the walls of the school. The teachers locked the doors and ordered students to hide under their desks. Apparently, one of the persons on the bus was a teacher previously fired from the school for talking disparagingly about Roma and physically disciplining Roma students. Upon their arrival, the police merely checked the identification documents of the persons on the bus, and asked them to leave the village.¹⁵⁸ According to the police statement, no criminal or administrative offence took place, and this version of events was also supported by the Ministry of Interior.¹⁵⁹

¹⁵⁶ “Roma-Gárda conflict in Cegléd as far-right groups stage spontaneous demo against ‘Gypsy crime’”, Politics.hu website, 22 August 2012, <<http://www.politics.hu/20120822/roma-garda-conflict-in-cegled-as-far-right-groups-stage-spontaneous-demo-against-gypsy-crime/>>.

¹⁵⁷ “Police fail to admit inappropriate action”, Hungarian Helsinki Committee, 17 September 2012, <<http://helsinki.hu/en/the-police-did-not-act-appropriately-but-fails-to-admit-it>>.

¹⁵⁸ “Football and its fans: the Romanian-Hungarian game”, Hungarian Spectrum website, 2013, <<http://hungarianspectrum.org/tag/football-hooligans/>>.

¹⁵⁹ “Civil szervezetek szerint a rendőrség hibázott Konyáron”, TASZ, 11 September 2013, <<http://tasz.hu/romaprogram/civil-szervezetek-szerint-hibazott-rendorseg-konyaron>>.

Annex II: ODIHR delegation and meeting participants

ODIHR delegation members

Michael Georg Link, Director

Mirjam Karoly, Senior Adviser on Roma and Sinti Issues / Chief of the Contact Point for Roma and Sinti Issues

Julian Jakab, Special Adviser

Tatjana Perić, Adviser on Roma and Sinti Issues / Deputy Chief of the Contact Point for Roma and Sinti Issues

Meeting participants

Zoltán Balog, Minister of Human Capacities

Szabolcs Takács, Minister of State for European Union Affairs, Prime Minister's Office / Chair of the International Holocaust Remembrance Alliance

Ambassador Gergely Pröhle, Deputy State Secretary for International and EU Affairs, Ministry of Human Capacities

Elisabeth Sándor-Szalay, Deputy Commissioner for Fundamental Rights, Ombudsman for Minority Rights

Tamás Török, Legal Advisor, Office of the Commissioner for Fundamental Rights

Edina Tordai, Legal Advisor, Office of the Commissioner for Fundamental Rights

János Kiss, Deputy Mayor, Miskolc

Ferenc Bogayay, Chief of Miskolc Police Headquarters

Gyula Schweickhardt, Mayor's Commissioner, Miskolc

Beáta Ambrus, International Desk Officer of the Mayor's Office, Miskolc

Zita Nyikes, Personal Secretary of the Deputy Mayor, Miskolc

Gábor Váradi, Head of Roma Self-government, Miskolc

Ferenc Gulyás, Deputy Head of Roma Self-government, Miskolc

Attila Lakatos, Roma Self-government, Miskolc

József Csendes, sociologist/activist, Miskolc

Mihály Dancs, Roma Civil Rights Movement, Miskolc

Erika Dancsné Iváncsik, Roma Educational Integration Association, Miskolc

Áron Demeter, Amnesty International Hungary

Henriett Dinók, Chance for Children Foundation

Roland Ferkovics, MA student, Central European University

Aladár Horváth, Hungarian Roma Parliament

László Jakab, MA student, Central European University

Eszter Jovánovics, Hungarian Civil Liberties Union (TASZ)
Adél Kegye, Chance for Children Foundation
Eszter Kirs, Hungarian Helsinki Committee
András Nun, Autonomia Foundation
Attila Tamás, Roma activist from Miskolc
Béla Rácz, Roma Civil Rights Movement
Márton Rövid, Decade of Roma Inclusion Secretariat Foundation
Mihály Simon, Hungarian Antipoverty Network Foundation / Igazmondó Foundation
Szilvia Suri, Roma Press Centre
Orsolya Szendrey, European Roma Rights Centre

Annex III: Letters to ODIHR by Hungarian authorities



MINISTRY OF HUMAN RESOURCES
MINISTER OF STATE FOR SOCIAL AFFAIRS AND SOCIAL INCLUSION

Ref. Number: 44011-.../2014/SIF

“~~F~~” September 2014

Michael Georg Link
Director

Organisation for Security and Cooperation in Europe
Office for Democratic Institutions and Human Rights

Warsaw

Subject: information on housing issue in Miskolc, Hungary

Dear Director Link,

Please accept my apologies for my late answer to your letter on Roma housing issue in Miskolc. Hereby I would like to inform you on the current situation as well as its background.

At its meeting on 8 May 2014 the General Assembly of Miskolc adopted an amendment of the relevant regulation, with the aim to increase the effectiveness of the "elimination of obsolete segregated settlements", and thus enable to take urban development measures.

The self-government regulation No 13/2014 (12 May) amending the self-government regulation No 25/2006 (12 July) increased the amount of compensation from HUF 1.5 million to HUF 2 million which can be paid in cases if tenants voluntary leave apartments rented from the municipality. At the same time the leaders of the municipality recognized that it is impossible to buy an apartment with all amenities for this sum within Miskolc borders. Therefore, in order to avoid the creation of new slums in other parts of the town the amendment introduced a new rule. According to this the compensation can only be chosen in case of leaving low comfort/substandard apartments owned by the municipality and if the tenant purchases property outside of the town and registers a 5-year ban on alienation and encumbrance in favour of the municipality. However, the municipality underlined that this is only an opportunity, and moving to the countryside is not mandatory for anyone; those families which do not intend to choose this option are not under any legal pressure. Mr. Dr. Ákos Kriza, Mayor of the city personally informed all local Roma minority leaders about this change in advance, and relevant information was also shared with Mr Flórián Farkas, President of the National Roma Self Government, as well as Mr Félix Farkas, Roma Ethnic Spokesperson of the National Parliament.

After recognizing the debate caused by the new rule, with respecting the autonomy of the local government, a high-level multilateral discussion was initiated among the relevant ministries, the municipality and some NGOs. According to the agreement of the participants

of this meeting the Hungarian Maltese Charity Service has been involved in the process in order to provide mediation for the people living in the territory concerned. Our intention is to continue this extensive multilateral discussion in order to settle this case peacefully.

Finally I would like to confirm that social inclusion and reducing poverty is still remained one of the highest priorities of the Hungarian Government and improvement of housing is an important element of our measures. Therefore the Government launched targeted programs supporting the housing situation of the most disadvantaged people. This complex settlement program (solving the problems in an integrated manner) is also running in Miskolc. The aim is to enhance social inclusion of disadvantaged people living in extreme poverty in segregated environments through providing complex services. Total budget: HUF 8.04 billion, 22 applicants won in the first tender call, 18 in the second and additionally several applicants being on the reserve list might also be supported. It means that altogether 80 segregated settlements in 56 municipalities are involved in the programme. The City of Miskolc received HUF 143.6 million in order to help the segregated environment of Lyukóvölgy-Gulyakút.

In the past four years with the National Social Inclusion Strategy being in line with the EU Roma Framework Strategy the Government created the flexible toolkit to respond such kind of problems and to manage settlement programs. It is important to highlight that problems are different not only country by country but even within a small territory too, hence there are various solutions of a problem in which local features always have to be taken into account.

It would be a pleasure to welcome you in Hungary in order to introduce you the Hungarian situation as well as our efforts and their results in the field of Roma inclusion.

Looking forward to a fruitful cooperation,

Yours sincerely,





Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights

The Director

Warsaw, 9 December 2015

Mr. Zoltán Balog
Minister of Human Capacities
Hungary

Dear Minister, *lieber Herr Balog,*

Please let me express my gratitude, once again, for the meeting held on the margins of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) field visit to Hungary, held on 30 June – 1 July 2015. I would also like to thank you and your staff for the support provided during the rest of the field visit, and especially the meetings held in Miskolc.

Our team met with the representatives of national and local authorities, civil society and the local Roma community, with the aim of collecting information on the efforts of your government to improve the situation of Roma in Hungary, and in particular to collect information on the housing situation of the Roma community in Miskolc. The information gathered during the field visit will serve ODIHR in drafting the field visit report, to be presented early next year.

As agreed in our Miskolc meeting with the representatives of local authorities, ODIHR has prepared a questionnaire with additional questions regarding the housing situation of Roma in Miskolc, attached to this letter. We would appreciate to receive the questionnaire response by 15 January 2016, and your kind assistance on this matter would be most appreciated.

In conclusion, I would like to thank you for your support of the work of ODIHR, and assure you of our readiness to assist your government in promoting Roma inclusion.

Yours sincerely,

Michael Georg Link

CC: H.E. Ambassador Károly Dán, Permanent Representative, Permanent Mission of Hungary to the OSCE, the UN and Other International Organizations

QUESTIONNAIRE ON THE SITUATION OF ROMA IN MISKOLC

Warsaw, 9 December 2015

1. How many families, especially Roma families, have lived in the Numbered Streets before 2014, and how many are there now, according to the local authorities' data?
2. How many eviction orders were issued in 2014 and 2015 to Roma families living in the Numbered Streets, and also other areas of the city populated predominantly by Roma? What were the reasons for the issuance of eviction orders?
3. How many forced evictions of Roma families have taken place in 2014 and 2015 in the Numbered Streets? Were there forced evictions of Roma families in 2014 and 2015 in other areas of the city, how many and which areas? What were the reasons for these forced evictions?
4. How many housing units were demolished in 2014 and 2015 in the Numbered Streets, and also other areas of the city populated predominantly by Roma?
5. How many Roma families facing eviction have been offered alternative accommodation by the local authorities? What were the criteria used in determining which families would be offered alternative accommodation? What type of location was offered for alternative accommodation?
6. With regards to the September 2015 modification of the Decree on Flat Tenement, what were the reasons for changes in the Decree? What were the reasons for a changed procedure in voting for the Decree? Have the local authorities discussed the possible impact of the changes in the Decree on impoverished Roma users of social housing?
7. How many complex raids (involving local law enforcement and other institutions), targeting primarily segregated and mainly Roma populated city areas in Miskolc, were conducted in 2014 and 2015? What was the type of raids, which authorities and institutions were involved, and what were the results of these raids?
8. What steps have the local authorities of Miskolc taken in follow-up to the 2015 recommendations of the Ombudsman / Commissioner for Human Rights?
9. What steps have the local authorities taken in follow-up to the recommendations outlined in the 2015 decision of the Equal Treatment Authority? In particular, have the local authorities prepared an action plan to address the local housing situation, as requested by the Equal Treatment Authority?
10. How and how frequently do the local authorities of Miskolc communicate with the local representatives of the Roma Self-Government? Have the local authorities consulted the Roma

Self-Government on the steps in implementing the recommendations of the Ombudsman and the Equal Treatment Authority?

11. How and how frequently do the local authorities of Miskolc communicate with the local representatives of the Roma civil society? Have the local authorities consulted the Roma civil society on the steps in implementing the recommendations of the Ombudsman and the Equal Treatment Authority?

12. Were there cases of children taken away from impoverished Roma families living in the Numbered Streets, but also other areas of the city populated predominantly by Roma, in 2014 and 2015? How many such cases took place, and on what grounds did the removal take place? Were any of these child removals related to the evictions of their families? What has the municipality done to improve the situation of Roma children in such situations?



MINISTRY OF HUMAN CAPACITIES
MINISTER

Budapest, „ 27 „, January 2016

Mr. Michael Georg Link

Director

Organization for Security and Cooperation in Europe
Office for Democratic Institutions and Human Rights

ul. Miodowa 10.
00-251 Warsaw
Poland

Subject: Response to questions on the situation of the Roma community living in the numbered streets in Miskolc

Dear Director,

I have received with thanks your letter concerning the situation of the Roma community living in the numbered streets in Miskolc. We have contacted the relevant authorities, however the majority of questions raised by you fall under local authority responsibility.

Please find enclosed the replies to your questions in English. I sincerely hope, the information received from the local authority, the police as well as the administration of guardianship, provides an exhaustive response to your inquiry.

In addition to the attached responses to your questions, I would like to call your attention to the fact that, according to Hungarian legislation in force, judicial review of local authorities is ensured by the Government via Government Offices. When exercising these responsibilities, Government Offices examine, among others, the lawfulness of local authority decisions as part of judicial review proceedings. In line with that, the Government Office of Borsod-Abaúj-Zemplén County, in the course of its judicial review proceeding, has requested the Curia (the Supreme Court) to review the decree and repeal the paragraph specifying conditions to paying compensation.

The decision of the Curia was published in the Official Journal on 13 May 2015, and it repealed the provision specifying the obligation of the purchase of a flat outside the city and the restraint on alienation as a condition to compensation, on the ground that it violates law (the obligation to leave the settlement can violate the right to the free choice of the place of residence, as well as the right to private and family life, to home and to keep contact) and it

does not meet the requirement of equal treatment either. The Municipality of Miskolc has acknowledged the decision and deleted relevant provisions of the regulation.

Another important tool available for the Government is to promote the constructive dialogue among those concerned. That is why, based on the initiative of the Government, a continuous mentoring process is taking place locally by the involvement of the Maltese Charity Service, and in its frame families concerned receive help adapted to their specific situation.

Finally, I would like to confirm that social inclusion and the mitigation of poverty remain to be among top priorities of the Hungarian Government, and the improvement of housing conditions constitutes an essential element of relevant measures. This is promoted by the Government's policy strategy, approved by Government Decision 1686/2015. (IX.25) and aimed at laying the foundations for addressing the problems of segregated ghettos. The Government has launched targeted support programmes to improve housing conditions of persons in most disadvantaged situations. This complex housing programme is operating in Miskolc as well, addressing the problem in an integrated way. The aim is to enhance the social integration of disadvantaged people living in extreme poverty, in a segregated environment through the provision of complex services. The total budget of the programme is 8.04 billion HUF, supporting altogether 55 successful applications. This means that 67 segregated ghettos in 55 local governments participate in the programme. The Municipality of Miskolc received 143.600.000 HUF for supporting the Lyukóvölgy-Gulyakút ghetto. The programme comprises community development, labour market closing the gap as well as health development elements as well. The professional concept of the programme can be applied when addressing problems existing in other parts of the settlement.

Dear Director,

In case you need any further information, please do not hesitate to contact me.

Yours sincerely,

Zoltán Balog



1. How many families, especially Roma families, have lived in the Numbered Streets before 2014, and how many are there now, according to the local authorities' data?

The question related to the number of families living in the numbered streets cannot be answered in a complex way. It is important to lay down that the Municipality of Miskolc does not dispose of information regarding families. According to the Act LXVI of 1992 on the registration of the personal data and address of citizens (hereinafter referred to as: Nytv), the citizen living in Hungary, submitted to the effect of the law, is bound to declare his/her new address of residence or its change within 3 working days of the day of the moving in/off, at the notary of the competent local government (municipality) or at the competent district office in order to register the address. Hence the declaration obligation does not bind the families, but only the individuals.

The public notary of the municipality (who is, at the same time, the leader of the Municipality Office), is qualified as Registering Authority, who is allowed to transfer data from the Residence Address Register exclusively according to the legislation in effect. The public notary registers the residence address of the citizens according to the law, but does not make link between the data of the individuals according to the familial relations, direct relatives or any other criteria. The Act CXII of 2011 on the Right of Informational Self-Determination and on Freedom of Information (hereinafter referred to as: Infotv.), in order to ensure the data security, disposes as follows: for the protection of data sets stored in different electronic filing systems, suitable technical solutions shall be introduced to prevent – unless this is permitted by law– the interconnection of data stored in these filing systems and the identification of the data subjects. As a result, no aggregate data can be supplied regarding families.

Only the district office and the central authority is entitled to supply individual and batch data from the residence address register (Article 18 of Nytv). Only the organisations defined by Article 21 of the Nytv are entitled to request data of the residence address, according to the legislation. The supply of data of the citizens' residence address to other citizens, to legal entities or to entities without legal personality is possible if the supply is prescribed by an act, by an international agreement or reciprocity, or if the petitioner

- a) is a citizen or an entity without legal personality, attesting his/her right or legal interest regarding the use of the data by an official document;
- b) is a legal entity, and requests data in order to vindicate his/her justified rights or fulfil his/her obligations regarding the citizen. In these cases only the minimum quantity of data can be supplied that permits the intended use.

In absence of the above described conditions, the supply of the effective residence address data is not possible.

As the first question contains data supply especially regarding Roma families, we would like to kindly draw the Office's attention to the disposition of the Infotv that describes the personal data regarding nationality as special data. According to the Act CLXXIX of 2011 on the Rights of the Nationalities, the Roma is qualified as a nationality, and as a result the relative data is qualified as special data. According to the Infotv, special data processing (processing means collection, storage, supply or any other operation) is exclusively possible if:

- a) the concerned person (data subject) has given his/her consent in writing, or
- b) processing is necessary for the implementation of an international agreement regulated by an act, to vindicate a fundamental right ensured by the Fundamental Law of Hungary, or if an act orders it for reasons of national security, national defence or law enforcement purposes to prevent or prosecute criminal activities.

In consideration of the fact that in Hungary actually there is no act containing a disposition conform to the paragraph b), and Miskolc City of County Rank does not dispose of the consent of the concerned persons, the Municipality is not entitled to process the personal data regarding nationalities. As a result, there is no register containing these data. Consequently no answer can be supplied in regard of the questions aiming data supply in relation of data regarding the Roma nationality. The Municipality does not and cannot dispose of information regarding the nationality of the citizens.

2. How many eviction orders were issued in 2014 and 2015 to Roma families living in the Numbered Streets, and also other areas of the city populated predominantly by Roma? What were the reasons for the issuance of eviction orders?

As regards this question the considerations presented above in Question 1 shall be taken into account. The Municipality does not dispose of data on which citizens are of Roma nationality, consequently the number of the evictions concerning the Roma citizens cannot be defined, and it is not possible to determine which districts are inhabited mostly by Roma families. The Municipality is only aware of the citizens having a residence address, but is not aware of the nationality of these citizens.

At the same time, according to the Hungarian legislation in effect, the Municipality cannot order an evacuation. The evacuation of the properties is based on a final verdict of the court. The basis of bringing the action before court, of the eviction action is the breach of duty committed by the occupant of the flat, qualified as unlawful acts, therefore involving legal consequences. The Act LXXVIII of 1993 in effect on the habitations prescribes that if the occupant of a flat owned by the municipality does not fulfil his/her rental payment obligation requirements after notification, the landlord has the right to terminate the rental agreement. In this case at the end of the notice period the occupant is bound to leave the municipality flat and return it to the owner in a state permitting the proper use. If the occupant does not fulfil these obligations, the landlord / municipality is entitled to bring the action before the court in order to obligate the occupant to the evacuation of the municipality flat. The independent Hungarian court of justice orders the evacuation of the flat, if the legal basis persists, that is if a breach of duty can be laid down on the part of the occupant that involves the lawful termination of the rental contract, and this procedure is completely objective and independent of the nationality. Otherwise it is to be stressed that the termination motive of the rental contracts of municipality flats was almost exclusively the non-payment of the rental fee.

The execution of the final court verdicts is mandatory in every state governed by law.

3. How many forced evictions of Roma families have taken place in 2014 and 2015 in the Numbered Streets? We ie theme forced evictions of Roma families in 2014 and 2015 in other areas of the city, how many and which areas? What were the reasons for these forced evictions?

The evacuation of the flats takes place only after the end of the procedure described in the answer of the previous question, which precludes the “forced eviction” as you suppose.

4. How many housing units were demolished in 2014 and 2015 in the Numbered Streets, and also other areas of the city populated predominantly by Roma?

In Miskolc City of County Rank, during 2014 and 2015, a total number of 11 buildings, previously used as residential buildings, have been demolished with the legal permits of the authorities. The named buildings contained 99 flats in the whole city, among which 12 flats have been demolished in the area between the First and the Eleventh Street.

It is recalled that the Municipality cannot have official information on the nationality of the citizens living in a specific district.

5. How many Roma families facing eviction have been offered alternative accommodation by the local authorities? What were the criteria used in determining which families would be offered alternative accommodation? What type of location was offered for alternative accommodation?

The Municipality does not dispose of information on the nationality of the occupants of the municipality flats, as for example on the Roma nationality. The conditions that an occupant has to fulfil to be entitled to an exchange flat are prescribed by a local regulation (municipality regulation no. 25/2006. (VII. 12 on the flat rental) (hereinafter referred to as: Flat Regulation).

The Flat Regulation essentially permits the supply of an exchange flat in case of a valid rental contract. According to this, for example it is possible to ensure an evacuated flat to the occupant as an exchange flat, if the occupant’s contract has been concluded more than one year ago and does not have rental fee or utility fee arrears. If the occupant applies for a flat with less rooms, smaller area or lower comfort, and has arrears regarding the rental fee, water fee or other, the occupant is entitled to have an exchange flat in case of the conclusion of an instalment agreement. The Flat Regulation permits the exchange of flats between two partners too, in this case the partners shall exchange the rental rights of a municipality flat to the rental rights or the propriety rights of the other flat among themselves.

It is possible to designate a person as occupant of a smaller area or lower comfort rated flat, which person has a rental contract terminated by the landlord without notice, but a final verdict of the court has not been delivered yet regarding the evacuation of the flat, and as a result of his/her income level, he/she cannot take charge of the maintenance costs of the flat.

The Flat Regulation prescribes a method of the rental contract termination, namely a termination by mutual content which also ensures an exchange flat, if that is requested by the parties.

Beyond the possibilities of this Flat Regulation, the Municipality, via its representative responsible for the flat management (MIK Miskolci Ingatlan gazdálkodó Zrt.), is continuously conferring with every occupant in order to vindicate the occupants' interest within the limits of the possibilities of the Municipality. Thus, the occupants having payment difficulties are entitled to an instalment possibility or an exchange flat conform to their income level, if that is requested by the occupant. The exchange flats are not a separated block of flats, but they are empty flats ready to move in, in different districts of the city. The offered flats are designated in function of the requirements and the income levels of the occupants. The staff members of the MIK Miskolci Ingatlan gazdálkodó Zrt. are ready to show the offered flats to the occupants, at a previously fixed convenient time. The offering of the exchange flat is independent of the origin of the occupant, the determining factors are the income level, and the location of the previous flat within the city. Our experiences show that the occupants of the municipality flats do not wish to move to the other districts of the city, and it happens frequently that the occupant does not accept a flat in a block of flats.

Beyond the dispositions described above, the Flat Regulation ensures that - even if the above described exclusive reasons are valid - if a person fulfils the other requirements and there is no other exclusive reason, he/she can apply for the flat:

- a) if he/she is an occupant notified by the landlord that after expiration of the fixed-time rental contract, his/her contract will not be extended because of land management, area development, or other administrative interests.
- b) if he/she is one of those illegitimate occupants whose fixed-time rental contract has been expired, and the landlord municipality has not extended their contract because of land management, area development, or other administrative interests.

In that case the municipality shall ensure - even in absence of a valid contract - in equity the possibility to the concerned persons to get a municipality flat's rental rights.

The case where the Municipality ensures a solution to the occupants whose contract has been terminated because of their breach of duty, cannot be considered as ensuring an exchange flat. The landlord Municipality (via its entitled entity) is entitled to designate a person as occupant, whose rental contract has been terminated by a termination without notice of the landlord. In that case, the conditions of the conclusion of the rental contract is that the occupant (user) fulfils the totality of his/her payment obligations regarding the due rental fees (user fees) and the related costs and interests, as well as his/her debts towards the utility suppliers, except if he/she concludes an instalment agreement or participates in a debt management procedure. Another requirement towards the designated occupant is that he/she has to fulfil all his/her obligations related to the previous rental contract, especially the coexistence requirements, the building's internal regulations and maintenances.

6. With regards to the September 2015 modification of the Decree on Flat Tenement, what were the reasons for changes in the Decree? What were the reasons for a changed procedure in voting for the Decree? Have the local authorities discussed the possible impact of the changes in the Decree on impoverished Roma users of social housing?

The modification of September 2015 of the Flat Regulation aimed the transformation of the application system on one hand, and the introduction of the first demand guarantee in order to ensure the payment obligations of the retirement home occupants on the other hand. Finally, the modification describes the cases of the rental rights designation of the municipality flats

beyond the application procedure's limits. The transformation of the application procedure covers a legal-technical solution on one hand: within the structure of the regulation, first the general rules of the application procedure, then the special rules related to the specific flat types have been defined. The modification permits the introduction of a continuous application system, consequently the flats can be announced not only 3-4 times a year, but continuously, and the rental procedure can be quicker and more efficient with these conditions. The modifications of the dispositions related to the retirement homes aim to ensure the possibility to the poorer retired citizens to have resort to the retirement home services. The Municipality ensures to the direct descendants the right to guarantee a payment on first demand in a notary document regarding the payment obligations relative to the retirement home flat, if the petitioner does not dispose of the income prescribed by the regulation. The third modification aims to define the exceptions of the application procedure.

The dispositions defining the above mentioned modifications came into effect at different dates, as Article 7 (5) of the Act CXXX of 2010 on the Legislation permits to define different effective dates for the specific dispositions of a legal regulation. According to this, the specific dispositions of the regulation modifying the Flat Regulation came into effect the day after the announcement of the regulation, while the dispositions regarding the application system came into effect on the 1st November 2015 in order to ensure the possibility to MIK Miskolci Ingatlangazdálkodó Zrt., responsible of the application procedure management, to prepare the technical conditions of the continuous application system.

Meanwhile for the voting of the Flat Regulation, there were not any validated different, changed procedure nor in 2015, neither during the years before. The Act CLXXXIX of 2011 on the Local Municipalities of Hungary (hereinafter referred to as: Mőtv.) disposes that the legislation belongs exclusively to the general assembly's scope of work. According to this, the creation of the regulation containing the modification of the Flat Regulation has been decided every time by the General Assembly of the Municipality of Miskolc City of County Rank, by the number of votes prescribed by the Mőtv. According to the local regulations, the General Assembly has created the specific dispositions modifying the Flat Regulation on the basis of a written proposal, in addition to which, on the basis of the Act CXXX of 2010, supplied information by the help of an impact assessment of the impacts considered important of the planned regulation, especially

- the social, economic and budgetary impacts,
- the environmental and sanitary consequences,
- the impacts on the administrative charges, and

they presented the necessity to create the regulation, the possible consequences of the absence of the legislation, as well as the personal, organizational, material and financial conditions of the regulation application.

7. How many complex raids (involving local law enforcement and other institutions), targeting primarily segregated and mainly Roma populated city areas in Miskolc, were conducted in 2014 and 2015? What was the type of raids, which authorities and institutions were involved, and what were the results of these raids?

The Municipality of Miskolc City of County Rank did not execute complex raids. The budgetary entity of the municipality (Patrol of the Municipality of Miskolc, abbreviated as: MIÖR) ensures the tasks defined by the Act LXIII of 1999 on the Public Areas Surveillance and by the Act CXX of 2012 (on the activities of the specific staff fulfilling law enforcement

functions and modifying certain laws in order to avoid school truancy). The MIÖR executes or has executed, acting within their own competence, the control activity to which they dispose of a legal authorization, as other national or law enforcement agencies or public suppliers did, who execute their tasks within the administrative area of Miskolc. The Municipality and the MIÖR cannot withdraw the activities belonging to the competence of a separated organization, and as a result, cannot give instructions to other law enforcement or public supplier or other agencies. Consequently, and in absence of a legal authorization, the Municipality does not register if other (separated organizations with separated competences) organization have initiated or executed any raid or inspection. We suppose that every authority can make declaration only regarding its own activity.

The tasks of the MIÖR are relatively multiple, the quantity of their tasks is important, its activity is concentrated on the following domains, belonging to its own competences:

- a) inspection of the legal utilization of the public areas, of the conformity of the activities for which a permit and the approbation of the road inspection authorities is needed.
- b) prevention, prohibition, interruption, cancellation and sanction of the actions prohibited by the law on public areas order and hygiene.
- c) intervention in the protection of the public areas and the constructed and natural environment.
- d) intervention in the realization of the crime prevention social tasks, in the protection of the public security and order.
- e) intervention in the protection of the municipality goods.
- f) intervention in the inspection of the execution of the public hygiene regulations.
- g) intervention in the execution of the animal and dog health related tasks.
- h) inspections of the legal disposition and use of the handicapped persons' parking permit.
- i) ensuring the public waiting supply by vehicle (hereinafter: parking) on the local public roads, on the private roads owned by the local municipality and opened to the public traffic, on the squares, in the parks and in other public areas, control of the payment of the counterpart due for the parking, in case of absence of the payment, the execution of the legal consequences.

Beyond the listed items, the MIÖR is qualified as organization ensuring the public security, the protection of the municipality goods and the protection of other goods, legally entitled to the use of forcing measures. During the execution of its tasks, the organization is entitled to execute the measures and to use the forcing measures defined by the Act CXX of 2012.

Beyond the national legislation, the organization executes the inspection tasks related to the local municipality regulation no. 35/2013. (X. 1.) on the rules of the social coexistence and the legal consequences of the breach of the regulation.

Thus, the MIÖR - adversely to the direction of the asked question, or to the tendency involved - does not execute its tasks in function of belonging to a nationality or to a certain district, but on the basis of the legislations, taking into consideration the citizens' calls. The answer to the 7th question is strictly related to the next, 8th question too.

Based on the information received from the Ministry of Interior, there were no complex raids in the numbered streets of Miskolc in the years 2014/2015 regarding Roma population, the police station in Miskolc did not organise and did not carry out any related actions.

8. What steps have the local authorities of Miskolc taken in follow-up to the 2015 recommendations of the Ombudsman /Commissioner for Human Rights?

The modification of the Flat Regulation requested by the Ombudsman has been executed. As it has already been mentioned, the MIÖR executes and has executed the inspections within its own competences, and beyond this, the organization has fulfilled its obligation of cooperation according to the Article 6 (1) of the Act of 1999 on the Public Area Surveillance, and as a result of this, the Municipality does not agree with the statement of the Ombudsman that the inspections executed by the MIÖR are qualified as synchronized inspections. The Ombudsman has not contested the legal basis of the inspections, but has objected to the mode of their execution. As a consequence, largely considering the recommendations of the Ombudsman, a new system has been elaborated to avoid the objected measures.

9. What steps have the local authorities taken in follow-up to the recommendations outlined in the 2015 decision of the Equal Treatment Authority? In particular, have the local authorities prepared an action plan to address the local housing situation, as requested by the Equal Treatment Authority?

The Municipality of Miskolc City of County Rank has brought a class action suit to the Budapest Public Administration and Labour Court against the decision of the Equal Treatment Authority (hereinafter referred to as: ETA), in order to review the mentioned decision, and at the same time has asked the suspension of the execution of the decision. In the reviewing process, the suspension of the obligation of the action plan preparation has been requested until the final verdict of the procedure. At this moment there is no final verdict on the suspension. As the reviewing procedure is still in progress as per the substantial parts of the ETA decision, no further information can be supplied in view of the questions regarding the procedure before the end of the procedure. At the same time, the Municipality of Miskolc City of County Rank has initiated a cooperation regarding the questions related to the site demolition, and recommended to set up a working group for this cooperation. The competent ministries have sent the names of the persons designated to the working group. The working group shall be congregated at the beginning of the year of 2016.

10. How and how frequently do the local authorities of Miskolc communicate with the local representatives of the Roma Self-government? Have the local authorities consulted the Roma Self-government on the steps in implementing regarding the recommendations of the Ombudsman and the Equal Treatment Authority?

The consultations are continuous. A colleague having the same education as the notary, from the local municipality office, participates in all the meetings of the Roma national municipality of the city, and ensures the legality. The representatives of the Roma national municipality participate regularly in the General Assembly of the Miskolc City of County Rank, where they have the right to speak. The Municipality ensures to the Roma national municipality the possibility to keep public hearings, and in relations of this, ensures the participation of the responsible representatives and the colleagues of the municipality in these public hearings, where the issues with local importance can be debated. The participants can ask questions regarding the public affairs, and they get answers verbally or in writing. The

Mayor of the Municipality confers personally and via his colleagues with the president and the representatives of the Roma National Municipality.

The staff members of the Municipality - if they are invited - participate in the meetings organized by the Roma National Municipality, as for example on the meeting related to the site demolition, held on the 11th September 2015 with the participation of the Roma National Municipality, the Roma Movement for the Civil Rights and the Charity Service of the Order of Malta.

11. Has it happened that a child has been separated from the Roma families living in the numbered streets - or from families living in other districts of Miskolc, inhabited mostly by Roma people - in 2014 and 2015? How many cases were there and what was the legal basis of the child separation? Were there any relations between the child separation and the eviction? What measures has the municipality taken to improve the situation of these children?

It is to be emphasised that the Municipality does not dispose of information requested, because "child separation" - which supposedly means the temporary custody or the custody by the state of the children, as known in the Hungarian legislation - is the competence of the court of guardians. The local municipality does not execute the tasks related to the court of guardians, these tasks are in the competence of the district offices, working as organizational entities of the government offices, as defined by the Act XCIII of 2012 on the creation of the districts and the modification of certain laws in relation of the districts.

However, it is to be accentuated that the city has a large net for the child protection, of which an important element is the United Institute for Social issues, Health and Child Protection operated by the municipality association (that means that Miskolc finances and operates this institute together with other towns' municipalities). The Institute maintains a system according to the Act XXXI of 1997 on the child protection and guardians administration (hereinafter: Gyvt.) of which Article 17 prescribes the operation of a system detecting and signalling the endangerment of children. The organizations and persons defined by Article 17 (1) of the Gyvt are bound to signal the endangerment of the child to the Child Protection Service according to the legislation, and are bound to initiate an authority procedure in case of a child abuse, of a seriously neglected child or in case of any other serious endangering circumstance, including the seriously endangering behaviour of the child himself/herself. Such signalling and initiative can be made by any citizen or any social organization representing the children's rights.

The Institute keeps contact with the families via its colleagues, who check the place where the family moves to in case of an evacuation with court verdict. If the concerned family cannot provide another flat, the provisory home for children and families shall be offered, which helps to keep the integrity of the family, to reinforce or reconstitute their independent life, and ensures this service on the basis of Articles 31-32 of the Gyvt. This kind of home can be found in Miskolc at the address Egyetem út 1., and there is the Provisory Home for Families of the Hungarian Interchurch Charity Service (3524 Miskolc, Leszih A. u. 4.) which has been recently renovated with the support of the Municipality, and there is the Provisory Home for Families of the Lórántffy Zsuzsanna Reformed House for Young Mothers of the Reformed Church of Hungary (3532 Miskolc, Maros u. 7.).

If the Institute detects any issue, or by function, or via citizen call, justifying the evacuation of the child from the family, then according to Article 39 (3) of the Gytv. and to the professional protocol, the Institute is bound to investigate the reasons resulting in the endangerment and to elaborate a proposition to their solution, and submit this report to the competent office of guardians which takes the necessary measures for the safe physical custody of the child.

The guardianship authority does not have the right to register the nationality of their clients, families and children therefore no information can be provided about the number of cases when children were placed out of Roma families.

According to the experiences of child protection staff, if the family's income status deteriorates it makes difficult to care the child in the family, because in such crisis situations the family's life management problems and social disadvantages increase, while stress tolerance and problem solving skills of parents decrease. When the children are placed out of their families, the endangerment circumstances have already become multiple creating a serious crisis situation for the child, and this underlines and necessitates the decision of the guardianship authority. However, children's placement out of the family always has to be preceded by child welfare services provided for the family, and children in need are also entitled to benefits in kind (free catering for children nursery, kindergarten, school, free textbooks in school).

