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Hungary: Supreme Court finds forced evictions in Miskolc to be unlawful

Hungary's highest court has held that the city of Miskolc violated the country's equal treatment legislation when forcibly evicting hundreds of Roma from a long established neighbourhood, as well as their rights to private and family life and to freedom of movement.

Amnesty International welcomes this decision of Hungary's Curia (the Supreme Court) published on 13 May 2015 as a positive development in the ongoing story of the large scale forced evictions taking place in Miskolc, eastern Hungary. Since summer 2014, over 160 families in the Numbered Streets neighbourhood of the city have faced forced evictions. As of May 2015, only around 30 families are reported to still remain in the area and they continue to be at risk of being forcibly evicted.

The ruling came after the Hungarian NGO NEKI filed a complaint with the Government Office of Borsod-Abaúj-Zemplén County where Miskolc is located. NEKI challenged the municipal decree adopted on 8th May 2014 which contains a clause on monetary compensation to be paid to social housing tenants facing eviction. However, there was a catch. The 'low-comfort housing' tenants would be eligible for compensation only if they used it for the purchase of a property outside of the boundaries of Miskolc. The decree also forbids them from selling the property for five years, which makes it difficult for them to return to Miskolc or move somewhere else. Following NEKI's complaint, the Government Office asked that the municipality amend the problematic provision. However, on 18 December 2014 Miskolc announced that they would not do so. As a consequence, the Government Office of Borsod-Abaúj-Zemplén County filed a complaint with the Supreme Court.

In its ruling, the Supreme Court has nullified the provision of the municipal decree on grounds that it violates the prohibition of discrimination in access to housing. In particular, the Court held that the decree is discriminatory on social grounds and that it also violates the Roma's rights to privacy and family life, and to freedom of movement under Hungary's Constitution. The Supreme Court concludes that 'municipality regulations, which, in exchange for the termination of the tenancy agreement for monetary compensation, oblige the tenants to move outside the territory of any city, town or village, are unlawful'.

Although the Supreme Court's decision addresses only one aspect of the forced evictions of Roma in Miskolc, namely the compensation, and does not challenge the legality of the municipality's decision as whole, it sends an important message to the Hungarian authorities. It confirms that cities and towns cannot arbitrarily impose conditions on freedom of movement and use the compensation provisions to 'get rid' of the Roma.

Despite this positive decision, Amnesty International remains concerned that the city of Miskolc continues to expose the remaining residents of the Numbered Streets as well as many other neighbourhoods in the city to the risk of forced evictions contrary to Hungary's international and regional human rights obligations. Not all the residents have been offered compensation and effectively

risk homelessness and destitution. Amnesty International will continue to advocate for the rights of the residents of the Numbered Streets to ensure that they receive adequate redress for any abuses.

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