Miskolc Regional Court
No 13.P.20.601/2016/95

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Case No. 13.P.20.601/2016/95

The Miskolc Regional Court, in the case concerning the violation of personality rights, initiated by the First Plaintiff (represented by legal counsel, with offices at [address]) and the First Plaintiff's other legal counsel (with offices at [address]), the Second Plaintiff (represented by legal counsel, with offices at [address]), against the First Defendant (represented by legal counsel, with offices at [address]), the Second Defendant (represented by legal counsel, with offices at [address]), and the Third Defendant (represented by legal counsel, with offices and representatives at [address]), issues the following

j u d g m e n t:

The court establishes that the First and Second Defendants, through organizing, coordinating, and—until March 31, 2013—conducting inspections involving the joint presence of authorities and associated organizations in urban segregated areas, ghettos, and associated buildings, streets, and neighbourhoods between 2011 and early 2015, and the Third Defendant—between April 1, 2013, and early 2015—through the coordination and execution of the same inspections, subjected the predominantly Roma residents of these areas, living in severe poverty and low socio-economic conditions, to direct discriminatory treatment based on their social and economic status and ethnicity. This treatment violated their fundamental rights, including the right to fair administrative procedures, the right to effective legal remedies, the right to respect for private life, and the right to informational self-determination. Furthermore, these actions constituted harassment based on social and economic status as well as ethnicity, thereby violating their right to equal treatment.

The court further establishes that the First Defendant, through the Municipal Assembly's and Mayor's public communications regarding the "Nest-Building Problem," the emigration of Roma residents to Canada, the demolition of urban ghettos, and coordinated inspections involving the joint presence of authorities and associated organizations, as well as through the adoption of discriminatory housing regulation amendments in May 2011 (despite objections from government agencies) and their continued enforcement, and through discriminatory demolition practices in the "numbered streets" beginning in spring 2014, harassed the predominantly Roma residents of the urban segregated areas and ghettos, thereby violating their right to equal treatment.

The court orders the Defendants to cease further violations.

The Defendants are required, within 15 days, to publish the provisions of this judgment that establish the violations and prohibit further violations on their official website for at least one year. Furthermore, they must notify the Hungarian News Agency in writing of these provisions within 15 days.

The First Defendant is ordered to pay a public interest fine of HUF 10,000,000 within 15 days, to be transferred to a designated charity. The fine must be allocated to social programs aimed at addressing segregation and related housing issues within the city's administrative boundaries.

Beyond this, the court d i s m i s s e s the remaining claims.

The Defendants are also ordered to pay litigation costs within 15 days: HUF 66,667 per person to the First Plaintiff and HUF 41,667 per person to the Second Plaintiff.

The court determines that the unpaid procedural fee of HUF 72,000 will be borne by the state.

Any additional costs shall be borne individually by the parties.

An appeal against this judgment may be lodged within 15 days of its service. Such appeals must be addressed to the Debrecen Regional Court of Appeal and submitted in writing, in quintuplicate, to the Miskolc Regional Court.

The court informs the parties that the appellate court may adjudicate the appeal without a hearing if:

- *The appeal concerns only the allocation or amount of litigation costs,*
- *The appeal concerns only the compliance deadline,*
- *The appeal challenges only the reasoning of the judgment, or*
- *The court deems that the matter can be resolved without a hearing.*

In such cases, parties may request a hearing.

Parties may also request, before the expiration of the appeal period, that the appeal be adjudicated without a hearing by mutual agreement.

Legal representation is mandatory for the party lodging an appeal before the appellate court.

Any petition for legal remedy submitted by a party without legal representation will be dismissed by the court ex officio.

R e a s o n i n g

The court based its findings on the statement of claim, preparatory submissions, and attached annexes submitted by the plaintiffs; the substantive defence, preparatory submissions, and attached annexes submitted by the defendants; the testimony of the witnesses; the report submitted by the Mayor of the First Defendant on the "Effectiveness of Measures to Address the Nest-Building Problem" (adopted by the Municipal Assembly on September 27, 2012, Resolution No. IX-xxx/xxx/2012, Appendix I, hereinafter "Report-I"); the report on the implementation of tasks outlined in the city's Public Safety and Crime Prevention Strategy for 2011-2012 (adopted by the Municipal Assembly on March 7, 2013, Resolution No. xxx/xxx/2013, Appendix I, hereinafter referred to as "Report-II"); the report on the clearance of slums, the "Nest-Building" issue, and related public order and safety processes (adopted on

November 13, 2014, Resolution No. X-xxx/xxx/2014, hereinafter "Report-III"); the joint report issued by the Commissioner for Fundamental Rights and the Deputy Commissioner responsible for protecting the rights of nationalities living in Hungary (Case No. AJB-xxx/2014, hereinafter referred to as the "Ombudsman's Report"); attached press articles and video recordings; the decision of the Equal Treatment Authority (Case No. EBH/xx/xx/2015); the judgment of the Budapest Metropolitan Administrative and Labor Court (Case No. 6.K.xxx/2015/17); the city's 2008 Integrated Urban Development Strategy Anti-Segregation Plan (hereinafter "IUDS Plan"); the new Integrated Settlement Development Strategy approved by the Municipal Assembly on September 18, 2014 (hereinafter"ISDS"); the city's Local Equal Opportunity Program (hereinafter "LEOP"); the decision of the Curia (Case No. Kör.xxx/2015/4); and other documents produced during the proceedings. Based on these, the court established the following relevant facts:

Coordinated inspections conducted with the joint presence of multiple authorities and associated organizations

From January 1, 2011, the Public Space Supervision Department began operating as part of the Administrative and Customer Service Division of the Mayor's Office, under the name Public Space Supervision and Law Enforcement Department. Pursuant to Act LXIII of 1999 on Public Space Supervision (hereinafter "PSS Act"), the department played a significant role in implementing social crime prevention tasks, particularly through joint inspections conducted in cooperation with the police and other departments.

In the second half of 2011, coordinated actions commenced, focusing on compliance with residence registration obligations, adherence to community coexistence rules, and inspections of health conditions, animal-keeping practices, and illegal electricity usage. *These operations were conducted weekly with the involvement of associated organizations and authorities. Tasks jointly carried out with public utility providers became routine, as did inspections conducted with the health, social services, and document management departments* (as detailed in Report-II).

On April 15, 2012, the new Minor Offenses Act came into effect. This legislation designated government offices, instead of notaries, as the general minor offense authorities, and eliminated the ability of municipalities to regulate minor offenses via local decrees. On April 26, 2012, the First Defendant adopted Local Government Decree No. 15/2012 (IV.26) on Prohibited and Blatantly Anti-Community Behaviours. From May 2012 onward, this decree significantly expanded the role of Public Space Supervision in addressing public order, cleanliness, and other public space violations, as well as prohibited anti-community behaviours. Report-I records that, compared to 2010, there was a substantial increase in the number of violations under continuous inspection during the 2011-2012 period. The frequency of interventions also increased within the scope of the applicable regulations. *"Experience shows that a well-established and systemic cooperation has emerged, ensuring an effective division of tasks among the Mayor's Office's various departments and associated organizations. This collaboration has become the driving force behind the effectiveness of interventions and operations."* During the ongoing administrative measures taken to address the "Nest-Building Problem," close collaboration with various public utility providers, the public health and administrative authority, the animal health

facility, the police, the document management department, and the health and social services departments was maintained through regular consultations (Report-II).

Report-I states that a segment of the so-called “nest-builders” were relocated to Avas and other districts of the city. These individuals were predominantly impoverished, often illiterate, long-term unemployed, and part of large families. They originated from areas outside the city’s administrative boundaries or from its peripheral regions. These individuals were unable to integrate into their new communities, unwilling or incapable of adapting, and a significant proportion of them engaged in criminal activities. Criminal proceedings in the hundreds were initiated against them in connection with the “nest-building issue.” In public discourse, the term “nest-builders” also refers to individuals who moved from surrounding settlements to the outskirts of the city, often in search of better living conditions or more favourable welfare benefits. These individuals are also socially disadvantaged and frequently supplement their income from state benefits with proceeds from criminal activities such as theft. Measures addressing the “nest-building problem” emphasize the role of the Public Space Supervision and Law Enforcement Department, which facilitated coordinated inspections involving multiple organizations. Report-I provides detailed statistics on interventions and violations between January 1, 2011, and June 30, 2012, particularly concerning residence registration obligations. It highlights that “the municipality has now established the necessary personnel and technical infrastructure to conduct continuous follow-up inspections, allowing repeated accountability for individuals who fail to learn from penalties.” The report further notes: “Of course, not all interventions are evenly distributed across the city, as certain districts, such as the Avas housing estate, the numbered streets, and Lyukóvölgy in the outskirts, are more significantly affected and require more frequent and organized inspections.” It emphasizes that addressing the “nest-building issue” has become routine for the Public Space Supervision and Law Enforcement Department. Beyond expanding staff and equipment, tailored inspection methods, developed over the years, have become increasingly effective. During inspections, public space supervisors monitor compliance with residence registration obligations, adherence to community norms, the condition of housing units, living standards, and potential child endangerment. These inspections result in actions against individuals violating regulations and referrals to relevant organizations. Park rangers assist these efforts in the city’s outskirts, particularly in detecting property crimes and electricity theft. Report-I also underscores the significant official presence and sanctions aimed at addressing the problem. It describes the issue as a highly complex social and sociological challenge that requires multifaceted, coordinated solutions involving multiple organizations. Accordingly, the Mayor’s Office staff have developed effective cooperation with various organizations, including the police, child welfare services, health and social services, document management, administrative and customer service departments, the city’s family support services, the Public Health Institute, Városgazda Kft., MIK Zrt., neighbourhood watch organizations, and utility companies such as the electricity, water, and heating providers. Weekly consultations with the police enable targeted inspections, while staff participate in daily or weekly joint patrols. During organized inspections, each participating organization is represented by a designated employee, ensuring a comprehensive approach to addressing the issue. In November 2012, the Constitutional Court annulled the authorization under Act CLXXXIX of 2011 on Local Governments for municipalities to regulate prohibited anti-community behaviours, rendering the enforcement of these regulations in the referenced municipal ordinance impossible. Despite this, as noted in Report-II, inspections continued.

From April 1, 2013, pursuant to Act CXX of 2012 on the activities of certain law enforcement officers and amendments to laws to combat school absenteeism (hereinafter "Law enforcement legislation"), the First Defendant's Municipal Assembly established the Third Defendant, an independent budgetary body, under Resolution No. II-9/xxx/2013. The organizational and operational rules of the Third Defendant, effective from April 19, 2013, defined its primary activities as protecting public order and cleanliness, monitoring the lawful use of public spaces, combating antisocial behaviours that affect quality of life, protecting property, ensuring a liveable environment, increasing public safety through heightened presence, and conducting crime prevention activities. Public space supervisors, park rangers, and other law enforcement personnel previously employed by the Second Defendant's Public Space Supervision and Law Enforcement Department were transferred to the Third Defendant.

In place of the local ordinance annulled by the above-referenced Constitutional Court decision, the Municipal Assembly adopted Ordinance No. 35/2013 (X.1) on September 26, 2013, regarding the fundamental rules of community coexistence and the legal consequences of their violation. According to Section 13 (2) of the ordinance, compliance with its provisions is monitored by authorized officials of the city's Mayor's Office and public space supervisors.

Based on the proposal of the Mayor of the First Defendant, Report-III was adopted on November 13, 2014, by Resolution No. X-143/xxxx/2014 of the Municipal Assembly. According to the report, the process of slum clearance accelerated from 2011 onward. The number of segregated areas decreased (Tatárdomb, Csermőkei út-Mésztelep, Mura Street, Tatár Street). The segregated area bordered by Álmos Street, Kassai Street, Zombori Street, and Huszár Street was eliminated.

Between 2011 and early 2015, the coordinated inspections conceived, organized, and coordinated by the First and Second Defendants—carried out until April 1, 2013, by the Public Space Supervision and Law Enforcement Department, and subsequently by the Third Defendant—were conducted in collaboration with other authorities and associated organizations. These inspections were carried out almost exclusively in the city's segregated areas and ghettoized buildings, streets, and territories (hereinafter collectively referred to as "slums" or "poverty areas"). These areas were predominantly inhabited by people of low social status, living in deep poverty, most of whom were of Roma origin. The inspections primarily targeted the following areas in Miskolc:

In segregated areas: Lyukóvölgy, Csermőke/Magashegy, Bábonyibérc, Tatárdomb, Muhi Street, Cinka Panna Street, Verseny Street, Tetemvár, Numbered Streets, Víkendtelep, Nagyavas, Hidegsor, Domb Street, Ruzsini Road, Avasi pincesor (Muszkástelep section), Várhegy Street, Tapolca Quarry, Szondytelep, Szondy György Street, Szinva Street residential building, Vasgyári Road, Böngér Street, Kabók Street, Aczél Street, Réz Street, Kalapács Street, Békeszálló settlement, Gizella Street.

In ghettoized buildings, streets, and territories within the city: Pingyom (a ghettoized settlement on the city's outskirts), Pereces/Vájár, Aknász, Bányamécs, and Csipkevirág Streets (densely populated by Roma), low-status streets in Avas (Szentgyörgy Street residential buildings, Szilvás Street residential buildings, Testvérvárosok útja, Áfonyás Street, Gesztenyés Street, Sályi István Street), Király Street rental buildings managed by MIK (inhabited by low-status individuals, predominantly Roma), Szentpéteri-kapu residential building (inhabited by low-status individuals, predominantly Roma), Kishunyad Street (a downtown street inhabited by

low-status individuals), and the area of Napsugár Street–Közdomb Street–Bandzsalgó Dűlő (streets on the city's outskirts primarily inhabited by Roma). Additionally, Wass Albert Street (in Lyukóvölgy) was inhabited by low-status individuals. These inspections typically involved 10-40 participants, including representatives of the aforementioned authorities and organizations (as referenced in Report-I). They were conducted simultaneously and according to predetermined schedules and routes. The Second Defendant's public order representative prearranged the inspections, with support from the leadership of the Public Space Supervision and Law Enforcement Department, later the Third Defendant. Nearly every property and residence in a given area was inspected. The inspections were systematically organized, almost weekly, across a much broader area than suggested by citizen complaints. Residents received no prior notification of the inspections, nor were they informed about their purpose, objectives, or outcomes. Officials did not identify themselves, though they were generally recognizable by their uniforms. Many residents complained about the conduct and tone of the participants, describing it as impolite, humiliating, and condescending. However, no physical violence occurred. Each inspection involved 10-40 participants, including representatives of utility companies acting in quasi-authoritative roles. Inspections covered all properties in the targeted area, with 4-6 individuals typically entering a residence simultaneously. Residents were asked to present identification cards and address registration cards, with the verification conducted by the staff of the Second or Third Defendants or police officers. Inspectors entered homes, checked for cleanliness, and often inspected refrigerators and bathrooms.

Inspections were repeated in several slums, sometimes multiple times within a single month. These repeated inspections often revisited previously verified facts, causing affected individuals to perceive them as particularly harassing. No formal inspection records were prepared; instead, an action and data recording sheet were signed by the affected residents, though many did not recall signing anything or receiving copies. Residents were inadequately informed about the inspections, including their purpose, rationale, consequences, or the possibility of legal remedies. The overlapping procedures made it difficult for residents to understand the legal context, while the lack of transparency and overlapping inspections hindered the exercise of their rights to appeal. Representatives of utility companies often participated in the inspections in a quasi-authoritative capacity. Multiple authorities might simultaneously be present during inspections of the same individuals, and there was no coordination of procedural rules. Inspection records, if prepared, were inconsistent and incomplete

Coordinated inspections conducted with the joint presence of authorities and associated organizations did not occur in other residential areas, streets, or parts of the city where individuals of low social status, living in deep poverty, and predominantly of Roma origin were not concentrated.

On February 27, 2014, the plaintiffs submitted a joint petition (Exhibit No. 10 of the statement of claim) to the Commissioner for Fundamental Rights, requesting an ex officio investigation into the coordinated inspections conceived by the First Defendant, organized by the Second Defendant, and conducted by the Third Defendant. Based on this petition, the Commissioner for Fundamental Rights and the Deputy Commissioner responsible for protecting the rights of nationalities living in Hungary launched an investigation and published their joint report, the "Ombudsman's Report," on June 5, 2015. The report examined the coordinated inspections starting from April 1, 2013, the date the Third Defendant was established. The Ombudsman's Report found that these inspections lacked a legal mandate, meaning they were organized and executed without any statutory or regulatory basis. The report highlighted several concerns about the practical implementation of the inspections, including the absence of prior

notification, inadequate information provided to affected individuals, and the lack of plans or inspection reports. Citizens found it difficult to understand the legal framework due to overlapping procedures, and the lack of transparency and coordination in the inspections impeded the exercise of their right to legal remedies.

The report was particularly critical of the participation of utility company employees in the inspections in a quasi-authoritative capacity. It noted that multiple authorities could be present simultaneously during inspections of the same individuals, leading to challenges in coordinating procedural rules among the agencies involved. In many cases, records of the inspections were either not prepared or only partially documented. The Ombudsman recommended the immediate cessation of large-scale inspections involving authorities and utility company employees. It also emphasized the need for all municipal bodies under the supervision and direction of the Miskolc municipality to ensure that their procedures and practices comply with relevant statutory and regulatory safeguards.

Public Communication with the Municipality:

The inspections received extensive publicity through local media outlets indirectly owned by the First Defendant, such as Minap.hu, ensuring that the coordinated inspections conducted with joint authority presence were widely reported. Miskolc residents were regularly informed about these inspections through local press and online media. A recurring element in these reports was photographs showing uniformed officials checking the identification of visibly Roma individuals.

The Report-I wrote about the "nest-builders" as follows: *"The people who had moved to the housing estates partly from outside the administrative boundaries of the city and partly from the outskirts of the city were not able to integrate in their new living environment. They cannot and do not want to adapt, and a significant number of them are still living a criminal lifestyle and engaging in deviant behaviour".* It also states that "*These neighbourhoods are home to the largest number of deviant people who do not respect the written and unwritten rules of community life, whose daily activities are largely in breach of the law and whose behaviour disrupts a community that has been living in a decent way for decades." "Information on the "Nesting" issues and measures is continuously provided to the public via the city TV databases (daily news, studio interviews) and the columns of the City Diary. A realistic approach to the public safety situation, an open honest disclosure, improves the public's sense of security".*

The Mayor of Miskolc made several statements about the “slum-dwelling Roma” in interviews with various media outlets, not related to the municipal media involved in this case.

Hungarian Newspaper (Magyar Hírlap), August 21, 2014:

"I promised that by the end of the 2010-2014 cycle, we would remove the 'nest-builders' from Avas and, to a lesser extent, from Diósgyőr. By the end of August, 105-110 properties occupied by the **under-socialized families— let’s admit mostly Roma—**relocated by the Socialists will likely be vacated. By fall, about 60-70 properties will remain, but as they witness our strict enforcement, the relocations are expected to accelerate. We have reached a critical mass of actions after which those affected find it better to leave voluntarily. We are monitoring their

relocations; no one can remain in the city without a legal claim to housing. Several of our colleagues have spoken with them. Do you know what they say when asked, 'Where will you go now?' Nearly everyone responds: 'Home, that is, back to where we came from.'"

The Mayor also posted a photo on his Facebook page showing extreme disorder in an apartment building, accompanied by the caption: "Do you cook with socks on? Hit 'like' if you support the eviction of 'nest-builders'!"

Boon.hu Interview, January 16, 2013:

The Mayor expressed outrage at the Canadian government's initiative to advertise exclusively in the city, targeting its residents with threats of deporting Roma emigrants back to the area. "I reject this approach," said the Mayor, adding that he had sent his protest to both the Canadian Embassy and the Hungarian government. "I firmly declare that Canada will not send Roma to our city." During a press conference, the Mayor stated that he was tired of certain groups believing anyone could be sent to the city. Referring to the "nest-builder problem," he asserted that the city leadership would not rest until public safety was restored. He emphasized that serious actions would be taken against any returning Roma, continuing the authority inspections and evicting unauthorized settlers. "Those who previously terminated their housing agreements and left Miskolc will not be given new opportunities or benefits," he declared.

When asked about the number of individuals who had emigrated from the city to Canada, the Mayor said he had no such data. However, he predicted that returning Roma would face proceedings and reiterated that those who sold or relinquished their housing would not receive another. He stated that assistance numbers would also be reduced. "If someone has issues with child custody, the child welfare department will resolve them," he added. "Canada cannot send anyone to the city; this is non-negotiable," declared the Mayor.

In an article published on the Magyar Hírlap website, www. <http://www.magyarhirlap.hu/>magyarhirlap.hu <http://www.magyarhirlap.hu/>, the Mayor stated: "Let it be clear: 35,000 citizens supported me in implementing the law-and-order program announced back in 2010. Everyone may be making noise now. The Roma campers may unite with leftist candidates and camp together in front of City Hall, but the fact remains: we are eliminating slums in our city."

In a letter dated September 21, 2016, sent to all city residents in light of the upcoming referendum on "Brussels' relocation plan," the Mayor expressed concerns: "Despite our efforts so far, new incompatible groups may appear in our city instead of the 'nest-builders.' Migrant settlements could emerge in place of the slums we have eliminated."

Measures Related to Municipality-Owned Apartments and "Slum Clearance"

In May 2014, the Municipal Assembly of the First Defendant amended the local housing regulation, introducing the following provision under Section 4 of Ordinance No. 13/2014 (V.12), which replaced Section 23 (3) of the regulation:

"The maximum amount of monetary compensation is specified in Appendix 5. Monetary compensation cannot be paid for market-rate rental properties that were previously tendered. For low-comfort housing, monetary compensation may only be paid if the tenant purchases a residential property outside the city's administrative boundaries and a five-year restriction on alienation and encumbrance is registered on the property for the benefit of the municipality. In consideration of municipal interests, the City Management and Operations Committee may grant exceptions to the comfort level restriction."

In 2014, during a signature-collection campaign initiated by the local party in support of slum clearance, the Mayor of the First Defendant emphasized that the amendment to the housing regulation was part of the measures aimed at eliminating slums: *"At Friday's press conference, the Mayor reminded attendees that the municipality decided in May to accelerate slum clearance. To this end, the regulation governing municipally owned rental apartments was amended to allow the city to pay up to HUF 2 million in so-called relocation funds if the tenant moves outside the city."*

Regarding this amendment, the government office issued a legal compliance notice, which the Municipal Assembly did not address within its own jurisdiction. Consequently, the government office referred the matter to the Curia (Hungarian Supreme Court), which annulled the local housing regulation amendment by Decision No. Köf.xxxx/2015/4.

At least one contract was validly concluded under this housing regulation, wherein a property purchased outside the city was indeed subject to the restriction on alienation and encumbrance for the municipality's benefit. However, many individuals who were eligible for monetary compensation for their apartments did not receive it because they refused to accept the condition that the compensation could only be used for purchases outside the city.

Slum Clearance in the "Numbered Streets"

In the summer of 2014, the Second Plaintiff initiated a public interest proceeding against the First Defendant before the Equal Treatment Authority. In its decision (Case No. EBH/xx/xx/2015), the Equal Treatment Authority (hereinafter "ETA") imposed a fine of HUF 500,000 on the First Defendant and established that the slum clearance practices in the "Numbered Streets" exposed approximately 900 residents to the risk of homelessness or forced relocation to other segregated areas within or outside the city. This discrimination was based on their social origin, unfavourable financial situation, and Roma ethnicity.

The municipality began and continued the slum clearance in question without adequate preparation, failing to assess its consequences and the impact on the affected residents. This negligence resulted in indirect discrimination against the residents. The ETA also ordered the municipality to ensure adequate housing conditions for those affected and to develop an action plan outlining specific steps to provide dignified housing conditions for individuals who had already become homeless or were at risk of becoming so due to the clearance measures. Furthermore, the municipality was instructed to publish the ETA decision on its website for 90 days.

Following a lawsuit filed by the First Defendant, the case was brought before the Budapest Administrative and Labour Court, where the court rejected the First Defendant's claim in

Decision No. 6.K.xx.xxx/2015/17. In its reasoning, the court stated that proceeding with the slum clearance was without adequate preparation, without assessing the consequences, and in the absence of clear communication amounted to discriminatory practices by the First Defendant. The combined impact of individual measures further reinforced this discrimination.

In response to the EBH decision, the Mayor of the First Defendant commented on the municipal website's broadcast on October 21, 2015, stating: "Time and tide wait for no man" [literal translation: “Dogs bark, the caravan moves on”].

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The plaintiffs submitted the following claims:

I/1. The plaintiffs requested, under Section 84 (1)(a) of Act IV of 1959 on the Civil Code (hereinafter “Civil Code”), that it be established that the coordinated, joint authority inspections organized and conducted by the First and Second Defendants in Miskolc’s segregated areas and ghettoized buildings, streets, and territories since January 1, 2011—up to March 31, 2013, carried out by the Public Space Supervision and Law Enforcement Department, and from April 1, 2013, by the Third Defendant—resulted in direct discrimination against residents based on their social and financial status as well as their Roma ethnicity. This discrimination violated their fundamental rights to fair administrative procedures, effective legal remedies, respect for private life, and informational self-determination (under Fundamental Law Articles I (1), VI (1), (2), XV (2), XIV (1), XVIII (7); Civil Code Sections 75 (1) and 76; and Sections 8(e), (p), (q) of Act CXXV of 2003 on Equal Treatment and Promotion of Equal Opportunities (hereinafter “ETA”).

I/2. The plaintiffs further claimed that the defendants harassed the residents based on their social and financial status and Roma ethnicity, in violation of Fundamental Law Articles I (1), II, XV (2); Civil Code Sections 75 (1) and 76; and Sections 8(e), (p), (q), and 10(1) of the ETA., thereby continuously violating their right to equal treatment.

II. The plaintiffs also requested a declaration that the First Defendant, through public communications by the Municipal Assembly and the Mayor regarding the "Nest-Building Problem," the emigration of Roma residents from the city to Canada, the "slum clearance," and the joint authority inspections, as well as by adopting a discriminatory housing regulation amendment in May 2011 and maintaining and applying it despite warnings from the government office, and by implementing discriminatory clearance of the "Numbered Streets" starting in the spring of 2014, harassed residents of urban segregated areas and ghettoized buildings, streets, and territories who are of low social status, live in deep poverty, and are predominantly of Roma origin. The harassment was based on their social status, financial situation, and ethnicity, in violation of Fundamental Law Articles I (1), II, XV (2); Civil Code Sections 75 (1) and 76; and Sections 8(e), (p), (q), and 10(1) of the Equal Treatment Act.

III. The plaintiffs requested that the court order the defendants to cease their unlawful conduct and prohibit further violations (under Civil Code Section 84 (1)(b)).

IV. The plaintiffs requested that the defendants be required to publish the court's findings of violations and prohibitions against further violations, as well as additional objective sanctions, on their official websites. They also requested that the defendants be required to report these findings in writing to the Hungarian News Agency within 15 days (under Civil Code Section 84 (1)(c)).

V. The plaintiffs sought an order requiring the First Defendant to pay a public interest fine of HUF 10 million (under Section 84 (2) of the Civil Code 1959), to be allocated for a public purpose specified by the plaintiffs.

VI. The plaintiffs requested that the defendants be ordered to reimburse the costs incurred during the lawsuit.

The plaintiffs submitted their claims based on the assertion that the city faces severe social problems, including high unemployment, increasing poverty, housing segregation, and a large population of low-status individuals. They alleged that the local leadership has addressed these issues not through local social policy measures consistent with the Equal Treatment Act but instead through actions and public communications initiated in 2011, aimed at displacing low-status, primarily Roma residents from the city centre. They argued that these measures promote prejudice and hostility against the Roma minority and violate the principle of equal treatment. Elements of these anti-poor and anti-Roma measures include intimidating "raids" in segregated areas and discriminatory actions under the guise of "slum clearance," targeting municipal housing. Public communications by the municipality and the Mayor allegedly blame and stigmatize impoverished residents, including the local Roma population, either explicitly or implicitly. The plaintiffs contended that this anti-poor and anti-Roma rhetoric complements the discriminatory actions, exerts psychological pressure on those targeted, and likely intensifies anti-Roma and anti-poor sentiments among the majority population.

The defendants requested the dismissal of all claims. The First and Second Defendants argued that the claims were conceptual in nature, selectively highlighting aspects of events to support a predetermined narrative. They claimed that the plaintiffs' arguments distorted the true purpose, content, and effects of the measures, failing to consider the defendants' actions and behaviours in their entirety and context, thus leading to incorrect conclusions. They further argued that the documents and decisions submitted by the plaintiffs were insufficient to substantiate their claims. The First and Second Defendants denied that they subjected residents of segregated areas to direct discrimination or harassment. The First and Second Defendants argued that their public communications, the 2014 amendment to the municipal housing regulation, its maintenance and application despite governmental warnings, and the clearance of the "Numbered Streets" beginning in 2014 did not constitute harassment of residents in segregated areas. They contended that the plaintiffs' claim, based on Section 20 (1)(c) of the Equal Treatment Act, failed to identify the specific protected characteristics that were allegedly infringed upon, which are essential traits of individual personalities. The plaintiffs did not adequately define the larger group they purported to represent or specify the protected characteristics at issue. The defendants further argued that the general characteristics identified by the plaintiffs, such as social and financial status or national origin, do not qualify as essential

personal traits under Section 20 (1)(c) of the ETA, as these attributes pertain to environmental and living conditions rather than individual identity. They maintained that, under the ETA, only directly affected individuals—not civil organizations—have the right to initiate proceedings based on such general characteristics. The plaintiffs allegedly conflated various protected traits in their claim and failed to specify, point by point, which acts by the defendants violated which protected characteristics. They also did not distinguish between the disadvantaged groups affected in each claim or provide evidence to support their representation of such groups. The defendants argued that the conditions for imposing a public interest fine were not met. The defendants rejected the findings and recommendations of the Ombudsman's Report, claiming the investigation was biased. They argued that the investigation relied excessively on interviews with advocacy groups and individuals, in which the defendants were not allowed to participate, and that the report's conclusions were primarily based on these interviews. The report, they contended, ignored the extensive data and evidence provided by the First Defendant and MIK Zrt. (a municipal housing company). They further argued that the report lacked binding legal force, could not be enforced, and its findings were not admissible as evidence in court. They requested that the report be excluded from the evidence. Regarding the Equal Treatment Authority's decision on the clearance of the "Numbered Streets," the defendants acknowledged that the Equal Treatment Authority found indirect discrimination due to the lack of a specific action plan for the clearance. However, the defendants noted that the Equal Treatment Authority only required them to develop an action plan, which they complied with. The Equal Treatment Authority did not mandate a halt to the clearance or eviction processes under Section 17/A (1)(a) of the ETA. Instead, the Equal Treatment Authority considered the slum clearance a lawful and ostensibly neutral measure and did not seek to prohibit it. The requirements of equal treatment related to the clearance were partially investigated by the Equal Treatment Authority, which resulted in a final decision by the Budapest Metropolitan Administrative and Labor Court (Decision No. 6.K.xx.xxx/2015/17), rejecting the First Defendant's claim. The defendants stated that they paid the HUF 500,000 fine imposed by the Equal Treatment Authority, published the decision on their website, and prepared the required action plan. They argued that initiating new proceedings and imposing additional sanctions regarding the same issue (the clearance of slums and "Numbered Streets") would constitute double punishment for the same actions. The defendants also contended that the claim of harassment was a settled matter, as the Equal Treatment Authority had already investigated the issue and rendered a final decision on the clearance of the "Numbered Streets." They argued that the coordinated inspections and measures related to the "Nest-Building Problem," even if they could otherwise be interpreted as violating the principle of equal treatment, fell under the exceptions listed in Section 7 of the ETA. This was because every inspection and measure were carried out to protect the fundamental rights of individuals living in the residential environment or to safeguard children's rights. The defendants maintained that these actions were never intended to harass the individuals subject to the inspections. The authorities participating in the inspections referred to as "coordinated inspections" always acted independently, within their respective mandates, in accordance with the applicable laws and professional practices. Where the claim makes illustrative but imprecise references to allegedly harassing, repetitive inspections (e.g., checking refrigerators and toilets), these likely involved lawful and repeated inspections by the County Government Office's Public Health and Administrative Authority or the Social and Child Protection Authority. Such inspections were carried out to ensure compliance with orders issued based on findings, specifically for the protection of children's welfare and rights under Act XXXI of 1997 on Child Protection (CPA). If the Third Defendant's enforcement officers

identified endangerment related to child welfare during inspections, they were obligated to notify the Family and Child Welfare Service, which would initiate proceedings under Section 17 of the CPA. Such enforcement actions by authorities may have been perceived as harassment by those subjected to inspections; however, inspections were conducted when justified and necessary. In districts with higher numbers of complaints, more inspections naturally occurred. Failing to act in response to such complaints would have constituted negligence by the relevant municipal and specialized authorities. The coordinated presence of various organizations during inspections was for practical reasons, such as using the vehicles of the Third Defendant and ensuring enforcement presence for actions such as child protection inspections or MIK Zrt.'s rental inspections. The claim that inspections were "raids" is unfounded. The joint presence of various organizations facilitated effective enforcement, reduced the need for repeated visits by different authorities, and improved efficiency. Nevertheless, each authority acted in accordance with its own inspection practices. The Second Defendant pointed out in a written statement that inspections were conducted independently by the responsible organizations, each acting within its own authority. The so-called "coordinated inspections" were, in practice, joint procedures necessitated by operational efficiency. This approach aimed to improve the success of the actions and reduce the need for multiple separate visits. The Third Defendant's presence was essential for providing vehicles and enforcement presence for child protection inspections or rental inspections by MIK Zrt. Inspections were conducted in areas where numerous complaints were received, either from residents or building managers. Regarding the annulment of Section 23 (3) of Municipal Ordinance No. 25/2006 (VII.12) on rental housing by the Curia, the First Defendant complied with the legal obligation to delete the annulled provision from the ordinance. Until the Curia annulled the housing regulation, the First Defendant was not aware that it might violate the Equal Treatment Act (ETA) or the Fundamental Law. Even if this conduct could have violated the principle of equal treatment, it would only constitute indirect harm, not direct harassment, as no tenant was compelled to terminate their rental agreement in exchange for compensation. Such agreements were only terminated through mutual consent, and the First Defendant is aware of only two instances of such mutual termination, neither of which led to any proceedings. The terms "Nest-Building Problem" and "Slum Clearance" are concepts created by the media, for which the First and Second Defendants bear no responsibility. The heightened focus on the "Nest-Building Problem" was justified by the need to protect the fundamental rights of others, as evident from numerous citizen complaints. Many newspaper articles addressed this issue, which did not convey the communications of the Mayor or the municipality. Indeed, statements urging action on these social problems date back to the period before the current Mayor's term, including comments from the former Mayor and the city police chief reported in the press. The Mayor has never made derogatory or offensive statements about Roma or economically disadvantaged groups.

The term "nesting" does not refer to Roma individuals; the phrase "everyone knows what this is about" is a journalistic device, not municipal communication. In reality, these cases involve not only social problems stemming from deep poverty but also criminal activities, disturbances to others' lives and peace, handling pressing social issues, and preventing and mitigating damages. The problems in Miskolc's segregated areas are not new. The behaviour of Roma families fraudulently moved into the area through the "Nest-Building Program" significantly worsened the situation and disrupted peaceful coexistence between Roma and non-Roma residents. It created unresolved situations, social tensions, and led to the deterioration of condominiums and private individuals' lives. The genesis of the "Nest-Building Problem"

cannot be attributed to the First Defendant; it is the result of the unscrupulous and irresponsible behaviour of fraudsters and criminals. Eliminating segregated areas within the city's inner parts is part of the Integrated Settlement Development Strategy (ISDS) and the Integrated Urban Development Strategy (IUDS). Therefore, the plaintiffs' request for the court to prohibit the First Defendant from clearing slums is difficult to comprehend. Citizens of the city, law-abiding residents who know the city's traditions, have a fundamental right to a normal, liveable environment, and they rightfully expect the current city leadership to ensure this. The First Defendant and its agencies do everything within this scope to ensure order and create a liveable environment, according to the residents' needs.
Justified inspections and measures cannot be considered illegal or in violation of the principle of equal treatment, even if some individuals perceive these actions as harassment. The media's role is to inform about facts and municipal decisions that affect everyone. Newspaper articles before and after 2011 did just that. The media did not write articles on orders in any case but to inform the public on matters of wide social interest. It is rejected that articles appearing in **Minap**, a local newspaper, were commissioned by the First or Second Defendants. Neither defendant bears responsibility for the content of newspaper articles.

The Third Defendant believes that it conducted the inspections lawfully and did not commit the violations alleged by the plaintiffs. According to point 5 of its founding charter, its public duty is to ensure local public safety for the municipal government and protect its assets or other interests. As stated in point 6, its core activities include protecting the order and cleanliness of public spaces, monitoring lawful use of public areas, combating antisocial behaviours that affect quality of life, property protection, safeguarding a liveable environment, ensuring increased presence to boost community security, and crime prevention for public safety and order. Under point 8 of the founding charter, its core activities are classified under public finance tasks, including maintaining public order in public spaces, crime investigation, and crime prevention. The authority of the Third Defendant's staff is defined by Act LXIII of 1999 on Public Space Supervision (PSS) and Act CXX of 2012 on the activities of certain law enforcement officers and amendments to laws to combat school absenteeism. Accordingly, public space supervisors have the authority to take action to protect municipal property even in areas not considered "public spaces" in the narrow sense. Associated authorities and organizations acted within their own competencies, supported by public space supervisors and park rangers. The participation of associated organizations typically occurred in locations where their involvement was justified based on previous inspection experiences. In many cases, the Third Defendant's staff participated in inspections conducted by associated organizations solely at their request, assisting in locating unfamiliar sites and ensuring the personal safety and uninterrupted work of the associated organizations' staff. Orders for inspections conducted separately but simultaneously in their respective jurisdictions were often based on citizen reports. These reports indicated that certain city areas faced significant and multifaceted problems that could only be effectively addressed through the joint participation of authorities from different specialties. Under Section 6 (1) of the PSS, public space supervision cooperates with the police, professional disaster management bodies, customs offices, other state-controlled municipal bodies, social organizations—especially local neighbourhood watch organizations—and other organizations assisting in its duties. Acting within their competencies under Sections 1 (4) and 22 (1) of the PSS, and based on Section 1 (6), the Third Defendant's staff cooperated with state-controlled municipal bodies in accordance with Municipal Ordinance No. 35/2013 (X.1) on the fundamental rules of community coexistence and the legal consequences of their violation.

According to Act II of 2012 and the municipal ordinance, public space supervisors have the authority to take action and impose fines even on private property. Based on all this, when necessary, the staff of the organization performing public space supervision duties appeared jointly with associated organizations during ad-hoc inspections. The enforcement's own inspections primarily focused on checking compliance with residence registration obligations, waste disposal contracts, and animal keeping regulations. During inspections and actions by associated organizations, the Third Defendant's staff participated to ensure the personal and property safety of the inspectors.

The organizations and authorities cooperating in the inspections conducted checks within their specific, legally defined competencies. While organizations received assistance in carrying out their tasks, the combined authority inspections challenged by the plaintiffs did not occur, as the differing duties and competencies of the individual organizations and authorities do not permit joint procedures. The defendants' inspection activities were never aimed at harassing anyone or violating anyone's right to equal treatment. The plaintiffs have not proven otherwise, which is their burden to demonstrate. During the procedures challenged by the plaintiffs, the Third Defendant's staff acted in compliance with the laws applicable to their activities and fulfilled their statutory obligations. The legal basis for their data management during the procedure is established by Section 7 (2) of the PSS, so it was lawful and did not violate the affected individuals' right to informational self-determination.

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Joint Arrangements

The joint plaintiff and joint defendant arrangements are based on Section 51(c) of Act III of 1952 on the Code of Civil Procedure (hereinafter: CCP), as the claims in the case stem from similar factual and legal grounds (coordinated inspections conducted with the joint presence of authorities and associated organizations, and harassment). The jurisdiction of the Court is established for all defendants without the application of CCP Section 47, as all defendants are headquartered in the city where the case is being heard (CCP Section 30 (1)).

The First Defendant falls under the personal scope of the Equal Treatment Act (ETA) based on Section 4(b); the Second Defendant under Sections 4(b) and 4(c); and the Third Defendant under Section 4(c). All defendants are obligated to uphold the principle of equal treatment in all their procedures, actions, and legal relationships.

According to the claim, between January 1, 2011, and the establishment of the Third Defendant on April 1, 2013, the Public Space Supervision and Law Enforcement Department, operating under the Authority and Customer Service Department of the Second Defendant, was responsible for conducting the inspections. As of April 1, 2013, the Third Defendant assumed this responsibility. During this period, the Second Defendant's public order liaison officer coordinated the inspections for the Second Defendant. Under the organizational and operational regulations (OOR) of the Third Defendant, effective April 19, 2013, the municipality is its maintainer, the municipal assembly is its governing body, and the Third Defendant is an

independent legal entity. The Second Defendant operated under three different OORs during the relevant period (2011, 2014, and 2015), all of which stipulated that the Mayor directed the office. The coordinated inspections were initiated by the Mayor and the municipal assembly, both representing the First Defendant. The First Defendant, as initiator and supervisor of the Second Defendant, the Second Defendant, as organizer of the coordinated inspections, and, prior to the establishment of the Third Defendant, as their executor, bear responsibility for violations of equal treatment. The Third Defendant, since its establishment on April 1, 2013, has executed the coordinated inspections and is responsible for violations of equal treatment from that date. The First Defendant's liability for personality rights violations regarding anti-poor and anti-Roma communications is reflected in municipal assembly resolutions, reports, articles, and news published in local media indirectly owned by the municipality, as well as statements made by the Mayor.

Legal Standing of the Plaintiffs

The First Plaintiff, an association, has objectives outlined in its statutes (Section 4), including the *promotion of equal opportunities and the protection of human rights for disadvantaged social groups based on protected characteristics such as national origin (particularly Roma ethnicity) and social and financial status*. Thus, the First Plaintiff meets the requirements of ETA Section 3(e), which defines a civil or advocacy organization as a legal entity established under laws governing associations, public benefit status, and the operation and support of civil organizations. Such organizations must include in their statutes or founding documents objectives aimed at promoting social inclusion or protecting human and civil rights related to specific protected characteristics.

The Second Plaintiff, a foundation, has a founding charter that states its objective as ensuring equality for national and ethnic minorities in Hungary through legal action against discrimination. The National and Ethnic Minority Legal Protection Office, created and maintained by the Second Plaintiff, aims to provide legal assistance to victims of ethnic discrimination and unjust or unwarranted administrative actions, in line with the International Covenant on Civil and Political Rights and Hungary’s Constitution and laws. Consequently, the Second Plaintiff also meets the requirements of ETA Section 3(e).

The court disagreed with the defendants’ argument that the Second Plaintiff lacks standing. The Second Plaintiff's founding charter explicitly includes the protection of national and ethnic minorities’ rights as an objective, and the claim predominantly seeks to establish violations of the principle of equal treatment against the Roma minority, including unlawful and unjustified administrative actions. The court held that it is irrelevant whether the Legal Protection Office operated by the foundation explicitly identifies its goal as assisting victims of ethnic discrimination or unlawful administrative actions, as the foundation itself operates with this purpose.

ETA Section 20 (1)(c) stipulates the following conditions for public interest litigation: Civil or advocacy organizations may file personality rights or labour law claims before a court for violations of the principle of equal treatment if the violation or its imminent danger is based on

a characteristic that is an essential trait of individual personality, and the violation or its imminent danger affects a larger group of individuals that cannot be precisely identified.

Essential personality trait

According to the facts stated by the plaintiffs in their claim, the anti-poor and anti-Gypsy practices of the city, which have been the subject of the action for years, have been harassing, endangering and threatening a large number of poor people, predominantly of Roma origin, living in the city's slums (slums, ghettoised streets, residential buildings and areas).

The plaintiffs argue that, in this case, **financial status** refers to unfavourable financial conditions and poverty, while **social origin** pertains to disadvantaged backgrounds and belonging to a national minority, specifically Roma ethnicity (ETA Section 8(e)). Additionally, **low social status** (ETA Section 8(p)) and **poverty** (ETA Section 8(q)) are also considered essential traits of personality. In its decision (Case No. Pfv.IV.20.037/2011/7), the Supreme Court stated that social origin and financial status represent a form of social determination that defines an individual's relationship to the surrounding world and their place and role within it. These socially determined relationships fundamentally influence personality and shape an individual’s perception of the world and themselves. Therefore, for the purposes of applying ETA Section 20(1), social origin and financial status (ETA Section 8(e) and (q)) are considered essential traits of personality. Similarly, belonging to the Roma minority (ETA Section 8(e)) is recognized by the Constitutional Court, ordinary courts, and the Equal Treatment Authority (ETA) as an essential trait of personality.

The plaintiffs' claim involves a large, indeterminate group of individuals living in segregated areas or "ghettos" in Miskolc—people of low social status, living in deep poverty, and predominantly of Roma origin. The defendants' actions, allegedly violating the principle of equal treatment, affect this entire group. Consequently, the facts presented in the claim support the admissibility of public interest enforcement. This allows the plaintiffs to initiate proceedings based on the facts and data in the claim. Whether the plaintiffs have active standing in the case is a substantive question for the court. If they do not, the court should reject the claim on its merits rather than terminate the proceedings. Given the complexity of the facts and the multi-year timeframe, the court conducted an evidentiary procedure to establish the facts beyond doubt. During this process, the plaintiffs were required to substantiate their claims, while the defendants bore the burden of proof.

The court noted the potential for multiple discrimination in the case presented by the plaintiffs. It is well-known that residents of slums are typically of low social status and live in deep poverty. To substantiate their claims regarding social origin as a protected characteristic, the plaintiffs referred to the definition of segregated areas in the 2008 Integrated Urban Development Strategy (IUDS), the 2014 Integrated Settlement Development Strategy (ISDS), and the Local Equal Opportunity Program (LEOP). According to these documents, "segregated areas are those where at least 50% of the population are low-status residents, defined as adults without employment income and with no more than an 8th-grade education." Detailed data on specific segregated areas in the city, found in pages 54-98 of the IUDS, confirm the low social and financial status of these residents. According to the LEOP, "a 2010 social map of the city shows that approximately 2% of residents live in non-residential properties or slum-like housing. This equates to around 3,000 adults or at least 1,500 families living in deep poverty" (LEOP, p. 38). Based on this data, the court also concluded that residents of segregated areas

are predominantly low-status individuals living in deep poverty. The defendants did not dispute these facts, nor that most of these residents are of Roma origin.
Locally, it is widely known and evident from the IUDS, ISDS, and LEOP that Roma individuals are overrepresented among slum residents. For example, the IUDS (pp. 54-98) includes descriptions of segregated areas, noting that the "anti-segregation plan aims to create conditions for the social and economic integration of low-status, primarily Roma residents, improve their living conditions, enhance access to public services, and reduce and eventually eliminate the gap between Roma and non-Roma living conditions" (IUDS, p. 2). In the First Defendant's Local Equal Opportunity Program, the summary table of "Findings of the Situation Analysis" (pp. 130-131) identifies one key issue for Roma residents and those living in deep poverty as the high number of low-comfort housing units, predominantly found in segregated areas. On p. 154 of the "Detailed Description of Action Areas" table, it is noted that "low-comfort housing units impose numerous negative consequences on the daily lives of families," further supporting the claim that a significant proportion of residents in segregated areas are Roma.

International legal scholarship recognizes the concept of multiple discrimination, referenced in the Equal Treatment Authority's decision regarding the clearance of the "Numbered Streets": "This approach, based on the multidimensionality of individuals' identities, describes situations where multiple protected characteristics coexist and interact simultaneously, creating an inseparable interplay of influences." The ETA concluded that the group affected by the clearance exhibited protected characteristics, including Roma ethnicity, financial status, and social origin, which interacted and collectively defined the group. This conclusion was upheld in a final decision by the Budapest Metropolitan Administrative and Labor Court, which stated: "Financial status, Roma ethnicity, and social origin are indisputably interacting protected characteristics. Accordingly, the court finds that the defendant correctly identified multiple discrimination, where cumulative general circumstances reinforce each other."

At the final hearing, the legal representatives of the First and Second Defendants argued that Section 2:54(5) of Act V of 2013 on the Civil Code (hereinafter: new Civil Code) does not consider race, ethnicity, or national origin as essential traits of personality. Therefore, the plaintiffs were not entitled to initiate this lawsuit by referencing Roma ethnicity. They further contended that this interpretation of the law was incorrect and inapplicable during the period relevant to the case. The new Civil Code allows individuals belonging to a community to assert claims for violations of their human dignity in cases of severe or unjustifiably offensive public harm affecting the community. The listed traits—contrary to the defendants' argument—are considered essential traits of personality under the new Civil Code (as supported by the commentary to the new Civil Code and Decision BH2017.117).

The defendants also cited Decision PJD2018.10, which states that claims based on harm to a community cannot be pursued if the harm itself is the defining characteristic of the group. A person can bring a community-based claim only if the harm relates to a characteristic that defines the entire personality of the claimant. They argued that since the claim involves all individuals subjected to inspections, the defining characteristic of the group is merely the experience of inspections. This characteristic, they claimed, cannot serve as a basis for community claims and applies to all parts of the claim.

The court emphasized that merely experiencing inspections cannot constitute a defining group characteristic. However, in this case, the plaintiffs identified—and successfully substantiated during the proceedings—that the coordinated inspections took place exclusively in areas where the residents share protected characteristics that are essential traits of personality, including **social and financial status** and **ethnicity**, which also serve as group-defining factors.

The court found that the plaintiffs were justified in initiating proceedings against the defendants. The statutory conditions for public interest enforcement—at the level of probability required in the statement of claim—were met.

Issue of Res Judicata
The First and Second Defendants argued that the findings of the Equal Treatment Authority (ETA) in its proceedings concerning the clearance of the "Numbered Streets" established res judicata. However, this argument was unfounded. Section 229(1) of Act III of 1952 on the Code of Civil Procedure (CCP) states that the binding effect of a judgment precludes new lawsuits between the same parties (or their legal successors) on the same legal claims arising from the same factual basis. The CCP's res judicata principle applies explicitly within the framework of court proceedings based on the same branch of law. The fact that administrative proceedings were initiated before the ETA on similar factual grounds, which led to a decision subject to judicial review, does not preclude a separate lawsuit for violations of personality rights based—partly—on the same factual circumstances. Hungarian law allows multiple forms of legal protection to be sought on similar or identical factual grounds.

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Legal basis

Under Section 8 of the ETA, direct discrimination occurs when a person or group is treated less favourably than another in a comparable situation due to their actual or perceived protected characteristic (listed in points (a) to (t)).

Protected characteristics under Section 8(e), (p), and (q) of the ETA include ethnicity, social origin, and financial status.

Section 7(1) of the ETA defines violations of the principle of equal treatment as including, among other things, direct discrimination, indirect discrimination, harassment, unlawful segregation, retaliation, and instructions to carry out such acts, as specified in Chapter III.

Section 7(2) provides that, unless otherwise stated, a behaviour, action, condition, omission, instruction, or practice (collectively, "provisions") does not violate the principle of equal treatment if: a) It restricts the fundamental rights of the disadvantaged party to ensure another fundamental right in unavoidable circumstances, provided that the restriction is suitable and proportionate to the goal; or b) It has a reasonable, objective justification directly related to the legal relationship in question.

However, Section 7(3) excludes the application of Section 7(2) to cases of direct discrimination or unlawful segregation based on characteristics listed in Section 8(b)–(e).

Section 9 defines indirect discrimination as provisions that, while seemingly compliant with the principle of equal treatment, disproportionately disadvantage individuals or groups with protected characteristics compared to others in similar situations.

Section 10(1) defines harassment as conduct that violates human dignity and is related to a protected characteristic defined in Section 8. Such behaviour creates an intimidating, hostile, degrading, humiliating, or offensive environment for the individual.

Special rule of evidence, probability

The Equal Treatment Act (ETA) establishes special evidentiary rules for legal proceedings based on the principle of equal treatment, including civil cases. These rules align with the Advisory Board of the Equal Treatment Authority (ETA), the case law of the Court of Justice of the European Union, and the European Court of Human Rights.

Under Section 19(1) of the ETA, in proceedings initiated for violations of the principle of equal treatment, the injured party or the entity entitled to public interest enforcement must demonstrate a likelihood that:

a) the injured person or group suffered harm or—if the case involves public interest enforcement—was at immediate risk of harm, and

b) the injured person or group possessed one or more of the protected characteristics defined in Section 8 at the time of the violation, either in fact or as presumed by the violator.

According to Section 19(2) of the ETA, if the injured party establishes the likelihood outlined in Section 19(1), the burden of proof shifts to the opposing party to demonstrate that:

a) the circumstances alleged by the injured party or the entity entitled to public interest enforcement did not exist, or

b) the principle of equal treatment was upheld or was not required to be upheld in the specific legal relationship.

Under Section 3(3) of the Code of Civil Procedure (CCP), the court distributed the burden of proof in the case as follows:

Regarding the first claim:

For the claim based on direct discrimination, the plaintiffs needed to demonstrate the ***likelihood*** that:

- The injured group suffered harm or was at immediate risk of harm (ETA Section 19(1)(a)), specifically that the coordinated inspections with joint authority presence (as defined by ETA Sections 7(2) and 8) violated their fundamental rights to fair

administrative procedures, effective legal remedies, respect for private life, and informational self-determination. This resulted in less favourable treatment (ETA Section 8) compared to Miskolc residents in similar situations who were not subjected to the coordinated inspections.
- The injured group, i.e., the residents of the inspected areas, actually possessed or were *presumed by the violators* to possess the identified protected characteristics (e.g., Roma ethnicity, disadvantaged social status, poverty).

For the harassment claim, the plaintiffs needed to demonstrate the likelihood that:

- The injured group suffered harm or was at immediate risk of harm (ETA Section 19(1)(a)), specifically that the coordinated inspections constituted conduct violating human dignity (objective aspect of harassment), creating or posing the risk of an intimidating, hostile, degrading, humiliating, or offensive environment related to the protected characteristics (subjective aspect of harassment, ETA Section 10(1)).
- The injured group, i.e., the residents of the inspected areas, actually possessed or were presumed by the violators to possess the identified protected characteristics (e.g., Roma ethnicity, disadvantaged social status, poverty).

Regarding the second claim:

For the second claim, the plaintiffs needed to demonstrate the likelihood that:

- The injured group suffered harm or was at immediate risk of harm (ETA Section 19(1)(a)), specifically that the public communications of the municipal assembly and the Mayor regarding the "Nest-Building Problem," Roma emigration to Canada, slum clearance, and coordinated inspections; the adoption and application of discriminatory housing regulations in May 2014 despite governmental warnings; and the discriminatory clearance of the "Numbered Streets" in spring 2014 constituted conduct violating human dignity (objective aspect of harassment), creating or posing the risk of an intimidating, hostile, degrading, humiliating, or offensive environment related to the protected characteristics (subjective aspect of harassment, ETA Section 10(1)).
- The injured group, i.e., the residents of Miskolc's segregated areas and ghettoized buildings, actually possessed or were presumed by the violators to possess the identified protected characteristics (e.g., Roma ethnicity, disadvantaged social status, poverty).

According to ETA Section 10(1), establishing harassment does not require comparison with a similarly situated group. Harassment is unlawful if its impact creates a degrading atmosphere, regardless of the intent behind the conduct. As clarified in the EU Handbook on European Non-Discrimination Law and the Supreme Court’s decision (Case No. Pfv.IV.xx.xxx/2016/4), intent is irrelevant to the classification of harassment. It is unnecessary to prove that the perpetrator was motivated by prejudice, such as racism or sexism, nor to show that the rule or practice in question intended to cause discriminatory treatment. Even good intentions or bona fide practices cannot exempt conduct from being classified as discriminatory if it disproportionately disadvantages a particular group. The handbook further states that EU law adopts a flexible, objective, and subjective approach, primarily considering how the victim perceived the treatment when determining whether harassment occurred.

Under the Equal Treatment Act (ETA), plaintiffs are only required to establish likelihood, not full proof, which represents a lower standard of certainty compared to traditional evidentiary rules. This lower threshold acknowledges that data pertaining to objective facts to be proven are often, as in this case, predominantly in the possession of the defendants.

Following the plaintiffs' demonstration of likelihood, the defendants can successfully exonerate themselves by proving either that:

a) the circumstances alleged by the plaintiffs for public interest enforcement did not exist, or

b) the principle of equal treatment was upheld or was not required to be upheld within the specific legal relationship.

To refute the causal connection between the protected characteristic and the disadvantage alleged by the plaintiffs, the defendants must successfully rebut the presumption established by the plaintiffs' likelihood demonstration. This rebuttable statutory presumption arises from the coexistence of the protected characteristic and the disadvantage, which establishes a causal connection.

In this case, if the coordinated inspections involving joint authority presence targeted groups identified by the plaintiffs as possessing protected characteristics, and other groups without such characteristics were not subjected to similar inspections, it must be inferred that the inspections were based on those protected characteristics. Therefore, the defendants must prove, following a successful demonstration of likelihood by the plaintiffs, that the principle of equal treatment was upheld by disproving the causal connection.

The Advisory Board of the Equal Treatment Authority (ETA) and European legal practice agree that the burden of proving causality cannot be placed on the plaintiffs. The Curia has consistently held that the existence of comparable situations alone cannot establish discrimination. If the defendants successfully disprove the causal connection between the protected characteristic and the disadvantage, it demonstrates that no discrimination occurred.
The Curia interprets Section 19 of the ETA strictly, in line with the ETA Advisory Board's opinion (Decision No. xxx/3/2008 (II.28.)), which states that discrimination cases must apply evidentiary rules favourable to the plaintiffs. Plaintiffs are required only to establish likelihood, not full proof, of the protected characteristic and the disadvantage. The simultaneous existence of the two creates a presumption of causality, which the defendants must refute to prove compliance with the principle of equal treatment (EBH 2015.M.24).
Although contrary judgments exist (e.g., EBH2272/2010, Pfv.IV.xx.xxx/2016/16), the court adopted the principle outlined above, consistent with the literal text of Section 19 of the ETA, which does not mention any obligation on the plaintiffs to establish causality.

Under Section 7(3) of the ETA, the general defences available under Section 7(2) cannot be invoked in cases of direct discrimination or unlawful segregation based on characteristics listed in Section 8(b)-(e), including ethnicity (Section 8(e)). This means that defendants cannot rely on general defences such as protecting the fundamental rights of others or reasonable justification directly related to the legal relationship.
The court held that the additional protected characteristics supporting claims of multiple discrimination in this case do not weaken these safeguards, and Section 7(3) applies fully to

this case.

Determining whether the inspections violated the fundamental rights of individuals subjected to them—such as the right to fair procedures, effective remedies, privacy, and informational self-determination—requires applying the constitutional necessity and proportionality test. However, when assessing the violation of the principle of equal treatment related to these fundamental rights, where the affected group possesses specific, multiple protected characteristics, the test does not apply. In such cases, the defendants can only exonerate themselves under Section 19(2) of the ETA. As harassment is a specific form of direct discrimination, the defences provided in Section 7(2) are not applicable to claims based on harassment in this case (Egri Regional Court Decision No. 12.P.20.065/2013/128, EU Race Directive 2000/43/EC, Article 2(1) and (3)).

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The legal dispute is governed by the provisions of Act IV of 1959 on the Civil Code (hereinafter "Civil Code"). According to Section 8(2) of Act CLXXVII of 2013 on Transitional Provisions of the Civil Code (hereinafter "Transitional Civil Code Act"), civil claims based on infringements of personality rights that occurred before the entry into force of the new Civil Code must be adjudicated under the legal provisions in force at the time of the infringement. For continuous infringements—including omissions—that began before the entry into force of the new Civil Code on March 15, 2014, the provisions in effect before this date must be applied, even if the conduct ceased after the new Civil Code came into effect. Since the alleged infringements in this case began in 2011, the provisions of the "Civil Code" are applicable.

The court had to apply constitutional principles when adjudicating the case. All laws applied in the case had to be interpreted and enforced with due regard to constitutional and fundamental rights requirements. Restrictions on fundamental rights can only occur if they are necessary to safeguard the exercise of other fundamental rights or protect constitutional values. When fundamental rights are restricted, the court must apply the necessity and proportionality test. This involves interpreting provisions that guarantee fundamental rights expansively and restrictive provisions narrowly.

The plaintiffs' action is partially well founded for the reasons set out below:

Under Section 75(1) of the "Civil Code," personality rights must be respected by all, and these rights are protected by law.

Section 76 of the "Civil Code" states that violations of the principle of equal treatment constitute infringements of personality rights.

Section 84(1)(a) of the "Civil Code" provides that a person whose personality rights have been violated may request a judicial declaration of the infringement, depending on the circumstances.

In the context of this case, the court uses the term "coordinated inspections involving joint authority presence" rather than "joint authority inspections" to describe the inspections subject to the claim. This distinction is made because the inspections involved not only authorities in the strict sense but also other associated entities, such as utility service providers. Therefore, these inspections cannot strictly be considered joint authority inspections.

The term "ghetto" in the context of this case refers to residential buildings, streets, or areas in Miskolc that are not classified as segregated areas but predominantly serve as living spaces for individuals identified by the plaintiffs as possessing protected characteristics.

In the assessment of the evidence, the Court emphasises that, as explained above, the plaintiffs had only a duty of probability, whereas the defendants had to prove the exculpatory element.

Pursuant to Section 206 of the Code of Civil Procedure (hereinafter "CCP"), the court evaluated the evidence provided by the parties in its entirety and assessed the case based on its conviction, as follows:

First claim

A) Direct discrimination

A/1. Coordinated Inspections Involving Joint Authority Presence

The existence of coordinated inspections involving joint authority presence starting in 2011 is supported by statements made multiple times during the proceedings by the legal representatives of the defendants, who acknowledged the practice until the leadership change at the Third Defendant in early 2015. While the defendants later claimed these statements should not be considered admissions, it remains a fact that coordinated inspections involving multiple authorities and associated entities, as described in the findings of the judgment, did occur.

This is further corroborated by data included in Reports I–III, which were referenced in the judgment. Additionally, in November 2013, the First Plaintiff and, in January 2014, the Second Plaintiff submitted public interest information requests to the Third Defendant. In response to the latter request, the Third Defendant's then-leader stated in a letter dated January 23, 2014 (Exhibit 7 of the statement of claim), that between April 1, 2013, and January 23, 2014, 45 joint inspections involving associated authorities and entities were conducted, primarily to protect municipal property. A similar response was sent to the First Plaintiff’s information request (Exhibit 8 of the statement of claim).

The table provided by the head of the law enforcement department, comparing the inspection locations with the 2008 Integrated Urban Development Strategy (hereinafter "IUDS"), revealed that the inspections referenced in the data exclusively occurred in areas classified in the IUDS as segregated areas or in streets and neighbourhoods densely populated by low-status individuals, primarily Roma, which had become ghettoized. According to the data, inspectors repeatedly returned to certain locations (e.g., Szilvás Street residential buildings, Csermőke, Tetemvár, Lyukóvölgy), where the same obligations were re-inspected within a few weeks. From the establishment of the Third Defendant until the end of January 2014, a total of 1,904 properties and 3,544 individuals were inspected.
The former head of the Third Defendant stated regarding the inspections: "Those who have something to fear should indeed fear authority inspections, and rightly so..." (DVD No. 9, 2:20–

2:23). He elaborated: "If our colleagues are present in the area, their mere presence can, so to speak, 'predispose' residents to maintain greater order, refrain from littering, ensure their yards are not overgrown, and avoid stealing electricity or water" (3:50–4:04). He also remarked: "The Mayor and senior officials of the municipality expect us to work together to create as much order and security as possible. The aim is to ensure that law-abiding citizens feel safe and secure, while those who circumvent or exploit the law feel anything but secure. This is the overarching municipal expectation, and we are fulfilling it" (4:23–5:06). Furthermore, he added: "I can recount several instances where our repeated interventions resulted in people moving away from the area. While it's not guaranteed, if five out of ten people move out who don't belong in that environment, it's a significant success. Even if only two move, it's still an achievement" (6:18–6:45). The City Log (Városi Napló), an online news portal indirectly owned by the municipality, regularly reported on inspections conducted jointly with associated authorities and entities (Exhibits 3, 4, and 6 of the statement of claim; Exhibit 4 of the preparatory brief dated June 30, 2016; Exhibit 2 of the preparatory brief No. 80). The Ombudsman's Report (Exhibit 5 of the statement of claim, pp. 13–26, 59–67) served as critical evidence not only for establishing that the inspections occurred but also for detailing their nature. During the investigation, staff inquired both in writing and during site visits about the purpose, objectives, initiators, and timing of the joint inspections, as well as sought clarification of their legal basis and framework. In a letter dated June 10, 2014, the Municipal Clerk highlighted the Third Defendant's role in these inspections. The clerk identified the primary objective of the inspections as safeguarding municipal property, one of the core statutory duties of public space supervisors. This included verifying compliance with address registration requirements, waste disposal contracts, and animal husbandry regulations in properties under municipal ownership, leased through agreements between MIK Zrt. and tenants. According to the Clerk's response, the staff of the Third Defendant often participated in inspections solely at the request of associated authorities. They assisted in locating inspection sites and ensured the safety and uninterrupted work of the associated entities' staff. The Clerk's letter noted that "the current level of organization for joint inspections in collaboration with associated authorities began on April 1, 2013," coinciding with the establishment of the Third Defendant. However, during site visits, it was repeatedly mentioned that similar joint inspections had occurred in prior years.

In a letter dated June 10, 2014, the Municipal Clerk stated that no coordinated joint authority inspections had been conducted: "At no time were joint authority inspections organized or carried out along a predetermined route" (Ombudsman's Report, p. 13). The Clerk also referenced Section 6/B of Government Decree No. 288/2010 (on metropolitan and county government offices), which states that only metropolitan, or county government offices and administrative bodies can conduct coordinated inspections. Under Section 23(1) of Act LXIII of 1999 on Public Space Supervision (hereinafter "Public Space Act"), the Third Defendant cannot perform coordinated inspections, as this is inherently excluded for an entity responsible for public space supervision. The Administrative Procedures Act (hereinafter "APA") also does not provide for such authority.

Regarding joint inspections in the city, the Clerk emphasized that they were ad hoc and not carried out systematically. Each participating authority acted separately within its legal jurisdiction. However, the Clerk did not dispute the fact of simultaneous inspections. When asked about the rationale for involving local utility providers in joint inspections and whether the municipality had knowledge of their presence during inspections, the Clerk did not provide a specific answer. The Clerk explained that simultaneous inspections conducted separately within individual jurisdictions were ordered in response to complaints from citizens and organizations.

Email correspondence included as an annex to the Clerk's letter dated October 10, 2014,

revealed that the city's public safety liaison in the Mayor's Office organized joint inspections by sending advance emails to entities whose participation the municipality deemed necessary. These emails began with the statement: "The Mayor's Office, in cooperation with other associated authorities, plans an inspection," followed by details on the time and location of the inspection. The emails also provided specific information about where, when, and by whom the pre-inspection briefing would be held. According to the emails, the on-site management and briefings were generally conducted by senior staff members of the Third Defendant.
The recipients of these inspection-related emails, titled "Inspection," included the following entities: The Third Defendant, Organizational units of the Mayor's Office (e.g., Health and Social Affairs Department, Chair of the Health and Social Committee, Press Spokesperson, Public Safety Liaison), the City Police Department, the electricity provider, the District Public Health Institute of the District Office, the District Guardianship Authority of the District Office, a television and internet service provider, the City Management Company, the water utility provider, and the district heating provider. Not all entities were invited or participated in every inspection. The municipality determined participants based on the specific area selected for inspection. The Ombudsman's investigation noted that comparing the emails coordinating joint inspections with citizen complaints showed little correlation, except in a few cases. Representatives of the entities involved in the inspections provided the following statements during the investigation: The Police Department stated that the decision to involve them and the coordination of inspections were handled by the public safety liaison, who informed them by phone and email about the location and timing of the inspections. The participating associated authorities were only identified during the pre-inspection briefings, and no advance plans for the inspections were prepared. Employees of the Government Office stated that they did not personally receive emails about the joint inspections, but the written response from the Government Office indicated that the District Guardianship Authority and District Public Health Institute had received invitations from the municipality. Representatives of the district heating provider stated that they were informed by email, on behalf of the Clerk, about the areas targeted for inspections. They were invited to join the initiative, and where necessary, prepared lists of properties requiring the disconnection of hot water. These lists were sent to the First Defendant, expressing their intent to participate in inspections at those locations. Representatives of MIK Zrt. indicated that the municipality contacted them about participating in inspections when the areas targeted included municipal rental properties.

Regarding participation in inspections, when the targeted area included municipal rental properties, representatives of the electricity provider stated they were informed of the inspection locations and times via email from the Second Defendant. The Social Affairs Department of the Mayor's Office noted that they only responded to the public safety liaison if they chose not to participate in the joint inspections. Pre-inspection briefings were held at the Third Defendant's office, where representatives from associated authorities, such as the electricity provider, public health service, and Guardianship Authority, also attended. After a brief on-site briefing, each participant performed their respective duties, entering only properties requiring specific inspections. According to a representative of the minority local government, the head of the Third Defendant's department initially conducted briefings in parking lots or the main square of the inspection areas with groups of 20–40 participants. This practice was later discontinued, likely to prevent families from preparing for the inspections. Recently, briefings have been held at the Third Defendant's premises for participants from the involved authorities and organizations (Ombudsman's Report, pp. 21–22). The Ombudsman's investigation found that the joint inspections coordinated by the Third Defendant involved 20–40 participants from various authorities and utility providers. These inspections were conducted simultaneously at pre-determined times and along pre-planned routes. They were organized by the public safety

liaison of the Mayor's Office with the involvement and direction of the Third Defendant's leadership. Virtually all properties and apartments in the targeted areas were inspected. The inspections were systematic and scheduled almost weekly, covering much larger areas than suggested by citizen complaints (p. 59). The Ombudsman's Report noted that more than 90% of the areas jointly inspected, as recorded in the Clerk's summary, were segregated neighbourhoods predominantly inhabited by Roma residents (p. 18). Key characteristics of the inspections included the absence of prior notification, a lack of information provided to families about the purpose, objectives, or outcomes of the inspections, and failure by the inspectors to identify themselves, although they were generally distinguishable by uniforms. Many affected individuals complained about the tone of the inspectors, describing it as rude, humiliating, or patronizing. However, the Ombudsman found no evidence of violent conduct. Each inspection involved 20–40 personnel, including representatives of utility providers, who inspected all properties in a given area. Typically, 5–6 individuals entered each apartment. Upon entry, they requested identification cards and proof of address, which were verified by personnel from the Third Defendant or police officers. Inspectors also assessed the cleanliness of the apartments and often checked refrigerators and bathrooms. Inspections were repeated in several slums, with some areas visited two to three times within a month, and some families subjected to as many as five inspections. These repeated inspections often revisited previously verified facts, which affected individuals perceived as particularly harassing. No formal minutes were prepared for the inspections. Instead, data and actions were recorded on forms, which the Clerk claimed were signed by the affected individuals. However, the individuals reportedly did not receive copies, and many could not recall signing anything (pp. 23–24). The Ombudsman's Report concluded that the joint authority inspections lacked statutory authorization (p. 60). Their organization and execution occurred without a legal framework or statutory basis. The Ombudsman found it problematic that no prior notifications were given, despite Section 57 of Act CXL of 2004 on the General Rules of Administrative Proceedings and Services (hereinafter "Administrative Procedures Act") requiring such notification (p. 61). Under Section 91 of the Administrative Procedures Act (hereinafter "APA"), inspection plans and reports should have been prepared, but neither was completed. Additionally, the adequacy of information provided to affected individuals was called into question. Due to overlapping procedures, citizens found it difficult to understand the legal framework, and the lack of transparency in the inspections hindered the exercise of the right to legal remedies. It was particularly concerning that employees of utility companies participated in the inspections as quasi-authorities. Multiple authorities could be present at the inspections of the same individuals, and the coordination of different procedural rules posed challenges for the acting authorities (p. 62). Inspection records were not consistently prepared, or only sporadically (p. 63, para. 1). The Ombudsman's Report recommended (p. 84) the immediate cessation of inspections conducted jointly by authorities and utility companies with large-scale participation. It also emphasized the need to ensure that the procedures and practices of all municipal bodies in Miskolc under the supervision and management of the local government comply with statutory and regulatory safeguards. A video report on concentrated authority inspections, published on the website sosinet.hu in January 2014 (submitted with Submission No. 9 as a DVD annex), stated that, during inspections, authorities often entered the properties of individuals being inspected. People were checked within their own homes, with officials sometimes entering even bathrooms to check for items such as toilet paper or inspecting refrigerators (0:44–0:56). Another interviewee reported that authorities entered their home and took photographs, including of the bathroom (3:15–3:20, 3:33–3:35).In Protocol No. 34, the legal representatives of the First and Second Defendants stated that the Third Defendant ceased the actions underlying the Ombudsman's investigation following its conclusion and the leadership change in late 2014 or early 2015. The coordination of inspections was further evidenced in proceedings between the First Plaintiff and the Third

Defendant at the Miskolc District Court (Case No. 29.P.xx.xxx/2015) concerning public interest data disclosure. In these proceedings, the legal representative of the Third Defendant, who also represents the First and Second Defendants in the current case, cited the Ombudsman's Report to assert that the locations of inspections had been determined in advance by the Mayor's Office. The likelihood of the inspections was further supported by testimony from the plaintiffs' witnesses, particularly P. J. (Protocol No. 59), who stated that the so-called coordinated joint inspections began in 2011. These inspections involved other entities and associated authorities, such as social health services, guardianship authorities, and companies under the Holding. Among the defendants' witnesses, K. L. (Protocol No. 42, p. 2) acknowledged that, from 2010–2011, inspections were conducted jointly with other authorities and organizations. Typically, these inspections were initiated through emails from the Mayor's Office specifying when, where, and what type of inspections were planned. The same witness admitted that, for the past 2–3 years, such joint inspections with associated authorities have ceased, and the Third Defendant now conducts its statutory duties independently (Protocol No. 42, p. 13).
Former public safety liaison Mrs. Dr. V. testified that she personally sent emails to associated authorities stating: "The city's local government, in cooperation with other associated authorities, is organizing a comprehensive inspection at [location] on [date]" (Protocol No. 45, p. 4, para. 3). K. I., a public space supervisor, confirmed the coordinated joint inspections starting in 2011 (Protocol No. 59, p. 14, last para.).

The inspections often subjected families to simultaneous checks, including address registration, animal health, waste management, public cleanliness, guardianship, utility compliance (electricity, water), and social administration. Inspectors also reviewed property ownership and requested purchase agreements from residents.

However, the court found the likelihood of coordinated joint inspections only from 2011 to early 2015 due to the following reasons:

The plaintiffs attempted to establish that the inspections continued consistently until April 2018 using witness testimony and reports from the xxx online news portal. However, the evidence, such as a table summarizing newspaper articles submitted with Submission No. 80, did not substantiate that inspections matching the previously described definition of coordinated joint inspections occurred after early 2015. The articles referred to "inspections" (raids) using terminology from earlier practices but did not detail the participants or the types of inspections conducted. The legal representatives of the First and Second Defendants acknowledged that, following the leadership change in late 2014 or early 2015, the Third Defendant ceased conducting joint inspections. Witness K. L. C. (Protocol No. 42, p. 3, last para.) also confirmed that joint inspections ended in December 2014. Witness R. B. referred to newspaper articles in claiming that inspections continued (Protocol No. 34, p. 5), but he could not provide direct knowledge of such activities or details about who conducted the inspections or what they entailed. The testimony of witness T. A., stating that they might have received a report or notification about a so-called "raid" two to three weeks ago, lacks specifics and personal experience and therefore neither supports nor even suggests the continuation of such inspections. Similarly, the testimony of witness V. G., who mentioned hearing a few months ago from local residents about inspections being conducted, but on a much smaller scale with the participation of park rangers, neighbourhood watch members, and law enforcement officers, does not substantiate or make the claim probable. The plaintiffs also referenced a statement made by the Mayor during a press conference on June 11, 2015, in which he said: *"The Ombudsman requested the immediate cessation of city authority inspections, but the city leadership—considering the results and support for the inspections—will not comply. The city*

leadership not only disagrees with the part of the report that requests the immediate cessation of authority inspections but will also not abide by it, as we see that these inspections achieve results." However, this statement alone does not prove the continuation of joint inspections of the scale that led the plaintiffs to allege violations of the principle of equal treatment. Thus, for this period, the plaintiffs were unable to substantiate their claims with evidence beyond newspaper articles and vague witness statements. They failed to demonstrate with sufficient likelihood that these coordinated inspections with joint authority presence were ongoing until April 2018.

The court found that the plaintiffs successfully established (and also proved) that the inspections at the heart of the case were a regular practice between 2011 and early 2015. The defendants, aside from their own arguments, were unable to refute this fact.

A/2. Responsibility of the Defendants

The evidence from the proceedings supports the conclusion that the organization of the coordinated inspections with joint presence involved the First and Second Defendants, while the execution of these inspections up to April 1, 2013, was also managed by the First and Second Defendants. After this date, the Third Defendant played a central role in their execution. This is corroborated by the Ombudsman's Report, which noted that the public safety liaison of the Second Defendant pre-arranged the inspections and that their execution was conducted with the guidance of the Third Defendant's leadership (Ombudsman's Report, pp. 21–22, 59, para. 3).

According to the report, emails attached to the Municipal Clerk's letter of October 10, 2014, indicate that the joint inspections were organized by the public safety liaison in the Mayor's Office. These emails began with the statement: "The Mayor's Office, in cooperation with other associated authorities, plans an inspection." The emails then detailed the time and location of the inspection, along with information about where, when, and by whom the briefing would be conducted. The on-site briefings for the inspections were generally led by the Third Defendant (or its predecessor, the Public Space Supervision and Law Enforcement Department).

Witness P. J. testified that leaders of the public space supervision department informed them of inspection locations by phone. Before the inspections, participants gathered a few hundred meters from the site, forming a circle around the department's head or deputy, who briefed them on the reasons for the inspections, what needed to be checked, and which locations would be inspected. The leadership of the public space supervision department held a general coordinating role, determining the areas and methods for the inspections, while the associated authorities handled their specific responsibilities upon arrival.

The witness further stated that the Mayor's Office designated the inspection locations and that the inspections appeared to follow a schedule, as dates for follow-up inspections were pre-determined. Witness Dr. T. (Protocol No. 45) testified that in 2011, the municipality established a working group to address issues identified in citizen complaints. This group mapped out problems and worked on solutions. The witness explained that coordinated efforts were necessary when multiple departments or agencies needed to deploy personnel to the same location at the same time. Dr. T. also stated that they sent emails to the authorities about the joint inspections, specifying planned times and locations.

Witness K. L. Cs. testified that they received emails from the Mayor’s Office stating when, where, and what kind of inspections were planned: "When we received an email from the Mayor’s Office about coordinated inspections, it included the time and location."

According to a statement by the Miskolc District Office of the County Government Office dated July 9, 2018, the District Public Health Institute participated in inspections at the request of the Municipal Clerk. In 2012, the Institute conducted seven inspections out of 26 requests; in 2013, it conducted seven inspections out of 37 requests; and in 2014, it conducted nine inspections out of 20 requests. These inspections fell within the Institute’s jurisdiction, and it took the necessary follow-up actions based on the results.

Based on this evidence, the court found it probable that the coordinated inspections were initiated by decisions made by city leadership. These inspections were organized within the framework of the municipal organizational system, with the municipal law enforcement department playing a key role in their execution.

In contrast, the defendants were unable to substantiate the contrary position with any evidence beyond their own assertions. Regarding the defendants' substantive defence that the joint inspections were conducted based on citizen complaints and for the protection of fundamental rights, the Ombudsman’s Report provided the following findings: According to the Municipal Clerk’s letter dated June 10, 2014, the selection of streets and areas for inspection was based on the aforementioned citizen complaints and reports from various organizations. During the investigation, 60 complaints and reports were made available. However, an analysis of the data in the Municipal Clerk’s summary table revealed that inspections conducted between April 15, 2013, and April 17, 2014, covered more than 2,700 properties and involved close to 4,500 individuals, including over 1,000 minors. In some cases, inspections were repeated. Thus, during the indicated period, approximately 45 times more properties were inspected than complaints received.

Furthermore, it is entirely implausible—and therefore can be ruled out—that reports to child welfare services would be made concerning every child or family living in every property within a given area. If the service only visited homes that were specifically reported, it raises the question of why it would have been reasonable or necessary for the service's staff to conduct home visits during joint inspections at the affected families’ residences.

A/3. Fundamental Rights Violations Resulting from Coordinated Inspections

Violation of the Right to Privacy

During the comprehensive inspections, employees of the Second and later the Third Defendant, including public space supervisors, initiated actions within private residences and non-public spaces without legal authorization. This violated the affected individuals' right to privacy. The court aligns with the findings of the Ombudsman’s Report over the legal arguments of the Third Defendant, which stated: "The National Authority for Data Protection and Freedom of

Information (NADPFI) also clearly determined that the coordinated joint inspections were primarily conducted on the premises of private residences and properties" (p. 30, para. 1). The NADPFI concluded that "public space supervisors are generally not authorized to perform their duties on private residences or property. The Third Defendant (or its predecessor) should not have decided to conduct the inspections mentioned in the complaint" (p. 31, para. 4).

Section 27(a) of the Public Space Act defines public space as any state- or municipally owned area designated for public use, including roads, portions of private property opened for public use by the owner, and private areas available to the public under identical conditions. However, this definition excludes private residences (whether municipally owned or not) and the stairwells of apartment buildings, meaning public space supervisors are not authorized to act in such areas. The preamble, explanatory provisions, Section 3(1), and Sections 27(a) and (e) of the Public Space Act make it evident that public space supervisors cannot enter private residences, act there, or exercise authority, as the Act provides no such authorization. Oversight of municipal rental properties is governed by the Housing Act (Act LXXVIII of 1993), which grants inspection authority to MIK Zrt.

The broad interpretation of "action" within a private residence includes knocking or ringing a doorbell, as such actions constitute unauthorized conduct. Public space supervisors are limited to addressing violations observed in public spaces. K. L. admitted: "If we rang a doorbell and the owner came out, we would, for example, ask for their address card. If they cooperated and provided it, we checked it; if they did not, there were no consequences." This admission underscores that the actions lacked a legal basis.

The court concurs with the plaintiffs' position that a structural power imbalance exists between public space supervisors and inspected individuals, particularly when the latter are of low social status and have limited capacity to assert their rights. This structural imbalance is noted in a ruling by the Metropolitan Court of Public Administration and Labor in the *Numbered Streets* case (p. 14, para. 5), and in another case involving the First Plaintiff and another local government (Case No. 6.K.xx.xxx/2017/14, Annex 2, p. 15, para. 4): "In cases involving segregated areas, on one side are residents with protected characteristics and limited ability to assert their rights (often stigmatized), and on the other side is the municipality vested with public authority. Such legal relationships are characterized by structural inequality. In these circumstances, increased care is required, as residents living in dire conditions need genuine integration." These principles apply by analogy to municipal law enforcement. Compliance with requests from public authority figures does not imply voluntariness and does not absolve the defendants of responsibility for violations of the right to privacy.

Witness P. J. stated: "We entered a stairwell and systematically checked every apartment," and "We entered or inspected every single apartment and property." They added: "We requested address cards, ID cards, and sometimes lease agreements," and "We acted within private residences and requested address cards." Witnesses K. L. Cs. and Witness 4, both leaders of the Third Defendant, testified that public space supervisors acted in stairwells and, in some cases ("if invited"), inside private residences. None of the defendants' witnesses claimed they had legal authorization for such actions. For example, the enforcement of address card verification "could not be compelled," but even requesting the handover of an address card constitutes an official action in the context of the relationship between a citizen and a public authority. Witness

K. I. also confirmed that, during inspections, public space supervisors knocked on doors and requested documents from residents. Witness V. G. recounted seeing public space supervisors knock on the door of an acquaintance's apartment, where the resident had to present ID and address documents. Witness B. F. personally experienced municipal law enforcement employees knocking on their door and requesting documents.

Based on the evidence, the court concluded that public space supervisors acted in private residences without statutory authorization, and the coordinated inspections with joint presence affected private homes. Contrary to the legal arguments of the Third Defendant, it was established that these inspections were not conducted in response to observed violations of the law by employees of the Third Defendant or its predecessor. Instead, the inspections were initiated without the observation of any legal violations, indiscriminately targeting every residence in specific areas, apartment buildings, or streets. This conduct is unsupported by the cited legal provisions.

Article VI(1) of the Fundamental Law of Hungary guarantees everyone the right to respect for their private and family life, home, communications, and reputation. Section 75(1) of the Civil Code includes the right to protect private residences as a general personality right, explicitly recognized in Section 2:43(b) of the new Civil Code. In its Decision No. 32/2013 (XI.22.), the Constitutional Court held that a core element of privacy is the protection against unwarranted intrusion by others, either physically or by observation, against the will of the affected party. Decision No. 17/2014 (V.30.) emphasized that the protection of privacy extends beyond the intimate sphere to include the broader spatial sphere where private and family life unfolds. Furthermore, Decision No. 11/2014 (IV.4.) affirmed that respect for private and family life encompasses the traditional constitutional right to the inviolability of the home, as private homes are central to private life.
These principles are echoed in Article 8 of the European Convention on Human Rights (ECHR) and the case law of the European Court of Human Rights cited by the plaintiffs. These legal principles imply that the coordinated inspections with joint presence, conducted without statutory authorization and involving entry into private residences, properties, and yards, violated Article 8 of the ECHR, Article VI(1) of the Fundamental Law, and Section 75(1) of the Civil Code. These inspections constituted not only unlawful actions but also unnecessary and disproportionate intrusions into the private sphere. Applying the necessity-proportionality test in the context of fundamental rights adjudication, the court found that even if the stated goal of enhancing public safety were accepted, the wholesale intrusion into all properties within a broader area (e.g., segregated neighbourhoods, entire apartment buildings, streets) could not be deemed necessary or proportionate in a democratic society, nor justified by the need to protect others' rights or public safety.

Violation of the Right to Informational Self-Determination

During the coordinated inspections with joint presence, personal data was processed without statutory authorization, violating the principle of purpose limitation due to overly broad interpretations of legal provisions. The Ombudsman's Report (p. 29) referenced findings by the National Authority for Data Protection and Freedom of Information (DPFI), which noted the Third Defendant's practices. According to a response letter from the Third Defendant's director: "If significant data, facts, or circumstances were observed during inspections, public space supervisors used digital cameras to photograph documents, objects, circumstances, and the inspected site."

Witness K. L. Cs. stated that data was recorded when public space supervisors observed irregularities, which could lead to further action. The witness added: "Compared to the previous leadership, under my tenure, data recording occurred only if action was taken during the inspection; otherwise, no data was recorded." This indicates that before K. L. Cs.'s appointment, data was systematically recorded during every inspection, including those conducted in private areas such as apartment buildings and private residences.
Another witness testified that until autumn 2015, the Third Defendant retained the data and action recording sheets, meaning that data collected during inspections was stored permanently. Witness P. J. stated that during the comprehensive inspections, service notes and action recording sheets were completed for every specific action, thus resulting in the management of data for every intervention. The stated purpose of these inspections, as admitted by the defendants, included verifying address registration obligations, which involved systematically requesting address cards from affected individuals. Letters attached to Preparatory Document No. 32 by the First and Second Defendants further revealed that employees of the Third Defendant verified address registration obligations and conducted checks on-site at the individuals' residences. These letters began with statements such as: "We inform you that the public space supervisors of [Third Defendant's name] conducted an on-site inspection at [address] on [date]. During the inspection, they checked and verified [individual's name], who has been residing at this address since [date] without fulfilling their registration obligation." Such actions, which included identity checks on private property, not only constituted unlawful measures by employees of the Second and Third Defendants but also amounted to data protection violations, infringing on individuals' fundamental right to privacy. This was acknowledged by the leadership of the Third Defendant. Witness K. L. Cs. admitted that: "When we inquired about who lived in a property and their legal status, if the resident cooperated, they showed their address card to prove they had lawfully lived there for years. If they did not cooperate, we had no right to enforce this." Another witness added: "We have no legal authority to compel identification." The NADPFI emphasized in its opinion that the procedural rights of the Municipal Law Enforcement Agency (MLEA) must align with the principles of fair and lawful data management outlined in Section 4(1) of Act CXII of 2011 on Information Self-Determination and Freedom of Information (hereinafter "Data Protection Act"). According to the NADPFI, public space supervisors cannot perform activities on private property, making any related data processing unlawful. The Ombudsman's Report (p. 66) also noted irregularities in data management during the inspections, further reinforcing the conclusion that such practices violated data protection laws and the fundamental right to privacy.

The court emphasized that it agrees with these findings and therefore considers it unnecessary to repeat them.

Under Article VI(2) of the Fundamental Law of Hungary, everyone has the right to the protection of their personal data. Section 3(2) of the Data Protection Act defines the concept of personal data, while Sections 4 and 5 state that personal data may only be processed with statutory authorization or the consent of the data subject and must be tied to a lawful, defined purpose. In Decision No. 20/1990 (X.4.), the Constitutional Court clarified that the essence of the right to data protection is the ability of individuals to control the disclosure and use of their personal data—this is the right to informational self-determination. The data processing conducted by the defendants did not meet the statutory requirements set out in these legal provisions. Public space supervisors were not authorized to act in private residences, and the principle of purpose limitation was violated. The mere collection of data without a lawful, defined purpose constitutes unlawful data processing and represents an unjustified restriction of fundamental rights. Expansive interpretations of statutory provisions authorizing personal

data processing are strictly prohibited.

Violation of the Right to a Fair Administrative Procedure

The court previously noted that the coordinated inspections with joint presence were conducted (organized and executed) without a legal framework or statutory authorization, violating the principle of legal certainty. In line with the basic requirements of a fair administrative procedure, the Administrative Procedures Act ("APA") does not permit joint inspections involving municipal bodies, utility companies, and other public administration entities with different profiles, jurisdictions, and investigative powers. This was acknowledged by the Municipal Clerk during the Ombudsman's investigation, which referred to the provisions of Government Decree No. 288/2010 (XII.21.) on County and Metropolitan Government Offices. The inspections violated the principles of good faith, the prohibition of abuse of authority, the obligation of prior notification, and the requirement to document inspections through reports or records. The inspections were conducted unpredictably, without prior notice, and without legal authorization, disregarding the rights of the affected individuals. The evidence presented did not refute the Ombudsman's key findings, including: "The employees of the inspecting authorities and the affected families both stated that the families were not notified in advance about the inspections" (p. 22). "The inspected families reported that they generally received no information about the reasons, objectives, or outcomes of the inspections" (p. 22). "During on-site investigations, individuals stated that inspectors did not introduce themselves, nor did they specify the purpose or justification for the inspection" (p. 22). "No notes or reports were prepared during the inspections, and the residents were not provided with any documents afterwards. Consequently, they could not prove what had occurred" (p. 26).The report also highlighted the concerning involvement of utility companies, which participated in the inspections as quasi-authorities.

The Ombudsman's Report raised serious doubts about how different authorities could properly apply and harmonize their procedural rules during joint inspections and ensure the protection of divergent procedural rights for affected parties. The coordinated inspections violated fundamental administrative principles related to fairness, such as legality, proportionality, impartiality, citizen-friendly administration, and equal treatment.

The report referred to the Fundamental Law's Article XXIV, Sections 1(2) and 50(2) of the APA, and Article 41 of the EU Charter of Fundamental Rights. The Constitutional Court has also emphasized in Decision No. 3/2014 (I.21.) that a procedure can be considered unfair and unjust even if all procedural rules are formally followed. The coordinated inspections, however, failed to meet these standards in both their overall execution and specific details, thereby infringing on the fundamental right to a fair procedure of the affected group with protected characteristics.

Infringement of the Right to an Effective Remedy

The Ombudsman concluded that during the coordinated inspections, the right to a remedy was effectively nullified due to the lack of information regarding available legal remedies and the opaque, parallel nature of the inspections. This finding was reinforced by the evidence, as none of the witnesses testified that the individuals subjected to the inspections were informed about their right to a remedy. The Ombudsman's observation that the inspections were

characterized by uncoordinated, overlapping procedures involving multiple authorities and public service providers is a proven fact based on the nature of the inspections.

Under Article XXVIII(7) of the Fundamental Law, everyone has the right to seek legal remedy against judicial, administrative, and other governmental decisions that violate their rights or lawful interests. The Administrative Procedures Act (APA), the Public Space Supervision Act (PSSA), and the Law Enforcement Act (LEA) also guarantee this right, which includes an obligation to inform affected individuals about it. The Constitutional Court in Decision No. 14/2015 (V.26.) emphasized that the provision of an effective and genuine legal remedy must be ensured, meaning that the violation of fundamental rights can be established even if the possibility of legal remedy is not explicitly excluded. This principle is similarly articulated in the European Convention on Human Rights and the case law of the European Court of Human Rights.

The coordinated inspections targeted residents of impoverished and ghettoized areas, primarily individuals living in extreme poverty and with low levels of education. For these individuals, it was even more challenging to identify which authority was present during the inspections and under what legal jurisdiction they were operating. They received no information about legal remedies and had virtually no chance to enforce their rights, as they could not even determine against whom or which agency they should initiate proceedings. Consequently, this group's fundamental right to effective legal remedy was evidently violated.

The plaintiffs successfully substantiated these violations of fundamental rights through their claims, demonstrating that these were the harms caused by the coordinated inspections.

A/4. Protected Characteristics

Under Section 19(1) of the Equal Treatment Act (ETA), the plaintiffs had to demonstrate not only the harm suffered but also that the residents of the inspected areas—either in reality or based on the alleged violations—possessed the identified protected characteristics (ethnic origin, socio-economic disadvantage, poverty). Regarding the declaratory claims, the group affected by the violations consisted of residents of segregated neighbourhoods and ghettoized buildings, streets, and areas, who were low status, living in deep poverty, and predominantly of Roma origin.

Comparable groups were residents who did not live in these areas and who did not have the protected characteristics described by the plaintiffs. These groups were not subjected to the inspection practices and, consequently, did not suffer the alleged violations of fundamental rights. In other words, the coordinated inspections involving the joint presence of multiple authorities and service providers entirely bypassed the city's so-called "better neighbourhoods."

The available evidence and records confirmed that the defendants' inspection practices specifically targeted Roma and impoverished residents of Miskolc and focused exclusively on the areas, streets, and buildings they inhabited.

Inspection Locations

The Ombudsman's Report (p. 11) provides a brief description of Miskolc's segregated areas, based on the city's urban development documents and site visits by Ombudsman staff:

"The 2008 Integrated Urban Development Strategy Anti-Segregation Plan (IUDP) identified 18 segregated areas in the city: Tatárdomb, Puskin Street, Tapolca Quarry, Csermőkei Road–Mésztelep, Mura Street, Numbered Streets (Eleventh Street–Ballagi Street–Andrássy Street–

Sixth Street–Vasgyári New Settlement–Sports Ground), Numbered Streets Phase II (First Street–Fourth Street–Sixth Street–Nameless Street), Vasgyár Road, Tatár Road, Békeszálló Settlement–Muszkás Settlement, Kalló Street, Nagyavas, Gizella Street, Tetemvár, Álmos Street, Szondi Settlement, Bábonyibérc, Vikend Settlement." On September 18, 2014, the city's General Assembly approved a new Integrated Settlement Development Strategy (ISDS). The anti-segregation program included in the strategy was based on the segregation database of the Hungarian Central Statistical Office (HCSO). The HCSO defines a segregated area as a physically contiguous area consisting of at least one block of houses located between four streets or public spaces, where the segregation index reaches 50%. According to 2011 data, the HCSO identified 13 segregated areas in the city: Vikend Settlement, Szondi György Street, Álmos Street, Veterans' Way, Tetemvár, Bábonyibérc, Muszkás Settlement, Békeszálló Settlement, Numbered Streets, Puskin Street, Várhegy Street, Lyukóbánya, Lyukóvölgy.

According to the conclusion on page 67 of the Ombudsman's Report: "Based on the available data, it can be established that the coordinated joint inspections were conducted in parts of the city and segregated areas where the proportion of Roma residents is significantly higher than in other parts of the city." The Integrated Settlement Development Strategy (ISDS) lists the segregated areas in the same order as the Integrated Urban Development Strategy (IUDP) and aligns with the Hungarian Central Statistical Office (HCSO) data. In their submission no. 80, the plaintiffs provided a table listing the locations of inspections up to the present. Of these, 87 inspections occurred in areas defined as segregated in the IUDP or ISDS:

Lyukóvölgy (IUDP IV.6., ISDS 12): 14 instances
Csermőke/Magashegy (IUDP IV.3.1.): 12 instances
Bábonyibérc (IUDP IV.5.5., ISDS 6): 14 instances
Tatárdomb, Muhi Street, Cinka Panna Street, Verseny Street (IUDP IV.1.1.): 2 instances
Tetemvár (IUDP V.2., ISDS 5): 9 instances
Numbered Streets (IUDP IV.1.3. and IV.1.4., ISDS 9): 6 instances
Víkendtelep (IUDP IV.5.6., ISDS 1): 3 instances
Nagyavas, Hidegsor, Domb Street, Ruzsini Street, Avasi Cellar Row (IUDP IV.4.4., ISDS 7): 18 instances
Várhegy Street (IUDP IV.2.1., ISDS 11): 2 instances
Szonditelep/Szondi György Street/Szinva Street Apartments (IUDP IV.5.4., ISDS 2): 2 instances
Vasgyári Road, Böngér Street, Kabók Street, Aczél Street, Réz Street, Kalapács Street (IUDP IV.1.5., ISDS 9): 3 instances
Békeszálló Settlement (IUDP IV.4.2., ISDS 8): 1 instance
Gizella Street (IUDP IV.13.): 1 instance

Additionally, 43 inspections took place in the city's ghettoized buildings, streets, and areas:
Pingyom (a ghettoizing area on the city's outskirts): 4 instances
Pereces/Vájár, Aknász, Bányamécs, Csipkevirág Streets (densely Roma-inhabited area): 10 instances
Streets in Avas inhabited by low-status individuals (Szentgyörgy Street Apartments, Szilvás Street Apartments, Testvérvárosok Street, Áfonyás Street, Gesztenyés Street, Sályi István Street): 17 instances
Király Street MIK-managed apartments (low-status, predominantly Roma-inhabited): 4 instances
Szentpéteri-kapui Apartments (low-status, predominantly Roma-inhabited): 5 instances
Kis-Hunyad Street (inner-city street with low-status residents): 1 instance
Napsugár Street - Közdomb Street - Bandzsalgó Dűlő area (outskirts with predominantly Roma

residents): 1 instance
Wass Albert Street (Lyukóvölgy street inhabited by low-status individuals): 1 instance

The inspections also affected Diósgyőr Stadion Street and Dimitrov Hill.

In total, the plaintiffs gathered data on 132 inspections, of which 130 clearly occurred in segregated or ghettoized areas, streets, or buildings.

The court accepted only data up to early 2015 as evidence of locations for coordinated inspections involving joint presence, for reasons previously explained. However, this does not change the fact that the inspections almost exclusively targeted segregated or ghettoized areas. Witness testimonies also supported these findings. Sociologist H. G. explained the distinction between segregated and ghettoized areas and identified specific ghettoized zones within the city: "The term ‘segregated area’ is defined and regulated by law. A 2012 amendment includes the criteria for defining such areas: two indicators are used. First, the proportion of adults with no more than an elementary education and no employment must reach a certain threshold, which varies by settlement type. Regarding ghettoized areas, particularly in the context of this case, such areas are likely to form where the municipality owns a significant number of social housing units."
"A ghetto or ghettoized area can have various definitions, but it's essential feature is that it is inhabited by individuals of lower social status."

The court accepted from these data only the data up to the beginning of 2015 as the locations of the coordinated checks with joint presence, for the reasons already explained, but this does not change the fact that the checks almost exclusively concerned a segregated or ghettoised area.

The testimonies of the witnesses also supported these findings. H.G., a sociologist witness, explained the difference between segregated and ghettoized areas and identified specific ghettoized locations within the city: "The term 'segregated area' is defined and regulated by law, and its definition is included in a regulation amended in 2012 (...). This definition is based on two indicators: firstly, the proportion of working-age adults, i.e., residents with no more than elementary education and no employment, must reach a specific threshold for an area to be classified as a segregated area, which varies depending on the settlement type. Regarding ghettoized areas, particularly in the context of this case as applied to the city, such areas are likely to emerge where the municipality owns a significant number of social housing units. Ghettoized areas, in essence, are places inhabited by people who are economically disadvantaged and of lower social status." "In the context of this city, ghettoized areas can be identified as those with a concentration of social housing units, typically municipal properties in poor condition, where people of low social status, low educational attainment, and poverty reside. Within this group, Roma origin or self-identification as Roma represents an additional layer of disadvantage." The witness specifically identified the following ghettoized areas: Debreceni Márton Square in Pereces, Szentgyörgy Street No. 45, Király Street apartments, the 20-story apartment building in Szentpéteri Kapu, Pingyom in Miskolc, holiday homes near Lyukó, Kis-Hunyad Street, and Bandzsalgó Dűlő. Another sociologist and local resident, Cs.J., listed ghettoized areas in Avas:"On the Avas housing estate, it is known which streets or blocks are predominantly inhabited by Roma residents. In this regard, I can name Szilvás Street, Szentgyörgy Street, Áfonyás Street, Gesztenyés Street, Felső-Ruzsin Road, and certain

stairwells on Középszer Street." Former public space supervisor P.J. testified that between 2011 and 2013, he participated in at least 20-30 inspections conducted jointly with other authorities. He stated: "During this period, it can be said that inspections exclusively took place in neighbourhoods inhabited by residents living in extreme poverty, most of whom were Roma." K.L.Cs. provided testimony to the effect that: ″We conducted such inspections in all parts of the city, involving large groups, with participation from other authorities and agencies. This included the Diósgyőr housing estate, Árpád Street, Kuruc Street, Barát Hill, the so-called Víkendtelep, Bábonyi-Bérc, the Numbered Streets, Lyukó, Pereces, downtown Király Street, and the Avas housing estate." However, he ultimately acknowledged that the inspections targeted impoverished areas: "It can generally be said that a significant number of the inspections were carried out in areas, buildings, and residences in more dilapidated conditions." When asked why his predecessor's public interest data reports identified locations that were segregated areas or social housing zones, K.L. responded that they had no information on this matter. Another witness confirmed being present at joint inspections in locations including Király Street, Numbered Streets, Lyukóvölgy, and Árpád Street. A December 17, 2015, article on the website xxx.hu included a quote from the witness stating: "The numerous inspections conducted across the city, not only in Hidegsor but also in segregated areas, are gradually reducing instances of illegal dumping." When questioned during the hearing, the witness initially claimed not to know what the term "segregated area" meant but later revised his statement, explaining that when he made the prior remark, he was referring to problematic areas. The locations identified by Mrs. Dr. V., a public safety advisor, and K.I., a public space supervisor, largely aligned with those cited by the plaintiffs: Király Street, Bábonyi-Bérc, Tetemvár, Numbered Streets, Lyukó, Avas, Víkendtelep, Meggyesalja Street, Üveggyár (Nagyavas), and Feszty Árpád Street (Bábonyi-Bérc).

Based on this data, the court concluded that the plaintiffs had fully satisfied their obligation to substantiate their claims. Consequently, it was the responsibility of the defendants to demonstrate that the coordinated inspections involving multiple authorities and entities were conducted across the entire city, thus affecting comparable groups. The evidence presented by the defendants, however, failed to establish this. Firstly, the defendants attempted to counter the plaintiffs' substantiation by asserting that certain areas were not "ghettoized" and claimed that the inspections took place across the city, including areas not predominantly inhabited by Roma or impoverished families (e.g., Király Street, Kuruc Street, Árpád Street, Kis-Hunyad Street). However, the Ombudsman did not consider these claims. Secondly, the defendants only provided data demonstrating that the third defendant and its predecessor carried out inspections under their jurisdiction (e.g., examining entry permits, etc.) throughout the city. However, they could not prove that the inspections forming the subject of the case were conducted citywide. The evidence clearly supports that this was not the case. While the plaintiffs did not dispute that the Third Defendant performed its activities according to the regulations governing it, this evidence was irrelevant to the defendants' attempts to justify their actions. Witnesses called by the defendants could not adequately contradict the plaintiffs' claims.

The protected characteristics

The plaintiffs substantiated that the coordinated joint inspections targeted residents of the previously defined areas with protected characteristics, such as low social status, living in

extreme poverty, and being predominantly of Roma descent. This was corroborated beyond the descriptions of the affected areas with the following evidence: data contained in the 2008 Urban Development Strategy (pages 11–15), the 2014 Integrated Settlement Development Strategy (pages 77–128), and the Local Equal Opportunity Program (pages 24–50), all of which were previously outlined. The Budapest Administrative and Labor Court judgment, referencing the ETA decision, analysed the concept of multiple discrimination and concluded: "From this perspective, it is clear and widely recognized that inspections were conducted in segregated areas, densely populated by individuals of low social status, primarily of Roma ethnicity, and in ghettoized streets and neighbourhoods. Social status, Roma ethnicity, and societal background are interrelated protected characteristics, and the court finds the respondent correctly identified the phenomenon of multiple discrimination, where overlapping disadvantages reinforce one another." The Ombudsman's Report (pages 9–11) confirmed these facts. According to the conclusion on page 67: "Considering all relevant circumstances, it is factually established that the joint inspections primarily targeted a group of residents characterized by a specific social and economic situation." The January 31, 2017 Supreme Court decision (Köf.5047/2016/2), previously referenced in this case, found that the City Council's Ordinance 35/2013 (X.1.) on the fundamental rules of community coexistence and the consequences of their violation, particularly its Articles 12 (1) and (2), resulted in discrimination based on social status. The Supreme Court's decision confirmed that the legal basis cited by the respondents for the joint inspections specifically targeted socially disadvantaged individuals, making it discriminatory (while also violating property rights). A regulation that creates discriminatory conditions will inevitably result in discriminatory enforcement. The Supreme Court’s findings, alongside other evidence, confirm that the coordinated inspections targeted individuals of low social status. The Organization for Security and Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights, in its April 27, 2016, report titled "The Housing Rights of Roma in the City at Issue" (publicly released in September 2016 and annexed to the plaintiffs' preparatory document of October 17, 2016), provided additional corroboration. Witness V.G. recounted an inspection at a friend’s apartment on the Avas housing estate in 2012–13:"In this building where the inspection took place, the majority of residents were Roma. During the inspection, it was evident that they did not continue to other apartment blocks or stairwells, focusing solely on this one. The stairwell was predominantly inhabited by Roma individuals, unlike others where there were also Roma residents but not in such numbers." "I was personally present during a similar inspection at Tetemvár in 2013–2014, although I don’t recall the exact date. There, over 80% of the residents were Roma. A group of 30–40 individuals conducted the inspection. These inspections continue to this day and, to my knowledge, have always and exclusively targeted areas predominantly inhabited by Roma." "In numerous public forums, residents repeatedly complained about being singled out and harassed with such inspections. The affected areas include the Numbered Streets, Lyukó, Bábonyibérc, Tetemvár, and now even outlying areas where these individuals have been displaced." Witness T.A. stated: "I have never heard of such coordinated inspections or raids being conducted in areas predominantly inhabited by non-Roma residents. The local 'xxx' newspaper did not report on such inspections, nor have I heard about them from others." Witness B.F. testified: "Settlements predominantly inhabited by Roma residents include the Numbered Streets, Bábonyibérc, Tetemvár, Muszkás, and Lyukóvölgy. In the Numbered Streets, 95% of the population is Roma." "I listed areas predominantly inhabited by Roma that I interacted with, including Kabar Street, where over 90% of residents are of Roma ethnicity. Inspections were continuously conducted in these areas during my tenure as a representative,

but I have no knowledge of such inspections occurring elsewhere. Non-Roma residents did not mention similar inspections, and the Roma community was angered by the targeting of their areas alone. In the Numbered Streets, for instance, a single street separates them from a row of apartment buildings, where no inspections ever took place, which was evident to the residents." "I did not discuss inspections with non-Roma individuals, but news articles consistently showed inspections targeting Roma settlements. I have not encountered any local media coverage of inspections involving non-Roma residents."

The court finds that the plaintiffs successfully demonstrated that the coordinated joint inspections specifically targeted residents with protected characteristics (low social status, extreme poverty, predominantly of Roma descent) in the previously described areas. Conversely, the defendants failed to provide evidence to refute this claim and instead consistently argued that the plaintiffs did not establish that residents outside the segregated areas possessed protected characteristics or were predominantly of Roma descent. However, the court reiterates that the plaintiffs were only required to demonstrate, in accordance with Section 19 (1)(b) of the ETA, that the affected group likely possessed one of the characteristics defined in Section 8 of the ETA at the time of the alleged violations. As previously discussed, the plaintiffs met this burden of proof. The defendants, on the other hand, provided no evidence to counter this claim, and the testimonies of the municipal inspectors responsible for the inspections, which lacked sufficient precision and detail, could not be considered as conclusive evidence. For instance, the defendants did not request testimony from witnesses with direct experience to substantiate claims that such coordinated inspections were a common practice in the so-called “better neighbourhoods” of the city. This further strengthens the conclusion that no such inspections occurred in comparable areas.

Accordingly, regarding the portion of the first claim based on direct discrimination, the plaintiffs successfully demonstrated both harm and (perceived) protected characteristics. The defendants failed to adequately justify their actions. Thus, the court found the first claim regarding direct discrimination during the specified period to be substantiated, while dismissing it for any period beyond the specified timeframe.

The court notes, in response to the defendants’ objections regarding the assessment of evidence, that although the Ombudsman’s report is not binding, it can hold evidentiary value in civil proceedings, given the principle of free evaluation of evidence established by the Code of Civil Procedure. As the Ombudsman is an independent office established to protect fundamental rights, its findings must be given considerable weight by the court—consistent with the plaintiffs’ arguments—without requiring a separate evidentiary procedure to establish the same facts, particularly when the report’s findings align with other relevant evidence in the case. It is not unprecedented in civil litigation for an Ombudsman’s report to form a significant part of a claim and be given substantial weight in a court’s decision (Supreme Court Case Pfv.IV.20.029/2015/3). The Ombudsman’s investigation was thorough, with an 18-page table documenting the events of the inspections in question. Testimonies from individuals interviewed during the investigation, as well as statements from authorities, service providers, and other organizations involved in the inspections, aligned substantively with testimonies directly obtained by the court and other evidence, such as decisions from the ETA, the National Authority for Data Protection and Freedom of Information (NADPFI), and the Supreme Court. Consequently, there was no basis for disregarding the Ombudsman’s report or excluding it from the body of evidence. Similarly, the court found no grounds to dismiss the testimonies of the plaintiffs’ witnesses simply because some were representatives or members of the affected group or former employees of the defendants whose employment had been terminated. The

essential elements of these witnesses' testimonies were consistent with other evidence in the case and often aligned with the testimonies of witnesses called by the defendants. Finally, the news articles submitted by both plaintiffs and defendants were not contested regarding their factual accuracy. Therefore, the court evaluated these articles as evidence and incorporated their content into the findings of fact.

B. Harassment

Pursuant to Section 10 (1) of the ETA, harassment is defined as conduct of a sexual or other nature that violates human dignity, is related to a characteristic specified in Section 8 of the ETA, and has the purpose or effect of creating an intimidating, hostile, humiliating, degrading, or offensive environment for the person concerned.

Advisory Opinion 384/5/2008 (IV.10.) of the ETA Advisory Board on the concept of harassment states: "The definition of harassment prohibits certain 'conduct,' but this prohibition also extends to actions, conditions, omissions, instructions, and practices as listed in Section 7 (2) of the ETA. Actions, conditions, or practices, as conduct violating human dignity, may fulfil the statutory definition of harassment, as can omissions or instructions." The opinion further states: "Harassment may be manifested through a single act or through continuous, repeated actions."

Harassment is a specific form of direct discrimination, but it does not require a comparison to a group in a similar situation.

In relation to the portion of the first claim based on harassment, the plaintiffs, under Section 19 (1) of the ETA, were also required to demonstrate harm and (perceived) protected characteristics. With respect to the protected characteristics of the affected individuals (or areas), the court considers the conclusions reached in the context of direct discrimination to also apply to this claim. In cases of harassment, harm under Section 10 of the ETA consists of conduct violating human dignity by the defendants, which results in or creates the threat of an intimidating, hostile, humiliating, degrading, or offensive environment for the affected group concerning their protected characteristics. The conduct violating human dignity was realized through the coordinated inspections with joint presence, making the evidence assessed under direct discrimination (such as the inspections' occurrence, fundamental rights violations, timeframe, and the defendants' roles) relevant here as well. Violations of individual fundamental rights are also pertinent to harassment, as all such rights stem from the fundamental right to human dignity (Article II of the Fundamental Law), and their violation consequently also breaches the right to equal human dignity. In addition to the elements present in direct discrimination, harassment involves the direct violation of human dignity by the coordinated inspections. This stems from the intimidating and harassing nature of these inspections, as also noted in the Ombudsman's report: "Regarding the joint inspections, the affected citizens and representatives of the National Minority Self-Government repeatedly emphasized their intimidating and harassing nature. Several objective factors associated with the inspections are clearly intimidating and harassing, violate human dignity, and allow for arbitrary application of the law" (p. 65, paragraphs 1 and 2).

The report identifies the following intimidating factors: inspections conducted without prior notice or at unpredictable times, carried out house-to-house and involving all properties in a

designated area; the participation of a significantly large group (20-40 individuals, including law enforcement officers, municipal police, the national police, and members of civil defence), conducted without any apparent threat to the inspectors. The inspections were frequently repeated in the same areas and targeting the same families. The report also highlights the creation of a hostile, intimidating, degrading, and offensive environment as a direct result of the defendants' actions ("the subjective side" of harassment).

In a ruling concerning another municipality, the Budapest Administrative and Labor Court emphasized: "According to legal literature, evaluating harassment requires special attention because the legislator considers the subjective impressions of the aggrieved party when determining conduct violating human dignity, as well as a hostile, degrading, humiliating, intimidating, or offensive environment. It is essential to note that harassment often involves abuse of position or hierarchical superiority. Harassment does not necessarily involve intentional conduct; it includes behaviours that result in a hostile, intimidating, degrading, humiliating, or offensive environment." The court fully agrees with this judicial finding and considers it applicable in the current case concerning harassment.

Regarding the portion of the first claim aiming to establish harassment, the following facts and evidence support and substantiate the claimed harm: The Ombudsman's Report and the NADPFI opinion cited therein (pp. 13–33, 59–67) confirm the human dignity-violating nature of the coordinated inspections. This is significant because the fundamental rights outlined in the first claim, including the right to equal treatment, derive from the broader right to human dignity, which serves as the foundation of all fundamental rights. The human dignity-violating nature of these inspections is further supported by the previously cited municipal council reports and articles in *Minap* (attachments 3, 4, and 6 to the statement of claim, and attachment 4 to the preparatory submission of June 30, 2016), as well as the video recording on DVD No. 9 attached to the statement of claim, and the cited remarks of the former head of the third defendant contained therein. As a consequence of these inspections, a significant portion of those affected were forced to change their residence (notably reflected in the swelling of the segregated suburban area in Lyukóvölgy and the emigration of part of the Roma population to Canada, acknowledged in the mayor's previously cited statement). Representatives of the affected individuals, including witnesses who themselves belong to the Roma community, described the impact of the coordinated inspections during the hearing as follows, aligning with the Ombudsman's findings: R. B.: "I experienced these inspections as very humiliating and offensive." V. G.: "In these areas, the number of children is significantly higher than average, and according to their accounts, the children experienced this as a frightening situation, causing them psychological harm." "The Roma community did not take these measures well; it is simply not possible to accept the fact that virtually no Roma family has remained unaffected, with family ties broken everywhere." T. A.: "I've heard directly from Roma residents that inspections like these occurred, similar to raids conducted on the Roma population in the 1920s and 1930s or during the Kádár regime." "People explicitly perceived these inspections as police actions targeted at them because they are poor, live in impoverished areas, and are of Roma descent." "... it's inherently humiliating for me to be questioned about why I am in my friend's apartment and who I am." "I didn't feel safe, and I felt as though I was being detained in that situation, unsure if I could even leave the apartment." "…I spent a significant amount of time visiting residents in Tetemvár and the numbered streets, as we also provide advocacy services. Many people stopped us, expressing their profound outrage regarding the nature of the

inspections conducted in these areas, even around 2015–2016." "According to residents, these inspections placed them in deeply humiliating situations. In some cases, authorities returned multiple times to the same location to conduct inspections, despite the residents already proving their lawful presence, ownership of their homes, proper vaccination of their dogs, the availability of food in their refrigerators, and adequate provisions for their children. Inspectors even checked inside refrigerators during these visits. Parents feared that if, on any occasion, the refrigerator lacked food, their children might be taken away on the grounds that they were unable to provide for them."

Cs. J.: "The fear-inducing aspect of the entire situation was the lack of understanding as to why a minimum of 20 people needed to be present to carry out these inspections." The witness conducted surveys in Tetemvár specifically related to the coordinated joint inspections but mentioned that residents of Lyukó, the numbered streets, and other areas also reported that these inspections involved large groups of people, which residents found intimidating. B. F.: "Approximately 40 people swarmed the street simultaneously, and the way they entered was a shocking sight for the residents. Just seeing 40 people entering a Roma-inhabited area was shocking. It was intimidating—I experienced it that way myself as I followed the inspections—and residents expressed feeling scared." "Residents in these areas constantly reported the problem to us, saying they felt harassed by the inspections and sought our help." "I felt my human dignity was violated because everyone knew that these inspections targeted and monitored the Roma population." "Some public area supervisors and patrol officers spoke respectfully to residents during these inspections, but most spoke with arrogance and condescension, which, in my opinion, also violated their human dignity. I don't recall the exact words used, but the entire manner of speaking was arrogant and dismissive." P. J., former public area supervisor: "Such inspections cannot genuinely solve the problem; I considered them harassment and persecution. We repeatedly revisited certain locations, pressuring residents until some of them moved out as a result. From my current work, I know that, for instance, two residents from the numbered streets became homeless and destitute." "At first, the residents even appreciated our presence, but by the third or fourth visit, they began to perceive it as harassment and could not understand why it was necessary." The witness further stated that the municipal spokesperson had acknowledged that the goal of the inspections was to force the so-called "nesters" in Avas to move out. Some people did move away because of these inspections. The witness believed this was the objective of the regular inspections, even if it was not explicitly written or ordered directly.

The plaintiffs successfully substantiated both the objective and subjective aspects of harassment with this evidence and witness testimony, according to the court.

The defendants, however, failed to counter the plaintiffs' evidence. They argued against the harassing nature of the inspections in two ways: first, by presenting field visits conducted by members of a political party (with accompanying video footage) to assert that the intimidating atmosphere was created by the *Jobbik* party.

The defendants, however, were once again unable to exonerate themselves against the plaintiffs' likelihood demonstration in this case. They presented two arguments against the harassing nature of the inspections. First, they sought to demonstrate through site visits conducted by members of a political party (as shown in attached videos) that the intimidating atmosphere was created by Jobbik.

With this, the defendants essentially admitted not only to the factual occurrence of the coordinated inspections but also to the subjective element of harassment (the creation of an intimidating environment). However, they argued that this was not the result of their conduct but of the actions of others, claiming their own conduct was lawful. The evidence available in the case, however, specifically confirmed the existence of the subjective element of harassment in connection with the municipal inspections. Assuming, but not conceding, that the intimidation was caused by the actions of the aforementioned party, the court aligns with the plaintiffs' argument that under the ETA, the municipality is expressly obligated to prevent harassment based on protected characteristics if it affects residents within its territory.

The Budapest Administrative and Labor Court, in its previously referenced binding judgment no. 6.K.xx.xxx/2017/14, elaborated that: *"The court is convinced that the rule of law cannot simply be about creating and maintaining a legal order but must incorporate certain fundamental values, ensuring their adherence and protection while actively countering attempts to undermine the rule of law, even at the state and municipal levels. The preamble of the ETA outlines a legislative objective to provide effective legal protection to victims of discrimination, which obliges even autonomous municipalities to actively promote equality and social inclusion (another goal outlined in the preamble). Additionally, municipalities must not, through passive behaviour, enable actions that threaten or undermine effective legal protection. These bodies are obliged to eliminate discriminatory activities occurring within their jurisdiction, even in their mildest forms. Municipalities cannot use seemingly neutral measures as a pretext to justify or excuse actions resulting in widespread violations of rights."* Consequently, the defendants cannot use their own unlawful omissions as a basis for exoneration. Furthermore, their claim that the inspections did not foster an intimidating atmosphere (or that such an environment could not have been created, nor was there a risk of it) was not substantiated by the evidence provided by their witnesses. Secondly, the defendants argued that until early 2014, the inspectors lacked uniforms and coercive tools (as noted on page 5 of the defendants' preparatory submission dated September 22, 2017). This claim is clearly contradicted by the applicable provisions of the Municipal Guard Act in force during the relevant period, which prescribed rules for wearing uniforms (including supervisory badges) and the use of coercive tools (Sections 4–5, 24), as well as by witness testimonies that disproved the assertion that municipal inspectors could not be distinguished from members of other authorities and organizations participating in the inspections.

Based on these reasons, the court found the statutory elements of harassment to have been met during the period specified in the operative part of the judgment. For periods beyond this timeframe, however, it did not, leading to the partial dismissal of this claim.

The second claim, harassment

In this claim, the plaintiffs were required to demonstrate the protected characteristics (perceived or actual) of the affected group and the harm caused.

Protected Characteristics

For this claim, the group of individuals affected is the same as in the first claim.

The plaintiffs were obligated to demonstrate this under Section 19(1)(b) of the ETA. The protected characteristics (perceived or actual) of the group who suffered harm are supported by the same evidence as outlined by the court in connection with the first claim. This evidence is considered applicable here as well, supplemented by the administrative and judicial decisions in the "Numbered Streets" case and the Supreme Court's decision Köf.xxxx/2015/4, which annulled the May 8, 2014, housing regulation amendment.

Conduct Violating Human Dignity

In addition to protected characteristics, the plaintiffs were also required to demonstrate, under the combination of Sections 10(1) and 19(1)(a) of the ETA, whether the actions cited in the claim—conducted by the first defendant—constituted behaviour violating human dignity and whether they aimed to or resulted in the creation of a hostile, offensive, humiliating, or intimidating environment. This constitutes harm under Section 19(1)(a) of the ETA in cases of harassment.

The court's position aligns with the plaintiffs' argument in this respect. The excerpts from municipal reports and statements by the mayor, cited in the factual section of the judgment, may themselves qualify as behaviour violating human dignity. Moreover, this clearly anti-Roma communication, combined with measures targeting the impoverished areas, collectively forms behaviour that violated human dignity. These actions cumulatively fostered an intimidating, hostile, and offensive environment against Roma individuals living in impoverished areas of Miskolc. When viewed alongside public communication, it becomes apparent that all the cited measures, practices, and omissions aimed at stigmatizing the residents of impoverished areas and creating a hostile, intimidating environment to ultimately compel their relocation outside city limits. These measures, along with the accompanying communication, constituted conduct that violated human dignity toward the residents of Miskolc's impoverished areas. The convergence and mutually reinforcing effects of the various contested behaviours are further evidenced by witness testimonies. These clearly capture and identify the cumulative impact of the measures. In its decision cited earlier, the Budapest Administrative and Labor Court emphasized that: "Human dignity pertains to the right to a minimum level of recognition, ensuring that no one may call into question an individual's humanity or deny them respect. According to Decision 64/1991 of the Constitutional Court, the right to human dignity implies the existence of an inviolable core of autonomy and self-determination exempt from the control of others, ensuring that individuals remain subjects and do not become objects or tools. This conception of the right to dignity distinguishes humans from legal entities. Human dignity serves as a 'mother right,' which courts and authorities may invoke to protect individuals even in the absence of another explicitly named fundamental right expressing this dignity. (...) Regulations or legal practices that dehumanize individuals—directly or indirectly questioning their humanity or dignity—certainly violate human dignity, especially when targeting members of a population, religion, or nationality." This judgment also highlighted that: "Section 10(1) of the ETA does not merely consider expressions violating human dignity as unlawful but also sanctions a much broader range of 'other conduct.' Consequently, this legal provision must be interpreted expansively to include any conduct that, based on protected characteristics, results in an intimidating, hostile, humiliating, or offensive environment."

The court concurs with these principles and deems them applicable in evaluating this harassment-based claim. The previously discussed municipal communication, housing regulation amendment, and the elimination of the Numbered Streets collectively represented

behaviour violating human dignity by the first defendant. Moreover, these behaviours individually also violated human dignity.

Public Municipal Communication

The municipal council reports cited earlier, along with statements by the mayor published in the press as examples of public municipal communication, conflated the categories of (Roma) residents moving to Canada, “nest-builders,” offenders, and tenants in arrears. These simplistic, generalizing, and stigmatizing declarations targeted an entire ethnic group—the Roma population of Miskolc—as the recipients of the municipality's efforts to "restore order," or as the defendants referred to it, "clean-up" or expulsion from the city. Beyond the specific contested content, the plaintiffs also referenced numerous additional anti-Roma statements and materials during the evidentiary proceedings. These included newspaper articles regarding the raids cited in various preparatory documents, as well as an article mocking “nest-builders” attached as Exhibit 5 to the preparatory document dated July 30, 2016. Another example was a letter from the mayor, distributed to all residents and attached as Exhibit 3 to the preparatory document dated October 17, 2016, in which the mayor stated, “Despite our previous efforts, incompatible groups may replace ‘nest-builders’ in our city. Migrant camps may emerge in the place of dismantled slums.”

Judicial practice and the Equal Treatment Authority (ETA) are unanimous in holding that public anti-Roma statements by a mayor can constitute harassment. ETA Decision No. 459/5/2016 established that the mayor of Mezőkeresztes subjected Roma individuals to harassment through statements made in an article published in the municipal newspaper. Similarly, in Decision Kfv.III.xx.xxx/2014/6, the Supreme Court (Curia) ruled that a mayor harassed the Roma community through anti-Roma remarks made at a municipal event and through a public letter in the municipal newspaper referring to ethnically based crime. This ruling reinforced findings from the ETA’s January 2010 decision. Additionally, ETA Decision No. 1475/2009 found harassment in another case involving a mayor's prejudiced public remarks about Roma pregnant women.

As a public authority figure representing the municipality, the mayor’s statements do not enjoy the protection of freedom of expression. Consequently, freedom of speech cannot serve as a limitation on the right to equal treatment in this case.

The public communication contested by the plaintiffs was not only capable of creating a hostile, intimidating, humiliating, and offensive environment for the affected individuals but was expressly intended to do so. The goal of the first defendant was to ensure that this environment compelled the affected individuals to leave the city.

Amendment to the Housing Regulation

According to the court, the amendment to the housing regulation adopted in May 2014, maintained and applied despite a government office’s warning, constituted discriminatory municipal action. The Curia found this amendment to violate the prohibition of discrimination, particularly after the municipal assembly refused to amend the evidently unconstitutional regulation despite the government office’s legality notice.

The Curia's ruling states:

- **Point 15**: It is established that Section 23(3) of the regulation excludes tenants of market-based rental housing from eligibility for monetary compensation, while allowing compensation for tenants of cost-based or socially subsidized rental housing. For low-comfort housing, the regulation requires tenants to purchase property outside the city's administrative boundaries as a condition for monetary compensation.
- **Point 16**: This regulation specifically targets a defined group: residents of low-comfort housing. The municipality justified the regulation in its statement to the Curia by referring to its commitment, under EU funding agreements, to eliminate outdated slum-like areas. Clearly, the regulation primarily affects individuals in disadvantaged social circumstances.
- **Point 21**: The prohibited discrimination based on social status arises from this rule because a regulation linked to rental housing cannot have the legitimate aim of incentivizing—or creating legal conditions for—residents of low-comfort housing to move outside the city's administrative area.
- **Point 24**: Rules that incentivize or compel an individual or group to leave a municipality may violate rights to freely choose one's place of residence, as well as rights to private and family life, home, and relationships. Such regulations lack an acceptable justification under the constitutional standards of the Hungarian legal system.
- **Point 28**: Municipal regulations requiring tenants to terminate rental contracts with compensation conditioned on moving outside the municipality's administrative area are unlawful.

Up until the Curia's ruling, the first defendant had nearly a year and a half to act based on this clearly discriminatory regulation. It is also evident that this amendment to the housing regulation was part of a series of measures aimed at eliminating slum areas. The first defendant's mayor emphasized during a press conference held in connection with a petition initiated by the local ruling party in 2014: *"The municipality decided in May to accelerate the elimination of slums. To this end, it amended the ordinance on municipally owned rental housing, providing up to two million forints in so-called 'relocation funds' for tenants willing to move outside the city."*

An intentional measure that encourages a group with protected characteristics to leave the city clearly violates human dignity—a fundamental right described by the Curia as the "mother" of all constitutional rights. The measure's goal of driving this group out of the city fostered a hostile environment against them.

The Ombudsman's Report also evaluates this regulation, stating: *"We conclude that the conditions associated with the payment of compensation severely violate the principle of the rule of law… Moreover, they result in direct discrimination based on financial status against tenants of low-comfort housing who are in socially disadvantaged circumstances, thereby contravening the requirement of equal treatment."*

In light of these facts, the defendants' argument that they were unaware of the regulation's constitutional violation until the Curia's decision was deemed evidently unfounded by the court and was not considered as a valid defence.

The Elimination of the Numbered Streets

The decision by the Equal Treatment Authority (ETA) and the judgment of the Budapest Administrative and Labor Court established that the elimination of the Numbered Streets constituted prohibited discriminatory treatment. It was further determined that the first defendant, through its practice of clearing settlements in the Numbered Streets, exposed approximately 900 residents to the risk of becoming homeless or being forced into other segregated areas within the city's inner or outer districts due to their social origin, unfavourable financial status, and Roma ethnicity. By initiating and continuing the settlement elimination without proper preparation or assessment of its consequences and impact on residents, the municipality committed an omission.

When compared to the binding court decision—thus obligatory for the parties—regarding slum clearance, the municipality's public communications, and the housing regulation amendments, the municipality's (arguably well-known) aim was again to push protected individuals residing in the Numbered Streets out of the city. This aim is evidently an act violating human dignity.

The disadvantage inflicted is further corroborated by the findings of the Ombudsman's Report.

Impact of Dignity Violations

The recurring discriminatory actions detailed above reinforce each other and collectively exacerbated the intimidating, hostile, humiliating, degrading, and offensive environment against the affected individuals, as attested by relevant witnesses heard during the trial. V.G., Chair of the Minority Government, emphasized: "The use of the term 'razzia' [raid] by the municipality and its media outlets was particularly offensive because the word evokes treatment of Roma in the 1940s-50s, carrying a highly pejorative connotation. From the Roma perspective, it was deeply hurtful that the municipality specifically used the term 'razzia.'" "Municipal communication, even over the past decade, has consistently included articles in the municipal media that were expressly offensive to the Roma population. For example, articles with headlines like 'Another Raid in the Numbered Streets.' Despite repeatedly asking the municipal press to refrain from such language, in recent years, they no longer even listen to us; they unilaterally disseminate the municipality's position." "This one-sided reporting is not objective but biased, and in many cases incites hatred, in my opinion." T.A. commented: "From the articles published in 'xxx,' one could infer that a hate campaign against the Roma was underway. It could be concluded that the newspaper was being edited from the mayor's office or cabinet since the language in the media mirrored the language used by politicians during the campaign—statements and terms that were profoundly offensive and degrading to Roma residents." The plaintiffs' witnesses unanimously confirmed that the term "fészekrakó" [nest-builder] unequivocally referred to Roma and was synonymous with the community in public opinion. B.F. testified: "The municipal communication adversely affected Roma families significantly. For instance, hundreds of families approached the Minority Government, considering leaving the country." V.G. detailed the impact of the measures: "Due to the housing regulation, many were forced out of the city to its outskirts." "I would note that, in recent years,

approximately 250 families have been forced to leave the city annually due to these measures." "The Roma community did not perceive these measures well, nor could they—essentially, there are hardly any Roma families left whose family ties have not been severed. I would even say, and it is not an exaggeration, that nearly every family has someone who sought asylum in Canada. Furthermore, families were negatively affected by losing their housing." T.A. added: "The raids and the municipality's amendment to the regulation severely impacted people, especially the Roma population. People became physically vulnerable and fell apart. By this, I mean that losing their housing or facing the risk of homelessness led to families breaking apart since without housing, families cannot stay together. People had nowhere else to go, as it was impossible for 10-15 people to live in a 30-square-meter apartment, and even in those places, they were harassed during raids. Parents feared losing their families, their children." "Personally, I felt fear because my rental agreement with the municipality was fixed term. I was terrified that, given the events, my contract might not be renewed, and I would lose my housing." B.F. also stated: "As a result of the housing regulation amendment, residents were very afraid of what would happen to them, and it caused them emotional trauma. Some even left their apartments prematurely, fearing they would lose their children if faced with housing problems." "Roma settlements are being continuously eliminated in the city, and these people are now moving to Lyukó, where their community will grow larger. Instead of integrating them into the broader population, they are essentially being relocated, creating another segregated area." "As a Roma person, I find the current situation in the city deplorable."

The summarized evidence above supports the conclusion that the first defendant, through its discriminatory, anti-Roma measures, practices, omissions, and accompanying public communication, subjected the residents of impoverished settlements to harassment under the Equal Treatment Act ("ETA") due to their social status, financial situation, and Roma ethnicity. The severity of the violation is exacerbated by the fact that the municipal government of the first defendant, as a public entity, is obligated to protect and represent its residents and to actively take measures to promote equality and genuine integration.

The first and second defendants argued that, based on the proper interpretation of Sections 7(3) and 8(a)-(e) of the ETA, they were entitled to exemption under Section 7(2) of the ETA, and they fulfilled this requirement. They claimed to have demonstrated that the inspections were carried out based on public complaints concerning public health and public order issues (e.g., the "nest-building problem") that needed to be resolved for the sake of others' peace of mind. According to them, inspections were the appropriate tool to address these concerns.
In this regard, the court has already expressed its opinion in the section on special evidentiary principles in the judgment's reasoning, making repetition here unnecessary. For the reasons stated there, the defendants cannot justify their actions by invoking Section 7(2) of the ETA. Even assuming the defendants were entitled to present such an exemption, the court detailed why their justification failed (e.g., the majority of inspections were not based on public complaints, nor were they aimed at addressing observed violations).

The legal representative of the first and second defendants also argued that the concept of harassment, in their view, excludes its application to mixed groups without identified individuals as protected groups under the factual circumstances of the case. They argued that interpreting "person" under Section 10(1) of the ETA to include a larger group of unspecified individuals under Section 20(1)(c) of the ETA is an expansive interpretation. According to them, if a specific person cannot be identified as a victim of harassment, harassment cannot be established, as the broader group's undefined status does not ensure homogeneity in terms of

protection criteria. Harassment, they claimed, requires an identifiable target and occurs explicitly due to a characteristic listed in Section 8. Within a larger group, the protected characteristic must still be identifiable, which they argued was not proven in this case.

The court found this reasoning to be flawed. Uniform judicial practice does not narrow the definition of "affected person" under Section 10(1) of the ETA to specific individuals. Instead, it applies an expansive interpretation, allowing the statutory definition of harassment to be established in cases of conduct affecting individuals or groups (Supreme Court judgment Pfv.IV.xx.xxx/2016/4). In the present case, this aligns with the group possessing the protected characteristics identified by the plaintiffs.
Finally, the court noted that the plaintiffs could not substantiate their claims that the first defendant's harassing conduct extended into the present. The plaintiffs themselves primarily relied on past events in their arguments. Consequently, the court rejected the portion of the claim alleging ongoing harassment of groups with protected characteristics by the first defendant.

III. Objective Sanctions and Public Interest Fine

According to Section 84(1) of the Civil Code, a person whose personality rights have been violated may assert the following civil law claims, depending on the circumstances of the case:
b) Demand the cessation of the infringement and the prohibition of further violations;
c) Demand the violator to provide satisfaction via a statement or other appropriate means, ensuring that the satisfaction receives adequate publicity at the violator's expense if necessary.
Objective tools for the protection of personality rights can be employed if the violation of personality rights (in this case, discrimination) and the causal relationship between the harm and the wrongful conduct can be established. It is irrelevant whether the person engaging in the wrongful conduct acted negligently or intentionally, nor does their good or bad faith hold significance. The legal consequences apply to anyone who caused the infringement or contributed to its occurrence.

The plaintiffs requested that the court order the defendants to cease the unlawful conduct and prohibit them from engaging in future violations.
Cessation is typically mandated when the consequences of the violative conduct persist at the time of the court's decision. In its judgment, the court found that the coordinated inspections involving joint presence, which were the subject of the case, were no longer ongoing, and no harassment by the first defendant was currently taking place. Therefore, the court did not apply the objective sanction of cessation and dismissed the claim in this respect.

According to consistent judicial practice, a prohibition against future violations may be imposed even if the injured party cannot prove the repetitive nature of the conduct or substantiate a likelihood of recurrence. For violations committed through completed acts, the injured party has a subjective right to demand that the violator be prohibited from further infringements (Supreme Court rulings Pfv.IV.xx.xxx/2007/5 and Pfv.IV.xx.xxx/2008/4). In this case, prohibition as an objective sanction was also warranted because the defendants had engaged in the unlawful inspection practices over several years, justifying concerns that such practices might continue.

The plaintiffs further requested that the court require the defendants to publish the sections of the judgment recognizing the violations, prohibiting future infractions, and imposing other objective sanctions on their website. They also requested that the defendants be required to

communicate these sections of the judgment in writing to the Hungarian News Agency within 15 days.

Providing satisfaction is essentially a form of moral restitution. It may be offered verbally, in writing, publicly, or privately. The method and scope of publicity should ensure that those aware of the violative conduct are also made aware of the satisfaction provided. The court must determine the content of the satisfaction and include it in the operative part of the judgment. The court upheld this claim, as the defendants' violations affected a large societal group, making it reasonable for the defendants to inform the public about their unlawful practices on their website for at least one year. It was also justified to communicate the operative part of the judgment to the press, given that both local and national media frequently reported on the Miskolc inspections. A suitable method for this was to transmit the operative part of the judgment to the Hungarian News Agency.

The plaintiffs also requested that the court impose a public interest fine of HUF 10,000,000 on the first defendant.
Section 84(2) of the Civil Code provides that if the amount awarded as damages is disproportionate to the severity of the wrongful conduct, the court may impose a fine payable for public purposes.
In cases of personality rights violations, a fine for public purposes may be imposed when the amount awarded as damages is disproportionate to the severity of the conduct. It is further justified to express societal disapproval emphatically and enhance deterrence against similar actions (case law BH1982.236 and BH1991.353). One notable example is the Supreme Court's decision in BH 2003.150, where a public interest fine was imposed on a pub owner who consistently refused to serve Roma residents, illustrating the prevalence of discriminatory behaviour.

When imposing a public interest fine, the court must consider the severity of the violation and the degree of fault. In this case, the first defendant's violations were deemed particularly serious due to the large number of affected individuals and the prolonged duration of the infringement. Moreover, the unlawful conduct was deemed blameworthy, as various forums had highlighted the problematic nature of the practices through decisions, findings, and warnings, yet the defendants continued the behaviour knowingly between 2011 and early 2015. The court found that the defendants violated the requirement of equal treatment with respect to the protected group involved in the public interest enforcement and subjected them to direct discrimination and harassment. Therefore, the court deemed the plaintiffs' request for a HUF 10,000,000 public interest fine justified.

The public interest fine, aligned with the defendant's arguments and the selected charity's statement, must be allocated to the integration of segregated areas within the city's administrative boundaries and related social activities addressing housing issues. The fine shall be paid to the charity, which is responsible for ensuring its use for the purposes defined by the court and reporting on its allocation. In determining the public purpose, the court considered that the case was closely tied to the poor housing conditions and social disadvantages of the protected group. The public interest fine partially compensates for the harm suffered by the group due to the first defendant's actions, provided it serves the group subjected to the examined unlawful conduct.

The fine's amount is negligible compared to the first defendant's annual budget. As a municipality, the defendant is already legally obligated to address housing issues and support

socially disadvantaged residents within its jurisdiction.

Litigation Costs

The plaintiffs submitted two declaratory claims, which included the obligation for the defendants to comply with objective sanctions as a legal consequence. Accordingly, two claims falling into the category of undetermined subject matter value were presented, with the corresponding fee amounting to HUF 72,000 in total (under Sections 39(1)(a), 40(1), and 42(1)(a) of Act XCIII of 1990 on Fees, hereinafter "Fees Act").

Both plaintiffs and the defendants were granted personal fee exemption under Section 5(2) of the Fees Act, leaving the recorded litigation fee to be borne by the state, in accordance with Sections 13(1) and 14 of the Ministry of Justice Decree 6/1986 (VI.26.).

When determining the proportion of costs attributed to the plaintiffs and defendants based on their partial success and failure, the court considered that the plaintiffs did not substantiate any violations between early 2015 and April 2018. Consequently, the sanction of "cessation" was not applied to either claim. However, the plaintiffs were successful in other aspects of the case. The court deemed a success ratio of 75%-25% in favour of the plaintiffs appropriate after careful deliberation.

The legal representatives requested the determination of attorney's fees in accordance with the Ministry of Justice Decree 32/2003 (VIII.22.). As both plaintiffs and defendants constituted simple litigation partnerships under Section 51(c) of the 1952 Code Civil Procedure (hereinafter "CCP"), the defendants were ordered to equally share the payment of litigation costs incurred by the plaintiffs. Attorneys are entitled to claim fees under Section 3(3) of the aforementioned decree. Considering the hours spent in hearings and preparatory activities, the court assessed the attorney's fees as follows: For the legal representative of the first plaintiff: HUF 400,000; For the attorney of the second plaintiff: HUF 300,000; For the legal representatives of the first and second defendants collectively: HUF 300,000; For the attorney of the third defendant: HUF 100,000. In accordance with Section 81(1) of the 1952 CCP, the defendants are required to equally reimburse the litigation costs incurred by the plaintiffs for legal representation. Based on these principles, each defendant must pay the first plaintiff HUF 66,667 (calculated as follows: 75% of HUF 400,000 = HUF 300,000 due to the plaintiff's success; 25% of HUF 300,000 = HUF 75,000 due collectively to the first and second defendants; 25% of HUF 100,000 = HUF 25,000 due to the third defendant; the difference of HUF 200,000 is divided into three equal parts, approximately HUF 66,667 per defendant). Similarly, each defendant must pay the second plaintiff HUF 41,667.

All other expenses shall be borne by the respective parties.

Under Section 233(1) of the 1952 CCP, an appeal may be lodged against this judgment.

December 12, 2018

Responsible for the authenticity of the official copy: Dr. Zsolt Hajkó sk.
J u d g e